

1 AN ACT concerning government.

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

4 ARTICLE 1.

5 SHORT TITLE

6 Section 1-1. Short title. This Act may be cited as the
7 Economic Development Act of 2013.

8 ARTICLE 2.

9 PUBLIC-PRIVATE AGREEMENTS FOR THE SOUTH SUBURBAN AIRPORT ACT

10 Section 2-1. Short title. This Article may be cited as the
11 Public-Private Agreements for the South Suburban Airport Act.
12 References in this Article to "this Act" mean this Article.

13 Section 2-5. Legislative findings.

14 (a) Providing facilities for air travel to and from the
15 State of Illinois through the South Suburban Airport is
16 essential for the health and welfare of the people of the State
17 of Illinois and economic development of the State of Illinois.

18 (b) Airport development has significant regional impacts
19 with regard to economic development, public infrastructure
20 requirements, traffic, noise, and other concerns.

1 (c) The South Suburban Airport will promote development and
2 investment in the State of Illinois and serve as a critical
3 transportation hub in the region.

4 (d) Existing requirements of procurement and financing of
5 airports by the Department impose limitations on the methods by
6 which airports may be developed and operated within the State.

7 (e) Public-private agreements between the State of
8 Illinois and one or more private entities to develop, finance,
9 construct, manage, operate, maintain, or any combination
10 thereof, the South Suburban Airport have the potential of
11 maximizing value and benefit to the People of the State of
12 Illinois and the public at large.

13 (f) Public-private agreements may enable the South
14 Suburban Airport to be developed, financed, constructed,
15 managed, operated, and maintained in an entrepreneurial and
16 business-like manner.

17 (g) In the event that the State of Illinois enters into one
18 or more public-private agreements to develop, finance,
19 construct, manage, operate, or maintain the South Suburban
20 Airport, the private parties to the agreements should be
21 accountable to the People of Illinois through a comprehensive
22 system of oversight, regulation, auditing, and reporting.

23 (h) It is the intent of this Act to use Illinois design
24 professionals, construction companies, and workers to the
25 greatest extent permitted by law by offering them the right to
26 compete for this work.

1 (i) It is the intent of this Act for the Department to
2 collaborate with affected municipalities, counties, citizens,
3 elected officials, interest groups, and other stakeholders to
4 foster economic development around the South Suburban Airport
5 and the region, and to insure that the communities near the
6 South Suburban Airport have an ongoing opportunity to provide
7 input on the development and operation of the South Suburban
8 Airport.

9 Section 2-10. Definitions. As used in this Act:

10 "Agreement" means a public-private agreement.

11 "Airport" means a facility for all types of air service,
12 including, without limitation, landing fields, taxiways,
13 aprons, runways, runway clear areas, heliports, hangars,
14 aircraft service facilities, approaches, navigational aids,
15 air traffic control facilities, terminals, inspection
16 facilities, security facilities, parking, internal transit
17 facilities, fueling facilities, cargo handling facilities,
18 concessions, rapid transit and roadway access, land and
19 interests in land, public waters, submerged land under public
20 waters and reclaimed land located on previously submerged land
21 under public waters, and all other property and appurtenances
22 necessary or useful for development, ownership, and operation
23 of any such facilities. "Airport" includes commercial or
24 industrial facilities related to the functioning of the airport
25 or to providing services to users of the airport.

1 "Contractor" means a person that has been selected to enter
2 or has entered into a public-private agreement with the
3 Department on behalf of the State for the development,
4 financing, construction, management, or operation of the South
5 Suburban Airport under this Act.

6 "Department" means the Illinois Department of
7 Transportation.

8 "Inaugural airport" means all airport facilities,
9 equipment, property, and appurtenances necessary or useful to
10 the development and operation of the South Suburban Airport
11 that are constructed, developed, installed, or acquired as of
12 the commencement of public operations of the South Suburban
13 Airport.

14 "Inaugural airport boundary" means the property limits of
15 the inaugural airport as determined by the Department, as may
16 be adjusted and reconfigured from time to time.

17 "Maintain" or "maintenance" includes ordinary maintenance,
18 repair, rehabilitation, capital maintenance, maintenance
19 replacement, and any other categories of maintenance that may
20 be designated by the Department.

21 "Metropolitan planning organization" means a metropolitan
22 planning organization designated under 23 U.S.C. Section 134.

23 "Offeror" means a person that responds to a request for
24 proposals under this Act.

25 "Operate" or "operation" means to do one or more of the
26 following: maintain, improve, equip, modify, or otherwise

1 operate.

2 "Person" means any individual, firm, association, joint
3 venture, partnership, estate, trust, syndicate, fiduciary,
4 corporation, or any other legal entity, group, or combination
5 thereof.

6 "Public-private agreement" means an agreement or contract
7 between the Department on behalf of the State and all
8 schedules, exhibits, and attachments thereto, entered into
9 pursuant to a competitive request for proposals process
10 governed by this Act, for the development, financing,
11 construction, management, or operation of the South Suburban
12 Airport under this Act.

13 "Revenues" means all revenues, including any combination
14 of, but not limited to: income; user fees; earnings; interest;
15 lease payments; allocations; moneys from the federal
16 government, the State, and units of local government, including
17 but not limited to federal, State, and local appropriations,
18 grants, loans, lines of credit, and credit guarantees; bond
19 proceeds; equity investments; service payments; or other
20 receipts arising out of or in connection with the financing,
21 development, construction, management, or operation of the
22 South Suburban Airport.

23 "State" means the State of Illinois.

24 "Secretary" means the Secretary of the Illinois Department
25 of Transportation.

26 "South Suburban Airport" means the airport to be developed

1 on a site located in Will County and approved by the Federal
2 Aviation Administration in the Record of Decision for Tier 1:
3 FAA Site Approval And Land Acquisition By The State Of
4 Illinois, Proposed South Suburban Airport, Will County,
5 Illinois, dated July 2002, and all property within the
6 inaugural airport boundary and the ultimate airport boundary.

7 "Ultimate airport boundary" means the development and
8 property limits of the South Suburban Airport beyond the
9 inaugural airport boundary as determined by the Department, as
10 may be adjusted and reconfigured from time to time.

11 "Unit of local government" has the meaning ascribed to that
12 term in Article VII, Section 1 of the Constitution of the State
13 of Illinois, and, for purposes of this Act, includes school
14 districts.

15 "User fees" means the rates, fees, or other charges imposed
16 by the State or the contractor for use of all or a portion of
17 the South Suburban Airport under a public-private agreement.

18 Section 2-15. General airport powers.

19 (a) The Department has the power to plan, develop, secure
20 permits, licenses, and approvals for, acquire, develop,
21 construct, equip, own, and operate the South Suburban Airport.
22 The Department also has the power to own, operate, acquire
23 facilities for, construct, improve, repair, maintain,
24 renovate, and expand the South Suburban Airport, including any
25 facilities located on the site of the South Suburban Airport

1 for use by any individual or entity other than the Department.
2 The development of the South Suburban Airport shall also
3 include all land, highways, waterways, mass transit
4 facilities, and other infrastructure that, in the
5 determination of the Department, are necessary or appropriate
6 in connection with the development or operation of the South
7 Suburban Airport. The development of the South Suburban Airport
8 also includes acquisition and development of any land or
9 facilities for (i) relocation of persons, including providing
10 replacement housing or facilities for persons and entities
11 displaced by that development, (ii) protecting or reclaiming
12 the environment with respect to the South Suburban Airport,
13 (iii) providing substitute or replacement property or
14 facilities, including without limitation, for areas of
15 recreation, conservation, open space, and wetlands, (iv)
16 providing navigational aids, or (v) utilities to serve the
17 airport, whether or not located on the site of the South
18 Suburban Airport.

19 (b) The Department shall have the authority to undertake
20 and complete all ongoing projects related to the South Suburban
21 Airport, including the South Suburban Airport Master Plan, and
22 assisting the Federal Aviation Administration in preparing and
23 approving the Environmental Impact Statement and Record of
24 Decision.

25 (c) The Department has the power to enter into all
26 contracts useful for carrying out its purposes and powers,

1 including, without limitation, public-private agreements
2 pursuant to the provisions of this Act; leases of any of its
3 property or facilities, use agreements with airlines or other
4 airport users relating to the South Suburban Airport,
5 agreements with South Suburban Airport concessionaires, and
6 franchise agreements for use of or access to South Suburban
7 Airport facilities.

8 (d) The Department has the power to apply to the proper
9 authorities of the United States, the State of Illinois, and
10 other governmental entities, as permitted or authorized by
11 applicable law, to obtain any licenses, approvals, or permits
12 reasonably necessary to achieve the purposes of this Act. All
13 applications to the Federal Aviation Administration, or any
14 successor agency, shall be made by the Department.

15 (e) The Department may take all steps consistent with
16 applicable laws to maximize funding for the costs of the South
17 Suburban Airport from grants by the Federal Aviation
18 Administration or any successor agency, or any other federal
19 governmental agency.

20 (f) The Department has the power to apply to the proper
21 authorities of the United States pursuant to appropriate law
22 for permission to establish, operate, maintain, and lease
23 foreign trade zones and sub-zones within the areas of the South
24 Suburban Airport and to establish, operate, maintain, and lease
25 foreign trade zones and sub-zones.

26 (g) The Department may publicize, advertise, and promote

1 the activities of the South Suburban Airport, including, to
2 make known the advantages, facilities, resources, products,
3 attractions, and attributes of the South Suburban Airport.

4 (h) The Department may, at any time, acquire any land, any
5 interests in land, other property, and interests in property
6 needed for the South Suburban Airport or necessary to carry out
7 the Department's powers and functions under this Act, including
8 by exercise of the power of eminent domain pursuant to Section
9 2-100 of this Act. The Department shall also have the power to
10 dispose of any such lands, interests, and property upon terms
11 it deems appropriate.

12 (i) The Department may adopt any reasonable rules for the
13 administration of this Act in accordance with the Illinois
14 Administrative Procedure Act.

15 Section 2-20. Public-private agreement authorized.

16 (a) Notwithstanding any provision of law to the contrary,
17 the Department may, on behalf of the State, and pursuant to a
18 competitive request for proposals process governed by Section
19 2-30 of this Act, enter into one or more public-private
20 agreements with one or more contractors to develop, finance,
21 construct, manage, operate, or maintain, or any combination
22 thereof, the South Suburban Airport. Pursuant to those
23 agreements, the contractors may receive the right to certain
24 revenues including user fees in consideration of the payment of
25 moneys to the State for that right.

1 (b) Before taking any action in connection with the
2 development, financing, operation, or maintenance of the South
3 Suburban Airport that is not authorized by an interim agreement
4 under Section 2-40 of this Act, a contractor shall enter into a
5 public-private agreement.

6 (c) The term of a public-private agreement, including all
7 extensions, shall be no more than 75 years.

8 (d) The term of a public-private agreement may be extended,
9 but only if the extension is specifically authorized by the
10 General Assembly by law.

11 Section 2-25. Prequalification to enter into
12 public-private agreements. The Department may establish a
13 process for prequalification of offerors. If the Department
14 creates a prequalification process, it shall: (i) provide a
15 public notice of the prequalification at least 30 days before
16 the date on which applications are due; (ii) set forth
17 requirements and evaluation criteria in order to become
18 prequalified; (iii) determine which offerors that have
19 submitted prequalification applications, if any, meet the
20 requirements and evaluation criteria; and (iv) allow only those
21 offerors that have been prequalified to respond to the request
22 for proposals.

23 Section 2-30. Request for proposals process to enter into
24 public-private agreements.

1 (a) Notwithstanding any provisions of the Illinois
2 Procurement Code, the Department, on behalf of the State, shall
3 select a contractor through a competitive request for proposals
4 process governed by Section 2-30 of this Act. The Department
5 will consult with the chief procurement officer for
6 construction or construction-related activities designated
7 pursuant to clause (2) of Section 1-15.15 of the Illinois
8 Procurement Code on the competitive request for proposals
9 process, and the Secretary will determine, in consultation with
10 the chief procurement officer, which procedures to adopt and
11 apply to the competitive request for proposals process in order
12 to ensure an open, transparent, and efficient process that
13 accomplishes the purposes of this Act.

14 (b) The competitive request for proposals process shall, at
15 a minimum, solicit statements of qualification and proposals
16 from offerors.

17 (c) The competitive request for proposals process shall, at
18 a minimum, take into account the following criteria:

19 (1) the offeror's plans for the South Suburban Airport
20 project;

21 (2) the offeror's current and past business practices;

22 (3) the offeror's poor or inadequate past performance
23 in developing, financing, constructing, managing, or
24 operating airports or other public assets;

25 (4) the offeror's ability to meet the utilization goals
26 for business enterprises established in the Business

1 Enterprise for Minorities, Females, and Persons with
2 Disabilities Act;

3 (5) the offeror's ability to comply with Section 2-105
4 of the Illinois Human Rights Act; and

5 (6) the offeror's plans to comply with the Business
6 Enterprise for Minorities, Females, and Persons with
7 Disabilities Act and Section 2-105 of the Illinois Human
8 Rights Act.

9 (d) The Department shall retain the services of an advisor
10 or advisors with significant experience in the development,
11 financing, construction, management, or operation of public
12 assets to assist in the preparation of the request for
13 proposals.

14 (e) The Department shall not include terms in the request
15 for proposals that provide an advantage, whether directly or
16 indirectly, to any contractor presently providing goods,
17 services, or equipment to the Department.

18 (f) The Department shall select one or more offerors as
19 finalists. The Department shall submit the offeror's
20 statements of qualification and proposals to the Commission on
21 Government Forecasting and Accountability and the Procurement
22 Policy Board, which shall, within 30 days after the submission,
23 complete a review of the statements of qualification and
24 proposals and, jointly or separately, report on, at a minimum,
25 the satisfaction of the criteria contained in the request for
26 proposals, the qualifications of the offerors, and the value of

1 the proposals to the State. The Department shall not select an
2 offeror as the contractor for the South Suburban Airport
3 project until it has received and considered the findings of
4 the Commission on Government Forecasting and Accountability
5 and the Procurement Policy Board as set forth in their
6 respective reports.

7 (g) Before awarding a public-private agreement to an
8 offeror, the Department shall schedule and hold a public
9 hearing or hearings on the proposed public-private agreement
10 and publish notice of the hearing or hearings at least 7 days
11 before the hearing. The notice shall include the following:

12 (1) the date, time, and place of the hearing and the
13 address of the Department;

14 (2) the subject matter of the hearing;

15 (3) a description of the agreement that may be awarded;

16 and

17 (4) the recommendation that has been made to select an
18 offeror as the contractor for the South Suburban
19 Airport project.

20 At the hearing, the Department shall allow the public to be
21 heard on the subject of the hearing.

22 (h) After the procedures required in this Section have been
23 completed, the Department shall make a determination as to
24 whether the offeror should be designated as the contractor for
25 the South Suburban Airport project and shall submit the
26 decision to the Governor and to the Governor's Office of

1 Management and Budget. After review of the Department's
2 determination, the Governor may accept or reject the
3 determination. If the Governor accepts the determination of the
4 Department, the Governor shall designate the offeror for the
5 South Suburban Airport project.

6 Section 2-35. Provisions of the public-private agreement.

7 (a) The public-private agreement shall include all of the
8 following:

9 (1) the term of the public-private agreement that is
10 consistent with Section 2-20 of this Act;

11 (2) the powers, duties, responsibilities, obligations,
12 and functions of the Department and the contractor;

13 (3) compensation or payments to the Department;

14 (4) compensation or payments to the contractor;

15 (5) a provision specifying that the Department has:

16 (A) ready access to information regarding the
17 contractor's powers, duties, responsibilities,
18 obligations, and functions under the public-private
19 agreement;

20 (B) the right to demand and receive information
21 from the contractor concerning any aspect of the
22 contractor's powers, duties, responsibilities,
23 obligations, and functions under the public-private
24 agreement; and

25 (C) the authority to direct or countermand

1 decisions by the contractor at any time;

2 (6) a provision imposing an affirmative duty on the
3 contractor to provide the Department with any information
4 the Department reasonably would want to know or would need
5 to know to enable the Department to exercise its powers,
6 carry out its duties, responsibilities, and obligations,
7 and perform its functions under this Act or the
8 public-private agreement or as otherwise required by law;

9 (7) a provision requiring the contractor to provide the
10 Department with advance written notice of any decision that
11 bears significantly on the public interest so the
12 Department has a reasonable opportunity to evaluate and
13 countermand that decision under this Section;

14 (8) a requirement that the Department monitor and
15 oversee the contractor's practices and take action that the
16 Department considers appropriate to ensure that the
17 contractor is in compliance with the terms of the
18 public-private agreement;

19 (9) the authority of the Department to enter into
20 contracts with third parties pursuant to Section 2-65 of
21 this Act;

22 (10) a provision governing the contractor's authority
23 to negotiate and execute subcontracts with third parties;

24 (11) the authority of the contractor to impose user
25 fees and the amounts of those fees;

26 (12) a provision governing the deposit and allocation

1 of revenues including user fees;

2 (13) a provision governing rights to real and personal
3 property of the State, the Department, the contractor, and
4 other third parties;

5 (14) a provision stating that the contractor shall,
6 pursuant to Section 2-85 of this Act, pay the costs of an
7 independent audit if the construction costs under the
8 contract exceed \$50,000,000;

9 (15) a provision regarding the implementation and
10 delivery of a comprehensive system of internal audits;

11 (16) a provision regarding the implementation and
12 delivery of reports, which shall include a requirement that
13 the contractor file with the Department, at least on an
14 annual basis, financial statements containing information
15 required by generally accepted accounting principles
16 (GAAP);

17 (17) procedural requirements for obtaining the prior
18 approval of the Department when rights that are the subject
19 of the agreement, including, but not limited to development
20 rights, construction rights, property rights, and rights
21 to certain revenues, are sold, assigned, transferred, or
22 pledged as collateral to secure financing or for any other
23 reason;

24 (18) grounds for termination of the agreement by the
25 Department or the contractor and a restatement of the
26 Department's rights under Section 2-45 of this Act;

1 (19) a requirement that the contractor enter into a
2 project labor agreement under Section 2-120 of this Act;

3 (20) a provision stating that construction contractors
4 shall comply with Section 2-120 of this Act;

5 (21) timelines, deadlines, and scheduling;

6 (22) review of plans, including development,
7 financing, construction, management, operations, or
8 maintenance plans, by the Department;

9 (23) a provision regarding inspections by the
10 Department, including inspections of construction work and
11 improvements;

12 (24) rights and remedies of the Department in the event
13 that the contractor defaults or otherwise fails to comply
14 with the terms of the public-private agreement;

15 (25) a code of ethics for the contractor's officers and
16 employees; and

17 (26) procedures for amendment to the agreement.

18 (b) The public-private agreement may include any or all of
19 the following:

20 (1) a provision regarding the extension of the
21 agreement that is consistent with Section 2-20 of this Act;

22 (2) provisions leasing to the contractor all or any
23 portion of the South Suburban Airport, provided that the
24 lease may not extend beyond the term of the public-private
25 agreement.

26 (3) cash reserves requirements;

1 (4) delivery of performance and payment bonds or other
2 performance security in a form and amount that is
3 satisfactory to the Department;

4 (5) maintenance of public liability insurance;

5 (6) maintenance of self-insurance;

6 (7) provisions governing grants and loans, pursuant to
7 which the Department may agree to make grants or loans for
8 the development, financing, construction, management, or
9 operation of the South Suburban Airport project from time
10 to time from amounts received from the federal government
11 or any agency or instrumentality of the federal government
12 or from any State or local agency;

13 (8) reimbursements to the Department for work
14 performed and goods, services, and equipment provided by
15 the Department;

16 (9) provisions allowing the Department to submit any
17 contractual disputes with the contractor relating to the
18 public-private agreement to non-binding alternative
19 dispute resolution proceedings; and

20 (10) any other terms, conditions, and provisions
21 acceptable to the Department that the Department deems
22 necessary and proper and in the public interest.

23 Section 2-40. Interim agreements.

24 (a) Prior to or in connection with the negotiation of the
25 public-private agreement, the Department may enter into an

1 interim agreement with the contractor.

2 (b) The interim agreement may not authorize the contractor
3 to perform construction work prior to the execution of the
4 public-private agreement.

5 (c) The interim agreement may include any or all of the
6 following:

7 (1) timelines, deadlines, and scheduling;

8 (2) compensation including the payment of costs and
9 fees in the event the Department terminates the interim
10 agreement or declines to proceed with negotiation of the
11 public-private agreement;

12 (3) a provision governing the contractor's authority
13 to commence activities related to the South Suburban
14 Airport project including, but not limited to, project
15 planning, advance property acquisition, design and
16 engineering, environmental analysis and mitigation,
17 surveying, conducting studies including revenue and
18 transportation studies, and ascertaining the availability
19 of financing;

20 (4) procurement procedures;

21 (5) a provision governing rights to real and personal
22 property of the State, the Department, the contractor, and
23 other third parties;

24 (6) all other terms, conditions, and provisions
25 acceptable to the Department that the Department deems
26 necessary and proper and in the public interest.

1 (d) The Department may enter into one or more interim
2 agreements with one or more contractors if the Department
3 determines in writing that it is in the public interest to do
4 so.

5 Section 2-45. Termination of the public-private agreement.
6 The Department may terminate a public-private agreement or
7 interim agreement entered into by the Department under Section
8 2-40 of this Act if the contractor or any executive employee of
9 the contractor is found guilty of any criminal offense related
10 to the conduct of its business or the regulation thereof in any
11 jurisdiction. For purposes of this Section, an "executive
12 employee" is the President, Chairman, Chief Executive Officer,
13 or Chief Financial Officer; any employee with executive
14 decision-making authority over the long-term or day-to-day
15 affairs of the contractor; or any employee whose compensation
16 or evaluation is determined in whole or in part by the award of
17 the public-private agreement.

18 Section 2-50. Public-private agreement proceeds. After the
19 payment of all transaction costs, including payments for legal,
20 accounting, financial, consultation, and other professional
21 services, all moneys received by the State as compensation for
22 the public-private agreement shall be deposited into the South
23 Suburban Airport Improvement Fund, which is hereby created as a
24 special fund in the State treasury. Expenditures may be made

1 from the South Suburban Airport Improvement Fund only in the
2 manner as appropriated by the General Assembly by law.

3 Section 2-55. User fees. No user fees may be imposed by the
4 contractor except as set forth in the public-private agreement.

5 Section 2-60. Selection of professional design firms.
6 Notwithstanding any provision of law to the contrary, the
7 selection of professional design firms by the Department for
8 South Suburban Airport projects, other than the selection of a
9 contractor for a public-private agreement or interim
10 agreement, shall comply with the Architectural, Engineering,
11 and Land Surveying Qualifications Based Selection Act.

12 Section 2-65. Other contracts. Except as otherwise
13 provided in a public-private agreement entered into pursuant to
14 this Act, the Department may, pursuant to the Illinois
15 Procurement Code and its rules, award contracts for goods,
16 services, or equipment, or lease all or any portion of the
17 South Suburban Airport.

18 Section 2-70. Planning for the South Suburban Airport
19 project. The South Suburban Airport project shall be subject to
20 all applicable planning requirements otherwise required by
21 law, including land use planning, regional planning,
22 transportation planning, and environmental compliance

1 requirements.

2 Section 2-75. Illinois Department of Transportation
3 reporting requirements and information requests.

4 (a) The Department shall submit written progress reports to
5 the Procurement Policy Board and the General Assembly on the
6 South Suburban Airport project. These progress reports shall be
7 provided quarterly prior to the commencement of the
8 construction of the South Suburban Airport, and shall be
9 provided monthly thereafter until construction is complete.
10 The reports shall include the status of any public-private
11 agreements or other contracting and any ongoing or completed
12 studies. The Procurement Policy Board may determine the format
13 for the written progress reports.

14 (b) Upon request, the Department shall appear and testify
15 before the Procurement Policy Board and produce information
16 requested by the Procurement Policy Board.

17 (c) At least 30 days prior to the beginning of the
18 Department's fiscal year, the Department shall prepare an
19 annual written progress report on the South Suburban Airport
20 project. The report shall include the status of any
21 public-private agreements or other contracting and any ongoing
22 or completed studies. The report shall be delivered to the
23 Procurement Policy Board and each county, municipality, and
24 metropolitan planning organization whose territory includes or
25 lies within 5 miles from the ultimate airport boundary.

1 Section 2-80. Illinois Department of Transportation
2 publication requirements.

3 (a) The Department shall publish a notice of the execution
4 of the public-private agreement on its website and in a
5 newspaper of general circulation within the county or counties
6 whose territory includes or lies within 5 miles of the ultimate
7 airport boundary.

8 (b) The Department shall publish the full text of the
9 public-private agreement on its website.

10 Section 2-85. Independent audits. If the public-private
11 agreement provides for the construction of all or part of the
12 South Suburban Airport project and the estimated construction
13 costs under the public-private agreement exceed \$50,000,000,
14 the Department shall also require the contractor to pay the
15 costs for an independent audit of any and all cost estimates
16 associated with the public-private agreement as well as a
17 review of all public costs and potential liabilities to which
18 taxpayers could be exposed (including improvements to other
19 transportation facilities that may be needed as a result of the
20 public-private agreement, failure by the contractor to
21 reimburse the Department for services provided, and potential
22 risk and liability in the event of default on the agreement or
23 default on other types of financing). The independent audit
24 shall be conducted by an independent consultant selected by the

1 Department.

2 Section 2-90. Establishment of planning boundaries.

3 (a) The Department shall establish and provide public
4 notice of the approximate location of the inaugural airport
5 boundary and the ultimate airport boundary to inform the public
6 and prevent costly and conflicting development of the land
7 involved. The Department shall hold a public hearing when it
8 desires to formally provide public notice of the approximate
9 locations of the inaugural airport boundary and the ultimate
10 airport boundary. The hearing shall be held in Will County and
11 notice of the hearing shall be published in a newspaper or
12 newspapers of general circulation in Will County. Any
13 interested person or his representative shall be heard. The
14 Department shall evaluate the testimony given at the hearing.
15 The Department shall make a survey and prepare maps showing the
16 location of the inaugural airport boundary and the ultimate
17 airport boundary. The maps shall show the property lines and
18 owners of record of all land within the inaugural airport
19 boundary and the ultimate airport boundary and all other
20 pertinent information. Approval of the maps with any changes
21 resulting from the hearing shall be indicated in the record of
22 the hearing and a notice of the approval and a copy of the maps
23 shall be filed in the office of the recorder for Will County.
24 Public notice of the approval and filing shall be given in
25 newspapers of general circulation in Will County and shall be

1 served by registered mail within 60 days thereafter on all
2 owners of record of the land needed for future additions.

3 (b) The Department may approve changes in the maps of the
4 inaugural airport boundary and the ultimate airport boundary
5 from time to time. The changes shall be filed and notice given
6 in the manner provided for the original maps. After the maps
7 are filed and notice thereof given to the owners of record of
8 the land needed for future additions, no one shall incur
9 development costs or place improvements in, upon, or under the
10 land involved, nor rebuild, alter, or add to any existing
11 structure without first giving 60 days' notice by registered
12 mail to the Department. This prohibition shall not apply to any
13 normal or emergency repairs to existing structures. The
14 Department has 45 days after receipt of that notice to inform
15 the owner of the Department's intention to acquire the land
16 involved. After informing the owner, the Department shall have
17 120 days to acquire the land by purchase or to initiate action
18 to acquire the land through the exercise of the right of
19 eminent domain. When the land is acquired by the State no
20 compensation shall be allowed for any construction,
21 alteration, or addition in violation of this Section unless the
22 Department has failed to acquire the land by purchase or has
23 abandoned an eminent domain proceeding initiated under the
24 provisions of this paragraph. Any land needed for modifications
25 to the inaugural airport boundary or the ultimate airport
26 boundary may be acquired at any time by the State. The time of

1 determination of the value of the property to be taken under
2 this Section for additions to the South Suburban Airport shall
3 be the date of the actual taking, if the property is acquired
4 by purchase, or the date of the filing of a complaint for
5 condemnation or as established by Section 10-5-60 of the
6 Eminent Domain Act, if the property is acquired through the
7 exercise of the right of eminent domain, rather than the date
8 when the maps of the inaugural airport boundary or the ultimate
9 airport boundary were filed of record.

10 Section 2-95. Relocation. The Department has the power to
11 provide for the relocation of all persons and entities
12 displaced by the development of the South Suburban Airport.
13 Except when federal funds are available for the payment of
14 direct financial assistance to persons displaced by the
15 acquisition of their real property, the Department shall pay to
16 displaced persons reimbursement for their reasonable
17 relocation costs, determined in the same manner as under the
18 federal Uniform Relocation Assistance and Real Property
19 Acquisition Policies Act of 1970, and as implemented by rules
20 adopted under that Act.

21 Section 2-100. Property acquisition.

22 (a) In addition to any other powers the Department may have
23 under Sections 72 and 74 of the Illinois Aeronautics Act or any
24 other applicable law, and notwithstanding any other law to the

1 contrary, the Department may acquire by gift, grant, lease,
2 purchase, condemnation, or otherwise, any right, title, or
3 interest in any private property, property held in the name of
4 or belonging to any public body or unit of government, or any
5 property devoted to a public use, or any other rights or
6 easements, including any property, rights, or easements owned
7 by the State, units of local government, or school districts,
8 including forest preserve districts, for purposes related to
9 the South Suburban Airport. The powers given to the Department
10 under this Section include the power to acquire, by
11 condemnation or otherwise, any property used for cemetery
12 purposes within or outside of inaugural airport boundary, and
13 to require that the cemetery be removed to a different
14 location. The powers given to the Department under this Section
15 include the power to condemn or otherwise acquire, and to
16 convey, substitute property when the Department reasonably
17 determines that monetary compensation will not be sufficient or
18 practical just compensation for property acquired by the
19 Department in connection with the South Suburban Airport. The
20 acquisition of substitute property is declared to be for public
21 use. The powers given by this Section to the Department to
22 condemn property include the power of condemnation by
23 quick-take under Article 20 of the Eminent Domain Act. Property
24 acquired under this Section includes property that the
25 Department reasonably determines will be necessary for future
26 use, regardless of whether final regulatory or funding

1 decisions have been made; provided, however, that quick-take of
2 such property is subject to Section 25-5-45 of the Eminent
3 Domain Act.

4 (b) With respect to any land acquired or sought to be
5 acquired by the Department by condemnation for the South
6 Suburban Airport pursuant to the powers granted by Section 72
7 or 74 of the Aeronautics Act, the phrase "within the limitation
8 of available appropriations" shall be deemed to require that
9 the Department have, on the date of filing the condemnation
10 complaint, unexpended appropriations equal to the amount of the
11 Department's most recent offer to purchase the property.

12 (c) No property owned by the Department may be subject to
13 taking by condemnation or otherwise by any unit of local
14 government, any other airport authority, or by any agency,
15 instrumentality, or political subdivision of the State.

16 Section 2-105. Rights of the Illinois Department of
17 Transportation upon expiration or termination of the
18 agreement.

19 (a) Upon the termination or expiration of the
20 public-private agreement, including a termination for default,
21 the Department shall have the right to take over the South
22 Suburban Airport project and to succeed to all of the right,
23 title, and interest in the South Suburban Airport project,
24 subject to any liens on revenues previously granted by the
25 contractor to any person providing financing for the South

1 Suburban Airport project.

2 (b) If the Department elects to take over the South
3 Suburban Airport project as provided in subsection (a) of this
4 Section, the Department may, without limitation, do the
5 following:

6 (1) develop, finance, construct, maintain, or operate
7 the project, including through another public-private
8 agreement entered into in accordance with this Act; or

9 (2) impose, collect, retain, and use user fees, if any,
10 for the project.

11 (c) If the Department elects to take over the South
12 Suburban Airport project as provided in subsection (a) of this
13 Section, the Department may, without limitation, use the
14 revenues, if any, for any lawful purpose, including to:

15 (1) make payments to individuals or entities in
16 connection with any financing of the South Suburban Airport
17 project;

18 (2) permit a contractor or third party to receive some
19 or all of the revenues under the public-private agreement
20 entered into under this Act;

21 (3) pay development costs of the South Suburban
22 Airport;

23 (4) pay current operation costs of the South Suburban
24 Airport; and

25 (5) pay the contractor for any compensation or payment
26 owing upon termination.

1 (d) All real property acquired as a part of the South
2 Suburban Airport shall be held in the name of the State of
3 Illinois upon termination of the South Suburban Airport
4 project.

5 (e) The full faith and credit of the State or any political
6 subdivision of the State or the Department is not pledged to
7 secure any financing of the contractor by the election to take
8 over the South Suburban Airport project. Assumption of
9 development, operation, or both, of the South Suburban Airport
10 project does not obligate the State or any political
11 subdivision of the State or the Department to pay any
12 obligation of the contractor.

13 Section 2-110. Standards for the South Suburban Airport
14 project. The plans and specifications for the South Suburban
15 Airport project shall comply with the following:

16 (1) the Department's standards for other projects
17 of a similar nature or as otherwise provided in the
18 public-private agreement;

19 (2) the Professional Engineering Practice Act of
20 1989, the Structural Engineering Practice Act of 1989,
21 the Illinois Architecture Practice Act of 1989, and the
22 Illinois Professional Land Surveyor Act of 1989; and

23 (3) any other applicable State or federal
24 standards.

1 Section 2-115. Financial arrangements.

2 (a) The Department may apply for, execute, or endorse
3 applications submitted by contractors and other third parties
4 to obtain federal, State, or local credit assistance to
5 develop, finance, maintain, or operate the South Suburban
6 Airport project.

7 (b) The Department may take any action to obtain federal,
8 State, or local assistance for the South Suburban Airport
9 project that serves the public purpose of this Act and may
10 enter into any contracts required to receive the federal
11 assistance. The Department may determine that it serves the
12 public purpose of this Act for all or any portion of the costs
13 of the South Suburban Airport project to be paid, directly or
14 indirectly, from the proceeds of a grant or loan, line of
15 credit, or loan guarantee made by a local, State, or federal
16 government or any agency or instrumentality of a local, State,
17 or federal government. This assistance may include, but not be
18 limited to, federal credit assistance under the Transportation
19 Infrastructure Finance and Innovation Act (TIFIA).

20 (c) The Department may agree to make grants or loans for
21 the development, financing, construction, management,
22 operation, or maintenance of the South Suburban Airport project
23 from time to time, from amounts received from the federal,
24 State, or local government or any agency or instrumentality of
25 the federal, State, or local government.

26 (d) Any financing of the South Suburban Airport project may

1 be in the amounts and subject to the terms and conditions
2 contained in the public-private agreement.

3 (e) For the purpose of financing the South Suburban Airport
4 project, the contractor and the Department may do the
5 following:

6 (1) propose to use any and all revenues that may be
7 available to them;

8 (2) enter into grant agreements;

9 (3) access any other funds available to the Department;

10 and

11 (4) accept grants from any public or private agency or
12 entity.

13 (f) For the purpose of financing the South Suburban Airport
14 project, public funds may be used, mixed, and aggregated with
15 funds provided by or on behalf of the contractor or other
16 private entities.

17 (g) For the purpose of financing the South Suburban Airport
18 project, the Department is authorized to apply for, execute, or
19 endorse applications for an allocation of tax-exempt bond
20 financing authorization provided by Section 142(m) of the
21 United States Internal Revenue Code, as well as financing
22 available under any other federal law or program.

23 (h) Any bonds, debt, other securities, or other financing
24 issued or incurred by the contractor for the purposes of this
25 Act shall not be deemed to constitute a debt of the State or
26 any political subdivision of the State or a pledge of the faith

1 and credit of the State or any political subdivision of the
2 State.

3 Section 2-120. Labor.

4 (a) The public-private agreement shall require the
5 contractor to enter into a project labor agreement.

6 (b) The public-private agreement shall require all
7 construction contractors to comply with the requirements of
8 Section 30-22 of the Illinois Procurement Code as they apply to
9 responsible bidders and to present satisfactory evidence of
10 that compliance to the Department, unless the South Suburban
11 Airport project is federally funded and the application of
12 those requirements would jeopardize the receipt or use of
13 federal funds in support of the South Suburban Airport project.

14 Section 2-125. Law enforcement.

15 (a) All law enforcement officers of the State and of each
16 affected local jurisdiction have the same powers and
17 jurisdiction within the boundaries of the South Suburban
18 Airport as they have in their respective areas of jurisdiction.

19 (b) Law enforcement officers shall have access to the South
20 Suburban Airport at any time for the purpose of exercising the
21 law enforcement officers' powers and jurisdiction.

22 Section 2-130. Term of agreement; reversion of property to
23 the Department.

1 (a) The Department shall terminate the contractor's
2 authority and duties under the public-private agreement on the
3 date set forth in the public-private agreement.

4 (b) Upon termination of the public-private agreement, the
5 authority and duties of the contractor under this Act cease,
6 except for those duties and obligations that extend beyond the
7 termination, as set forth in the public-private agreement, and
8 all interests in the South Suburban Airport shall revert to the
9 Department.

10 Section 2-135. Additional powers of the Department with
11 respect to the South Suburban Airport.

12 (a) The Department may exercise any powers provided under
13 this Act in participation or cooperation with any governmental
14 entity and enter into any contracts to facilitate that
15 participation or cooperation. The Department shall cooperate
16 with other governmental entities under this Act.

17 (b) The Department may make and enter into all contracts
18 and agreements necessary or incidental to the performance of
19 the Department's duties and the execution of the Department's
20 powers under this Act. Except as otherwise required by law,
21 these contracts or agreements are not subject to any approvals
22 other than the approval of the Department, Governor, or federal
23 agencies and may contain any terms that are considered
24 reasonable by the Department and not in conflict with any
25 provisions of this Act or other statutes, rules, or laws.

1 (c) The Department may pay the costs incurred under the
2 public-private agreement entered into under this Act from any
3 funds available to the Department for the purpose of the South
4 Suburban Airport under this Act or any other statute.

5 (d) The Department and other State agencies shall not take
6 any action that would impair the public-private agreement
7 entered into under this Act, except as provided by law.

8 (e) The Department may enter into an agreement between and
9 among the contractor, the Department, and the Department of
10 State Police concerning the provision of law enforcement
11 assistance with respect to the South Suburban Airport under
12 this Act.

13 (f) The Department is authorized to enter into arrangements
14 with the Illinois State Police related to costs incurred in
15 providing law enforcement assistance under this Act.

16 Section 2-140. Prohibited local action; home rule. A unit
17 of local government, including a home rule unit, may not take
18 any action that would have the effect of impairing the
19 development, construction management operation, or maintenance
20 of the South Suburban Airport pursuant to the public-private
21 agreement authorized under this Act. This Section is a denial
22 and limitation of home rule powers and functions under
23 subsection (h) of Section 6 of Article VII of the Illinois
24 Constitution.

1 Section 2-145. Powers liberally construed. The powers
2 conferred by this Act shall be liberally construed in order to
3 accomplish their purposes and shall be in addition and
4 supplemental to the powers conferred to the Department by any
5 other law. If any other law or rule is inconsistent with this
6 Act, this Act is controlling as to the authority of the
7 Department and any public-private agreement entered into under
8 this Act.

9 Section 2-150. Full and complete authority. This Act
10 contains full and complete authority for (i) agreements and
11 leases with private entities to carry out the activities
12 described in this Act and (ii) the Department to take any and
13 all actions authorized by this Act. Notwithstanding any
14 provision of any other law to the contrary, no procedure,
15 proceedings, publications, notices, consents, approvals,
16 orders, or acts by the Department or any other State or local
17 agency or official are required to enter into an agreement or
18 lease.

19 Section 2-155. Prior actions. Nothing in this Act shall be
20 deemed to invalidate any actions previously taken or commenced
21 by the Department prior to the adoption of this Act that relate
22 to the development of the South Suburban Airport or any
23 acquisition of property related thereto.

1 ARTICLE 3.

2 BROWNFIELDS REDEVELOPMENT AND INTERMODAL PROMOTION ACT

3 Section 3-1. Short title. This Article may be cited as the
4 Brownfields Redevelopment and Intermodal Promotion Act.
5 References in this Article to "this Act" mean this Article.

6 Section 3-5. Findings. The General Assembly has determined
7 that it is in the interest of the State of Illinois to
8 facilitate remediation and productive re-use of brownfield
9 sites located within specified areas and communities in
10 Illinois; to capitalize on current trends in international
11 trade routes by encouraging the redevelopment of brownfield
12 sites located near existing freight assets into scattered site
13 logistics parks and related facilities and businesses; and
14 furthermore that it is in the interest of the State to
15 encourage the hiring of minority and other historically
16 disadvantaged individuals in new businesses or facilities
17 developed with State assistance, and especially to encourage
18 the hiring of individuals who reside in high-unemployment
19 communities where such businesses or facilities are developed.

20 Section 3-10. Definitions. As used in this Act:

21 "Affected Municipality" means a municipality whose
22 boundaries are partially or completely within the Brownfields
23 Redevelopment Zone and where an Eligible Project will take

1 place.

2 "Developer Agreement" means the agreement between an
3 eligible developer or eligible employer and the Department
4 under this Act.

5 "Brownfield" means real property, the expansion,
6 redevelopment, or reuse of which may be complicated by the
7 presence or potential presence of a hazardous substance,
8 pollutant, or contaminant; for the purposes of this Act, a
9 property will be considered a brownfield if a prospective
10 purchaser seeking financing from a private financial
11 institution is required by that institution to conduct a Phase
12 I Environmental Site Assessment (ESA), as defined by ASTM
13 Standard E-1527-05 ("Standard Practice for Environmental Site
14 Assessments: Phase I Environmental Site Assessment Process").

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

17 "Director" means the Director of the Department of Commerce
18 and Economic Opportunity.

19 "Eligible Developer" means an individual, partnership,
20 corporation, or other entity, currently and actively engaged in
21 the development of logistics, warehousing, distribution, or
22 light manufacturing facilities in North America, including the
23 Managing Partner of the South Suburban Brownfields
24 Redevelopment Zone, that owns, options, or otherwise directly
25 controls a parcel of land that is included in a South Suburban
26 Brownfields Redevelopment Zone Project.

1 "Eligible employer" means an individual, partnership,
2 corporation, or other entity that employs or will employ
3 full-time employees at finished facilities on property that is
4 within the South Suburban Brownfields Redevelopment Zone.

5 "Employment goal" means the goal of achieving a minimum
6 percentage of labor hours to be performed by employees who are
7 a member of a minority group and who reside in one of the
8 municipalities containing property that is part of the South
9 Suburban Brownfields Redevelopment Zone.

10 "Full-time employee" means an individual who is employed
11 for consideration for at least 35 hours each week or who
12 renders any other standard of service generally accepted by
13 industry custom or practice as full-time employment. An
14 individual for whom a W-2 is issued by a Professional Employer
15 Organization is a full-time employee if employed in the service
16 of the eligible employer for consideration for at least 35
17 hours each week or who renders any other standard of service
18 generally accepted by industry custom or practice as full-time
19 employment.

20 "Eligible Project" means those projects described in
21 Section 3-35 of this Act.

22 "Incremental income tax" means the total amount withheld
23 from the compensation of new employees under Article 7 of the
24 Illinois Income Tax Act arising from employment by an eligible
25 employer.

26 "Infrastructure" means roads and streets, bridges,

1 sidewalks, street lights, water and sewer line extensions or
2 improvements, storm water drainage and retention facilities,
3 gas and electric utility line extensions or improvements, and
4 rail improvements including signalization and siding
5 construction or repair, on publicly owned land or other public
6 improvements that are essential to the development of a
7 Redevelopment Zone Project.

8 "Intermodal" means a type of international freight system
9 that permits transshipping among sea, highway, rail and air
10 modes of transportation through use of ANSI/International
11 Organization for Standardization containers, line haul assets,
12 and handling equipment.

13 "Intermodal terminal" means an integrated facility where
14 trailers and containers are transferred between intermodal
15 railcars and highway carriers, including domestic and
16 international container shipments; or an integrated facility
17 where dry or liquid bulk and packaged commodities are
18 transferred between conventional railroad freight cars and
19 highway carriers.

20 "Managing Partner" means a representative of Cook County
21 appointed by the President of the Board of Commissioners of
22 Cook County or a duly created instrumentality of the County
23 which enters into an agreement with the Department as described
24 in subsection (c) of Section 3-30 of this Act regarding the
25 overall management and use of Increment Funds and which is
26 authorized by the County to undertake, or to enter into

1 Development agreements with third parties to undertake,
2 activities necessary for the redevelopment of parcels
3 designated under this Act as part of a South Suburban
4 Brownfields Redevelopment Zone. For the purposes of this
5 definition, a "duly created instrumentality of the county" is a
6 company that:

7 (1) is licensed to conduct business in the State of
8 Illinois;

9 (2) has (i) executed industrial developments of the
10 type described as "eligible projects" in Section 3-35 and
11 duly met all of its financial obligations entailed in those
12 projects and (ii) managed each of the types of tasks
13 described in Section 3-45 of this Act as "eligible
14 activities", performing those activities with results that
15 met or exceeded the objectives of the project, or otherwise
16 possesses the business experience described in this item
17 (2);

18 (3) is selected through a competitive Request for
19 Proposals process conducted according to rules and
20 standards generally applicable to the selection of
21 professional service contractors by the government of Cook
22 County.

23 "Minority" means a person who is a citizen or lawful
24 permanent resident of the United States and who is:

25 (i) African American, meaning a person whose origins
26 are in any of the Black racial groups of Africa, and who

1 has historically and consistently identified himself or
2 herself as being such a person;

3 (ii) Hispanic American or Latino American, meaning a
4 person whose origins are in Mexico, Central or South
5 America, or any of the Spanish speaking islands of the
6 Caribbean (for example Cuba and Puerto Rico), regardless of
7 race, and who has historically and consistently identified
8 himself or herself as being such a person;

9 (iii) Asian or Pacific Islander American, meaning a
10 person whose origins are in any of the original peoples of
11 the Far East, Southeast Asia, the islands of the Pacific or
12 the Northern Marianas, or the Indian Subcontinent, and who
13 has historically and consistently identified himself or
14 herself as being such a person; or

15 (iv) Native American, meaning a person having origins
16 in any of the original peoples of North America, and who
17 maintain tribal affiliation or demonstrate at least
18 one-quarter descent from such groups, and who has
19 historically and consistently identified himself or
20 herself as being such a person.

21 "New employee" means a full-time employee first employed by
22 an eligible employer for a project that is the subject of an
23 agreement between the Managing Partner and an eligible
24 developer or eligible employer and who is hired after the
25 eligible developer enters into the agreement, but does not
26 include:

1 (1) an employee of the eligible employer who performs a
2 job that (i) existed for at least 6 months before the
3 employee was hired and (ii) was previously performed by
4 another employee;

5 (2) an employee of the eligible employer who was
6 previously employed in Illinois by a related member of the
7 eligible employer and whose employment was shifted to the
8 eligible employer after the eligible employer entered into
9 the agreement; or

10 (3) a child, grandchild, parent, or spouse, other than
11 a spouse who is legally separated from the individual, of
12 any individual who has a direct or an indirect ownership
13 interest of at least 5% in the profits, capital, or value
14 of the eligible employer.

15 Notwithstanding item (2) of this definition, an employee
16 may be considered a new employee under the agreement if the
17 employee performs a job that was previously performed by an
18 employee who was: (i) treated under the agreement as a new
19 employee and (ii) promoted by the eligible employer to another
20 job.

21 "Professional Employer Organization" means an employee
22 leasing company, as defined in Section 206.1(A)(2) of the
23 Unemployment Insurance Act.

24 "Related member" means a person or entity that, with
25 respect to the eligible employer during any portion of the
26 taxable year, is any one of the following:

1 (1) an individual stockholder, if the stockholder and
2 the members of the stockholder's family (as defined in
3 Section 318 of the Internal Revenue Code) own directly,
4 indirectly, beneficially, or constructively, in the
5 aggregate, at least 50% of the value of the eligible
6 employer's outstanding stock;

7 (2) a partnership, estate, or trust and any partner or
8 beneficiary, if the partnership, estate, or trust, and its
9 partners or beneficiaries own directly, indirectly,
10 beneficially, or constructively, in the aggregate, at
11 least 50% of the profits, capital, stock, or value of the
12 eligible employer;

13 (3) a corporation, and any party related to the
14 corporation in a manner that would require an attribution
15 of stock from the corporation to the party or from the
16 party to the corporation under the attribution rules of
17 Section 318 of the Internal Revenue Code, if the taxpayer
18 owns directly, indirectly, beneficially, or constructively
19 at least 50% of the value of the corporation's outstanding
20 stock;

21 (4) a corporation and any party related to that
22 corporation in a manner that would require an attribution
23 of stock from the corporation to the party or from the
24 party to the corporation under the attribution rules of
25 Section 318 of the Internal Revenue Code, if the
26 corporation and all such related parties own in the

1 aggregate at least 50% of the profits, capital, stock, or
2 value of the eligible employer; or

3 (5) a person to or from whom there is attribution of
4 stock ownership in accordance with Section 1563(e) of the
5 Internal Revenue Code, except, for purposes of determining
6 whether a person is a related member under this definition,
7 20% shall be substituted for 5% wherever 5% appears in
8 Section 1563(e) of the Internal Revenue Code.

9 "South Suburban Brownfields Advisory Council" or "Advisory
10 Council" means a body comprised of representatives of Affected
11 Municipalities, along with experts appointed by the President
12 of the Cook County Board of Commissioners and the Governor of
13 Illinois, created to guide development within the South
14 Suburban Brownfields Redevelopment Zone.

15 "South Suburban Brownfields Redevelopment Zone Project" or
16 "Project" means an Eligible Project, as described in Section
17 3-35, to coordinate the redevelopment and re-use of industrial
18 sites within the South Suburban Brownfields Redevelopment Zone
19 in southern Cook County.

20 "South Suburban Brownfields Redevelopment Zone",
21 "Brownfields Redevelopment Zone" or "Zone" means the area fully
22 encompassing all properties, acreage, and structures,
23 including sites that conform to the Environmental Protection
24 Agency definition of Brownfield Industrial Sites, that are
25 zoned for industrial uses by the applicable local zoning agency
26 and which are located within the following South Suburban Cook

1 County municipalities that surround the Canadian National and
2 Union Pacific intermodal freight terminals in Harvey and
3 Dolton, Illinois respectively: Dixmoor, Dolton, East
4 Hazelcrest, Harvey, Hazelcrest, Homewood, Markham, Phoenix,
5 Posen, Riverdale, South Holland and Thornton. The South
6 Suburban Brownfields Advisory Council shall advise the
7 Managing Partner in regard to the selection of Projects. The
8 composition of the Advisory Council is determined as set forth
9 in subsection (a) of Section 3-30 of this Act.

10 Section 3-15. South Suburban Brownfields Redevelopment
11 Zone Fund. The South Suburban Brownfields Redevelopment Zone
12 Fund is created as a special fund in the State treasury. Upon
13 certification of the Department of Revenue following review of
14 the amounts contained in the quarter-annual report required
15 under paragraph 4 of Section 3-50 of this Act and subject to
16 the limits set forth in Section 3-25 of this Act, the
17 Comptroller shall order transferred and the Treasurer shall
18 transfer from the General Revenue Fund to the South Suburban
19 Brownfields Redevelopment Fund an amount equal to the
20 incremental income tax for the previous month attributable to
21 new employees at finished facilities on property that was
22 redeveloped as part of the South Suburban Brownfields
23 Redevelopment Zone. These revenues may be used to pay the
24 Managing Partner for its administrative expenses pursuant to
25 Section 3-45 of this Act or to reimburse Eligible Developers or

1 Eligible Employers for the cost of the activities detailed
2 under Section 3-45 of this Act for Projects being undertaken
3 within the South Suburban Brownfields Redevelopment Zone.

4 Section 3-20. South Suburban Brownfields Redevelopment
5 Fund; eligible projects. In State fiscal years 2015 through
6 2021, all moneys in the South Suburban Brownfields
7 Redevelopment Zone Fund shall be held solely to fund eligible
8 projects undertaken pursuant to the provisions of Section 3-35
9 of this Act and performed either directly by Cook County
10 through a development agreement with the Department, by an
11 entity designated by Cook County through a development
12 agreement with the Department to perform specific tasks, or by
13 an Eligible Developer or an Eligible Employer through a
14 development agreement. All Eligible Projects are subject to
15 review and approval by the Managing Partner and by the
16 Department. The life span of the Fund may be extended past 2026
17 by law.

18 Section 3-25. Limitation on amounts for eligible projects.
19 The total amount of tax increment to be transferred to the
20 South Suburban Increment Fund shall not exceed \$3,000,000 in
21 each State fiscal year. Any increment generated in a given
22 State fiscal year in excess of \$3,000,000 shall be retained by
23 the State. Any revenues in the South Suburban Brownfields
24 Redevelopment Fund not used in a given fiscal year may be

1 rolled over into subsequent fiscal years. Use of the Fund to
2 pay or reimburse eligible expenses shall not preclude the
3 receipt of benefits from any Enterprise Zone, Tax Increment
4 Finance District, property tax abatement program, or other
5 business development program of a federal, State, or local
6 economic development program that may be available to the
7 project, and any brownfield site included in an agreement with
8 an eligible developer or eligible employer shall remain fully
9 eligible for all State and Federal tax incentives and grants
10 specifically related to brownfield remediation.

11 Section 3-30. Managing Partner; Advisory Council;
12 responsibilities.

13 (a) The Managing Partner shall report its recommendations
14 to the Advisory Council. The Advisory Council consists of two
15 members appointed by the Governor of the State of Illinois, two
16 members appointed by the President of the Cook County Board of
17 Commissioners and five members selected by the Affected
18 Municipalities to represent them. All members shall serve for a
19 term of 3 years. Upon expiration of each member's term, a
20 successor shall be appointed for a term of 3 years. Vacancies
21 on the Advisory Council shall be filled in the same manner as
22 the original appointments and any members so appointed shall
23 serve during the remainder of the term for which the vacancy
24 occurred. The appointments shall be made within 90 days of the
25 effective date of this Act. Five members shall constitute a

1 quorum. The Council shall elect a Chairperson amongst its
2 members by simple majority vote. Members shall serve without
3 compensation and accurate minutes shall be kept of all meetings
4 of the Advisory Council. The Advisory Council shall meet no
5 less frequently than quarterly and a meeting may be called by
6 the Chairperson or any four members of the Board. The
7 relationship between the Managing Partner and the Advisory
8 Council shall be set forth in an agreement among the parties.

9 (b) The Managing Partner is responsible for ensuring that,
10 in consultation with the Advisory Board, the acreage designated
11 as part of the Zone is redeveloped to simultaneously maximize
12 the following:

13 (1) Protection and improvement of the natural
14 environment and the remediation of brownfield industrial
15 property within the Brownfield Redevelopment Zone.

16 (2) Restoration of industrially zoned land to its best
17 and highest use, defined here as the highest possible
18 number of new jobs in logistics or manufacturing operations
19 and the highest levels of new business revenues.

20 (3) Employment of local low and moderate income
21 residents of the Zone and minority residents of the Zone
22 and contracting with local minority-owned firms, to the
23 extent consistent with Cook County policies and existing
24 law.

25 (c) In order to fulfill the responsibilities set forth in
26 subsection (b) of this Section, the Managing Partner has the

1 following powers and duties, which shall collectively comprise
2 its program administration tasks:

3 (1) Create, gain approval from the Director for, and
4 regularly update, a master plan for the redevelopment of
5 properties and the use of the Fund, for review by the
6 Advisory Board and the Director, including the following
7 elements:

8 (A) An explanation of how the features of the
9 master plan allow the Managing Partner to fulfill the
10 broad responsibility outlined in this Section.

11 (B) The tasks that the Managing Partner will
12 undertake, directly or through assistance in the
13 negotiation of development agreements with eligible
14 developers or eligible employers, to acquire,
15 assemble, remediate, prepare for development,
16 redevelop, or market parcels that are part of the Zone.

17 (C) The criteria by which the Managing Partner will
18 evaluate and select from among potential eligible
19 projects to carry out its basic responsibilities as
20 outlined in this Section, including criteria that will
21 fulfill the following programmatic goals: (i) at least
22 30% of labor hours must be performed by members of
23 minority groups who reside in the municipalities where
24 the Zone operates, and (ii) at least 20% of the dollar
25 value of contracts and subcontracts must be held by
26 minority-owned firms that are based in the

1 municipalities where the Zone operates.

2 (D) Methods the Managing Partner employed to
3 receive and incorporate input on the master plan from a
4 broad range of residents and stakeholders within the
5 municipalities where the Zone operates, and methods it
6 will employ to publicize the master plan so that it is
7 constantly available for public review.

8 (E) Documentation of the master plan's consistency
9 with the applicable metropolitan planning
10 organization's current regional comprehensive plan and
11 regional Transportation Improvement Plan (TIP), and
12 with the current State Transportation Improvement Plan
13 (STIP).

14 (2) Develop and maintain a current database or set of
15 databases with detailed information including:

16 (A) All industrially zoned real estate properties
17 that are part of the Zone, including information
18 concerning each property's ownership; current or
19 delinquent tax status; proximity to major elements of
20 freight infrastructure; status as a potential or
21 designated brownfield; and any other information to
22 support the marketing and redevelopment of properties
23 that are part of the Zone.

24 (B) All major elements of infrastructure that
25 serve the properties that are part of the Zone,
26 including the capacity and state of repair of rail

1 lines and spurs, roadways, water, sewage, and power
2 systems.

3 (C) Names of minority-owned contracting firms that
4 are based in municipalities containing property that
5 is included in the Zone and wish to be hired by
6 eligible developers or eligible employers, including
7 the qualifications and contact information for these
8 contractors.

9 (D) Names of individuals who are residents of
10 municipalities containing property that is part of the
11 Zone and are members of a minority group, who wish to
12 be employed by eligible developers or eligible
13 employers, including the qualifications and contact
14 information for these residents.

15 (3) Execute its master plan through a series of
16 eligible activities as outlined in Section 3-45 of this
17 Act, governed by agreements.

18 (4) Evaluate project proposals to determine their
19 appropriateness and priority for funding based on the
20 evaluation criteria defined in the master plan.

21 (5) Negotiate and monitor agreements with Affected
22 Municipalities, eligible developers and eligible
23 employers.

24 (6) Maintain records of activities and financial
25 transactions including regular reports to the Department
26 and an annual certified public audit.

1 (7) Publish and make publicly available an annual
2 report detailing local minority hiring and contracting
3 that has resulted from the use of revenues in the Fund, to
4 include the following: (A) the total number of labor hours
5 performed by new employees who work at finished facilities
6 located on property that is part of the Zone and who (i)
7 are members of a minority group, and (ii) reside in one of
8 the municipalities containing property that is part of the
9 Zone; (B) the total number of labor hours performed by all
10 new employees who work at finished facilities located on
11 property that is part of the Zone; (C) the total dollar
12 value of contracted or subcontracted services reimbursed
13 with revenues from the Fund and that were performed by
14 firms that are (i) minority-owned, and (ii) based in one of
15 the municipalities containing property that is part of the
16 Zone; (D) the total dollar value of contracted or
17 subcontracted services reimbursed with revenues from the
18 Fund; and (E) an explanation of concrete steps that will be
19 taken if these values do not meet the programmatic goals
20 that (i) at least 30% of labor hours must be performed by
21 members of local minority groups, and (ii) at least 20% of
22 the dollar value of contracts and subcontracts must be held
23 by local minority-owned firms.

24 (8) Report to the Director quarterly on the progress of
25 executing the master plan and eligible activities.

26 (d) The Department shall manage and allocate all South

1 Suburban Brownfields Redevelopment Fund revenues subject to
2 the Director's finding that funds are being used to execute the
3 master plan for redevelopment of properties that are part of
4 the Zone.

5 The Managing Partner may, at its discretion, contract with
6 an entity of its choosing to support these program
7 administration tasks.

8 Section 3-35. Eligible projects. Funds may be used only for
9 projects that are necessary for the establishment of a facility
10 classified under the current edition of the Urban Land
11 Institute's "Guide to Classifying Industrial Property" in one
12 of the following primary categories: warehouse distribution,
13 manufacturing (light or metal fabrication), or freight
14 forwarding; where the secondary categories under warehouse
15 distribution include regional, bulk, and rack-supported
16 warehouses as well as both heavy and refrigerated distribution
17 facilities; and where the secondary categories under
18 manufacturing include parts assembly or packaging plants, food
19 processing plants, and metal working plants that fashion
20 complete products or components of machinery, transportation
21 equipment, appliances, or construction elements and where the
22 secondary category under freight forwarding includes truck
23 terminals. Projects must adhere to applicable local and
24 regional zoning regulations. Projects may consist of new
25 construction or expansion of existing facilities so long as the

1 expansion results in the creation of new jobs. Projects must
2 consist of a set of activities undertaken as part of an
3 agreement to bring back into productive use a brownfield
4 property that is part of the Zone, including activities defined
5 as eligible purposes of funds in Section 3-45 of this Act.

6 Section 3-40. Prohibited projects. Funds shall not be used
7 to support projects that create the following types of
8 permanent facilities and structures:

9 (i) any type or kind of processing, handling, or sorting
10 facility for any kind of municipal or private liquid or solid
11 waste;

12 (ii) any type or kind of intermodal or multimodal transfer
13 station for any kind of municipal or private liquid or solid
14 waste; or

15 (iii) container storage yards that are not part of a larger
16 facility whose primary function is the maintenance, repair, and
17 rebuilding of transportation equipment including intermodal
18 containers and trailers, container chassis, mechanical lift
19 equipment, hoisting tractors, and over-the-road tractors.

20 Temporary or short-term processing or transfer facilities
21 specifically used as part of an approved environmental
22 remediation plan for a specific site or parcel under an
23 agreement are permitted.

24 Section 3-45. Eligible activities. Funds held in the South

1 Suburban Brownfields Redevelopment Fund may be expended for the
2 following purposes:

3 (1) Payment of costs undertaken directly by the
4 Managing Partner or reimbursement of costs incurred by an
5 eligible developer or eligible employer as part of the
6 execution of an agreement, any of which services may be
7 subcontracted out to third parties for the following
8 activities:

9 (A) environmental site assessments, site
10 investigations, remediation action plans, and
11 remediation of brownfield sites located on property
12 where any portion of an eligible project is taking
13 place;

14 (B) land acquisition and site assembly, site
15 development plans, and demolition of derelict or
16 outdated structures.

17 (C) recruiting and training of individuals who are
18 both (i) members of a minority group, and (ii) residing
19 in one of the municipalities containing property that
20 is part of the Zone, for employment in logistics or
21 light manufacturing, such as through pre-employment
22 services, pre-apprenticeship training, apprenticeship
23 training, and skills training; expenditures for these
24 recruiting or training activities shall not exceed 20%
25 of the total dollars transferred to the South Suburban
26 Increment Fund in any fiscal year or 15% of the total

1 dollars transferred to this Fund during the entire
2 period of the Fund's existence.

3 (2) Payment of the costs of repairing or upgrading
4 public infrastructure on publicly owned land within the
5 Zone, including rights of way, provided such
6 infrastructure is on public property that is either
7 included within the Brownfields Redevelopment Zone or
8 which is essential to the development of a Project.

9 In agreements with for-profit eligible developers and
10 employers governing redevelopment of privately held land,
11 reimbursements must first and foremost prioritize the
12 activities described in item (A).

13 (3) Program administration costs. The Managing Partner
14 may request up to a total of 15% of amounts in the Fund
15 over the course of the fiscal year to support its
16 responsibilities in that fiscal year or in prior years as
17 detailed in Section 3-30 of this Act. The Managing Partner
18 must find additional funds for any program administration
19 costs not covered by the 15%. Subject to the Department's
20 approval, the Managing Partner may impose a reasonable fee
21 upon eligible developers and eligible employers who submit
22 proposals, for purposes of processing these applications
23 and performing such due diligence as may be necessary to
24 assess overall feasibility of the proposed projects and
25 their consistency with the development objectives of this
26 Act and the Zone Master Plan as discussed in Section 3-30

1 of this Act. Those fees may not exceed 2% of the dollar
2 amount requested from the Fund for the proposed project,
3 and the Managing Partner may use these fees to support
4 program administration. The income to the Managing Partner
5 generated by those fees shall be counted as part of the 15%
6 of total transfers to the Fund permitted for the Managing
7 Partner's compensation.

8 Section 3-50. Agreements with Eligible Developers and
9 Affected Municipalities. Prior to the expenditure of any
10 amounts from the Fund (except for administration costs of the
11 Managing Partner which may be requested periodically), the
12 Department and the Affected Municipality shall enter into an
13 agreement which has been recommended by the Managing Partner
14 with an Eligible Developer or Eligible Employer who is seeking
15 reimbursement under this Act. The agreement must contain all of
16 the following:

17 (1) A detailed description of the project that is the
18 subject of the agreement, including the location of the
19 project, the expected number of jobs to be created by the
20 project, and a list of the costs incurred or to be incurred
21 by the eligible developer or employer for eligible
22 activities, excluding any amounts that are to be funded
23 through other public sources.

24 (2) A requirement that the eligible developer or
25 eligible employer maintain operations at the project

1 location, stated as a minimum number of years not to exceed
2 10 years.

3 (3) A specific method for determining the number of new
4 employees attributable to the project.

5 (4) A requirement that the eligible developer or
6 eligible employer report on a quarterly basis to the
7 Managing Partner, the Department, and the Department of
8 Revenue the number of new employees and the incremental
9 income tax withheld in connection with the new employees.

10 (5) A provision authorizing the Department to verify
11 with the Department of Revenue the amounts reported under
12 paragraph (4) and to report this information to the
13 Managing Partner.

14 (6) A provision authorizing the Department of Revenue
15 to audit the information reported under paragraph (4).

16 (7) A plan for how the eligible developer or eligible
17 employer will encourage local low and moderate income and
18 minority hiring and minority contracting, including
19 specific employment and contracting goals; plans for
20 recruiting, training, and retaining local minority
21 employees; plans for identifying and soliciting bids from
22 local minority-owned firms for contracted or subcontracted
23 services; a list of two or more community organizations
24 that it plans to work with to achieve those goals and
25 plans; and a specific method for determining and reporting
26 on the fulfillment of local minority and low and moderate

1 income hiring and minority contracting goals.

2 (8) A commitment from the eligible developer or
3 eligible employer to work with the City-County Office of
4 Workforce Employment and to consider referrals of trained
5 workers from such Office on a timely and non-discriminatory
6 basis.

7 (9) Documentation that any road improvements that are
8 part of the agreement are consistent with the current
9 regional Transportation Improvement Plan (TIP) and the
10 State Transportation Improvement Plan (STIP).

11 (10) Evidence of approval of the Eligible Project by
12 the Affected Municipality or Municipalities following such
13 public hearings and public notice as may be required by
14 Illinois law in regard to such Eligible Projects.

15 Section 3-55. Rules. The Department and the Department of
16 Revenue may promulgate rules necessary to implement this Act.

17 ARTICLE 4.

18 SOUTH SUBURBAN AIRPORT AMENDATORY PROVISIONS

19 Section 4-5. The Department of Transportation Law of the
20 Civil Administrative Code of Illinois is amended by changing
21 Section 2705-220 as follows:

22 (20 ILCS 2705/2705-220)

1 Sec. 2705-220. Public private partnerships for
2 transportation. The Department may exercise all powers granted
3 to it under the Public Private Agreements for the Illiana
4 Expressway Act and the Public-Private Agreements for the South
5 Suburban Airport Act.

6 (Source: P.A. 96-913, eff. 6-9-10.)

7 Section 4-10. The Archaeological and Paleontological
8 Resources Protection Act is amended by adding Section 1.75 as
9 follows:

10 (20 ILCS 3435/1.75 new)

11 Sec. 1.75. South Suburban Airport. The Illinois Department
12 of Transportation, and any person acting on its behalf under a
13 public-private agreement entered into in accordance with the
14 Public-Private Agreements for the South Suburban Airport Act,
15 is exempt from the permit requirements of this Act, provided
16 that the Illinois Department of Transportation, or any such
17 person, takes reasonable steps to comply with the provisions of
18 this Act so long as compliance does not interfere with the
19 design, development, operation, or maintenance of the South
20 Suburban Airport or the exercise of their powers under the
21 Public-Private Agreements for the South Suburban Airport Act.

22 Section 4-15. The Human Skeletal Remains Protection Act is
23 amended by adding Section 4.75 as follows:

1 (20 ILCS 3440/4.75 new)

2 Sec. 4.75. South Suburban Airport. The Illinois Department
3 of Transportation, and any person acting on its behalf under a
4 public-private agreement entered into in accordance with the
5 Public-Private Agreements for the South Suburban Airport Act,
6 is exempt from the permit requirements of this Act, provided
7 that the Illinois Department of Transportation, or any such
8 person, takes reasonable steps to comply with the provisions of
9 this Act so long as compliance does not interfere with the
10 design, development, operation, or maintenance of the South
11 Suburban Airport or the exercise of their powers under the
12 Public-Private Agreements for the South Suburban Airport Act.

13 Section 4-20. The Illinois Finance Authority Act is amended
14 by adding Section 825-106.5 as follows:

15 (20 ILCS 3501/825-106.5 new)

16 Sec. 825-106.5. South Suburban Airport financing. For the
17 purpose of financing the South Suburban Airport under the
18 Public-Private Agreements for the South Suburban Airport Act,
19 the Authority is authorized to apply for an allocation of
20 tax-exempt bond financing authorization provided by Section
21 142(m) of the United States Internal Revenue Code, as well as
22 financing available under any other federal law or program.

1 Section 4-25. The State Finance Act is amended by adding
2 Section 5.826 as follows:

3 (30 ILCS 105/5.826 new)

4 Sec. 5.826. The South Suburban Airport Improvement Fund.

5 Section 4-30. The Public Construction Bond Act is amended
6 by changing Section 1.5 as follows:

7 (30 ILCS 550/1.5)

8 Sec. 1.5. Public private agreements. This Act applies to
9 any public private agreement entered into under the Public
10 Private Agreements for the Illiana Expressway Act or the
11 Public-Private Agreements for the South Suburban Airport Act.

12 (Source: P.A. 96-913, eff. 6-9-10.)

13 Section 4-35. The Employment of Illinois Workers on Public
14 Works Act is amended by changing Section 2.5 as follows:

15 (30 ILCS 570/2.5)

16 Sec. 2.5. Public private agreements. This Act applies to
17 any public private agreement entered into under the Public
18 Private Agreements for the Illiana Expressway Act and the
19 Public-Private Agreements for the South Suburban Airport Act.

20 (Source: P.A. 96-913, eff. 6-9-10.)

1 Section 4-40. The Business Enterprise for Minorities,
2 Females, and Persons with Disabilities Act is amended by
3 changing Section 2.5 as follows:

4 (30 ILCS 575/2.5)

5 (Section scheduled to be repealed on June 30, 2016)

6 Sec. 2.5. Public private agreements. This Act applies to
7 any public private agreement entered into under the Public
8 Private Agreements for the Illiana Expressway Act and the
9 Public-Private Agreements for the South Suburban Airport Act.
10 (Source: P.A. 96-913, eff. 6-9-10.)

11 Section 4-45. The Retailers' Occupation Tax Act is amended
12 by adding Section 1s as follows:

13 (35 ILCS 120/1s new)

14 Sec. 1s. Building materials exemption; South Suburban
15 Airport public-private partnership.

16 (a) Each retailer that makes a qualified sale of building
17 materials to be incorporated into the South Suburban Airport as
18 defined in the Public-Private Agreements for the South Suburban
19 Airport Act, by remodeling, rehabilitating, or new
20 construction, may deduct receipts from those sales when
21 calculating the tax imposed by this Act.

22 (b) As used in this Section, "qualified sale" means a sale
23 of building materials that will be incorporated into the South

1 Suburban Airport for which a Certificate of Eligibility for
2 Sales Tax Exemption has been issued by the Illinois Department
3 of Transportation, which has authority over the project.

4 (c) To document the exemption allowed under this Section,
5 the retailer must obtain from the purchaser a copy of the
6 Certificate of Eligibility for Sales Tax Exemption issued by
7 the Illinois Department of Transportation, which has
8 jurisdiction over the project into which the building materials
9 will be incorporated is located. The Certificate of Eligibility
10 for Sales Tax Exemption must contain all of the following:

11 (1) statement that the project identified in the
12 Certificate meets all the requirements of the Illinois
13 Department of Transportation;

14 (2) the location or address of the project; and

15 (3) the signature of the Secretary of the Illinois
16 Department of Transportation, which has authority over the
17 South Suburban Airport or the Secretary's delegate.

18 (d) In addition to meeting the requirements of subsection
19 (c) of this Act, the retailer must obtain a certificate from
20 the purchaser that contains all of the following:

21 (1) a statement that the building materials are being
22 purchased for incorporation into the South Suburban
23 Airport in accordance with the Public-Private Agreements
24 for the South Suburban Airport Act;

25 (2) the location or address of the project into which
26 the building materials will be incorporated;

- 1 (3) the name of the project;
2 (4) a description of the building materials being
3 purchased; and
4 (5) the purchaser's signature and date of purchase.
5 (e) This Section is exempt from Section 2-70 of this Act.

6 Section 4-50. The Property Tax Code is amended by changing
7 Section 15-55 as follows:

8 (35 ILCS 200/15-55)
9 Sec. 15-55. State property.

10 (a) All property belonging to the State of Illinois is
11 exempt. However, the State agency holding title shall file the
12 certificate of ownership and use required by Section 15-10,
13 together with a copy of any written lease or agreement, in
14 effect on March 30 of the assessment year, concerning parcels
15 of 1 acre or more, or an explanation of the terms of any oral
16 agreement under which the property is leased, subleased or
17 rented.

18 The leased property shall be assessed to the lessee and the
19 taxes thereon extended and billed to the lessee, and collected
20 in the same manner as for property which is not exempt. The
21 lessee shall be liable for the taxes and no lien shall attach
22 to the property of the State.

23 For the purposes of this Section, the word "leases"
24 includes licenses, franchises, operating agreements and other

1 arrangements under which private individuals, associations or
2 corporations are granted the right to use property of the
3 Illinois State Toll Highway Authority and includes all property
4 of the Authority used by others without regard to the size of
5 the leased parcel.

6 (b) However, all property of every kind belonging to the
7 State of Illinois, which is or may hereafter be leased to the
8 Illinois Prairie Path Corporation, shall be exempt from all
9 assessments, taxation or collection, despite the making of any
10 such lease, if it is used for:

11 (1) conservation, nature trail or any other
12 charitable, scientific, educational or recreational
13 purposes with public benefit, including the preserving and
14 aiding in the preservation of natural areas, objects,
15 flora, fauna or biotic communities;

16 (2) the establishment of footpaths, trails and other
17 protected areas;

18 (3) the conservation of the proper use of natural
19 resources or the promotion of the study of plant and animal
20 communities and of other phases of ecology, natural history
21 and conservation;

22 (4) the promotion of education in the fields of nature,
23 preservation and conservation; or

24 (5) similar public recreational activities conducted
25 by the Illinois Prairie Path Corporation.

26 No lien shall attach to the property of the State. No tax

1 liability shall become the obligation of or be enforceable
2 against Illinois Prairie Path Corporation.

3 (c) If the State sells the James R. Thompson Center or the
4 Elgin Mental Health Center and surrounding land located at 750
5 S. State Street, Elgin, Illinois, as provided in subdivision
6 (a)(2) of Section 7.4 of the State Property Control Act, to
7 another entity whose property is not exempt and immediately
8 thereafter enters into a leaseback or other agreement that
9 directly or indirectly gives the State a right to use, control,
10 and possess the property, that portion of the property leased
11 and occupied exclusively by the State shall remain exempt under
12 this Section. For the property to remain exempt under this
13 subsection (c), the State must retain an option to purchase the
14 property at a future date or, within the limitations period for
15 reverters, the property must revert back to the State.

16 If the property has been conveyed as described in this
17 subsection (c), the property is no longer exempt pursuant to
18 this Section as of the date when:

19 (1) the right of the State to use, control, and possess
20 the property has been terminated; or

21 (2) the State no longer has an option to purchase or
22 otherwise acquire the property and there is no provision
23 for a reverter of the property to the State within the
24 limitations period for reverters.

25 Pursuant to Sections 15-15 and 15-20 of this Code, the
26 State shall notify the chief county assessment officer of any

1 transaction under this subsection (c). The chief county
2 assessment officer shall determine initial and continuing
3 compliance with the requirements of this Section for tax
4 exemption. Failure to notify the chief county assessment
5 officer of a transaction under this subsection (c) or to
6 otherwise comply with the requirements of Sections 15-15 and
7 15-20 of this Code shall, in the discretion of the chief county
8 assessment officer, constitute cause to terminate the
9 exemption, notwithstanding any other provision of this Code.

10 (c-1) If the Illinois State Toll Highway Authority sells
11 the Illinois State Toll Highway Authority headquarters
12 building and surrounding land, located at 2700 Ogden Avenue,
13 Downers Grove, Illinois as provided in subdivision (a)(2) of
14 Section 7.5 of the State Property Control Act, to another
15 entity whose property is not exempt and immediately thereafter
16 enters into a leaseback or other agreement that directly or
17 indirectly gives the State or the Illinois State Toll Highway
18 Authority a right to use, control, and possess the property,
19 that portion of the property leased and occupied exclusively by
20 the State or the Authority shall remain exempt under this
21 Section. For the property to remain exempt under this
22 subsection (c), the Authority must retain an option to purchase
23 the property at a future date or, within the limitations period
24 for reverters, the property must revert back to the Authority.

25 If the property has been conveyed as described in this
26 subsection (c), the property is no longer exempt pursuant to

1 this Section as of the date when:

2 (1) the right of the State or the Authority to use,
3 control, and possess the property has been terminated; or

4 (2) the Authority no longer has an option to purchase
5 or otherwise acquire the property and there is no provision
6 for a reverter of the property to the Authority within the
7 limitations period for reverters.

8 Pursuant to Sections 15-15 and 15-20 of this Code, the
9 Authority shall notify the chief county assessment officer of
10 any transaction under this subsection (c). The chief county
11 assessment officer shall determine initial and continuing
12 compliance with the requirements of this Section for tax
13 exemption. Failure to notify the chief county assessment
14 officer of a transaction under this subsection (c) or to
15 otherwise comply with the requirements of Sections 15-15 and
16 15-20 of this Code shall, in the discretion of the chief county
17 assessment officer, constitute cause to terminate the
18 exemption, notwithstanding any other provision of this Code.

19 (d) The fair market rent of each parcel of real property in
20 Will County owned by the State of Illinois for the purpose of
21 developing an airport by the Department of Transportation shall
22 include the assessed value of leasehold tax. The lessee of each
23 parcel of real property in Will County owned by the State of
24 Illinois for the purpose of developing an airport by the
25 Department of Transportation shall not be liable for the taxes
26 thereon. In order for the State to compensate taxing districts

1 for the leasehold tax under this paragraph the Will County
2 Supervisor of Assessments shall certify, in writing, to the
3 Department of Transportation, the amount of leasehold taxes
4 extended for the 2002 property tax year for each such exempt
5 parcel. The Department of Transportation shall pay to the Will
6 County Treasurer, from the Tax Recovery Fund, on or before July
7 1 of each year, the amount of leasehold taxes for each such
8 exempt parcel as certified by the Will County Supervisor of
9 Assessments. The tax compensation shall terminate on December
10 31, 2020. It is the duty of the Department of Transportation to
11 file with the Office of the Will County Supervisor of
12 Assessments an affidavit stating the termination date for
13 rental of each such parcel due to airport construction. The
14 affidavit shall include the property identification number for
15 each such parcel. In no instance shall tax compensation for
16 property owned by the State be deemed delinquent or bear
17 interest. In no instance shall a lien attach to the property of
18 the State. In no instance shall the State be required to pay
19 leasehold tax compensation in excess of the Tax Recovery Fund's
20 balance.

21 (e) Public Act 81-1026 applies to all leases or agreements
22 entered into or renewed on or after September 24, 1979.

23 (f) Notwithstanding anything to the contrary in this Code,
24 all property owned by the State that is the Illiana Expressway,
25 as defined in the Public Private Agreements for the Illiana
26 Expressway Act, and that is used for transportation purposes

1 and that is leased for those purposes to another entity whose
2 property is not exempt shall remain exempt, and any leasehold
3 interest in the property shall not be subject to taxation under
4 Section 9-195 of this Act.

5 (g) Notwithstanding anything to the contrary in this
6 Section, all property owned by the State or the Illinois State
7 Toll Highway Authority that is defined as a transportation
8 project under the Public-Private Partnerships for
9 Transportation Act and that is used for transportation purposes
10 and that is leased for those purposes to another entity whose
11 property is not exempt shall remain exempt, and any leasehold
12 interest in the property shall not be subject to taxation under
13 Section 9-195 of this Act.

14 (h) Notwithstanding anything to the contrary in this Code,
15 all property owned by the State that is the South Suburban
16 Airport, as defined in the Public-Private Agreements for the
17 South Suburban Airport Act, and that is used for airport
18 purposes and that is leased for those purposes to another
19 entity whose property is not exempt shall remain exempt, and
20 any leasehold interest in the property shall not be subject to
21 taxation under Section 9-195 of this Act.

22 (Source: P.A. 96-192, eff. 8-10-09; 96-913, eff. 6-9-10;
23 97-502, eff. 8-23-11.)

24 Section 4-55. The Foreign Trade Zones Act is amended by
25 changing Section 1 as follows:

1 (50 ILCS 40/1) (from Ch. 24, par. 1361)

2 Sec. 1. Each of the following units of State or local
3 government and public or private corporations shall have the
4 power to apply to proper authorities of the United States of
5 America pursuant to appropriate law for the right to establish,
6 operate, maintain and lease foreign trade zones and sub-zones
7 within its corporate limits or within limits established
8 pursuant to agreement with proper authorities of the United
9 States of America, as the case may be, and to establish,
10 operate, maintain and lease such foreign trade zones and
11 sub-zones:

12 (a) The City of East St. Louis.

13 (b) The Bi-State Authority, Lawrenceville - Vincennes
14 Airport.

15 (c) The Waukegan Port district.

16 (d) The Illinois Valley Regional Port District.

17 (e) The Economic Development Council, Inc. located in the
18 area of the United States Customs Port of Entry for Peoria,
19 pursuant to authorization granted by the county boards in the
20 geographic area served by the proposed foreign trade zone.

21 (f) The Greater Rockford Airport Authority.

22 (f-5) The Illinois Department of Transportation, with
23 respect to the South Suburban Airport.

24 (g) After the effective date of this amendatory Act of
25 1984, any county, city, village or town within the State or a

1 public or private corporation authorized or licensed to do
2 business in the State or any combination thereof may apply to
3 the Foreign Trade Zones Board, United States Department of
4 Commerce, for the right to establish, operate and maintain a
5 foreign trade zone and sub-zones. For the purposes of this
6 Section, such foreign trade zone or sub-zones may be
7 incorporated outside the corporate boundaries or be made up of
8 areas from adjoining counties or states.

9 (h) No foreign trade zone may be established within 50
10 miles of an existing zone situated in a county with 3,000,000
11 or more inhabitants or within 35 miles of an existing zone
12 situated in a county with less than 3,000,000 inhabitants, such
13 zones having been created pursuant to this Act without the
14 permission of the authorities which established the existing
15 zone.

16 (Source: P.A. 85-471.)

17 Section 4-60. The Downstate Forest Preserve District Act is
18 amended by changing Section 5e as follows:

19 (70 ILCS 805/5e) (from Ch. 96 1/2, par. 6308e)

20 Sec. 5e. Property owned by a forest preserve district and
21 property in which a forest preserve district is the grantee of
22 a conservation easement or the grantee of a conservation right
23 as defined in Section 1(a) of the Real Property Conservation
24 Rights Act shall not be subject to eminent domain or

1 condemnation proceedings, except as otherwise provided in
2 Section 15 of the O'Hare Modernization Act and Section 2-100 of
3 the Public-Private Agreements for the South Suburban Airport
4 Act.

5 (Source: P.A. 95-111, eff. 8-13-07.)

6 Section 4-65. The Vital Records Act is amended by changing
7 Section 21 as follows:

8 (410 ILCS 535/21) (from Ch. 111 1/2, par. 73-21)

9 Sec. 21. (1) The funeral director or person acting as such
10 who first assumes custody of a dead body or fetus shall make a
11 written report to the registrar of the district in which death
12 occurred or in which the body or fetus was found within 24
13 hours after taking custody of the body or fetus on a form
14 prescribed and furnished by the State Registrar and in
15 accordance with the rules promulgated by the State Registrar.
16 Except as specified in paragraph (2) of this Section, the
17 written report shall serve as a permit to transport, bury or
18 entomb the body or fetus within this State, provided that the
19 funeral director or person acting as such shall certify that
20 the physician in charge of the patient's care for the illness
21 or condition which resulted in death has been contacted and has
22 affirmatively stated that he will sign the medical certificate
23 of death or the fetal death certificate. If a funeral director
24 fails to file written reports under this Section in a timely

1 manner, the local registrar may suspend the funeral director's
2 privilege of filing written reports by mail. In a county with a
3 population greater than 3,000,000, if a funeral director or
4 person acting as such interrs or entombs a dead body without
5 having previously certified that the physician in charge of the
6 patient's care for the illness or condition that resulted in
7 death has been contacted and has affirmatively stated that he
8 or she will sign the medical certificate of death, then that
9 funeral director or person acting as such is responsible for
10 payment of the specific costs incurred by the county medical
11 examiner in disinterring and reinterring or reentombing the
12 dead body.

13 (2) The written report as specified in paragraph (1) of
14 this Section shall not serve as a permit to:

15 (a) Remove body or fetus from this State;

16 (b) Cremate the body or fetus; or

17 (c) Make disposal of any body or fetus in any manner
18 when death is subject to the coroner's or medical
19 examiner's investigation.

20 (3) In accordance with the provisions of paragraph (2) of
21 this Section the funeral director or person acting as such who
22 first assumes custody of a dead body or fetus shall obtain a
23 permit for disposition of such dead human body prior to final
24 disposition or removal from the State of the body or fetus.
25 Such permit shall be issued by the registrar of the district
26 where death occurred or the body or fetus was found. No such

1 permit shall be issued until a properly completed certificate
2 of death has been filed with the registrar. The registrar shall
3 insure the issuance of a permit for disposition within an
4 expedited period of time to accommodate Sunday or holiday
5 burials of decedents whose time of death and religious tenets
6 or beliefs necessitate Sunday or holiday burials.

7 (4) A permit which accompanies a dead body or fetus brought
8 into this State shall be authority for final disposition of the
9 body or fetus in this State, except in municipalities where
10 local ordinance requires the issuance of a local permit prior
11 to disposition.

12 (5) A permit for disposition of a dead human body shall be
13 required prior to disinterment of a dead body or fetus, and
14 when the disinterred body is to be shipped by a common carrier.
15 Such permit shall be issued to a licensed funeral director or
16 person acting as such, upon proper application, by the local
17 registrar of the district in which disinterment is to be made.
18 In the case of disinterment, proper application shall include a
19 statement providing the name and address of any surviving
20 spouse of the deceased, or, if none, any surviving children of
21 the deceased, or if no surviving spouse or children, a parent,
22 brother, or sister of the deceased. The application shall
23 indicate whether the applicant is one of these parties and, if
24 so, whether the applicant is a surviving spouse or a surviving
25 child. Prior to the issuance of a permit for disinterment, the
26 local registrar shall, by certified mail, notify the surviving

1 spouse, unless he or she is the applicant, or if there is no
2 surviving spouse, all surviving children except for the
3 applicant, of the application for the permit. The person or
4 persons notified shall have 30 days from the mailing of the
5 notice to object by obtaining an injunction enjoining the
6 issuance of the permit. After the 30-day period has expired,
7 the local registrar shall issue the permit unless he or she has
8 been enjoined from doing so or there are other statutory
9 grounds for refusal. The notice to the spouse or surviving
10 children shall inform the person or persons being notified of
11 the right to seek an injunction within 30 days. Notwithstanding
12 any other provision of this subsection (5), a court may order
13 issuance of a permit for disinterment without notice or prior
14 to the expiration of the 30-day period where the petition is
15 made by an agency of any governmental unit and good cause is
16 shown for disinterment without notice or for the early order.
17 Nothing in this subsection (5) limits the authority of the City
18 of Chicago to acquire property or otherwise exercise its powers
19 under the O'Hare Modernization Act or requires that City, or
20 any person acting on behalf of that City, to obtain a permit
21 under this subsection (5) when exercising powers under the
22 O'Hare Modernization Act. The Illinois Department of
23 Transportation, and any person acting on its behalf under a
24 public-private agreement entered into in accordance with the
25 Public-Private Agreements for the South Suburban Airport Act,
26 is exempt from this subsection (5), provided that the Illinois

1 Department of Transportation, or any such person, takes
2 reasonable steps to comply with the provisions of this
3 subsection (5) so long as compliance does not interfere with
4 the design, development, operation, or maintenance of the South
5 Suburban Airport or the exercise of their powers under the
6 Public-Private Agreements for the South Suburban Airport Act.

7 (Source: P.A. 93-450, eff. 8-6-03.)

8 Section 4-70. The Eminent Domain Act is amended by changing
9 Section 10-5-10 and by adding Sections 15-5-47 and 25-5-45 as
10 follows:

11 (735 ILCS 30/10-5-10) (was 735 ILCS 5/7-102)

12 Sec. 10-5-10. Parties.

13 (a) When the right (i) to take private property for public
14 use, without the owner's consent, (ii) to construct or maintain
15 any public road, railroad, plankroad, turnpike road, canal, or
16 other public work or improvement, or (iii) to damage property
17 not actually taken has been or is conferred by general law or
18 special charter upon any corporate or municipal authority,
19 public body, officer or agent, person, commissioner, or
20 corporation and when (i) the compensation to be paid for or in
21 respect of the property sought to be appropriated or damaged
22 for the purposes mentioned cannot be agreed upon by the parties
23 interested, (ii) the owner of the property is incapable of
24 consenting, (iii) the owner's name or residence is unknown, or

1 (iv) the owner is a nonresident of the State, then the party
2 authorized to take or damage the property so required, or to
3 construct, operate, and maintain any public road, railroad,
4 plankroad, turnpike road, canal, or other public work or
5 improvement, may apply to the circuit court of the county where
6 the property or any part of the property is situated, by filing
7 with the clerk a complaint. The complaint shall set forth, by
8 reference, (i) the complainant's authority in the premises,
9 (ii) the purpose for which the property is sought to be taken
10 or damaged, (iii) a description of the property, and (iv) the
11 names of all persons interested in the property as owners or
12 otherwise, as appearing of record, if known, or if not known
13 stating that fact; and shall pray the court to cause the
14 compensation to be paid to the owner to be assessed.

15 (b) If it appears that any person not in being, upon coming
16 into being, is, or may become or may claim to be, entitled to
17 any interest in the property sought to be appropriated or
18 damaged, the court shall appoint some competent and
19 disinterested person as guardian ad litem to appear for and
20 represent that interest in the proceeding and to defend the
21 proceeding on behalf of the person not in being. Any judgment
22 entered in the proceeding shall be as effectual for all
23 purposes as though the person was in being and was a party to
24 the proceeding.

25 (c) If the proceeding seeks to affect the property of
26 persons under guardianship, the guardians shall be made parties

1 defendant.

2 (d) Any interested persons whose names are unknown may be
3 made parties defendant by the same descriptions and in the same
4 manner as provided in other civil cases.

5 (e) When the property to be taken or damaged is a common
6 element of property subject to a declaration of condominium
7 ownership, pursuant to the Condominium Property Act, or of a
8 common interest community, the complaint shall name the unit
9 owners' association in lieu of naming the individual unit
10 owners and lienholders on individual units. Unit owners,
11 mortgagees, and other lienholders may intervene as parties
12 defendant. For the purposes of this Section, "common interest
13 community" has the same meaning as set forth in subsection (c)
14 of Section 9-102 of the Code of Civil Procedure. "Unit owners'
15 association" or "association" shall refer to both the
16 definition contained in Section 2 of the Condominium Property
17 Act and subsection (c) of Section 9-102 of the Code of Civil
18 Procedure.

19 (f) When the property is sought to be taken or damaged by
20 the State for the purposes of establishing, operating, or
21 maintaining any State house or State charitable or other
22 institutions or improvements, the complaint shall be signed by
23 the Governor, or the Governor's designee, or as otherwise
24 provided by law.

25 (g) No property, except property described in Section 3 of
26 the Sports Stadium Act, property to be acquired in furtherance

1 of actions under Article 11, Divisions 124, 126, 128, 130, 135,
2 136, and 139, of the Illinois Municipal Code, property to be
3 acquired in furtherance of actions under Section 3.1 of the
4 Intergovernmental Cooperation Act, property to be acquired
5 that is a water system or waterworks pursuant to the home rule
6 powers of a unit of local government, and property described as
7 Site B in Section 2 of the Metropolitan Pier and Exposition
8 Authority Act, and property that may be taken as provided in
9 the Public-Private Agreements for the South Suburban Airport
10 Act belonging to a railroad or other public utility subject to
11 the jurisdiction of the Illinois Commerce Commission may be
12 taken or damaged, pursuant to the provisions of this Act,
13 without the prior approval of the Illinois Commerce Commission.
14 (Source: P.A. 94-1055, eff. 1-1-07; incorporates P.A. 94-1007,
15 eff. 1-1-07; 95-331, eff. 8-21-07.)

16 (735 ILCS 30/15-5-47 new)

17 Sec. 15-5-47. Eminent domain powers in new Acts. The
18 following provisions of law may include express grants of the
19 power to acquire property by condemnation or eminent domain:

20 Public-Private Agreements for the South Suburban Airport Act;
21 Department of Transportation; for South Suburban Airport
22 purposes.

23 (735 ILCS 30/25-5-45 new)

1 Sec. 25-5-45. Quick-take; South Suburban Airport.
2 Quick-take proceedings under Article 20 may be used by the
3 Department of Transportation for the purpose of development of
4 the South Suburban Airport within the boundaries designated on
5 the map filed with the Secretary of State on May 28, 2013 and
6 known as file number 98-GA-D01.

7 Section 4-75. The Religious Freedom Restoration Act is
8 amended by changing Section 30 as follows:

9 (775 ILCS 35/30)

10 Sec. 30. O'Hare Modernization and South Suburban Airport.
11 Nothing in this Act limits the authority of the City of Chicago
12 to exercise its powers under the O'Hare Modernization Act, or
13 the Department of Transportation to exercise its powers under
14 the Public-Private Agreements for the South Suburban Airport
15 Act, for the purposes of relocation of cemeteries or the graves
16 located therein.

17 (Source: P.A. 93-450, eff. 8-6-03.)

18 ARTICLE 5.

19 AMENDATORY PROVISIONS

20 Section 5-5. The Illinois Enterprise Zone Act is amended by
21 changing Sections 4.1, 5.2, 5.2.1, 5.3, 5.5, 8.1, and 8.2 as
22 follows:

1 (20 ILCS 655/4.1)

2 Sec. 4.1. Department recommendations.

3 (a) For all applications that qualify under Section 4 of
4 this Act, the Department shall issue recommendations by
5 assigning a score to each applicant. The scores will be
6 determined by the Department, based on the extent to which an
7 applicant meets the criteria points under subsection (f) of
8 Section 4 of this Act. Scores will be determined using the
9 following scoring system:

10 (1) Up to 50 points for the extent to which the
11 applicant meets or exceeds the criteria in item (1) of
12 subsection (f) of Section 4 of this Act, with points
13 awarded according to the severity of the unemployment.

14 (2) Up to 50 points for the extent to which the
15 applicant meets or exceeds the criteria in item (2) of
16 subsection (f) of Section 4 of this Act, with points
17 awarded in accordance with the number of jobs created and
18 the aggregate amount of investment promised.

19 (3) Up to 40 points for the extent to which the
20 applicant meets or exceeds the criteria in item (3) of
21 subsection (f) of Section 4 of this Act, with points
22 awarded in accordance with the severity of the unemployment
23 rate according to the latest federal decennial census.

24 (4) Up to 30 points for the extent to which the
25 applicant meets or exceeds the criteria in item (4) of

1 subsection (f) of Section 4 of this Act, with points
2 awarded in accordance with the severity of the
3 environmental impact of the abandoned coal mine,
4 brownfield, or federal disaster area.

5 (5) Up to 50 points for the extent to which the
6 applicant meets or exceeds the criteria in item (5) of
7 subsection (f) of Section 4 of this Act, with points
8 awarded in accordance with the severity of the applicable
9 facility closures or downsizing.

10 (6) Up to 40 points for the extent to which the
11 applicant meets or exceeds the criteria in item (6) of
12 subsection (f) of Section 4 of this Act, with points
13 awarded in accordance with the severity and extent of the
14 high floor vacancy or deterioration.

15 (7) Up to 30 points for the extent to which the
16 applicant meets or exceeds the criteria in item (7) of
17 subsection (f) of Section 4 of this Act, with points
18 awarded in accordance with the extent to which the
19 application addresses a plan to improve the State and local
20 government tax base.

21 (8) Up to 50 points for the extent to which the
22 applicant meets or exceeds the criteria in item (8) of
23 subsection (f) of Section 4 of this Act, with points
24 awarded in accordance with the existence of significant
25 public infrastructure.

26 (9) Up to 40 points for the extent to which the

1 applicant meets or exceeds the criteria in item (9) of
2 subsection (f) of Section 4 of this Act, with points
3 awarded in accordance with the extent to which educational
4 programs exist for career preparation.

5 (10) Up to 40 points for the extent to which the
6 applicant meets or exceeds the criteria in item (10) of
7 subsection (f) of Section 4 of this Act, with points
8 awarded according to the severity of the change in
9 equalized assessed valuation.

10 (b) After assigning a score for each of the individual
11 criteria using the point system as described in subsection (a),
12 the Department shall then take the sum of the scores for each
13 applicant and assign a final score. The Department shall then
14 submit this information to the Board, as required in subsection
15 (c) of Section 5.2, as its recommendation.

16 (Source: P.A. 97-905, eff. 8-7-12.)

17 (20 ILCS 655/5.2) (from Ch. 67 1/2, par. 607)

18 Sec. 5.2. Department Review of Enterprise Zone
19 Applications.

20 (a) All applications which are to be considered and acted
21 upon by the Department during a calendar year must be received
22 by the Department no later than December 31 of the preceding
23 calendar year.

24 Any application received after December 31 of any calendar
25 year shall be held by the Department for consideration and

1 action during the following calendar year.

2 Each enterprise zone application shall include a specific
3 definition of the applicant's local labor market area.

4 (a-5) The Department shall, no later than July ~~March~~ 31,
5 2013, develop an application process for an enterprise zone
6 application. The Department has emergency rulemaking authority
7 for the purpose of application development only until 12 ~~9~~
8 months after the effective date of this amendatory Act of the
9 97th General Assembly.

10 (b) Upon receipt of an application from a county or
11 municipality the Department shall review the application to
12 determine whether the designated area qualifies as an
13 enterprise zone under Section 4 of this Act.

14 (c) No later than June 30, the Department shall notify all
15 applicant municipalities and counties of the Department's
16 determination of the qualification of their respective
17 designated enterprise zone areas, and shall send qualifying
18 applications, including the applicant's scores for items (1)
19 through (10) of subsection (a) of Section 4.1 and the
20 applicant's final score under that Section, to the Board for
21 the Board's consideration, along with supporting documentation
22 of the basis for the Department's decision.

23 (d) If any such designated area is found to be qualified to
24 be an enterprise zone by the Department under subsection (c) of
25 this Section, the Department shall, no later than July 15, send
26 a letter of notification to each member of the General Assembly

1 whose legislative district or representative district contains
2 all or part of the designated area and publish a notice in at
3 least one newspaper of general circulation within the proposed
4 zone area to notify the general public of the application and
5 their opportunity to comment. Such notice shall include a
6 description of the area and a brief summary of the application
7 and shall indicate locations where the applicant has provided
8 copies of the application for public inspection. The notice
9 shall also indicate appropriate procedures for the filing of
10 written comments from zone residents, business, civic and other
11 organizations and property owners to the Department.

12 (e) (Blank).

13 (f) (Blank).

14 (g) (Blank).

15 (h) (Blank).

16 (Source: P.A. 97-905, eff. 8-7-12.)

17 (20 ILCS 655/5.2.1)

18 Sec. 5.2.1. Enterprise Zone Board.

19 (a) An Enterprise Zone Board is hereby created within the
20 Department.

21 (b) The Board shall consist of the following 5 members:

22 (1) the Director of Commerce and Economic Opportunity,
23 or his or her designee, who shall serve as chairperson;

24 (2) the Director of Revenue, or his or her designee;
25 and

1 (3) three members appointed by the Governor, with the
2 advice and consent of the Senate.

3 Board members shall serve without compensation but may be
4 reimbursed for necessary expenses incurred in the performance
5 of their duties.

6 (c) Each member appointed under item (3) of subsection (b)
7 shall have at least 5 years of experience in business, economic
8 development, or site location. Of the members appointed under
9 item (3) of subsection (b): one member shall reside in Cook
10 County; one member shall reside in DuPage, Kane, Lake, McHenry,
11 or Will County; and one member shall reside in a county other
12 than Cook, DuPage, Kane, Lake, McHenry, or Will.

13 (d) Of the initial members appointed under item (3) of
14 subsection (b): one member shall serve for a term of 2 years;
15 one member shall serve for a term of 3 years; and one member
16 shall serve for a term of 4 years. Thereafter, all members
17 appointed under item (3) of subsection (b) shall serve for
18 terms of 4 years. Members appointed under item (3) of
19 subsection (b) may be reappointed. The Governor may remove a
20 member appointed under item (3) of subsection (b) for
21 incompetence, neglect of duty, or malfeasance in office.

22 (e) By September 30, 2015 ~~2014~~, and September 30 of each
23 year thereafter, all applications filed by December 31 of the
24 preceding calendar year and deemed qualified by the Department
25 shall be approved or denied by the Board. If such application
26 is not approved by September 30, the application shall be

1 considered denied. If an application is denied, the Board shall
2 inform the applicant of the specific reasons for the denial.

3 (f) A majority of the Board will determine whether an
4 application is approved or denied. The Board is not, at any
5 time, required to designate an enterprise zone.

6 (g) In determining which designated areas shall be approved
7 and certified as enterprise zones, the Board shall give
8 preference to the extent to which the area meets the criteria
9 set forth in Section 4.

10 (Source: P.A. 97-905, eff. 8-7-12.)

11 (20 ILCS 655/5.3) (from Ch. 67 1/2, par. 608)

12 Sec. 5.3. Certification of Enterprise Zones; Effective
13 date.

14 (a) Certification of Board-approved designated Enterprise
15 Zones shall be made by the Department by certification of the
16 designating ordinance. The Department shall promptly issue a
17 certificate for each Enterprise Zone upon approval by the
18 Board. The certificate shall be signed by the Director of the
19 Department, shall make specific reference to the designating
20 ordinance, which shall be attached thereto, and shall be filed
21 in the office of the Secretary of State. A certified copy of
22 the Enterprise Zone Certificate, or a duplicate original
23 thereof, shall be recorded in the office of recorder of deeds
24 of the county in which the Enterprise Zone lies.

25 (b) An Enterprise Zone shall be effective on January 1 of

1 the first calendar year after Department certification. The
2 Department shall transmit a copy of the certification to the
3 Department of Revenue, and to the designating municipality or
4 county.

5 Upon certification of an Enterprise Zone, the terms and
6 provisions of the designating ordinance shall be in effect, and
7 may not be amended or repealed except in accordance with
8 Section 5.4.

9 (c) With the exception of Enterprise Zones scheduled to
10 expire before December 31, 2018, an Enterprise Zone designated
11 before the effective date of this amendatory Act of the 97th
12 General Assembly shall be in effect for 30 calendar years, or
13 for a lesser number of years specified in the certified
14 designating ordinance. Notwithstanding the foregoing, any
15 Enterprise Zone in existence on the effective date of this
16 amendatory Act of the 98th General Assembly that has a term of
17 20 calendar years may be extended for an additional 10 calendar
18 years upon amendment of the designating ordinance by the
19 designating municipality or county and submission of the
20 ordinance to the Department. The amended ordinance must be
21 properly recorded in the Office of Recorder of Deeds of each
22 county in which the Enterprise Zone lies. Each Enterprise Zone
23 in existence on the effective date of this amendatory Act of
24 the 97th General Assembly that is scheduled to expire before
25 July 1, 2016 may ~~will~~ have its termination date extended until
26 July 1, 2016 upon amendment of the designating ordinance by the

1 designating municipality or county extending the termination
2 date to July 1, 2016 and submission of the ordinance to the
3 Department. The amended ordinance must be properly recorded in
4 the Office of Recorder of Deeds of each county in which the
5 Enterprise Zone lies. An Enterprise Zone designated on or after
6 the effective date of this amendatory Act of the 97th General
7 Assembly shall be in effect for a term of 15 calendar years, or
8 for a lesser number of years specified in the certified
9 designating ordinance. An enterprise zone designated on or
10 after the effective date of this amendatory Act of the 97th
11 General Assembly shall be subject to review by the Board after
12 13 years for an additional 10-year designation beginning on the
13 expiration date of the enterprise zone. During the review
14 process, the Board shall consider the costs incurred by the
15 State and units of local government as a result of tax benefits
16 received by the enterprise zone. Enterprise Zones shall
17 terminate at midnight of December 31 of the final calendar year
18 of the certified term, except as provided in Section 5.4.

19 (d) No more than 12 Enterprise Zones may be certified by
20 the Department in calendar year 1984, no more than 12
21 Enterprise Zones may be certified by the Department in calendar
22 year 1985, no more than 13 Enterprise Zones may be certified by
23 the Department in calendar year 1986, no more than 15
24 Enterprise Zones may be certified by the Department in calendar
25 year 1987, and no more than 20 Enterprise Zones may be
26 certified by the Department in calendar year 1990. In other

1 calendar years, no more than 13 Enterprise Zones may be
2 certified by the Department. The Department may also designate
3 up to 8 additional Enterprise Zones outside the regular
4 application cycle if warranted by the extreme economic
5 circumstances as determined by the Department. The Department
6 may also designate one additional Enterprise Zone outside the
7 regular application cycle if an aircraft manufacturer agrees to
8 locate an aircraft manufacturing facility in the proposed
9 Enterprise Zone. Notwithstanding any other provision of this
10 Act, no more than 89 Enterprise Zones may be certified by the
11 Department for the 10 calendar years commencing with 1983. The
12 7 additional Enterprise Zones authorized by Public Act 86-15
13 shall not lie within municipalities or unincorporated areas of
14 counties that abut or are contiguous to Enterprise Zones
15 certified pursuant to this Section prior to June 30, 1989. The
16 7 additional Enterprise Zones (excluding the additional
17 Enterprise Zone which may be designated outside the regular
18 application cycle) authorized by Public Act 86-1030 shall not
19 lie within municipalities or unincorporated areas of counties
20 that abut or are contiguous to Enterprise Zones certified
21 pursuant to this Section prior to February 28, 1990. Beginning
22 in calendar year 2004 and until December 31, 2008, one
23 additional enterprise zone may be certified by the Department.
24 In any calendar year, the Department may not certify more than
25 3 Zones located within the same municipality. The Department
26 may certify Enterprise Zones in each of the 10 calendar years

1 commencing with 1983. The Department may not certify more than
2 a total of 18 Enterprise Zones located within the same county
3 (whether within municipalities or within unincorporated
4 territory) for the 10 calendar years commencing with 1983.
5 Thereafter, the Department may not certify any additional
6 Enterprise Zones, but may amend and rescind certifications of
7 existing Enterprise Zones in accordance with Section 5.4.

8 (e) Notwithstanding any other provision of law, if (i) the
9 county board of any county in which a current military base is
10 located, in part or in whole, or in which a military base that
11 has been closed within 20 years of the effective date of this
12 amendatory Act of 1998 is located, in part or in whole, adopts
13 a designating ordinance in accordance with Section 5 of this
14 Act to designate the military base in that county as an
15 enterprise zone and (ii) the property otherwise meets the
16 qualifications for an enterprise zone as prescribed in Section
17 4 of this Act, then the Department may certify the designating
18 ordinance or ordinances, as the case may be.

19 (f) Applications for Enterprise Zones that are scheduled to
20 expire in 2016, ~~2017, or 2018~~, including Enterprise Zones that
21 have been extended until 2016 by this amendatory Act of the
22 97th General Assembly, shall be submitted to the Department no
23 later than December 31, 2014 ~~the date established by the~~
24 ~~Department by rule pursuant to Section 5.2~~. At that time, the
25 Zone becomes available for either the previously designated
26 area or a different area to compete for designation. No

1 preference for designation as a Zone will be given to the
2 previously designated area.

3 For Enterprise Zones that are scheduled to expire on or
4 after January 1, 2017 ~~2019~~, an application process shall begin
5 2 years prior to the year in which the Zone expires. At that
6 time, the Zone becomes available for either the previously
7 designated area or a different area to compete for designation.
8 No preference for designation as a Zone will be given to the
9 previously designated area.

10 Each Enterprise Zone that reapplies for certification but
11 does not receive a new certification shall expire on its
12 scheduled termination date.

13 (Source: P.A. 97-905, eff. 8-7-12.)

14 (20 ILCS 655/5.5) (from Ch. 67 1/2, par. 609.1)

15 Sec. 5.5. High Impact Business.

16 (a) In order to respond to unique opportunities to assist
17 in the encouragement, development, growth and expansion of the
18 private sector through large scale investment and development
19 projects, the Department is authorized to receive and approve
20 applications for the designation of "High Impact Businesses" in
21 Illinois subject to the following conditions:

22 (1) such applications may be submitted at any time
23 during the year;

24 (2) such business is not located, at the time of
25 designation, in an enterprise zone designated pursuant to

1 this Act;

2 (3) the business intends to do one or more of the
3 following:

4 (A) the business intends to make a minimum
5 investment of \$12,000,000 which will be placed in
6 service in qualified property and intends to create 500
7 full-time equivalent jobs at a designated location in
8 Illinois or intends to make a minimum investment of
9 \$30,000,000 which will be placed in service in
10 qualified property and intends to retain 1,500
11 full-time retained jobs at a designated location in
12 Illinois. The business must certify in writing that the
13 investments would not be placed in service in qualified
14 property and the job creation or job retention would
15 not occur without the tax credits and exemptions set
16 forth in subsection (b) of this Section. The terms
17 "placed in service" and "qualified property" have the
18 same meanings as described in subsection (h) of Section
19 201 of the Illinois Income Tax Act; or

20 (B) the business intends to establish a new
21 electric generating facility at a designated location
22 in Illinois. "New electric generating facility", for
23 purposes of this Section, means a newly-constructed
24 electric generation plant or a newly-constructed
25 generation capacity expansion at an existing electric
26 generation plant, including the transmission lines and

1 associated equipment that transfers electricity from
2 points of supply to points of delivery, and for which
3 such new foundation construction commenced not sooner
4 than July 1, 2001. Such facility shall be designed to
5 provide baseload electric generation and shall operate
6 on a continuous basis throughout the year; and (i)
7 shall have an aggregate rated generating capacity of at
8 least 1,000 megawatts for all new units at one site if
9 it uses natural gas as its primary fuel and foundation
10 construction of the facility is commenced on or before
11 December 31, 2004, or shall have an aggregate rated
12 generating capacity of at least 400 megawatts for all
13 new units at one site if it uses coal or gases derived
14 from coal as its primary fuel and shall support the
15 creation of at least 150 new Illinois coal mining jobs,
16 or (ii) shall be funded through a federal Department of
17 Energy grant before December 31, 2010 and shall support
18 the creation of Illinois coal-mining jobs, or (iii)
19 shall use coal gasification or integrated
20 gasification-combined cycle units that generate
21 electricity or chemicals, or both, and shall support
22 the creation of Illinois coal-mining jobs. The
23 business must certify in writing that the investments
24 necessary to establish a new electric generating
25 facility would not be placed in service and the job
26 creation in the case of a coal-fueled plant would not

1 occur without the tax credits and exemptions set forth
2 in subsection (b-5) of this Section. The term "placed
3 in service" has the same meaning as described in
4 subsection (h) of Section 201 of the Illinois Income
5 Tax Act; or

6 (B-5) the business intends to establish a new
7 gasification facility at a designated location in
8 Illinois. As used in this Section, "new gasification
9 facility" means a newly constructed coal gasification
10 facility that generates chemical feedstocks or
11 transportation fuels derived from coal (which may
12 include, but are not limited to, methane, methanol, and
13 nitrogen fertilizer), that supports the creation or
14 retention of Illinois coal-mining jobs, and that
15 qualifies for financial assistance from the Department
16 before December 31, 2010. A new gasification facility
17 does not include a pilot project located within
18 Jefferson County or within a county adjacent to
19 Jefferson County for synthetic natural gas from coal;
20 or

21 (C) the business intends to establish production
22 operations at a new coal mine, re-establish production
23 operations at a closed coal mine, or expand production
24 at an existing coal mine at a designated location in
25 Illinois not sooner than July 1, 2001; provided that
26 the production operations result in the creation of 150

1 new Illinois coal mining jobs as described in
2 subdivision (a)(3)(B) of this Section, and further
3 provided that the coal extracted from such mine is
4 utilized as the predominant source for a new electric
5 generating facility. The business must certify in
6 writing that the investments necessary to establish a
7 new, expanded, or reopened coal mine would not be
8 placed in service and the job creation would not occur
9 without the tax credits and exemptions set forth in
10 subsection (b-5) of this Section. The term "placed in
11 service" has the same meaning as described in
12 subsection (h) of Section 201 of the Illinois Income
13 Tax Act; or

14 (D) the business intends to construct new
15 transmission facilities or upgrade existing
16 transmission facilities at designated locations in
17 Illinois, for which construction commenced not sooner
18 than July 1, 2001. For the purposes of this Section,
19 "transmission facilities" means transmission lines
20 with a voltage rating of 115 kilovolts or above,
21 including associated equipment, that transfer
22 electricity from points of supply to points of delivery
23 and that transmit a majority of the electricity
24 generated by a new electric generating facility
25 designated as a High Impact Business in accordance with
26 this Section. The business must certify in writing that

1 the investments necessary to construct new
2 transmission facilities or upgrade existing
3 transmission facilities would not be placed in service
4 without the tax credits and exemptions set forth in
5 subsection (b-5) of this Section. The term "placed in
6 service" has the same meaning as described in
7 subsection (h) of Section 201 of the Illinois Income
8 Tax Act; or

9 (E) the business intends to establish a new wind
10 power facility at a designated location in Illinois.
11 For purposes of this Section, "new wind power facility"
12 means a newly constructed electric generation
13 facility, or a newly constructed expansion of an
14 existing electric generation facility, placed in
15 service on or after July 1, 2009, that generates
16 electricity using wind energy devices, and such
17 facility shall be deemed to include all associated
18 transmission lines, substations, and other equipment
19 related to the generation of electricity from wind
20 energy devices. For purposes of this Section, "wind
21 energy device" means any device, with a nameplate
22 capacity of at least 0.5 megawatts, that is used in the
23 process of converting kinetic energy from the wind to
24 generate electricity; or ~~and~~

25 (F) the business commits to (i) make a minimum
26 investment of \$500,000,000, which will be placed in

1 service in a qualified property, (ii) create 125
2 full-time equivalent jobs at a designated location in
3 Illinois, (iii) establish a fertilizer plant at a
4 designated location in Illinois that complies with the
5 set-back standards as described in Table 1: Initial
6 Isolation and Protective Action Distances in the 2012
7 Emergency Response Guidebook published by the United
8 States Department of Transportation, (iv) pay a
9 prevailing wage for employees at that location who are
10 engaged in construction activities, and (v) secure an
11 appropriate level of general liability insurance to
12 protect against catastrophic failure of the fertilizer
13 plant or any of its constituent systems; in addition,
14 the business must agree to enter into a construction
15 project labor agreement including provisions
16 establishing wages, benefits, and other compensation
17 for employees performing work under the project labor
18 agreement at that location; for the purposes of this
19 Section, "fertilizer plant" means a newly constructed
20 or upgraded plant utilizing gas used in the production
21 of anhydrous ammonia and downstream nitrogen
22 fertilizer products for resale; for the purposes of
23 this Section, "prevailing wage" means the hourly cash
24 wages plus fringe benefits for training and
25 apprenticeship programs approved by the U.S.
26 Department of Labor, Bureau of Apprenticeship and

1 Training, health and welfare, insurance, vacations and
2 pensions paid generally, in the locality in which the
3 work is being performed, to employees engaged in work
4 of a similar character on public works; this paragraph
5 (F) applies only to businesses that submit an
6 application to the Department within 60 days after the
7 effective date of this amendatory Act of the 98th
8 General Assembly; and

9 (4) no later than 90 days after an application is
10 submitted, the Department shall notify the applicant of the
11 Department's determination of the qualification of the
12 proposed High Impact Business under this Section.

13 (b) Businesses designated as High Impact Businesses
14 pursuant to subdivision (a) (3) (A) of this Section shall qualify
15 for the credits and exemptions described in the following Acts:
16 Section 9-222 and Section 9-222.1A of the Public Utilities Act,
17 subsection (h) of Section 201 of the Illinois Income Tax Act,
18 and Section 1d of the Retailers' Occupation Tax Act; provided
19 that these credits and exemptions described in these Acts shall
20 not be authorized until the minimum investments set forth in
21 subdivision (a) (3) (A) of this Section have been placed in
22 service in qualified properties and, in the case of the
23 exemptions described in the Public Utilities Act and Section 1d
24 of the Retailers' Occupation Tax Act, the minimum full-time
25 equivalent jobs or full-time retained jobs set forth in
26 subdivision (a) (3) (A) of this Section have been created or

1 retained. Businesses designated as High Impact Businesses
2 under this Section shall also qualify for the exemption
3 described in Section 51 of the Retailers' Occupation Tax Act.
4 The credit provided in subsection (h) of Section 201 of the
5 Illinois Income Tax Act shall be applicable to investments in
6 qualified property as set forth in subdivision (a)(3)(A) of
7 this Section.

8 (b-5) Businesses designated as High Impact Businesses
9 pursuant to subdivisions (a)(3)(B), (a)(3)(B-5), (a)(3)(C),
10 and (a)(3)(D) of this Section shall qualify for the credits and
11 exemptions described in the following Acts: Section 51 of the
12 Retailers' Occupation Tax Act, Section 9-222 and Section
13 9-222.1A of the Public Utilities Act, and subsection (h) of
14 Section 201 of the Illinois Income Tax Act; however, the
15 credits and exemptions authorized under Section 9-222 and
16 Section 9-222.1A of the Public Utilities Act, and subsection
17 (h) of Section 201 of the Illinois Income Tax Act shall not be
18 authorized until the new electric generating facility, the new
19 gasification facility, the new transmission facility, or the
20 new, expanded, or reopened coal mine is operational, except
21 that a new electric generating facility whose primary fuel
22 source is natural gas is eligible only for the exemption under
23 Section 51 of the Retailers' Occupation Tax Act.

24 (b-6) Businesses designated as High Impact Businesses
25 pursuant to subdivision (a)(3)(E) of this Section shall qualify
26 for the exemptions described in Section 51 of the Retailers'

1 Occupation Tax Act; any business so designated as a High Impact
2 Business being, for purposes of this Section, a "Wind Energy
3 Business".

4 (c) High Impact Businesses located in federally designated
5 foreign trade zones or sub-zones are also eligible for
6 additional credits, exemptions and deductions as described in
7 the following Acts: Section 9-221 and Section 9-222.1 of the
8 Public Utilities Act; and subsection (g) of Section 201, and
9 Section 203 of the Illinois Income Tax Act.

10 (d) Except for businesses contemplated under subdivision
11 (a)(3)(E) of this Section, existing Illinois businesses which
12 apply for designation as a High Impact Business must provide
13 the Department with the prospective plan for which 1,500
14 full-time retained jobs would be eliminated in the event that
15 the business is not designated.

16 (e) Except for new wind power facilities contemplated under
17 subdivision (a)(3)(E) of this Section, new proposed facilities
18 which apply for designation as High Impact Business must
19 provide the Department with proof of alternative non-Illinois
20 sites which would receive the proposed investment and job
21 creation in the event that the business is not designated as a
22 High Impact Business.

23 (f) Except for businesses contemplated under subdivision
24 (a)(3)(E) of this Section, in the event that a business is
25 designated a High Impact Business and it is later determined
26 after reasonable notice and an opportunity for a hearing as

1 provided under the Illinois Administrative Procedure Act, that
2 the business would have placed in service in qualified property
3 the investments and created or retained the requisite number of
4 jobs without the benefits of the High Impact Business
5 designation, the Department shall be required to immediately
6 revoke the designation and notify the Director of the
7 Department of Revenue who shall begin proceedings to recover
8 all wrongfully exempted State taxes with interest. The business
9 shall also be ineligible for all State funded Department
10 programs for a period of 10 years.

11 (g) The Department shall revoke a High Impact Business
12 designation if the participating business fails to comply with
13 the terms and conditions of the designation. However, the
14 penalties for new wind power facilities or Wind Energy
15 Businesses for failure to comply with any of the terms or
16 conditions of the Illinois Prevailing Wage Act shall be only
17 those penalties identified in the Illinois Prevailing Wage Act,
18 and the Department shall not revoke a High Impact Business
19 designation as a result of the failure to comply with any of
20 the terms or conditions of the Illinois Prevailing Wage Act in
21 relation to a new wind power facility or a Wind Energy
22 Business.

23 (h) Prior to designating a business, the Department shall
24 provide the members of the General Assembly and Commission on
25 Government Forecasting and Accountability with a report
26 setting forth the terms and conditions of the designation and

1 guarantees that have been received by the Department in
2 relation to the proposed business being designated.

3 (Source: P.A. 96-28, eff. 7-1-09; 97-905, eff. 8-7-12.)

4 (20 ILCS 655/8.1)

5 Sec. 8.1. Accounting.

6 (a) Any business receiving tax incentives due to its
7 location within an Enterprise Zone or its designation as a High
8 Impact Business must annually report to the Department of
9 Revenue information reasonably required by the Department of
10 Revenue to enable the Department to verify and calculate the
11 total Enterprise Zone or High Impact Business tax benefits for
12 property taxes and taxes imposed by the State that are received
13 by the business, broken down by incentive category and
14 enterprise zone, if applicable, ~~annually to the Department of~~
15 Revenue. Reports will be due no later than May 31 ~~March 30~~
16 of each year and shall cover the previous calendar year. The first
17 report will be for the 2012 calendar year and will be due no
18 later than May 31, 2013 ~~March 30, 2013~~. Failure to report data
19 may ~~shall~~ result in ineligibility to receive incentives. To the
20 extent that a business receiving tax incentives has obtained an
21 Enterprise Zone Building Materials Exemption Certificate or a
22 High Impact Business Building Materials Exemption Certificate,
23 that business is required to report those building materials
24 exemption benefits only under subsection (a-5) of this Section.
25 No additional reporting for those building materials exemption

1 benefits is required under this subsection (a). The Department,
2 in consultation with the Department of Revenue, is authorized
3 to adopt rules governing ineligibility to receive exemptions,
4 including the length of ineligibility. Factors to be considered
5 in determining whether a business is ineligible shall include,
6 but are not limited to, prior compliance with the reporting
7 requirements, cooperation in discontinuing and correcting
8 violations, the extent of the violation, and whether the
9 violation was willful or inadvertent ~~For the first offense, a~~
10 ~~business shall be given 60 days to comply.~~

11 (a-5) Each contractor or other entity that has been issued
12 an Enterprise Zone Building Materials Exemption Certificate
13 under Section 5k of the Retailers' Occupation Tax Act or a High
14 Impact Business Building Materials Exemption Certificate under
15 Section 5l of the Retailers' Occupation Tax Act shall annually
16 report to the Department of Revenue the total value of the
17 Enterprise Zone or High Impact Business building materials
18 exemption from State taxes. Reports shall contain information
19 reasonably required by the Department of Revenue to enable it
20 to verify and calculate the total tax benefits for taxes
21 imposed by the State, and shall be broken down by Enterprise
22 Zone. Reports are due no later than May 31 of each year and
23 shall cover the previous calendar year. The first report will
24 be for the 2013 calendar year and will be due no later than May
25 31, 2014. Failure to report data may result in revocation of
26 the Enterprise Zone Building Materials Exemption Certificate

1 or High Impact Business Building Materials Exemption
2 Certificate issued to the contractor or other entity.

3 The Department of Revenue is authorized to adopt rules
4 governing revocation determinations, including the length of
5 revocation. Factors to be considered in revocations shall
6 include, but are not limited to, prior compliance with the
7 reporting requirements, cooperation in discontinuing and
8 correcting violations, and whether the certificate was used
9 unlawfully during the preceding year.

10 (b) Each person required to file a return under the Gas
11 Revenue Tax Act, the Gas Use Tax Act, the Electricity Excise
12 Tax Act, or the Telecommunications Excise Tax Act shall file,
13 on or before May 31 ~~March 30~~ of each year, a report with the
14 Department of Revenue, in the manner and form required by the
15 Department of Revenue, containing information reasonably
16 required by the Department of Revenue to enable the Department
17 of Revenue to calculate ~~itemizing~~ the amount of the deduction
18 for taxes imposed by the State that is taken under each Act,
19 respectively, due to the location of a business in an
20 Enterprise Zone or its designation as a High Impact Business.
21 The report shall be itemized by business and the business
22 location address.

23 (c) Employers shall report their job creation, retention,
24 and capital investment numbers within the zone annually to the
25 ~~administrator, which will compile the information and report it~~
26 ~~to the~~ Department of Revenue no later than May 31 ~~March 30~~ of

1 each calendar year. High Impact Businesses shall report their
2 job creation, retention, and capital investment numbers
3 ~~directly~~ to the Department of Revenue no later than May 31
4 ~~March 30~~ of each year.

5 (d) The Department of Revenue will aggregate and collect
6 the tax, job, and capital investment data by Enterprise Zone
7 and High Impact Business and report this information, formatted
8 to exclude company-specific proprietary information, to the
9 Department and the Board by August ~~May~~ 1, 2013, and by August
10 ~~May~~ 1 of every calendar year thereafter. The Department will
11 include this information in their required reports under
12 Section 6 of this Act. The Board shall consider this
13 information during the reviews required under subsection (d-5)
14 of Section 5.4 of this Act and subsection (c) of Section 5.3 of
15 this Act.

16 (e) The Department of Revenue, in its discretion, may
17 require that the reports filed under this Section be submitted
18 electronically.

19 (f) The Department of Revenue shall have the authority to
20 adopt rules as are reasonable and necessary to implement the
21 provisions of this Section.

22 (Source: P.A. 97-905, eff. 8-7-12.)

23 (20 ILCS 655/8.2)

24 Sec. 8.2. Zone Administrator.

25 (a) Each Zone Administrator designated under Section 8 of

1 this Act shall post a copy of the boundaries of the Enterprise
2 Zone on its official Internet website and shall provide an
3 electronic copy to the Department. The Department shall post
4 each copy of the boundaries of an Enterprise Zone that it
5 receives from a Zone Administrator on its official Internet
6 website.

7 (b) The Zone Administrator shall collect and aggregate the
8 following information:

9 (1) the estimated cost of each building project, broken
10 down into labor and materials; and

11 (2) within 60 days after the end of the project, the
12 estimated cost of each building project, broken down into
13 labor and materials.

14 (c) By April 1 of each year, each Zone Administrator shall
15 file a copy of its fee schedule with the Department, and the
16 Department shall post the fee schedule on its website ~~review~~
17 ~~and approve the fee schedule~~. Zone Administrators shall charge
18 no more than 0.5% of the cost of building materials of the
19 project associated with the specific Enterprise Zone, with a
20 maximum fee of no more than \$50,000.

21 (Source: P.A. 97-905, eff. 8-7-12.)

22 Section 5-10. The Corporate Accountability for Tax
23 Expenditures Act is amended by changing Section 25 as follows:

24 (20 ILCS 715/25)

1 Sec. 25. Recapture.

2 (a) All development assistance agreements shall contain,
3 at a minimum, the following recapture provisions:

4 (1) The recipient must (i) make the level of capital
5 investment in the economic development project specified
6 in the development assistance agreement; (ii) create or
7 retain, or both, the requisite number of jobs, paying not
8 less than specified wages for the created and retained
9 jobs, within and for the duration of the time period
10 specified in the legislation authorizing, or the
11 administrative rules implementing, the development
12 assistance programs and the development assistance
13 agreement.

14 (2) If the recipient fails to create or retain the
15 requisite number of jobs within and for the time period
16 specified, in the legislation authorizing, or the
17 administrative rules implementing, the development
18 assistance programs and the development assistance
19 agreement, the recipient shall be deemed to no longer
20 qualify for the State economic assistance and the
21 applicable recapture provisions shall take effect.

22 (3) If the recipient receives State economic
23 assistance in the form of a High Impact Business
24 designation pursuant to Section 5.5 of the Illinois
25 Enterprise Zone Act and the business receives the benefit
26 of the exemption authorized under Section 51 of the

1 Retailers' Occupation Tax Act (for the sale of building
2 materials incorporated into a High Impact Business
3 location) or the utility tax exemption authorized under
4 Section 9-222.1A of the Public Utilities Act and the
5 recipient fails to create or retain the requisite number of
6 jobs, as determined by the legislation authorizing the
7 development assistance programs or the administrative
8 rules implementing such legislation, or both, within the
9 requisite period of time, the recipient shall be required
10 to pay to the State the full amount of both the State tax
11 exemption and the utility tax exemption that it received as
12 a result of the High Impact Business designation.

13 (4) If the recipient receives a grant or loan pursuant
14 to the Large Business Development Program, the Business
15 Development Public Infrastructure Program, or the
16 Industrial Training Program and the recipient fails to
17 create or retain the requisite number of jobs for the
18 requisite time period, as provided in the legislation
19 authorizing the development assistance programs or the
20 administrative rules implementing such legislation, or
21 both, or in the development assistance agreement, the
22 recipient shall be required to repay to the State a pro
23 rata amount of the grant; that amount shall reflect the
24 percentage of the deficiency between the requisite number
25 of jobs to be created or retained by the recipient and the
26 actual number of such jobs in existence as of the date the

1 Department determines the recipient is in breach of the job
2 creation or retention covenants contained in the
3 development assistance agreement. If the recipient of
4 development assistance under the Large Business
5 Development Program, the Business Development Public
6 Infrastructure Program, or the Industrial Training Program
7 ceases operations at the specific project site, during the
8 5-year period commencing on the date of assistance, the
9 recipient shall be required to repay the entire amount of
10 the grant or to accelerate repayment of the loan back to
11 the State.

12 (5) If the recipient receives a tax credit under the
13 Economic Development for a Growing Economy tax credit
14 program, the development assistance agreement must provide
15 that (i) if the number of new or retained employees falls
16 below the requisite number set forth in the development
17 assistance agreement, the allowance of the credit shall be
18 automatically suspended until the number of new and
19 retained employees equals or exceeds the requisite number
20 in the development assistance agreement; (ii) if the
21 recipient discontinues operations at the specific project
22 site during the 5-year period after the beginning of the
23 first tax year for which the Department issues a tax credit
24 certificate, the recipient shall forfeit all credits taken
25 by the recipient during such 5-year period; and (iii) in
26 the event of a revocation or suspension of the credit, the

1 Department shall contact the Director of Revenue to
2 initiate proceedings against the recipient to recover
3 wrongfully exempted Illinois State income taxes and the
4 recipient shall promptly repay to the Department of Revenue
5 any wrongfully exempted Illinois State income taxes. The
6 forfeited amount of credits shall be deemed assessed on the
7 date the Department contacts the Department of Revenue and
8 the recipient shall promptly repay to the Department of
9 Revenue any wrongfully exempted Illinois State income
10 taxes.

11 (b) The Director may elect to waive enforcement of any
12 contractual provision arising out of the development
13 assistance agreement required by this Act based on a finding
14 that the waiver is necessary to avert an imminent and
15 demonstrable hardship to the recipient that may result in such
16 recipient's insolvency or discharge of workers. If a waiver is
17 granted, the recipient must agree to a contractual
18 modification, including recapture provisions, to the
19 development assistance agreement. The existence of any waiver
20 granted pursuant to this subsection (b) ~~(e)~~, the date of the
21 granting of such waiver, and a brief summary of the reasons
22 supporting the granting of such waiver shall be disclosed
23 consistent with the provisions of Section 25 of this Act.

24 (b-5) The Department shall post, on its website, (i) the
25 identity of each recipient from whom amounts were recaptured
26 under this Section on or after the effective date of this

1 amendatory Act of the 97th General Assembly, (ii) the date of
2 the recapture, (iii) a summary of the reasons supporting the
3 recapture, and (iv) the amount recaptured from those
4 recipients.

5 (c) Beginning June 1, 2004, the Department shall annually
6 compile a report on the outcomes and effectiveness of recapture
7 provisions by program, including but not limited to: (i) the
8 total number of companies that receive development assistance
9 as defined in this Act; (ii) the total number of recipients in
10 violation of development agreements with the Department; (iii)
11 the total number of completed recapture efforts; (iv) the total
12 number of recapture efforts initiated; and (v) the number of
13 waivers granted. This report shall be disclosed consistent with
14 the provisions of Section 20 of this Act.

15 (d) For the purposes of this Act, recapture provisions do
16 not include the Illinois Department of Transportation Economic
17 Development Program, any grants under the Industrial Training
18 Program that are not given as an incentive to a recipient
19 business organization, or any successor programs as described
20 in the term "development assistance" in Section 5 of this Act.

21 (Source: P.A. 97-2, eff. 5-6-11; 97-721, eff. 6-29-12; revised
22 10-10-12.)

23 Section 5-20. The State Finance Act is amended by adding
24 Section 5.827 and 5.829 as follows:

1 (30 ILCS 105/5.827 new)

2 Sec. 5.827. The South Suburban Brownfields Redevelopment
3 Fund.

4 (30 ILCS 105/5.829 new)

5 Sec. 5.829. The Riverfront Development Fund.

6 Section 5-25. The Project Labor Agreements Act is amended
7 by changing Section 10 as follows:

8 (30 ILCS 571/10)

9 Sec. 10. Public works projects. On a project-by-project
10 basis, a State department, agency, authority, board, or
11 instrumentality that is under the control of the Governor shall
12 include a project labor agreement on a public works project
13 when that department, agency, authority, board, or
14 instrumentality has determined that the agreement advances the
15 State's interests of cost, efficiency, quality, safety,
16 timeliness, skilled labor force, labor stability, or the
17 State's policy to advance minority-owned and women-owned
18 businesses and minority and female employment. For purposes of
19 this Act, any corrective action performed pursuant to Title XVI
20 of the Environmental Protection Act for which payment from the
21 Underground Storage Tank Fund is requested shall be considered
22 a public works project.

23 (Source: P.A. 97-199, eff. 7-27-11.)

1 Section 5-30. The Illinois Income Tax Act is amended by
2 changing Section 201 as follows:

3 (35 ILCS 5/201) (from Ch. 120, par. 2-201)

4 Sec. 201. Tax Imposed.

5 (a) In general. A tax measured by net income is hereby
6 imposed on every individual, corporation, trust and estate for
7 each taxable year ending after July 31, 1969 on the privilege
8 of earning or receiving income in or as a resident of this
9 State. Such tax shall be in addition to all other occupation or
10 privilege taxes imposed by this State or by any municipal
11 corporation or political subdivision thereof.

12 (b) Rates. The tax imposed by subsection (a) of this
13 Section shall be determined as follows, except as adjusted by
14 subsection (d-1):

15 (1) In the case of an individual, trust or estate, for
16 taxable years ending prior to July 1, 1989, an amount equal
17 to 2 1/2% of the taxpayer's net income for the taxable
18 year.

19 (2) In the case of an individual, trust or estate, for
20 taxable years beginning prior to July 1, 1989 and ending
21 after June 30, 1989, an amount equal to the sum of (i) 2
22 1/2% of the taxpayer's net income for the period prior to
23 July 1, 1989, as calculated under Section 202.3, and (ii)
24 3% of the taxpayer's net income for the period after June

1 30, 1989, as calculated under Section 202.3.

2 (3) In the case of an individual, trust or estate, for
3 taxable years beginning after June 30, 1989, and ending
4 prior to January 1, 2011, an amount equal to 3% of the
5 taxpayer's net income for the taxable year.

6 (4) In the case of an individual, trust, or estate, for
7 taxable years beginning prior to January 1, 2011, and
8 ending after December 31, 2010, an amount equal to the sum
9 of (i) 3% of the taxpayer's net income for the period prior
10 to January 1, 2011, as calculated under Section 202.5, and
11 (ii) 5% of the taxpayer's net income for the period after
12 December 31, 2010, as calculated under Section 202.5.

13 (5) In the case of an individual, trust, or estate, for
14 taxable years beginning on or after January 1, 2011, and
15 ending prior to January 1, 2015, an amount equal to 5% of
16 the taxpayer's net income for the taxable year.

17 (5.1) In the case of an individual, trust, or estate,
18 for taxable years beginning prior to January 1, 2015, and
19 ending after December 31, 2014, an amount equal to the sum
20 of (i) 5% of the taxpayer's net income for the period prior
21 to January 1, 2015, as calculated under Section 202.5, and
22 (ii) 3.75% of the taxpayer's net income for the period
23 after December 31, 2014, as calculated under Section 202.5.

24 (5.2) In the case of an individual, trust, or estate,
25 for taxable years beginning on or after January 1, 2015,
26 and ending prior to January 1, 2025, an amount equal to

1 3.75% of the taxpayer's net income for the taxable year.

2 (5.3) In the case of an individual, trust, or estate,
3 for taxable years beginning prior to January 1, 2025, and
4 ending after December 31, 2024, an amount equal to the sum
5 of (i) 3.75% of the taxpayer's net income for the period
6 prior to January 1, 2025, as calculated under Section
7 202.5, and (ii) 3.25% of the taxpayer's net income for the
8 period after December 31, 2024, as calculated under Section
9 202.5.

10 (5.4) In the case of an individual, trust, or estate,
11 for taxable years beginning on or after January 1, 2025, an
12 amount equal to 3.25% of the taxpayer's net income for the
13 taxable year.

14 (6) In the case of a corporation, for taxable years
15 ending prior to July 1, 1989, an amount equal to 4% of the
16 taxpayer's net income for the taxable year.

17 (7) In the case of a corporation, for taxable years
18 beginning prior to July 1, 1989 and ending after June 30,
19 1989, an amount equal to the sum of (i) 4% of the
20 taxpayer's net income for the period prior to July 1, 1989,
21 as calculated under Section 202.3, and (ii) 4.8% of the
22 taxpayer's net income for the period after June 30, 1989,
23 as calculated under Section 202.3.

24 (8) In the case of a corporation, for taxable years
25 beginning after June 30, 1989, and ending prior to January
26 1, 2011, an amount equal to 4.8% of the taxpayer's net

1 income for the taxable year.

2 (9) In the case of a corporation, for taxable years
3 beginning prior to January 1, 2011, and ending after
4 December 31, 2010, an amount equal to the sum of (i) 4.8%
5 of the taxpayer's net income for the period prior to
6 January 1, 2011, as calculated under Section 202.5, and
7 (ii) 7% of the taxpayer's net income for the period after
8 December 31, 2010, as calculated under Section 202.5.

9 (10) In the case of a corporation, for taxable years
10 beginning on or after January 1, 2011, and ending prior to
11 January 1, 2015, an amount equal to 7% of the taxpayer's
12 net income for the taxable year.

13 (11) In the case of a corporation, for taxable years
14 beginning prior to January 1, 2015, and ending after
15 December 31, 2014, an amount equal to the sum of (i) 7% of
16 the taxpayer's net income for the period prior to January
17 1, 2015, as calculated under Section 202.5, and (ii) 5.25%
18 of the taxpayer's net income for the period after December
19 31, 2014, as calculated under Section 202.5.

20 (12) In the case of a corporation, for taxable years
21 beginning on or after January 1, 2015, and ending prior to
22 January 1, 2025, an amount equal to 5.25% of the taxpayer's
23 net income for the taxable year.

24 (13) In the case of a corporation, for taxable years
25 beginning prior to January 1, 2025, and ending after
26 December 31, 2024, an amount equal to the sum of (i) 5.25%

1 of the taxpayer's net income for the period prior to
2 January 1, 2025, as calculated under Section 202.5, and
3 (ii) 4.8% of the taxpayer's net income for the period after
4 December 31, 2024, as calculated under Section 202.5.

5 (14) In the case of a corporation, for taxable years
6 beginning on or after January 1, 2025, an amount equal to
7 4.8% of the taxpayer's net income for the taxable year.

8 The rates under this subsection (b) are subject to the
9 provisions of Section 201.5.

10 (c) Personal Property Tax Replacement Income Tax.
11 Beginning on July 1, 1979 and thereafter, in addition to such
12 income tax, there is also hereby imposed the Personal Property
13 Tax Replacement Income Tax measured by net income on every
14 corporation (including Subchapter S corporations), partnership
15 and trust, for each taxable year ending after June 30, 1979.
16 Such taxes are imposed on the privilege of earning or receiving
17 income in or as a resident of this State. The Personal Property
18 Tax Replacement Income Tax shall be in addition to the income
19 tax imposed by subsections (a) and (b) of this Section and in
20 addition to all other occupation or privilege taxes imposed by
21 this State or by any municipal corporation or political
22 subdivision thereof.

23 (d) Additional Personal Property Tax Replacement Income
24 Tax Rates. The personal property tax replacement income tax
25 imposed by this subsection and subsection (c) of this Section
26 in the case of a corporation, other than a Subchapter S

1 corporation and except as adjusted by subsection (d-1), shall
2 be an additional amount equal to 2.85% of such taxpayer's net
3 income for the taxable year, except that beginning on January
4 1, 1981, and thereafter, the rate of 2.85% specified in this
5 subsection shall be reduced to 2.5%, and in the case of a
6 partnership, trust or a Subchapter S corporation shall be an
7 additional amount equal to 1.5% of such taxpayer's net income
8 for the taxable year.

9 (d-1) Rate reduction for certain foreign insurers. In the
10 case of a foreign insurer, as defined by Section 35A-5 of the
11 Illinois Insurance Code, whose state or country of domicile
12 imposes on insurers domiciled in Illinois a retaliatory tax
13 (excluding any insurer whose premiums from reinsurance assumed
14 are 50% or more of its total insurance premiums as determined
15 under paragraph (2) of subsection (b) of Section 304, except
16 that for purposes of this determination premiums from
17 reinsurance do not include premiums from inter-affiliate
18 reinsurance arrangements), beginning with taxable years ending
19 on or after December 31, 1999, the sum of the rates of tax
20 imposed by subsections (b) and (d) shall be reduced (but not
21 increased) to the rate at which the total amount of tax imposed
22 under this Act, net of all credits allowed under this Act,
23 shall equal (i) the total amount of tax that would be imposed
24 on the foreign insurer's net income allocable to Illinois for
25 the taxable year by such foreign insurer's state or country of
26 domicile if that net income were subject to all income taxes

1 and taxes measured by net income imposed by such foreign
2 insurer's state or country of domicile, net of all credits
3 allowed or (ii) a rate of zero if no such tax is imposed on such
4 income by the foreign insurer's state of domicile. For the
5 purposes of this subsection (d-1), an inter-affiliate includes
6 a mutual insurer under common management.

7 (1) For the purposes of subsection (d-1), in no event
8 shall the sum of the rates of tax imposed by subsections
9 (b) and (d) be reduced below the rate at which the sum of:

10 (A) the total amount of tax imposed on such foreign
11 insurer under this Act for a taxable year, net of all
12 credits allowed under this Act, plus

13 (B) the privilege tax imposed by Section 409 of the
14 Illinois Insurance Code, the fire insurance company
15 tax imposed by Section 12 of the Fire Investigation
16 Act, and the fire department taxes imposed under
17 Section 11-10-1 of the Illinois Municipal Code,
18 equals 1.25% for taxable years ending prior to December 31,
19 2003, or 1.75% for taxable years ending on or after
20 December 31, 2003, of the net taxable premiums written for
21 the taxable year, as described by subsection (1) of Section
22 409 of the Illinois Insurance Code. This paragraph will in
23 no event increase the rates imposed under subsections (b)
24 and (d).

25 (2) Any reduction in the rates of tax imposed by this
26 subsection shall be applied first against the rates imposed

1 by subsection (b) and only after the tax imposed by
2 subsection (a) net of all credits allowed under this
3 Section other than the credit allowed under subsection (i)
4 has been reduced to zero, against the rates imposed by
5 subsection (d).

6 This subsection (d-1) is exempt from the provisions of
7 Section 250.

8 (e) Investment credit. A taxpayer shall be allowed a credit
9 against the Personal Property Tax Replacement Income Tax for
10 investment in qualified property.

11 (1) A taxpayer shall be allowed a credit equal to .5%
12 of the basis of qualified property placed in service during
13 the taxable year, provided such property is placed in
14 service on or after July 1, 1984. There shall be allowed an
15 additional credit equal to .5% of the basis of qualified
16 property placed in service during the taxable year,
17 provided such property is placed in service on or after
18 July 1, 1986, and the taxpayer's base employment within
19 Illinois has increased by 1% or more over the preceding
20 year as determined by the taxpayer's employment records
21 filed with the Illinois Department of Employment Security.
22 Taxpayers who are new to Illinois shall be deemed to have
23 met the 1% growth in base employment for the first year in
24 which they file employment records with the Illinois
25 Department of Employment Security. The provisions added to
26 this Section by Public Act 85-1200 (and restored by Public

1 Act 87-895) shall be construed as declaratory of existing
2 law and not as a new enactment. If, in any year, the
3 increase in base employment within Illinois over the
4 preceding year is less than 1%, the additional credit shall
5 be limited to that percentage times a fraction, the
6 numerator of which is .5% and the denominator of which is
7 1%, but shall not exceed .5%. The investment credit shall
8 not be allowed to the extent that it would reduce a
9 taxpayer's liability in any tax year below zero, nor may
10 any credit for qualified property be allowed for any year
11 other than the year in which the property was placed in
12 service in Illinois. For tax years ending on or after
13 December 31, 1987, and on or before December 31, 1988, the
14 credit shall be allowed for the tax year in which the
15 property is placed in service, or, if the amount of the
16 credit exceeds the tax liability for that year, whether it
17 exceeds the original liability or the liability as later
18 amended, such excess may be carried forward and applied to
19 the tax liability of the 5 taxable years following the
20 excess credit years if the taxpayer (i) makes investments
21 which cause the creation of a minimum of 2,000 full-time
22 equivalent jobs in Illinois, (ii) is located in an
23 enterprise zone established pursuant to the Illinois
24 Enterprise Zone Act and (iii) is certified by the
25 Department of Commerce and Community Affairs (now
26 Department of Commerce and Economic Opportunity) as

1 complying with the requirements specified in clause (i) and
2 (ii) by July 1, 1986. The Department of Commerce and
3 Community Affairs (now Department of Commerce and Economic
4 Opportunity) shall notify the Department of Revenue of all
5 such certifications immediately. For tax years ending
6 after December 31, 1988, the credit shall be allowed for
7 the tax year in which the property is placed in service,
8 or, if the amount of the credit exceeds the tax liability
9 for that year, whether it exceeds the original liability or
10 the liability as later amended, such excess may be carried
11 forward and applied to the tax liability of the 5 taxable
12 years following the excess credit years. The credit shall
13 be applied to the earliest year for which there is a
14 liability. If there is credit from more than one tax year
15 that is available to offset a liability, earlier credit
16 shall be applied first.

17 (2) The term "qualified property" means property
18 which:

19 (A) is tangible, whether new or used, including
20 buildings and structural components of buildings and
21 signs that are real property, but not including land or
22 improvements to real property that are not a structural
23 component of a building such as landscaping, sewer
24 lines, local access roads, fencing, parking lots, and
25 other appurtenances;

26 (B) is depreciable pursuant to Section 167 of the

1 Internal Revenue Code, except that "3-year property"
2 as defined in Section 168(c)(2)(A) of that Code is not
3 eligible for the credit provided by this subsection
4 (e);

5 (C) is acquired by purchase as defined in Section
6 179(d) of the Internal Revenue Code;

7 (D) is used in Illinois by a taxpayer who is
8 primarily engaged in manufacturing, or in mining coal
9 or fluorite, or in retailing, or was placed in service
10 on or after July 1, 2006 in a River Edge Redevelopment
11 Zone established pursuant to the River Edge
12 Redevelopment Zone Act; and

13 (E) has not previously been used in Illinois in
14 such a manner and by such a person as would qualify for
15 the credit provided by this subsection (e) or
16 subsection (f).

17 (3) For purposes of this subsection (e),
18 "manufacturing" means the material staging and production
19 of tangible personal property by procedures commonly
20 regarded as manufacturing, processing, fabrication, or
21 assembling which changes some existing material into new
22 shapes, new qualities, or new combinations. For purposes of
23 this subsection (e) the term "mining" shall have the same
24 meaning as the term "mining" in Section 613(c) of the
25 Internal Revenue Code. For purposes of this subsection (e),
26 the term "retailing" means the sale of tangible personal

1 property for use or consumption and not for resale, or
2 services rendered in conjunction with the sale of tangible
3 personal property for use or consumption and not for
4 resale. For purposes of this subsection (e), "tangible
5 personal property" has the same meaning as when that term
6 is used in the Retailers' Occupation Tax Act, and, for
7 taxable years ending after December 31, 2008, does not
8 include the generation, transmission, or distribution of
9 electricity.

10 (4) The basis of qualified property shall be the basis
11 used to compute the depreciation deduction for federal
12 income tax purposes.

13 (5) If the basis of the property for federal income tax
14 depreciation purposes is increased after it has been placed
15 in service in Illinois by the taxpayer, the amount of such
16 increase shall be deemed property placed in service on the
17 date of such increase in basis.

18 (6) The term "placed in service" shall have the same
19 meaning as under Section 46 of the Internal Revenue Code.

20 (7) If during any taxable year, any property ceases to
21 be qualified property in the hands of the taxpayer within
22 48 months after being placed in service, or the situs of
23 any qualified property is moved outside Illinois within 48
24 months after being placed in service, the Personal Property
25 Tax Replacement Income Tax for such taxable year shall be
26 increased. Such increase shall be determined by (i)

1 recomputing the investment credit which would have been
2 allowed for the year in which credit for such property was
3 originally allowed by eliminating such property from such
4 computation and, (ii) subtracting such recomputed credit
5 from the amount of credit previously allowed. For the
6 purposes of this paragraph (7), a reduction of the basis of
7 qualified property resulting from a redetermination of the
8 purchase price shall be deemed a disposition of qualified
9 property to the extent of such reduction.

10 (8) Unless the investment credit is extended by law,
11 the basis of qualified property shall not include costs
12 incurred after December 31, 2018, except for costs incurred
13 pursuant to a binding contract entered into on or before
14 December 31, 2018.

15 (9) Each taxable year ending before December 31, 2000,
16 a partnership may elect to pass through to its partners the
17 credits to which the partnership is entitled under this
18 subsection (e) for the taxable year. A partner may use the
19 credit allocated to him or her under this paragraph only
20 against the tax imposed in subsections (c) and (d) of this
21 Section. If the partnership makes that election, those
22 credits shall be allocated among the partners in the
23 partnership in accordance with the rules set forth in
24 Section 704(b) of the Internal Revenue Code, and the rules
25 promulgated under that Section, and the allocated amount of
26 the credits shall be allowed to the partners for that

1 taxable year. The partnership shall make this election on
2 its Personal Property Tax Replacement Income Tax return for
3 that taxable year. The election to pass through the credits
4 shall be irrevocable.

5 For taxable years ending on or after December 31, 2000,
6 a partner that qualifies its partnership for a subtraction
7 under subparagraph (I) of paragraph (2) of subsection (d)
8 of Section 203 or a shareholder that qualifies a Subchapter
9 S corporation for a subtraction under subparagraph (S) of
10 paragraph (2) of subsection (b) of Section 203 shall be
11 allowed a credit under this subsection (e) equal to its
12 share of the credit earned under this subsection (e) during
13 the taxable year by the partnership or Subchapter S
14 corporation, determined in accordance with the
15 determination of income and distributive share of income
16 under Sections 702 and 704 and Subchapter S of the Internal
17 Revenue Code. This paragraph is exempt from the provisions
18 of Section 250.

19 (f) Investment credit; Enterprise Zone; River Edge
20 Redevelopment Zone.

21 (1) A taxpayer shall be allowed a credit against the
22 tax imposed by subsections (a) and (b) of this Section for
23 investment in qualified property which is placed in service
24 in an Enterprise Zone created pursuant to the Illinois
25 Enterprise Zone Act or, for property placed in service on
26 or after July 1, 2006, a River Edge Redevelopment Zone

1 established pursuant to the River Edge Redevelopment Zone
2 Act. For partners, shareholders of Subchapter S
3 corporations, and owners of limited liability companies,
4 if the liability company is treated as a partnership for
5 purposes of federal and State income taxation, there shall
6 be allowed a credit under this subsection (f) to be
7 determined in accordance with the determination of income
8 and distributive share of income under Sections 702 and 704
9 and Subchapter S of the Internal Revenue Code. The credit
10 shall be .5% of the basis for such property. The credit
11 shall be available only in the taxable year in which the
12 property is placed in service in the Enterprise Zone or
13 River Edge Redevelopment Zone and shall not be allowed to
14 the extent that it would reduce a taxpayer's liability for
15 the tax imposed by subsections (a) and (b) of this Section
16 to below zero. For tax years ending on or after December
17 31, 1985, the credit shall be allowed for the tax year in
18 which the property is placed in service, or, if the amount
19 of the credit exceeds the tax liability for that year,
20 whether it exceeds the original liability or the liability
21 as later amended, such excess may be carried forward and
22 applied to the tax liability of the 5 taxable years
23 following the excess credit year. The credit shall be
24 applied to the earliest year for which there is a
25 liability. If there is credit from more than one tax year
26 that is available to offset a liability, the credit

1 accruing first in time shall be applied first.

2 (2) The term qualified property means property which:

3 (A) is tangible, whether new or used, including
4 buildings and structural components of buildings;

5 (B) is depreciable pursuant to Section 167 of the
6 Internal Revenue Code, except that "3-year property"
7 as defined in Section 168(c)(2)(A) of that Code is not
8 eligible for the credit provided by this subsection
9 (f);

10 (C) is acquired by purchase as defined in Section
11 179(d) of the Internal Revenue Code;

12 (D) is used in the Enterprise Zone or River Edge
13 Redevelopment Zone by the taxpayer; and

14 (E) has not been previously used in Illinois in
15 such a manner and by such a person as would qualify for
16 the credit provided by this subsection (f) or
17 subsection (e).

18 (3) The basis of qualified property shall be the basis
19 used to compute the depreciation deduction for federal
20 income tax purposes.

21 (4) If the basis of the property for federal income tax
22 depreciation purposes is increased after it has been placed
23 in service in the Enterprise Zone or River Edge
24 Redevelopment Zone by the taxpayer, the amount of such
25 increase shall be deemed property placed in service on the
26 date of such increase in basis.

1 (5) The term "placed in service" shall have the same
2 meaning as under Section 46 of the Internal Revenue Code.

3 (6) If during any taxable year, any property ceases to
4 be qualified property in the hands of the taxpayer within
5 48 months after being placed in service, or the situs of
6 any qualified property is moved outside the Enterprise Zone
7 or River Edge Redevelopment Zone within 48 months after
8 being placed in service, the tax imposed under subsections
9 (a) and (b) of this Section for such taxable year shall be
10 increased. Such increase shall be determined by (i)
11 recomputing the investment credit which would have been
12 allowed for the year in which credit for such property was
13 originally allowed by eliminating such property from such
14 computation, and (ii) subtracting such recomputed credit
15 from the amount of credit previously allowed. For the
16 purposes of this paragraph (6), a reduction of the basis of
17 qualified property resulting from a redetermination of the
18 purchase price shall be deemed a disposition of qualified
19 property to the extent of such reduction.

20 (7) There shall be allowed an additional credit equal
21 to 0.5% of the basis of qualified property placed in
22 service during the taxable year in a River Edge
23 Redevelopment Zone, provided such property is placed in
24 service on or after July 1, 2006, and the taxpayer's base
25 employment within Illinois has increased by 1% or more over
26 the preceding year as determined by the taxpayer's

1 employment records filed with the Illinois Department of
2 Employment Security. Taxpayers who are new to Illinois
3 shall be deemed to have met the 1% growth in base
4 employment for the first year in which they file employment
5 records with the Illinois Department of Employment
6 Security. If, in any year, the increase in base employment
7 within Illinois over the preceding year is less than 1%,
8 the additional credit shall be limited to that percentage
9 times a fraction, the numerator of which is 0.5% and the
10 denominator of which is 1%, but shall not exceed 0.5%.

11 (g) (Blank). ~~Jobs Tax Credit; River Edge Redevelopment Zone~~
12 ~~and Foreign Trade Zone or Sub-Zone.~~

13 ~~(1) A taxpayer conducting a trade or business, for~~
14 ~~taxable years ending on or after December 31, 2006, in a~~
15 ~~River Edge Redevelopment Zone or conducting a trade or~~
16 ~~business in a federally designated Foreign Trade Zone or~~
17 ~~Sub-Zone shall be allowed a credit against the tax imposed~~
18 ~~by subsections (a) and (b) of this Section in the amount of~~
19 ~~\$500 per eligible employee hired to work in the zone during~~
20 ~~the taxable year.~~

21 ~~(2) To qualify for the credit:~~

22 ~~(A) the taxpayer must hire 5 or more eligible~~
23 ~~employees to work in a River Edge Redevelopment Zone or~~
24 ~~federally designated Foreign Trade Zone or Sub-Zone~~
25 ~~during the taxable year;~~

26 ~~(B) the taxpayer's total employment within the~~

1 ~~River Edge Redevelopment Zone or federally designated~~
2 ~~Foreign Trade Zone or Sub-Zone must increase by 5 or~~
3 ~~more full-time employees beyond the total employed in~~
4 ~~that zone at the end of the previous tax year for which~~
5 ~~a jobs tax credit under this Section was taken, or~~
6 ~~beyond the total employed by the taxpayer as of~~
7 ~~December 31, 1985, whichever is later; and~~

8 ~~(C) the eligible employees must be employed 180~~
9 ~~consecutive days in order to be deemed hired for~~
10 ~~purposes of this subsection.~~

11 ~~(3) An "eligible employee" means an employee who is:~~

12 ~~(A) Certified by the Department of Commerce and~~
13 ~~Economic Opportunity as "eligible for services"~~
14 ~~pursuant to regulations promulgated in accordance with~~
15 ~~Title II of the Job Training Partnership Act, Training~~
16 ~~Services for the Disadvantaged or Title III of the Job~~
17 ~~Training Partnership Act, Employment and Training~~
18 ~~Assistance for Dislocated Workers Program.~~

19 ~~(B) Hired after the River Edge Redevelopment Zone~~
20 ~~or federally designated Foreign Trade Zone or Sub-Zone~~
21 ~~was designated or the trade or business was located in~~
22 ~~that zone, whichever is later.~~

23 ~~(C) Employed in the River Edge Redevelopment Zone~~
24 ~~or Foreign Trade Zone or Sub-Zone. An employee is~~
25 ~~employed in a federally designated Foreign Trade Zone~~
26 ~~or Sub-Zone if his services are rendered there or it is~~

1 ~~the base of operations for the services performed.~~

2 ~~(D) A full-time employee working 30 or more hours~~
3 ~~per week.~~

4 ~~(4) For tax years ending on or after December 31, 1985~~
5 ~~and prior to December 31, 1988, the credit shall be allowed~~
6 ~~for the tax year in which the eligible employees are hired.~~
7 ~~For tax years ending on or after December 31, 1988, the~~
8 ~~credit shall be allowed for the tax year immediately~~
9 ~~following the tax year in which the eligible employees are~~
10 ~~hired. If the amount of the credit exceeds the tax~~
11 ~~liability for that year, whether it exceeds the original~~
12 ~~liability or the liability as later amended, such excess~~
13 ~~may be carried forward and applied to the tax liability of~~
14 ~~the 5 taxable years following the excess credit year. The~~
15 ~~credit shall be applied to the earliest year for which~~
16 ~~there is a liability. If there is credit from more than one~~
17 ~~tax year that is available to offset a liability, earlier~~
18 ~~credit shall be applied first.~~

19 ~~(5) The Department of Revenue shall promulgate such~~
20 ~~rules and regulations as may be deemed necessary to carry~~
21 ~~out the purposes of this subsection (g).~~

22 ~~(6) The credit shall be available for eligible~~
23 ~~employees hired on or after January 1, 1986.~~

24 (h) Investment credit; High Impact Business.

25 (1) Subject to subsections (b) and (b-5) of Section 5.5
26 of the Illinois Enterprise Zone Act, a taxpayer shall be

1 allowed a credit against the tax imposed by subsections (a)
2 and (b) of this Section for investment in qualified
3 property which is placed in service by a Department of
4 Commerce and Economic Opportunity designated High Impact
5 Business. The credit shall be .5% of the basis for such
6 property. The credit shall not be available (i) until the
7 minimum investments in qualified property set forth in
8 subdivision (a)(3)(A) of Section 5.5 of the Illinois
9 Enterprise Zone Act have been satisfied or (ii) until the
10 time authorized in subsection (b-5) of the Illinois
11 Enterprise Zone Act for entities designated as High Impact
12 Businesses under subdivisions (a)(3)(B), (a)(3)(C), and
13 (a)(3)(D) of Section 5.5 of the Illinois Enterprise Zone
14 Act, and shall not be allowed to the extent that it would
15 reduce a taxpayer's liability for the tax imposed by
16 subsections (a) and (b) of this Section to below zero. The
17 credit applicable to such investments shall be taken in the
18 taxable year in which such investments have been completed.
19 The credit for additional investments beyond the minimum
20 investment by a designated high impact business authorized
21 under subdivision (a)(3)(A) of Section 5.5 of the Illinois
22 Enterprise Zone Act shall be available only in the taxable
23 year in which the property is placed in service and shall
24 not be allowed to the extent that it would reduce a
25 taxpayer's liability for the tax imposed by subsections (a)
26 and (b) of this Section to below zero. For tax years ending

1 on or after December 31, 1987, the credit shall be allowed
2 for the tax year in which the property is placed in
3 service, or, if the amount of the credit exceeds the tax
4 liability for that year, whether it exceeds the original
5 liability or the liability as later amended, such excess
6 may be carried forward and applied to the tax liability of
7 the 5 taxable years following the excess credit year. The
8 credit shall be applied to the earliest year for which
9 there is a liability. If there is credit from more than one
10 tax year that is available to offset a liability, the
11 credit accruing first in time shall be applied first.

12 Changes made in this subdivision (h) (1) by Public Act
13 88-670 restore changes made by Public Act 85-1182 and
14 reflect existing law.

15 (2) The term qualified property means property which:

16 (A) is tangible, whether new or used, including
17 buildings and structural components of buildings;

18 (B) is depreciable pursuant to Section 167 of the
19 Internal Revenue Code, except that "3-year property"
20 as defined in Section 168(c) (2) (A) of that Code is not
21 eligible for the credit provided by this subsection
22 (h);

23 (C) is acquired by purchase as defined in Section
24 179(d) of the Internal Revenue Code; and

25 (D) is not eligible for the Enterprise Zone
26 Investment Credit provided by subsection (f) of this

1 Section.

2 (3) The basis of qualified property shall be the basis
3 used to compute the depreciation deduction for federal
4 income tax purposes.

5 (4) If the basis of the property for federal income tax
6 depreciation purposes is increased after it has been placed
7 in service in a federally designated Foreign Trade Zone or
8 Sub-Zone located in Illinois by the taxpayer, the amount of
9 such increase shall be deemed property placed in service on
10 the date of such increase in basis.

11 (5) The term "placed in service" shall have the same
12 meaning as under Section 46 of the Internal Revenue Code.

13 (6) If during any taxable year ending on or before
14 December 31, 1996, any property ceases to be qualified
15 property in the hands of the taxpayer within 48 months
16 after being placed in service, or the situs of any
17 qualified property is moved outside Illinois within 48
18 months after being placed in service, the tax imposed under
19 subsections (a) and (b) of this Section for such taxable
20 year shall be increased. Such increase shall be determined
21 by (i) recomputing the investment credit which would have
22 been allowed for the year in which credit for such property
23 was originally allowed by eliminating such property from
24 such computation, and (ii) subtracting such recomputed
25 credit from the amount of credit previously allowed. For
26 the purposes of this paragraph (6), a reduction of the

1 basis of qualified property resulting from a
2 redetermination of the purchase price shall be deemed a
3 disposition of qualified property to the extent of such
4 reduction.

5 (7) Beginning with tax years ending after December 31,
6 1996, if a taxpayer qualifies for the credit under this
7 subsection (h) and thereby is granted a tax abatement and
8 the taxpayer relocates its entire facility in violation of
9 the explicit terms and length of the contract under Section
10 18-183 of the Property Tax Code, the tax imposed under
11 subsections (a) and (b) of this Section shall be increased
12 for the taxable year in which the taxpayer relocated its
13 facility by an amount equal to the amount of credit
14 received by the taxpayer under this subsection (h).

15 (i) Credit for Personal Property Tax Replacement Income
16 Tax. For tax years ending prior to December 31, 2003, a credit
17 shall be allowed against the tax imposed by subsections (a) and
18 (b) of this Section for the tax imposed by subsections (c) and
19 (d) of this Section. This credit shall be computed by
20 multiplying the tax imposed by subsections (c) and (d) of this
21 Section by a fraction, the numerator of which is base income
22 allocable to Illinois and the denominator of which is Illinois
23 base income, and further multiplying the product by the tax
24 rate imposed by subsections (a) and (b) of this Section.

25 Any credit earned on or after December 31, 1986 under this
26 subsection which is unused in the year the credit is computed

1 because it exceeds the tax liability imposed by subsections (a)
2 and (b) for that year (whether it exceeds the original
3 liability or the liability as later amended) may be carried
4 forward and applied to the tax liability imposed by subsections
5 (a) and (b) of the 5 taxable years following the excess credit
6 year, provided that no credit may be carried forward to any
7 year ending on or after December 31, 2003. This credit shall be
8 applied first to the earliest year for which there is a
9 liability. If there is a credit under this subsection from more
10 than one tax year that is available to offset a liability the
11 earliest credit arising under this subsection shall be applied
12 first.

13 If, during any taxable year ending on or after December 31,
14 1986, the tax imposed by subsections (c) and (d) of this
15 Section for which a taxpayer has claimed a credit under this
16 subsection (i) is reduced, the amount of credit for such tax
17 shall also be reduced. Such reduction shall be determined by
18 recomputing the credit to take into account the reduced tax
19 imposed by subsections (c) and (d). If any portion of the
20 reduced amount of credit has been carried to a different
21 taxable year, an amended return shall be filed for such taxable
22 year to reduce the amount of credit claimed.

23 (j) Training expense credit. Beginning with tax years
24 ending on or after December 31, 1986 and prior to December 31,
25 2003, a taxpayer shall be allowed a credit against the tax
26 imposed by subsections (a) and (b) under this Section for all

1 amounts paid or accrued, on behalf of all persons employed by
2 the taxpayer in Illinois or Illinois residents employed outside
3 of Illinois by a taxpayer, for educational or vocational
4 training in semi-technical or technical fields or semi-skilled
5 or skilled fields, which were deducted from gross income in the
6 computation of taxable income. The credit against the tax
7 imposed by subsections (a) and (b) shall be 1.6% of such
8 training expenses. For partners, shareholders of subchapter S
9 corporations, and owners of limited liability companies, if the
10 liability company is treated as a partnership for purposes of
11 federal and State income taxation, there shall be allowed a
12 credit under this subsection (j) to be determined in accordance
13 with the determination of income and distributive share of
14 income under Sections 702 and 704 and subchapter S of the
15 Internal Revenue Code.

16 Any credit allowed under this subsection which is unused in
17 the year the credit is earned may be carried forward to each of
18 the 5 taxable years following the year for which the credit is
19 first computed until it is used. This credit shall be applied
20 first to the earliest year for which there is a liability. If
21 there is a credit under this subsection from more than one tax
22 year that is available to offset a liability the earliest
23 credit arising under this subsection shall be applied first. No
24 carryforward credit may be claimed in any tax year ending on or
25 after December 31, 2003.

26 (k) Research and development credit. For tax years ending

1 after July 1, 1990 and prior to December 31, 2003, and
2 beginning again for tax years ending on or after December 31,
3 2004, and ending prior to January 1, 2016, a taxpayer shall be
4 allowed a credit against the tax imposed by subsections (a) and
5 (b) of this Section for increasing research activities in this
6 State. The credit allowed against the tax imposed by
7 subsections (a) and (b) shall be equal to 6 1/2% of the
8 qualifying expenditures for increasing research activities in
9 this State. For partners, shareholders of subchapter S
10 corporations, and owners of limited liability companies, if the
11 liability company is treated as a partnership for purposes of
12 federal and State income taxation, there shall be allowed a
13 credit under this subsection to be determined in accordance
14 with the determination of income and distributive share of
15 income under Sections 702 and 704 and subchapter S of the
16 Internal Revenue Code.

17 For purposes of this subsection, "qualifying expenditures"
18 means the qualifying expenditures as defined for the federal
19 credit for increasing research activities which would be
20 allowable under Section 41 of the Internal Revenue Code and
21 which are conducted in this State, "qualifying expenditures for
22 increasing research activities in this State" means the excess
23 of qualifying expenditures for the taxable year in which
24 incurred over qualifying expenditures for the base period,
25 "qualifying expenditures for the base period" means the average
26 of the qualifying expenditures for each year in the base

1 period, and "base period" means the 3 taxable years immediately
2 preceding the taxable year for which the determination is being
3 made.

4 Any credit in excess of the tax liability for the taxable
5 year may be carried forward. A taxpayer may elect to have the
6 unused credit shown on its final completed return carried over
7 as a credit against the tax liability for the following 5
8 taxable years or until it has been fully used, whichever occurs
9 first; provided that no credit earned in a tax year ending
10 prior to December 31, 2003 may be carried forward to any year
11 ending on or after December 31, 2003.

12 If an unused credit is carried forward to a given year from
13 2 or more earlier years, that credit arising in the earliest
14 year will be applied first against the tax liability for the
15 given year. If a tax liability for the given year still
16 remains, the credit from the next earliest year will then be
17 applied, and so on, until all credits have been used or no tax
18 liability for the given year remains. Any remaining unused
19 credit or credits then will be carried forward to the next
20 following year in which a tax liability is incurred, except
21 that no credit can be carried forward to a year which is more
22 than 5 years after the year in which the expense for which the
23 credit is given was incurred.

24 No inference shall be drawn from this amendatory Act of the
25 91st General Assembly in construing this Section for taxable
26 years beginning before January 1, 1999.

1 (1) Environmental Remediation Tax Credit.

2 (i) For tax years ending after December 31, 1997 and on
3 or before December 31, 2001, a taxpayer shall be allowed a
4 credit against the tax imposed by subsections (a) and (b)
5 of this Section for certain amounts paid for unreimbursed
6 eligible remediation costs, as specified in this
7 subsection. For purposes of this Section, "unreimbursed
8 eligible remediation costs" means costs approved by the
9 Illinois Environmental Protection Agency ("Agency") under
10 Section 58.14 of the Environmental Protection Act that were
11 paid in performing environmental remediation at a site for
12 which a No Further Remediation Letter was issued by the
13 Agency and recorded under Section 58.10 of the
14 Environmental Protection Act. The credit must be claimed
15 for the taxable year in which Agency approval of the
16 eligible remediation costs is granted. The credit is not
17 available to any taxpayer if the taxpayer or any related
18 party caused or contributed to, in any material respect, a
19 release of regulated substances on, in, or under the site
20 that was identified and addressed by the remedial action
21 pursuant to the Site Remediation Program of the
22 Environmental Protection Act. After the Pollution Control
23 Board rules are adopted pursuant to the Illinois
24 Administrative Procedure Act for the administration and
25 enforcement of Section 58.9 of the Environmental
26 Protection Act, determinations as to credit availability

1 for purposes of this Section shall be made consistent with
2 those rules. For purposes of this Section, "taxpayer"
3 includes a person whose tax attributes the taxpayer has
4 succeeded to under Section 381 of the Internal Revenue Code
5 and "related party" includes the persons disallowed a
6 deduction for losses by paragraphs (b), (c), and (f)(1) of
7 Section 267 of the Internal Revenue Code by virtue of being
8 a related taxpayer, as well as any of its partners. The
9 credit allowed against the tax imposed by subsections (a)
10 and (b) shall be equal to 25% of the unreimbursed eligible
11 remediation costs in excess of \$100,000 per site, except
12 that the \$100,000 threshold shall not apply to any site
13 contained in an enterprise zone as determined by the
14 Department of Commerce and Community Affairs (now
15 Department of Commerce and Economic Opportunity). The
16 total credit allowed shall not exceed \$40,000 per year with
17 a maximum total of \$150,000 per site. For partners and
18 shareholders of subchapter S corporations, there shall be
19 allowed a credit under this subsection to be determined in
20 accordance with the determination of income and
21 distributive share of income under Sections 702 and 704 and
22 subchapter S of the Internal Revenue Code.

23 (ii) A credit allowed under this subsection that is
24 unused in the year the credit is earned may be carried
25 forward to each of the 5 taxable years following the year
26 for which the credit is first earned until it is used. The

1 term "unused credit" does not include any amounts of
2 unreimbursed eligible remediation costs in excess of the
3 maximum credit per site authorized under paragraph (i).
4 This credit shall be applied first to the earliest year for
5 which there is a liability. If there is a credit under this
6 subsection from more than one tax year that is available to
7 offset a liability, the earliest credit arising under this
8 subsection shall be applied first. A credit allowed under
9 this subsection may be sold to a buyer as part of a sale of
10 all or part of the remediation site for which the credit
11 was granted. The purchaser of a remediation site and the
12 tax credit shall succeed to the unused credit and remaining
13 carry-forward period of the seller. To perfect the
14 transfer, the assignor shall record the transfer in the
15 chain of title for the site and provide written notice to
16 the Director of the Illinois Department of Revenue of the
17 assignor's intent to sell the remediation site and the
18 amount of the tax credit to be transferred as a portion of
19 the sale. In no event may a credit be transferred to any
20 taxpayer if the taxpayer or a related party would not be
21 eligible under the provisions of subsection (i).

22 (iii) For purposes of this Section, the term "site"
23 shall have the same meaning as under Section 58.2 of the
24 Environmental Protection Act.

25 (m) Education expense credit. Beginning with tax years
26 ending after December 31, 1999, a taxpayer who is the custodian

1 of one or more qualifying pupils shall be allowed a credit
2 against the tax imposed by subsections (a) and (b) of this
3 Section for qualified education expenses incurred on behalf of
4 the qualifying pupils. The credit shall be equal to 25% of
5 qualified education expenses, but in no event may the total
6 credit under this subsection claimed by a family that is the
7 custodian of qualifying pupils exceed \$500. In no event shall a
8 credit under this subsection reduce the taxpayer's liability
9 under this Act to less than zero. This subsection is exempt
10 from the provisions of Section 250 of this Act.

11 For purposes of this subsection:

12 "Qualifying pupils" means individuals who (i) are
13 residents of the State of Illinois, (ii) are under the age of
14 21 at the close of the school year for which a credit is
15 sought, and (iii) during the school year for which a credit is
16 sought were full-time pupils enrolled in a kindergarten through
17 twelfth grade education program at any school, as defined in
18 this subsection.

19 "Qualified education expense" means the amount incurred on
20 behalf of a qualifying pupil in excess of \$250 for tuition,
21 book fees, and lab fees at the school in which the pupil is
22 enrolled during the regular school year.

23 "School" means any public or nonpublic elementary or
24 secondary school in Illinois that is in compliance with Title
25 VI of the Civil Rights Act of 1964 and attendance at which
26 satisfies the requirements of Section 26-1 of the School Code,

1 except that nothing shall be construed to require a child to
2 attend any particular public or nonpublic school to qualify for
3 the credit under this Section.

4 "Custodian" means, with respect to qualifying pupils, an
5 Illinois resident who is a parent, the parents, a legal
6 guardian, or the legal guardians of the qualifying pupils.

7 (n) River Edge Redevelopment Zone site remediation tax
8 credit.

9 (i) For tax years ending on or after December 31, 2006,
10 a taxpayer shall be allowed a credit against the tax
11 imposed by subsections (a) and (b) of this Section for
12 certain amounts paid for unreimbursed eligible remediation
13 costs, as specified in this subsection. For purposes of
14 this Section, "unreimbursed eligible remediation costs"
15 means costs approved by the Illinois Environmental
16 Protection Agency ("Agency") under Section 58.14a of the
17 Environmental Protection Act that were paid in performing
18 environmental remediation at a site within a River Edge
19 Redevelopment Zone for which a No Further Remediation
20 Letter was issued by the Agency and recorded under Section
21 58.10 of the Environmental Protection Act. The credit must
22 be claimed for the taxable year in which Agency approval of
23 the eligible remediation costs is granted. The credit is
24 not available to any taxpayer if the taxpayer or any
25 related party caused or contributed to, in any material
26 respect, a release of regulated substances on, in, or under

1 the site that was identified and addressed by the remedial
2 action pursuant to the Site Remediation Program of the
3 Environmental Protection Act. Determinations as to credit
4 availability for purposes of this Section shall be made
5 consistent with rules adopted by the Pollution Control
6 Board pursuant to the Illinois Administrative Procedure
7 Act for the administration and enforcement of Section 58.9
8 of the Environmental Protection Act. For purposes of this
9 Section, "taxpayer" includes a person whose tax attributes
10 the taxpayer has succeeded to under Section 381 of the
11 Internal Revenue Code and "related party" includes the
12 persons disallowed a deduction for losses by paragraphs
13 (b), (c), and (f) (1) of Section 267 of the Internal Revenue
14 Code by virtue of being a related taxpayer, as well as any
15 of its partners. The credit allowed against the tax imposed
16 by subsections (a) and (b) shall be equal to 25% of the
17 unreimbursed eligible remediation costs in excess of
18 \$100,000 per site.

19 (ii) A credit allowed under this subsection that is
20 unused in the year the credit is earned may be carried
21 forward to each of the 5 taxable years following the year
22 for which the credit is first earned until it is used. This
23 credit shall be applied first to the earliest year for
24 which there is a liability. If there is a credit under this
25 subsection from more than one tax year that is available to
26 offset a liability, the earliest credit arising under this

1 subsection shall be applied first. A credit allowed under
2 this subsection may be sold to a buyer as part of a sale of
3 all or part of the remediation site for which the credit
4 was granted. The purchaser of a remediation site and the
5 tax credit shall succeed to the unused credit and remaining
6 carry-forward period of the seller. To perfect the
7 transfer, the assignor shall record the transfer in the
8 chain of title for the site and provide written notice to
9 the Director of the Illinois Department of Revenue of the
10 assignor's intent to sell the remediation site and the
11 amount of the tax credit to be transferred as a portion of
12 the sale. In no event may a credit be transferred to any
13 taxpayer if the taxpayer or a related party would not be
14 eligible under the provisions of subsection (i).

15 (iii) For purposes of this Section, the term "site"
16 shall have the same meaning as under Section 58.2 of the
17 Environmental Protection Act.

18 (Source: P.A. 96-115, eff. 7-31-09; 96-116, eff. 7-31-09;
19 96-937, eff. 6-23-10; 96-1000, eff. 7-2-10; 96-1496, eff.
20 1-13-11; 97-2, eff. 5-6-11; 97-636, eff. 6-1-12; 97-905, eff.
21 8-7-12.)

22 Section 5-33. The Use Tax Act is amended by changing
23 Section 9 as follows:

24 (35 ILCS 105/9) (from Ch. 120, par. 439.9)

1 Sec. 9. Except as to motor vehicles, watercraft, aircraft,
2 and trailers that are required to be registered with an agency
3 of this State, each retailer required or authorized to collect
4 the tax imposed by this Act shall pay to the Department the
5 amount of such tax (except as otherwise provided) at the time
6 when he is required to file his return for the period during
7 which such tax was collected, less a discount of 2.1% prior to
8 January 1, 1990, and 1.75% on and after January 1, 1990, or \$5
9 per calendar year, whichever is greater, which is allowed to
10 reimburse the retailer for expenses incurred in collecting the
11 tax, keeping records, preparing and filing returns, remitting
12 the tax and supplying data to the Department on request. In the
13 case of retailers who report and pay the tax on a transaction
14 by transaction basis, as provided in this Section, such
15 discount shall be taken with each such tax remittance instead
16 of when such retailer files his periodic return. A retailer
17 need not remit that part of any tax collected by him to the
18 extent that he is required to remit and does remit the tax
19 imposed by the Retailers' Occupation Tax Act, with respect to
20 the sale of the same property.

21 Where such tangible personal property is sold under a
22 conditional sales contract, or under any other form of sale
23 wherein the payment of the principal sum, or a part thereof, is
24 extended beyond the close of the period for which the return is
25 filed, the retailer, in collecting the tax (except as to motor
26 vehicles, watercraft, aircraft, and trailers that are required

1 to be registered with an agency of this State), may collect for
2 each tax return period, only the tax applicable to that part of
3 the selling price actually received during such tax return
4 period.

5 Except as provided in this Section, on or before the
6 twentieth day of each calendar month, such retailer shall file
7 a return for the preceding calendar month. Such return shall be
8 filed on forms prescribed by the Department and shall furnish
9 such information as the Department may reasonably require.

10 The Department may require returns to be filed on a
11 quarterly basis. If so required, a return for each calendar
12 quarter shall be filed on or before the twentieth day of the
13 calendar month following the end of such calendar quarter. The
14 taxpayer shall also file a return with the Department for each
15 of the first two months of each calendar quarter, on or before
16 the twentieth day of the following calendar month, stating:

- 17 1. The name of the seller;
- 18 2. The address of the principal place of business from
19 which he engages in the business of selling tangible
20 personal property at retail in this State;
- 21 3. The total amount of taxable receipts received by him
22 during the preceding calendar month from sales of tangible
23 personal property by him during such preceding calendar
24 month, including receipts from charge and time sales, but
25 less all deductions allowed by law;
- 26 4. The amount of credit provided in Section 2d of this

1 Act;

2 5. The amount of tax due;

3 5-5. The signature of the taxpayer; and

4 6. Such other reasonable information as the Department
5 may require.

6 If a taxpayer fails to sign a return within 30 days after
7 the proper notice and demand for signature by the Department,
8 the return shall be considered valid and any amount shown to be
9 due on the return shall be deemed assessed.

10 Beginning October 1, 1993, a taxpayer who has an average
11 monthly tax liability of \$150,000 or more shall make all
12 payments required by rules of the Department by electronic
13 funds transfer. Beginning October 1, 1994, a taxpayer who has
14 an average monthly tax liability of \$100,000 or more shall make
15 all payments required by rules of the Department by electronic
16 funds transfer. Beginning October 1, 1995, a taxpayer who has
17 an average monthly tax liability of \$50,000 or more shall make
18 all payments required by rules of the Department by electronic
19 funds transfer. Beginning October 1, 2000, a taxpayer who has
20 an annual tax liability of \$200,000 or more shall make all
21 payments required by rules of the Department by electronic
22 funds transfer. The term "annual tax liability" shall be the
23 sum of the taxpayer's liabilities under this Act, and under all
24 other State and local occupation and use tax laws administered
25 by the Department, for the immediately preceding calendar year.
26 The term "average monthly tax liability" means the sum of the

1 taxpayer's liabilities under this Act, and under all other
2 State and local occupation and use tax laws administered by the
3 Department, for the immediately preceding calendar year
4 divided by 12. Beginning on October 1, 2002, a taxpayer who has
5 a tax liability in the amount set forth in subsection (b) of
6 Section 2505-210 of the Department of Revenue Law shall make
7 all payments required by rules of the Department by electronic
8 funds transfer.

9 Before August 1 of each year beginning in 1993, the
10 Department shall notify all taxpayers required to make payments
11 by electronic funds transfer. All taxpayers required to make
12 payments by electronic funds transfer shall make those payments
13 for a minimum of one year beginning on October 1.

14 Any taxpayer not required to make payments by electronic
15 funds transfer may make payments by electronic funds transfer
16 with the permission of the Department.

17 All taxpayers required to make payment by electronic funds
18 transfer and any taxpayers authorized to voluntarily make
19 payments by electronic funds transfer shall make those payments
20 in the manner authorized by the Department.

21 The Department shall adopt such rules as are necessary to
22 effectuate a program of electronic funds transfer and the
23 requirements of this Section.

24 Before October 1, 2000, if the taxpayer's average monthly
25 tax liability to the Department under this Act, the Retailers'
26 Occupation Tax Act, the Service Occupation Tax Act, the Service

1 Use Tax Act was \$10,000 or more during the preceding 4 complete
2 calendar quarters, he shall file a return with the Department
3 each month by the 20th day of the month next following the
4 month during which such tax liability is incurred and shall
5 make payments to the Department on or before the 7th, 15th,
6 22nd and last day of the month during which such liability is
7 incurred. On and after October 1, 2000, if the taxpayer's
8 average monthly tax liability to the Department under this Act,
9 the Retailers' Occupation Tax Act, the Service Occupation Tax
10 Act, and the Service Use Tax Act was \$20,000 or more during the
11 preceding 4 complete calendar quarters, he shall file a return
12 with the Department each month by the 20th day of the month
13 next following the month during which such tax liability is
14 incurred and shall make payment to the Department on or before
15 the 7th, 15th, 22nd and last day of the month during which such
16 liability is incurred. If the month during which such tax
17 liability is incurred began prior to January 1, 1985, each
18 payment shall be in an amount equal to 1/4 of the taxpayer's
19 actual liability for the month or an amount set by the
20 Department not to exceed 1/4 of the average monthly liability
21 of the taxpayer to the Department for the preceding 4 complete
22 calendar quarters (excluding the month of highest liability and
23 the month of lowest liability in such 4 quarter period). If the
24 month during which such tax liability is incurred begins on or
25 after January 1, 1985, and prior to January 1, 1987, each
26 payment shall be in an amount equal to 22.5% of the taxpayer's

1 actual liability for the month or 27.5% of the taxpayer's
2 liability for the same calendar month of the preceding year. If
3 the month during which such tax liability is incurred begins on
4 or after January 1, 1987, and prior to January 1, 1988, each
5 payment shall be in an amount equal to 22.5% of the taxpayer's
6 actual liability for the month or 26.25% of the taxpayer's
7 liability for the same calendar month of the preceding year. If
8 the month during which such tax liability is incurred begins on
9 or after January 1, 1988, and prior to January 1, 1989, or
10 begins on or after January 1, 1996, each payment shall be in an
11 amount equal to 22.5% of the taxpayer's actual liability for
12 the month or 25% of the taxpayer's liability for the same
13 calendar month of the preceding year. If the month during which
14 such tax liability is incurred begins on or after January 1,
15 1989, and prior to January 1, 1996, each payment shall be in an
16 amount equal to 22.5% of the taxpayer's actual liability for
17 the month or 25% of the taxpayer's liability for the same
18 calendar month of the preceding year or 100% of the taxpayer's
19 actual liability for the quarter monthly reporting period. The
20 amount of such quarter monthly payments shall be credited
21 against the final tax liability of the taxpayer's return for
22 that month. Before October 1, 2000, once applicable, the
23 requirement of the making of quarter monthly payments to the
24 Department shall continue until such taxpayer's average
25 monthly liability to the Department during the preceding 4
26 complete calendar quarters (excluding the month of highest

1 liability and the month of lowest liability) is less than
2 \$9,000, or until such taxpayer's average monthly liability to
3 the Department as computed for each calendar quarter of the 4
4 preceding complete calendar quarter period is less than
5 \$10,000. However, if a taxpayer can show the Department that a
6 substantial change in the taxpayer's business has occurred
7 which causes the taxpayer to anticipate that his average
8 monthly tax liability for the reasonably foreseeable future
9 will fall below the \$10,000 threshold stated above, then such
10 taxpayer may petition the Department for change in such
11 taxpayer's reporting status. On and after October 1, 2000, once
12 applicable, the requirement of the making of quarter monthly
13 payments to the Department shall continue until such taxpayer's
14 average monthly liability to the Department during the
15 preceding 4 complete calendar quarters (excluding the month of
16 highest liability and the month of lowest liability) is less
17 than \$19,000 or until such taxpayer's average monthly liability
18 to the Department as computed for each calendar quarter of the
19 4 preceding complete calendar quarter period is less than
20 \$20,000. However, if a taxpayer can show the Department that a
21 substantial change in the taxpayer's business has occurred
22 which causes the taxpayer to anticipate that his average
23 monthly tax liability for the reasonably foreseeable future
24 will fall below the \$20,000 threshold stated above, then such
25 taxpayer may petition the Department for a change in such
26 taxpayer's reporting status. The Department shall change such

1 taxpayer's reporting status unless it finds that such change is
2 seasonal in nature and not likely to be long term. If any such
3 quarter monthly payment is not paid at the time or in the
4 amount required by this Section, then the taxpayer shall be
5 liable for penalties and interest on the difference between the
6 minimum amount due and the amount of such quarter monthly
7 payment actually and timely paid, except insofar as the
8 taxpayer has previously made payments for that month to the
9 Department in excess of the minimum payments previously due as
10 provided in this Section. The Department shall make reasonable
11 rules and regulations to govern the quarter monthly payment
12 amount and quarter monthly payment dates for taxpayers who file
13 on other than a calendar monthly basis.

14 If any such payment provided for in this Section exceeds
15 the taxpayer's liabilities under this Act, the Retailers'
16 Occupation Tax Act, the Service Occupation Tax Act and the
17 Service Use Tax Act, as shown by an original monthly return,
18 the Department shall issue to the taxpayer a credit memorandum
19 no later than 30 days after the date of payment, which
20 memorandum may be submitted by the taxpayer to the Department
21 in payment of tax liability subsequently to be remitted by the
22 taxpayer to the Department or be assigned by the taxpayer to a
23 similar taxpayer under this Act, the Retailers' Occupation Tax
24 Act, the Service Occupation Tax Act or the Service Use Tax Act,
25 in accordance with reasonable rules and regulations to be
26 prescribed by the Department, except that if such excess

1 payment is shown on an original monthly return and is made
2 after December 31, 1986, no credit memorandum shall be issued,
3 unless requested by the taxpayer. If no such request is made,
4 the taxpayer may credit such excess payment against tax
5 liability subsequently to be remitted by the taxpayer to the
6 Department under this Act, the Retailers' Occupation Tax Act,
7 the Service Occupation Tax Act or the Service Use Tax Act, in
8 accordance with reasonable rules and regulations prescribed by
9 the Department. If the Department subsequently determines that
10 all or any part of the credit taken was not actually due to the
11 taxpayer, the taxpayer's 2.1% or 1.75% vendor's discount shall
12 be reduced by 2.1% or 1.75% of the difference between the
13 credit taken and that actually due, and the taxpayer shall be
14 liable for penalties and interest on such difference.

15 If the retailer is otherwise required to file a monthly
16 return and if the retailer's average monthly tax liability to
17 the Department does not exceed \$200, the Department may
18 authorize his returns to be filed on a quarter annual basis,
19 with the return for January, February, and March of a given
20 year being due by April 20 of such year; with the return for
21 April, May and June of a given year being due by July 20 of such
22 year; with the return for July, August and September of a given
23 year being due by October 20 of such year, and with the return
24 for October, November and December of a given year being due by
25 January 20 of the following year.

26 If the retailer is otherwise required to file a monthly or

1 quarterly return and if the retailer's average monthly tax
2 liability to the Department does not exceed \$50, the Department
3 may authorize his returns to be filed on an annual basis, with
4 the return for a given year being due by January 20 of the
5 following year.

6 Such quarter annual and annual returns, as to form and
7 substance, shall be subject to the same requirements as monthly
8 returns.

9 Notwithstanding any other provision in this Act concerning
10 the time within which a retailer may file his return, in the
11 case of any retailer who ceases to engage in a kind of business
12 which makes him responsible for filing returns under this Act,
13 such retailer shall file a final return under this Act with the
14 Department not more than one month after discontinuing such
15 business.

16 In addition, with respect to motor vehicles, watercraft,
17 aircraft, and trailers that are required to be registered with
18 an agency of this State, every retailer selling this kind of
19 tangible personal property shall file, with the Department,
20 upon a form to be prescribed and supplied by the Department, a
21 separate return for each such item of tangible personal
22 property which the retailer sells, except that if, in the same
23 transaction, (i) a retailer of aircraft, watercraft, motor
24 vehicles or trailers transfers more than one aircraft,
25 watercraft, motor vehicle or trailer to another aircraft,
26 watercraft, motor vehicle or trailer retailer for the purpose

1 of resale or (ii) a retailer of aircraft, watercraft, motor
2 vehicles, or trailers transfers more than one aircraft,
3 watercraft, motor vehicle, or trailer to a purchaser for use as
4 a qualifying rolling stock as provided in Section 3-55 of this
5 Act, then that seller may report the transfer of all the
6 aircraft, watercraft, motor vehicles or trailers involved in
7 that transaction to the Department on the same uniform
8 invoice-transaction reporting return form. For purposes of
9 this Section, "watercraft" means a Class 2, Class 3, or Class 4
10 watercraft as defined in Section 3-2 of the Boat Registration
11 and Safety Act, a personal watercraft, or any boat equipped
12 with an inboard motor.

13 The transaction reporting return in the case of motor
14 vehicles or trailers that are required to be registered with an
15 agency of this State, shall be the same document as the Uniform
16 Invoice referred to in Section 5-402 of the Illinois Vehicle
17 Code and must show the name and address of the seller; the name
18 and address of the purchaser; the amount of the selling price
19 including the amount allowed by the retailer for traded-in
20 property, if any; the amount allowed by the retailer for the
21 traded-in tangible personal property, if any, to the extent to
22 which Section 2 of this Act allows an exemption for the value
23 of traded-in property; the balance payable after deducting such
24 trade-in allowance from the total selling price; the amount of
25 tax due from the retailer with respect to such transaction; the
26 amount of tax collected from the purchaser by the retailer on

1 such transaction (or satisfactory evidence that such tax is not
2 due in that particular instance, if that is claimed to be the
3 fact); the place and date of the sale; a sufficient
4 identification of the property sold; such other information as
5 is required in Section 5-402 of the Illinois Vehicle Code, and
6 such other information as the Department may reasonably
7 require.

8 The transaction reporting return in the case of watercraft
9 and aircraft must show the name and address of the seller; the
10 name and address of the purchaser; the amount of the selling
11 price including the amount allowed by the retailer for
12 traded-in property, if any; the amount allowed by the retailer
13 for the traded-in tangible personal property, if any, to the
14 extent to which Section 2 of this Act allows an exemption for
15 the value of traded-in property; the balance payable after
16 deducting such trade-in allowance from the total selling price;
17 the amount of tax due from the retailer with respect to such
18 transaction; the amount of tax collected from the purchaser by
19 the retailer on such transaction (or satisfactory evidence that
20 such tax is not due in that particular instance, if that is
21 claimed to be the fact); the place and date of the sale, a
22 sufficient identification of the property sold, and such other
23 information as the Department may reasonably require.

24 Such transaction reporting return shall be filed not later
25 than 20 days after the date of delivery of the item that is
26 being sold, but may be filed by the retailer at any time sooner

1 than that if he chooses to do so. The transaction reporting
2 return and tax remittance or proof of exemption from the tax
3 that is imposed by this Act may be transmitted to the
4 Department by way of the State agency with which, or State
5 officer with whom, the tangible personal property must be
6 titled or registered (if titling or registration is required)
7 if the Department and such agency or State officer determine
8 that this procedure will expedite the processing of
9 applications for title or registration.

10 With each such transaction reporting return, the retailer
11 shall remit the proper amount of tax due (or shall submit
12 satisfactory evidence that the sale is not taxable if that is
13 the case), to the Department or its agents, whereupon the
14 Department shall issue, in the purchaser's name, a tax receipt
15 (or a certificate of exemption if the Department is satisfied
16 that the particular sale is tax exempt) which such purchaser
17 may submit to the agency with which, or State officer with
18 whom, he must title or register the tangible personal property
19 that is involved (if titling or registration is required) in
20 support of such purchaser's application for an Illinois
21 certificate or other evidence of title or registration to such
22 tangible personal property.

23 No retailer's failure or refusal to remit tax under this
24 Act precludes a user, who has paid the proper tax to the
25 retailer, from obtaining his certificate of title or other
26 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

1 the purchaser, such retailer shall also refund, to the
2 purchaser, the tax so collected from the purchaser. When filing
3 his return for the period in which he refunds such tax to the
4 purchaser, the retailer may deduct the amount of the tax so
5 refunded by him to the purchaser from any other use tax which
6 such retailer may be required to pay or remit to the
7 Department, as shown by such return, if the amount of the tax
8 to be deducted was previously remitted to the Department by
9 such retailer. If the retailer has not previously remitted the
10 amount of such tax to the Department, he is entitled to no
11 deduction under this Act upon refunding such tax to the
12 purchaser.

13 Any retailer filing a return under this Section shall also
14 include (for the purpose of paying tax thereon) the total tax
15 covered by such return upon the selling price of tangible
16 personal property purchased by him at retail from a retailer,
17 but as to which the tax imposed by this Act was not collected
18 from the retailer filing such return, and such retailer shall
19 remit the amount of such tax to the Department when filing such
20 return.

21 If experience indicates such action to be practicable, the
22 Department may prescribe and furnish a combination or joint
23 return which will enable retailers, who are required to file
24 returns hereunder and also under the Retailers' Occupation Tax
25 Act, to furnish all the return information required by both
26 Acts on the one form.

1 Where the retailer has more than one business registered
2 with the Department under separate registration under this Act,
3 such retailer may not file each return that is due as a single
4 return covering all such registered businesses, but shall file
5 separate returns for each such registered business.

6 Beginning January 1, 1990, each month the Department shall
7 pay into the State and Local Sales Tax Reform Fund, a special
8 fund in the State Treasury which is hereby created, the net
9 revenue realized for the preceding month from the 1% tax on
10 sales of food for human consumption which is to be consumed off
11 the premises where it is sold (other than alcoholic beverages,
12 soft drinks and food which has been prepared for immediate
13 consumption) and prescription and nonprescription medicines,
14 drugs, medical appliances and insulin, urine testing
15 materials, syringes and needles used by diabetics.

16 Beginning January 1, 1990, each month the Department shall
17 pay into the County and Mass Transit District Fund 4% of the
18 net revenue realized for the preceding month from the 6.25%
19 general rate on the selling price of tangible personal property
20 which is purchased outside Illinois at retail from a retailer
21 and which is titled or registered by an agency of this State's
22 government.

23 Beginning January 1, 1990, each month the Department shall
24 pay into the State and Local Sales Tax Reform Fund, a special
25 fund in the State Treasury, 20% of the net revenue realized for
26 the preceding month from the 6.25% general rate on the selling

1 price of tangible personal property, other than tangible
2 personal property which is purchased outside Illinois at retail
3 from a retailer and which is titled or registered by an agency
4 of this State's government.

5 Beginning August 1, 2000, each month the Department shall
6 pay into the State and Local Sales Tax Reform Fund 100% of the
7 net revenue realized for the preceding month from the 1.25%
8 rate on the selling price of motor fuel and gasohol. Beginning
9 September 1, 2010, each month the Department shall pay into the
10 State and Local Sales Tax Reform Fund 100% of the net revenue
11 realized for the preceding month from the 1.25% rate on the
12 selling price of sales tax holiday items.

13 Beginning January 1, 1990, each month the Department shall
14 pay into the Local Government Tax Fund 16% of the net revenue
15 realized for the preceding month from the 6.25% general rate on
16 the selling price of tangible personal property which is
17 purchased outside Illinois at retail from a retailer and which
18 is titled or registered by an agency of this State's
19 government.

20 Beginning October 1, 2009, each month the Department shall
21 pay into the Capital Projects Fund an amount that is equal to
22 an amount estimated by the Department to represent 80% of the
23 net revenue realized for the preceding month from the sale of
24 candy, grooming and hygiene products, and soft drinks that had
25 been taxed at a rate of 1% prior to September 1, 2009 but that
26 is now taxed at 6.25%.

1 Beginning July 1, 2011, each month the Department shall pay
2 into the Clean Air Act (CAA) Permit Fund 80% of the net revenue
3 realized for the preceding month from the 6.25% general rate on
4 the selling price of sorbents used in Illinois in the process
5 of sorbent injection as used to comply with the Environmental
6 Protection Act or the federal Clean Air Act, but the total
7 payment into the Clean Air Act (CAA) Permit Fund under this Act
8 and the Retailers' Occupation Tax Act shall not exceed
9 \$2,000,000 in any fiscal year.

10 Beginning July 1, 2013, each month the Department shall pay
11 into the Underground Storage Tank Fund from the proceeds
12 collected under this Act, the Service Use Tax Act, the Service
13 Occupation Tax Act, and the Retailers' Occupation Tax Act an
14 amount equal to the average monthly deficit in the Underground
15 Storage Tank Fund during the prior year, as certified annually
16 by the Illinois Environmental Protection Agency, but the total
17 payment into the Underground Storage Tank Fund under this Act,
18 the Service Use Tax Act, the Service Occupation Tax Act, and
19 the Retailers' Occupation Tax Act shall not exceed \$18,000,000
20 in any State fiscal year. As used in this paragraph, the
21 "average monthly deficit" shall be equal to the difference
22 between the average monthly claims for payment by the fund and
23 the average monthly revenues deposited into the fund, excluding
24 payments made pursuant to this paragraph.

25 Of the remainder of the moneys received by the Department
26 pursuant to this Act, (a) 1.75% thereof shall be paid into the

1 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
2 and after July 1, 1989, 3.8% thereof shall be paid into the
3 Build Illinois Fund; provided, however, that if in any fiscal
4 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
5 may be, of the moneys received by the Department and required
6 to be paid into the Build Illinois Fund pursuant to Section 3
7 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax
8 Act, Section 9 of the Service Use Tax Act, and Section 9 of the
9 Service Occupation Tax Act, such Acts being hereinafter called
10 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case
11 may be, of moneys being hereinafter called the "Tax Act
12 Amount", and (2) the amount transferred to the Build Illinois
13 Fund from the State and Local Sales Tax Reform Fund shall be
14 less than the Annual Specified Amount (as defined in Section 3
15 of the Retailers' Occupation Tax Act), an amount equal to the
16 difference shall be immediately paid into the Build Illinois
17 Fund from other moneys received by the Department pursuant to
18 the Tax Acts; and further provided, that if on the last
19 business day of any month the sum of (1) the Tax Act Amount
20 required to be deposited into the Build Illinois Bond Account
21 in the Build Illinois Fund during such month and (2) the amount
22 transferred during such month to the Build Illinois Fund from
23 the State and Local Sales Tax Reform Fund shall have been less
24 than 1/12 of the Annual Specified Amount, an amount equal to
25 the difference shall be immediately paid into the Build
26 Illinois Fund from other moneys received by the Department

1 pursuant to the Tax Acts; and, further provided, that in no
2 event shall the payments required under the preceding proviso
3 result in aggregate payments into the Build Illinois Fund
4 pursuant to this clause (b) for any fiscal year in excess of
5 the greater of (i) the Tax Act Amount or (ii) the Annual
6 Specified Amount for such fiscal year; and, further provided,
7 that the amounts payable into the Build Illinois Fund under
8 this clause (b) shall be payable only until such time as the
9 aggregate amount on deposit under each trust indenture securing
10 Bonds issued and outstanding pursuant to the Build Illinois
11 Bond Act is sufficient, taking into account any future
12 investment income, to fully provide, in accordance with such
13 indenture, for the defeasance of or the payment of the
14 principal of, premium, if any, and interest on the Bonds
15 secured by such indenture and on any Bonds expected to be
16 issued thereafter and all fees and costs payable with respect
17 thereto, all as certified by the Director of the Bureau of the
18 Budget (now Governor's Office of Management and Budget). If on
19 the last business day of any month in which Bonds are
20 outstanding pursuant to the Build Illinois Bond Act, the
21 aggregate of the moneys deposited in the Build Illinois Bond
22 Account in the Build Illinois Fund in such month shall be less
23 than the amount required to be transferred in such month from
24 the Build Illinois Bond Account to the Build Illinois Bond
25 Retirement and Interest Fund pursuant to Section 13 of the
26 Build Illinois Bond Act, an amount equal to such deficiency

1 shall be immediately paid from other moneys received by the
2 Department pursuant to the Tax Acts to the Build Illinois Fund;
3 provided, however, that any amounts paid to the Build Illinois
4 Fund in any fiscal year pursuant to this sentence shall be
5 deemed to constitute payments pursuant to clause (b) of the
6 preceding sentence and shall reduce the amount otherwise
7 payable for such fiscal year pursuant to clause (b) of the
8 preceding sentence. The moneys received by the Department
9 pursuant to this Act and required to be deposited into the
10 Build Illinois Fund are subject to the pledge, claim and charge
11 set forth in Section 12 of the Build Illinois Bond Act.

12 Subject to payment of amounts into the Build Illinois Fund
13 as provided in the preceding paragraph or in any amendment
14 thereto hereafter enacted, the following specified monthly
15 installment of the amount requested in the certificate of the
16 Chairman of the Metropolitan Pier and Exposition Authority
17 provided under Section 8.25f of the State Finance Act, but not
18 in excess of the sums designated as "Total Deposit", shall be
19 deposited in the aggregate from collections under Section 9 of
20 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
21 9 of the Service Occupation Tax Act, and Section 3 of the
22 Retailers' Occupation Tax Act into the McCormick Place
23 Expansion Project Fund in the specified fiscal years.

24	Fiscal Year	Total Deposit
25	1993	\$0
26	1994	53,000,000

1	1995	58,000,000
2	1996	61,000,000
3	1997	64,000,000
4	1998	68,000,000
5	1999	71,000,000
6	2000	75,000,000
7	2001	80,000,000
8	2002	93,000,000
9	2003	99,000,000
10	2004	103,000,000
11	2005	108,000,000
12	2006	113,000,000
13	2007	119,000,000
14	2008	126,000,000
15	2009	132,000,000
16	2010	139,000,000
17	2011	146,000,000
18	2012	153,000,000
19	2013	161,000,000
20	2014	170,000,000
21	2015	179,000,000
22	2016	189,000,000
23	2017	199,000,000
24	2018	210,000,000
25	2019	221,000,000
26	2020	233,000,000

1	2021	246,000,000
2	2022	260,000,000
3	2023	275,000,000
4	2024	275,000,000
5	2025	275,000,000
6	2026	279,000,000
7	2027	292,000,000
8	2028	307,000,000
9	2029	322,000,000
10	2030	338,000,000
11	2031	350,000,000
12	2032	350,000,000

13 and
14 each fiscal year
15 thereafter that bonds
16 are outstanding under
17 Section 13.2 of the
18 Metropolitan Pier and
19 Exposition Authority Act,
20 but not after fiscal year 2060.

21 Beginning July 20, 1993 and in each month of each fiscal
22 year thereafter, one-eighth of the amount requested in the
23 certificate of the Chairman of the Metropolitan Pier and
24 Exposition Authority for that fiscal year, less the amount
25 deposited into the McCormick Place Expansion Project Fund by
26 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

1 the Department of Commerce and Economic Opportunity Law of the
2 Civil Administrative Code of Illinois.

3 Of the remainder of the moneys received by the Department
4 pursuant to this Act, 75% thereof shall be paid into the State
5 Treasury and 25% shall be reserved in a special account and
6 used only for the transfer to the Common School Fund as part of
7 the monthly transfer from the General Revenue Fund in
8 accordance with Section 8a of the State Finance Act.

9 As soon as possible after the first day of each month, upon
10 certification of the Department of Revenue, the Comptroller
11 shall order transferred and the Treasurer shall transfer from
12 the General Revenue Fund to the Motor Fuel Tax Fund an amount
13 equal to 1.7% of 80% of the net revenue realized under this Act
14 for the second preceding month. Beginning April 1, 2000, this
15 transfer is no longer required and shall not be made.

16 Net revenue realized for a month shall be the revenue
17 collected by the State pursuant to this Act, less the amount
18 paid out during that month as refunds to taxpayers for
19 overpayment of liability.

20 For greater simplicity of administration, manufacturers,
21 importers and wholesalers whose products are sold at retail in
22 Illinois by numerous retailers, and who wish to do so, may
23 assume the responsibility for accounting and paying to the
24 Department all tax accruing under this Act with respect to such
25 sales, if the retailers who are affected do not make written
26 objection to the Department to this arrangement.

1 (Source: P.A. 96-34, eff. 7-13-09; 96-38, eff. 7-13-09; 96-898,
2 eff. 5-27-10; 96-1012, eff. 7-7-10; 97-95, eff. 7-12-11;
3 97-333, eff. 8-12-11.)

4 Section 5-35. The Service Use Tax Act is amended by
5 changing Section 9 as follows:

6 (35 ILCS 110/9) (from Ch. 120, par. 439.39)

7 Sec. 9. Each serviceman required or authorized to collect
8 the tax herein imposed shall pay to the Department the amount
9 of such tax (except as otherwise provided) at the time when he
10 is required to file his return for the period during which such
11 tax was collected, less a discount of 2.1% prior to January 1,
12 1990 and 1.75% on and after January 1, 1990, or \$5 per calendar
13 year, whichever is greater, which is allowed to reimburse the
14 serviceman for expenses incurred in collecting the tax, keeping
15 records, preparing and filing returns, remitting the tax and
16 supplying data to the Department on request. A serviceman need
17 not remit that part of any tax collected by him to the extent
18 that he is required to pay and does pay the tax imposed by the
19 Service Occupation Tax Act with respect to his sale of service
20 involving the incidental transfer by him of the same property.

21 Except as provided hereinafter in this Section, on or
22 before the twentieth day of each calendar month, such
23 serviceman shall file a return for the preceding calendar month
24 in accordance with reasonable Rules and Regulations to be

1 promulgated by the Department. Such return shall be filed on a
2 form prescribed by the Department and shall contain such
3 information as the Department may reasonably require.

4 The Department may require returns to be filed on a
5 quarterly basis. If so required, a return for each calendar
6 quarter shall be filed on or before the twentieth day of the
7 calendar month following the end of such calendar quarter. The
8 taxpayer shall also file a return with the Department for each
9 of the first two months of each calendar quarter, on or before
10 the twentieth day of the following calendar month, stating:

11 1. The name of the seller;

12 2. The address of the principal place of business from
13 which he engages in business as a serviceman in this State;

14 3. The total amount of taxable receipts received by him
15 during the preceding calendar month, including receipts
16 from charge and time sales, but less all deductions allowed
17 by law;

18 4. The amount of credit provided in Section 2d of this
19 Act;

20 5. The amount of tax due;

21 5-5. The signature of the taxpayer; and

22 6. Such other reasonable information as the Department
23 may require.

24 If a taxpayer fails to sign a return within 30 days after
25 the proper notice and demand for signature by the Department,
26 the return shall be considered valid and any amount shown to be

1 due on the return shall be deemed assessed.

2 Beginning October 1, 1993, a taxpayer who has an average
3 monthly tax liability of \$150,000 or more shall make all
4 payments required by rules of the Department by electronic
5 funds transfer. Beginning October 1, 1994, a taxpayer who has
6 an average monthly tax liability of \$100,000 or more shall make
7 all payments required by rules of the Department by electronic
8 funds transfer. Beginning October 1, 1995, a taxpayer who has
9 an average monthly tax liability of \$50,000 or more shall make
10 all payments required by rules of the Department by electronic
11 funds transfer. Beginning October 1, 2000, a taxpayer who has
12 an annual tax liability of \$200,000 or more shall make all
13 payments required by rules of the Department by electronic
14 funds transfer. The term "annual tax liability" shall be the
15 sum of the taxpayer's liabilities under this Act, and under all
16 other State and local occupation and use tax laws administered
17 by the Department, for the immediately preceding calendar year.
18 The term "average monthly tax liability" means the sum of the
19 taxpayer's liabilities under this Act, and under all other
20 State and local occupation and use tax laws administered by the
21 Department, for the immediately preceding calendar year
22 divided by 12. Beginning on October 1, 2002, a taxpayer who has
23 a tax liability in the amount set forth in subsection (b) of
24 Section 2505-210 of the Department of Revenue Law shall make
25 all payments required by rules of the Department by electronic
26 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 If the serviceman is otherwise required to file a monthly
17 return and if the serviceman's average monthly tax liability to
18 the Department does not exceed \$200, the Department may
19 authorize his returns to be filed on a quarter annual basis,
20 with the return for January, February and March of a given year
21 being due by April 20 of such year; with the return for April,
22 May and June of a given year being due by July 20 of such year;
23 with the return for July, August and September of a given year
24 being due by October 20 of such year, and with the return for
25 October, November and December of a given year being due by
26 January 20 of the following year.

1 If the serviceman is otherwise required to file a monthly
2 or quarterly return and if the serviceman's average monthly tax
3 liability to the Department does not exceed \$50, the Department
4 may authorize his returns to be filed on an annual basis, with
5 the return for a given year being due by January 20 of the
6 following year.

7 Such quarter annual and annual returns, as to form and
8 substance, shall be subject to the same requirements as monthly
9 returns.

10 Notwithstanding any other provision in this Act concerning
11 the time within which a serviceman may file his return, in the
12 case of any serviceman who ceases to engage in a kind of
13 business which makes him responsible for filing returns under
14 this Act, such serviceman shall file a final return under this
15 Act with the Department not more than 1 month after
16 discontinuing such business.

17 Where a serviceman collects the tax with respect to the
18 selling price of property which he sells and the purchaser
19 thereafter returns such property and the serviceman refunds the
20 selling price thereof to the purchaser, such serviceman shall
21 also refund, to the purchaser, the tax so collected from the
22 purchaser. When filing his return for the period in which he
23 refunds such tax to the purchaser, the serviceman may deduct
24 the amount of the tax so refunded by him to the purchaser from
25 any other Service Use Tax, Service Occupation Tax, retailers'
26 occupation tax or use tax which such serviceman may be required

1 to pay or remit to the Department, as shown by such return,
2 provided that the amount of the tax to be deducted shall
3 previously have been remitted to the Department by such
4 serviceman. If the serviceman shall not previously have
5 remitted the amount of such tax to the Department, he shall be
6 entitled to no deduction hereunder upon refunding such tax to
7 the purchaser.

8 Any serviceman filing a return hereunder shall also include
9 the total tax upon the selling price of tangible personal
10 property purchased for use by him as an incident to a sale of
11 service, and such serviceman shall remit the amount of such tax
12 to the Department when filing such return.

13 If experience indicates such action to be practicable, the
14 Department may prescribe and furnish a combination or joint
15 return which will enable servicemen, who are required to file
16 returns hereunder and also under the Service Occupation Tax
17 Act, to furnish all the return information required by both
18 Acts on the one form.

19 Where the serviceman has more than one business registered
20 with the Department under separate registration hereunder,
21 such serviceman shall not file each return that is due as a
22 single return covering all such registered businesses, but
23 shall file separate returns for each such registered business.

24 Beginning January 1, 1990, each month the Department shall
25 pay into the State and Local Tax Reform Fund, a special fund in
26 the State Treasury, the net revenue realized for the preceding

1 month from the 1% tax on sales of food for human consumption
2 which is to be consumed off the premises where it is sold
3 (other than alcoholic beverages, soft drinks and food which has
4 been prepared for immediate consumption) and prescription and
5 nonprescription medicines, drugs, medical appliances and
6 insulin, urine testing materials, syringes and needles used by
7 diabetics.

8 Beginning January 1, 1990, each month the Department shall
9 pay into the State and Local Sales Tax Reform Fund 20% of the
10 net revenue realized for the preceding month from the 6.25%
11 general rate on transfers of tangible personal property, other
12 than tangible personal property which is purchased outside
13 Illinois at retail from a retailer and which is titled or
14 registered by an agency of this State's government.

15 Beginning August 1, 2000, each month the Department shall
16 pay into the State and Local Sales Tax Reform Fund 100% of the
17 net revenue realized for the preceding month from the 1.25%
18 rate on the selling price of motor fuel and gasohol.

19 Beginning October 1, 2009, each month the Department shall
20 pay into the Capital Projects Fund an amount that is equal to
21 an amount estimated by the Department to represent 80% of the
22 net revenue realized for the preceding month from the sale of
23 candy, grooming and hygiene products, and soft drinks that had
24 been taxed at a rate of 1% prior to September 1, 2009 but that
25 is now taxed at 6.25%.

26 Beginning July 1, 2013, each month the Department shall pay

1 into the Underground Storage Tank Fund from the proceeds
2 collected under this Act, the Use Tax Act, the Service
3 Occupation Tax Act, and the Retailers' Occupation Tax Act an
4 amount equal to the average monthly deficit in the Underground
5 Storage Tank Fund during the prior year, as certified annually
6 by the Illinois Environmental Protection Agency, but the total
7 payment into the Underground Storage Tank Fund under this Act,
8 the Use Tax Act, the Service Occupation Tax Act, and the
9 Retailers' Occupation Tax Act shall not exceed \$18,000,000 in
10 any State fiscal year. As used in this paragraph, the "average
11 monthly deficit" shall be equal to the difference between the
12 average monthly claims for payment by the fund and the average
13 monthly revenues deposited into the fund, excluding payments
14 made pursuant to this paragraph.

15 Of the remainder of the moneys received by the Department
16 pursuant to this Act, (a) 1.75% thereof shall be paid into the
17 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
18 and after July 1, 1989, 3.8% thereof shall be paid into the
19 Build Illinois Fund; provided, however, that if in any fiscal
20 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
21 may be, of the moneys received by the Department and required
22 to be paid into the Build Illinois Fund pursuant to Section 3
23 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax
24 Act, Section 9 of the Service Use Tax Act, and Section 9 of the
25 Service Occupation Tax Act, such Acts being hereinafter called
26 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case

1 may be, of moneys being hereinafter called the "Tax Act
2 Amount", and (2) the amount transferred to the Build Illinois
3 Fund from the State and Local Sales Tax Reform Fund shall be
4 less than the Annual Specified Amount (as defined in Section 3
5 of the Retailers' Occupation Tax Act), an amount equal to the
6 difference shall be immediately paid into the Build Illinois
7 Fund from other moneys received by the Department pursuant to
8 the Tax Acts; and further provided, that if on the last
9 business day of any month the sum of (1) the Tax Act Amount
10 required to be deposited into the Build Illinois Bond Account
11 in the Build Illinois Fund during such month and (2) the amount
12 transferred during such month to the Build Illinois Fund from
13 the State and Local Sales Tax Reform Fund shall have been less
14 than 1/12 of the Annual Specified Amount, an amount equal to
15 the difference shall be immediately paid into the Build
16 Illinois Fund from other moneys received by the Department
17 pursuant to the Tax Acts; and, further provided, that in no
18 event shall the payments required under the preceding proviso
19 result in aggregate payments into the Build Illinois Fund
20 pursuant to this clause (b) for any fiscal year in excess of
21 the greater of (i) the Tax Act Amount or (ii) the Annual
22 Specified Amount for such fiscal year; and, further provided,
23 that the amounts payable into the Build Illinois Fund under
24 this clause (b) shall be payable only until such time as the
25 aggregate amount on deposit under each trust indenture securing
26 Bonds issued and outstanding pursuant to the Build Illinois

1 Bond Act is sufficient, taking into account any future
2 investment income, to fully provide, in accordance with such
3 indenture, for the defeasance of or the payment of the
4 principal of, premium, if any, and interest on the Bonds
5 secured by such indenture and on any Bonds expected to be
6 issued thereafter and all fees and costs payable with respect
7 thereto, all as certified by the Director of the Bureau of the
8 Budget (now Governor's Office of Management and Budget). If on
9 the last business day of any month in which Bonds are
10 outstanding pursuant to the Build Illinois Bond Act, the
11 aggregate of the moneys deposited in the Build Illinois Bond
12 Account in the Build Illinois Fund in such month shall be less
13 than the amount required to be transferred in such month from
14 the Build Illinois Bond Account to the Build Illinois Bond
15 Retirement and Interest Fund pursuant to Section 13 of the
16 Build Illinois Bond Act, an amount equal to such deficiency
17 shall be immediately paid from other moneys received by the
18 Department pursuant to the Tax Acts to the Build Illinois Fund;
19 provided, however, that any amounts paid to the Build Illinois
20 Fund in any fiscal year pursuant to this sentence shall be
21 deemed to constitute payments pursuant to clause (b) of the
22 preceding sentence and shall reduce the amount otherwise
23 payable for such fiscal year pursuant to clause (b) of the
24 preceding sentence. The moneys received by the Department
25 pursuant to this Act and required to be deposited into the
26 Build Illinois Fund are subject to the pledge, claim and charge

1 set forth in Section 12 of the Build Illinois Bond Act.

2 Subject to payment of amounts into the Build Illinois Fund
3 as provided in the preceding paragraph or in any amendment
4 thereto hereafter enacted, the following specified monthly
5 installment of the amount requested in the certificate of the
6 Chairman of the Metropolitan Pier and Exposition Authority
7 provided under Section 8.25f of the State Finance Act, but not
8 in excess of the sums designated as "Total Deposit", shall be
9 deposited in the aggregate from collections under Section 9 of
10 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
11 9 of the Service Occupation Tax Act, and Section 3 of the
12 Retailers' Occupation Tax Act into the McCormick Place
13 Expansion Project Fund in the specified fiscal years.

14		Total
	Fiscal Year	Deposit
15	1993	\$0
16	1994	53,000,000
17	1995	58,000,000
18	1996	61,000,000
19	1997	64,000,000
20	1998	68,000,000
21	1999	71,000,000
22	2000	75,000,000
23	2001	80,000,000
24	2002	93,000,000
25	2003	99,000,000

1	2004	103,000,000
2	2005	108,000,000
3	2006	113,000,000
4	2007	119,000,000
5	2008	126,000,000
6	2009	132,000,000
7	2010	139,000,000
8	2011	146,000,000
9	2012	153,000,000
10	2013	161,000,000
11	2014	170,000,000
12	2015	179,000,000
13	2016	189,000,000
14	2017	199,000,000
15	2018	210,000,000
16	2019	221,000,000
17	2020	233,000,000
18	2021	246,000,000
19	2022	260,000,000
20	2023	275,000,000
21	2024	275,000,000
22	2025	275,000,000
23	2026	279,000,000
24	2027	292,000,000
25	2028	307,000,000
26	2029	322,000,000

1	2030	338,000,000
2	2031	350,000,000
3	2032	350,000,000

4 and

5 each fiscal year

6 thereafter that bonds

7 are outstanding under

8 Section 13.2 of the

9 Metropolitan Pier and

10 Exposition Authority Act,

11 but not after fiscal year 2060.

12 Beginning July 20, 1993 and in each month of each fiscal
13 year thereafter, one-eighth of the amount requested in the
14 certificate of the Chairman of the Metropolitan Pier and
15 Exposition Authority for that fiscal year, less the amount
16 deposited into the McCormick Place Expansion Project Fund by
17 the State Treasurer in the respective month under subsection
18 (g) of Section 13 of the Metropolitan Pier and Exposition
19 Authority Act, plus cumulative deficiencies in the deposits
20 required under this Section for previous months and years,
21 shall be deposited into the McCormick Place Expansion Project
22 Fund, until the full amount requested for the fiscal year, but
23 not in excess of the amount specified above as "Total Deposit",
24 has been deposited.

25 Subject to payment of amounts into the Build Illinois Fund
26 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 Law of the
19 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

1 equal to 1.7% of 80% of the net revenue realized under this Act
2 for the second preceding month. Beginning April 1, 2000, this
3 transfer is no longer required and shall not be made.

4 Net revenue realized for a month shall be the revenue
5 collected by the State pursuant to this Act, less the amount
6 paid out during that month as refunds to taxpayers for
7 overpayment of liability.

8 (Source: P.A. 96-34, eff. 7-13-09; 96-38, eff. 7-13-09; 96-898,
9 eff. 5-27-10.)

10 Section 5-37. The Service Occupation Tax Act is amended by
11 changing Section 9 as follows:

12 (35 ILCS 115/9) (from Ch. 120, par. 439.109)

13 Sec. 9. Each serviceman required or authorized to collect
14 the tax herein imposed shall pay to the Department the amount
15 of such tax at the time when he is required to file his return
16 for the period during which such tax was collectible, less a
17 discount of 2.1% prior to January 1, 1990, and 1.75% on and
18 after January 1, 1990, or \$5 per calendar year, whichever is
19 greater, which is allowed to reimburse the serviceman for
20 expenses incurred in collecting the tax, keeping records,
21 preparing and filing returns, remitting the tax and supplying
22 data to the Department on request.

23 Where such tangible personal property is sold under a
24 conditional sales contract, or under any other form of sale

1 wherein the payment of the principal sum, or a part thereof, is
2 extended beyond the close of the period for which the return is
3 filed, the serviceman, in collecting the tax may collect, for
4 each tax return period, only the tax applicable to the part of
5 the selling price actually received during such tax return
6 period.

7 Except as provided hereinafter in this Section, on or
8 before the twentieth day of each calendar month, such
9 serviceman shall file a return for the preceding calendar month
10 in accordance with reasonable rules and regulations to be
11 promulgated by the Department of Revenue. Such return shall be
12 filed on a form prescribed by the Department and shall contain
13 such information as the Department may reasonably require.

14 The Department may require returns to be filed on a
15 quarterly basis. If so required, a return for each calendar
16 quarter shall be filed on or before the twentieth day of the
17 calendar month following the end of such calendar quarter. The
18 taxpayer shall also file a return with the Department for each
19 of the first two months of each calendar quarter, on or before
20 the twentieth day of the following calendar month, stating:

- 21 1. The name of the seller;
- 22 2. The address of the principal place of business from
23 which he engages in business as a serviceman in this State;
- 24 3. The total amount of taxable receipts received by him
25 during the preceding calendar month, including receipts
26 from charge and time sales, but less all deductions allowed

1 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 Prior to October 1, 2003, and on and after September 1,
13 2004 a serviceman may accept a Manufacturer's Purchase Credit
14 certification from a purchaser in satisfaction of Service Use
15 Tax as provided in Section 3-70 of the Service Use Tax Act if
16 the purchaser provides the appropriate documentation as
17 required by Section 3-70 of the Service Use Tax Act. A
18 Manufacturer's Purchase Credit certification, accepted prior
19 to October 1, 2003 or on or after September 1, 2004 by a
20 serviceman as provided in Section 3-70 of the Service Use Tax
21 Act, may be used by that serviceman to satisfy Service
22 Occupation Tax liability in the amount claimed in the
23 certification, not to exceed 6.25% of the receipts subject to
24 tax from a qualifying purchase. A Manufacturer's Purchase
25 Credit reported on any original or amended return filed under
26 this Act after October 20, 2003 for reporting periods prior to

1 September 1, 2004 shall be disallowed. Manufacturer's Purchase
2 Credit reported on annual returns due on or after January 1,
3 2005 will be disallowed for periods prior to September 1, 2004.
4 No Manufacturer's Purchase Credit may be used after September
5 30, 2003 through August 31, 2004 to satisfy any tax liability
6 imposed under this Act, including any audit liability.

7 If the serviceman's average monthly tax liability to the
8 Department does not exceed \$200, the Department may authorize
9 his returns to be filed on a quarter annual basis, with the
10 return for January, February and March of a given year being
11 due by April 20 of such year; with the return for April, May
12 and June of a given year being due by July 20 of such year; with
13 the return for July, August and September of a given year being
14 due by October 20 of such year, and with the return for
15 October, November and December of a given year being due by
16 January 20 of the following year.

17 If the serviceman's average monthly tax liability to the
18 Department does not exceed \$50, the Department may authorize
19 his returns to be filed on an annual basis, with the return for
20 a given year being due by January 20 of the 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

1 business which makes him responsible for filing returns under
2 this Act, such serviceman shall file a final return under this
3 Act with the Department not more than 1 month after
4 discontinuing such business.

5 Beginning October 1, 1993, a taxpayer who has an average
6 monthly tax liability of \$150,000 or more shall make all
7 payments required by rules of the Department by electronic
8 funds transfer. Beginning October 1, 1994, a taxpayer who has
9 an average monthly tax liability of \$100,000 or more shall make
10 all payments required by rules of the Department by electronic
11 funds transfer. Beginning October 1, 1995, a taxpayer who has
12 an average monthly tax liability of \$50,000 or more shall make
13 all payments required by rules of the Department by electronic
14 funds transfer. Beginning October 1, 2000, a taxpayer who has
15 an annual tax liability of \$200,000 or more shall make all
16 payments required by rules of the Department by electronic
17 funds transfer. The term "annual tax liability" shall be the
18 sum of the taxpayer's liabilities under this Act, and under all
19 other State and local occupation and use tax laws administered
20 by the Department, for the immediately preceding calendar year.
21 The term "average monthly tax liability" means the sum of the
22 taxpayer's liabilities under this Act, and under all other
23 State and local occupation and use tax laws administered by the
24 Department, for the immediately preceding calendar year
25 divided by 12. Beginning on October 1, 2002, a taxpayer who has
26 a tax liability in the amount set forth in subsection (b) of

1 Section 2505-210 of the Department of Revenue Law shall make
2 all payments required by rules of the Department by electronic
3 funds transfer.

4 Before August 1 of each year beginning in 1993, the
5 Department shall notify all taxpayers required to make payments
6 by electronic funds transfer. All taxpayers required to make
7 payments by electronic funds transfer shall make those payments
8 for a minimum of one year beginning on October 1.

9 Any taxpayer not required to make payments by electronic
10 funds transfer may make payments by electronic funds transfer
11 with the permission of the Department.

12 All taxpayers required to make payment by electronic funds
13 transfer and any taxpayers authorized to voluntarily make
14 payments by electronic funds transfer shall make those payments
15 in the manner authorized by the Department.

16 The Department shall adopt such rules as are necessary to
17 effectuate a program of electronic funds transfer and the
18 requirements of this Section.

19 Where a serviceman collects the tax with respect to the
20 selling price of tangible personal property which he sells and
21 the purchaser thereafter returns such tangible personal
22 property and the serviceman refunds the selling price thereof
23 to the purchaser, such serviceman shall also refund, to the
24 purchaser, the tax so collected from the purchaser. When filing
25 his return for the period in which he refunds such tax to the
26 purchaser, the serviceman may deduct the amount of the tax so

1 refunded by him to the purchaser from any other Service
2 Occupation Tax, Service Use Tax, Retailers' Occupation Tax or
3 Use Tax which such serviceman may be required to pay or remit
4 to the Department, as shown by such return, provided that the
5 amount of the tax to be deducted shall previously have been
6 remitted to the Department by such serviceman. If the
7 serviceman shall not previously have remitted the amount of
8 such tax to the Department, he shall be entitled to no
9 deduction hereunder upon refunding such tax to the purchaser.

10 If experience indicates such action to be practicable, the
11 Department may prescribe and furnish a combination or joint
12 return which will enable servicemen, who are required to file
13 returns hereunder and also under the Retailers' Occupation Tax
14 Act, the Use Tax Act or the Service Use Tax Act, to furnish all
15 the return information required by all said Acts on the one
16 form.

17 Where the serviceman has more than one business registered
18 with the Department under separate registrations hereunder,
19 such serviceman shall file separate returns for each registered
20 business.

21 Beginning January 1, 1990, each month the Department shall
22 pay into the Local Government Tax Fund the revenue realized for
23 the preceding month from the 1% tax on sales of food for human
24 consumption which is to be consumed off the premises where it
25 is sold (other than alcoholic beverages, soft drinks and food
26 which has been prepared for immediate consumption) and

1 prescription and nonprescription medicines, drugs, medical
2 appliances and insulin, urine testing materials, syringes and
3 needles used by diabetics.

4 Beginning January 1, 1990, each month the Department shall
5 pay into the County and Mass Transit District Fund 4% of the
6 revenue realized for the preceding month from the 6.25% general
7 rate.

8 Beginning August 1, 2000, each month the Department shall
9 pay into the County and Mass Transit District Fund 20% of the
10 net revenue realized for the preceding month from the 1.25%
11 rate on the selling price of motor fuel and gasohol.

12 Beginning January 1, 1990, each month the Department shall
13 pay into the Local Government Tax Fund 16% of the revenue
14 realized for the preceding month from the 6.25% general rate on
15 transfers of tangible personal property.

16 Beginning August 1, 2000, each month the Department shall
17 pay into the Local Government Tax Fund 80% of the net revenue
18 realized for the preceding month from the 1.25% rate on the
19 selling price of motor fuel and gasohol.

20 Beginning October 1, 2009, each month the Department shall
21 pay into the Capital Projects Fund an amount that is equal to
22 an amount estimated by the Department to represent 80% of the
23 net revenue realized for the preceding month from the sale of
24 candy, grooming and hygiene products, and soft drinks that had
25 been taxed at a rate of 1% prior to September 1, 2009 but that
26 is now taxed at 6.25%.

1 Beginning July 1, 2013, each month the Department shall pay
2 into the Underground Storage Tank Fund from the proceeds
3 collected under this Act, the Use Tax Act, the Service Use Tax
4 Act, and the Retailers' Occupation Tax Act an amount equal to
5 the average monthly deficit in the Underground Storage Tank
6 Fund during the prior year, as certified annually by the
7 Illinois Environmental Protection Agency, but the total
8 payment into the Underground Storage Tank Fund under this Act,
9 the Use Tax Act, the Service Use Tax Act, and the Retailers'
10 Occupation Tax Act shall not exceed \$18,000,000 in any State
11 fiscal year. As used in this paragraph, the "average monthly
12 deficit" shall be equal to the difference between the average
13 monthly claims for payment by the fund and the average monthly
14 revenues deposited into the fund, excluding payments made
15 pursuant to this paragraph.

16 Of the remainder of the moneys received by the Department
17 pursuant to this Act, (a) 1.75% thereof shall be paid into the
18 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
19 and after July 1, 1989, 3.8% thereof shall be paid into the
20 Build Illinois Fund; provided, however, that if in any fiscal
21 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
22 may be, of the moneys received by the Department and required
23 to be paid into the Build Illinois Fund pursuant to Section 3
24 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax
25 Act, Section 9 of the Service Use Tax Act, and Section 9 of the
26 Service Occupation Tax Act, such Acts being hereinafter called

1 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case
2 may be, of moneys being hereinafter called the "Tax Act
3 Amount", and (2) the amount transferred to the Build Illinois
4 Fund from the State and Local Sales Tax Reform Fund shall be
5 less than the Annual Specified Amount (as defined in Section 3
6 of the Retailers' Occupation Tax Act), an amount equal to the
7 difference shall be immediately paid into the Build Illinois
8 Fund from other moneys received by the Department pursuant to
9 the Tax Acts; and further provided, that if on the last
10 business day of any month the sum of (1) the Tax Act Amount
11 required to be deposited into the Build Illinois Account in the
12 Build Illinois Fund during such month and (2) the amount
13 transferred during such month to the Build Illinois Fund from
14 the State and Local Sales Tax Reform Fund shall have been less
15 than 1/12 of the Annual Specified Amount, an amount equal to
16 the difference shall be immediately paid into the Build
17 Illinois Fund from other moneys received by the Department
18 pursuant to the Tax Acts; and, further provided, that in no
19 event shall the payments required under the preceding proviso
20 result in aggregate payments into the Build Illinois Fund
21 pursuant to this clause (b) for any fiscal year in excess of
22 the greater of (i) the Tax Act Amount or (ii) the Annual
23 Specified Amount for such fiscal year; and, further provided,
24 that the amounts payable into the Build Illinois Fund under
25 this clause (b) shall be payable only until such time as the
26 aggregate amount on deposit under each trust indenture securing

1 Bonds issued and outstanding pursuant to the Build Illinois
2 Bond Act is sufficient, taking into account any future
3 investment income, to fully provide, in accordance with such
4 indenture, for the defeasance of or the payment of the
5 principal of, premium, if any, and interest on the Bonds
6 secured by such indenture and on any Bonds expected to be
7 issued thereafter and all fees and costs payable with respect
8 thereto, all as certified by the Director of the Bureau of the
9 Budget (now Governor's Office of Management and Budget). If on
10 the last business day of any month in which Bonds are
11 outstanding pursuant to the Build Illinois Bond Act, the
12 aggregate of the moneys deposited in the Build Illinois Bond
13 Account in the Build Illinois Fund in such month shall be less
14 than the amount required to be transferred in such month from
15 the Build Illinois Bond Account to the Build Illinois Bond
16 Retirement and Interest Fund pursuant to Section 13 of the
17 Build Illinois Bond Act, an amount equal to such deficiency
18 shall be immediately paid from other moneys received by the
19 Department pursuant to the Tax Acts to the Build Illinois Fund;
20 provided, however, that any amounts paid to the Build Illinois
21 Fund in any fiscal year pursuant to this sentence shall be
22 deemed to constitute payments pursuant to clause (b) of the
23 preceding sentence and shall reduce the amount otherwise
24 payable for such fiscal year pursuant to clause (b) of the
25 preceding sentence. The moneys received by the Department
26 pursuant to this Act and required to be deposited into the

1 Build Illinois Fund are subject to the pledge, claim and charge
2 set forth in Section 12 of the Build Illinois Bond Act.

3 Subject to payment of amounts into the Build Illinois Fund
4 as provided in the preceding paragraph or in any amendment
5 thereto hereafter enacted, the following specified monthly
6 installment of the amount requested in the certificate of the
7 Chairman of the Metropolitan Pier and Exposition Authority
8 provided under Section 8.25f of the State Finance Act, but not
9 in excess of the sums designated as "Total Deposit", shall be
10 deposited in the aggregate from collections under Section 9 of
11 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
12 9 of the Service Occupation Tax Act, and Section 3 of the
13 Retailers' Occupation Tax Act into the McCormick Place
14 Expansion Project Fund in the specified fiscal years.

15		Total
	Fiscal Year	Deposit
16	1993	\$0
17	1994	53,000,000
18	1995	58,000,000
19	1996	61,000,000
20	1997	64,000,000
21	1998	68,000,000
22	1999	71,000,000
23	2000	75,000,000
24	2001	80,000,000
25	2002	93,000,000

1	2003	99,000,000
2	2004	103,000,000
3	2005	108,000,000
4	2006	113,000,000
5	2007	119,000,000
6	2008	126,000,000
7	2009	132,000,000
8	2010	139,000,000
9	2011	146,000,000
10	2012	153,000,000
11	2013	161,000,000
12	2014	170,000,000
13	2015	179,000,000
14	2016	189,000,000
15	2017	199,000,000
16	2018	210,000,000
17	2019	221,000,000
18	2020	233,000,000
19	2021	246,000,000
20	2022	260,000,000
21	2023	275,000,000
22	2024	275,000,000
23	2025	275,000,000
24	2026	279,000,000
25	2027	292,000,000
26	2028	307,000,000

1	2029	322,000,000
2	2030	338,000,000
3	2031	350,000,000
4	2032	350,000,000

5 and

6 each fiscal year

7 thereafter that bonds

8 are outstanding under

9 Section 13.2 of the

10 Metropolitan Pier and

11 Exposition Authority Act,

12 but not after fiscal year 2060.

13 Beginning July 20, 1993 and in each month of each fiscal
14 year thereafter, one-eighth of the amount requested in the
15 certificate of the Chairman of the Metropolitan Pier and
16 Exposition Authority for that fiscal year, less the amount
17 deposited into the McCormick Place Expansion Project Fund by
18 the State Treasurer in the respective month under subsection
19 (g) of Section 13 of the Metropolitan Pier and Exposition
20 Authority Act, plus cumulative deficiencies in the deposits
21 required under this Section for previous months and years,
22 shall be deposited into the McCormick Place Expansion Project
23 Fund, until the full amount requested for the fiscal year, but
24 not in excess of the amount specified above as "Total Deposit",
25 has been deposited.

26 Subject to payment of amounts into the Build Illinois Fund

1 and the McCormick Place Expansion Project Fund pursuant to the
2 preceding paragraphs or in any amendments thereto hereafter
3 enacted, beginning July 1, 1993, the Department shall each
4 month pay into the Illinois Tax Increment Fund 0.27% of 80% of
5 the net revenue realized for the preceding month from the 6.25%
6 general rate on the selling price of tangible personal
7 property.

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 with the receipt of the first report of
12 taxes paid by an eligible business and continuing for a 25-year
13 period, the Department shall each month pay into the Energy
14 Infrastructure Fund 80% of the net revenue realized from the
15 6.25% general rate on the selling price of Illinois-mined coal
16 that was sold to an eligible business. For purposes of this
17 paragraph, the term "eligible business" means a new electric
18 generating facility certified pursuant to Section 605-332 of
19 the Department of Commerce and Economic Opportunity Law of the
20 Civil Administrative Code of Illinois.

21 Remaining moneys received by the Department pursuant to
22 this Act shall be paid into the General Revenue Fund of the
23 State Treasury.

24 The Department may, upon separate written notice to a
25 taxpayer, require the taxpayer to prepare and file with the
26 Department on a form prescribed by the Department within not

1 less than 60 days after receipt of the notice an annual
2 information return for the tax year specified in the notice.
3 Such annual return to the Department shall include a statement
4 of gross receipts as shown by the taxpayer's last Federal
5 income tax return. If the total receipts of the business as
6 reported in the Federal income tax return do not agree with the
7 gross receipts reported to the Department of Revenue for the
8 same period, the taxpayer shall attach to his annual return a
9 schedule showing a reconciliation of the 2 amounts and the
10 reasons for the difference. The taxpayer's annual return to the
11 Department shall also disclose the cost of goods sold by the
12 taxpayer during the year covered by such return, opening and
13 closing inventories of such goods for such year, cost of goods
14 used from stock or taken from stock and given away by the
15 taxpayer during such year, pay roll information of the
16 taxpayer's business during such year and any additional
17 reasonable information which the Department deems would be
18 helpful in determining the accuracy of the monthly, quarterly
19 or annual returns filed by such taxpayer as hereinbefore
20 provided for in this Section.

21 If the annual information return required by this Section
22 is not filed when and as required, the taxpayer shall be liable
23 as follows:

24 (i) Until January 1, 1994, the taxpayer shall be liable
25 for a penalty equal to 1/6 of 1% of the tax due from such
26 taxpayer under this Act during the period to be covered by

1 the annual return for each month or fraction of a month
2 until such return is filed as required, the penalty to be
3 assessed and collected in the same manner as any other
4 penalty provided for in this Act.

5 (ii) On and after January 1, 1994, the taxpayer shall
6 be liable for a penalty as described in Section 3-4 of the
7 Uniform Penalty and Interest Act.

8 The chief executive officer, proprietor, owner or highest
9 ranking manager shall sign the annual return to certify the
10 accuracy of the information contained therein. Any person who
11 willfully signs the annual return containing false or
12 inaccurate information shall be guilty of perjury and punished
13 accordingly. The annual return form prescribed by the
14 Department shall include a warning that the person signing the
15 return may be liable for perjury.

16 The foregoing portion of this Section concerning the filing
17 of an annual information return shall not apply to a serviceman
18 who is not required to file an income tax return with the
19 United States Government.

20 As soon as possible after the first day of each month, upon
21 certification of the Department of Revenue, the Comptroller
22 shall order transferred and the Treasurer shall transfer from
23 the General Revenue Fund to the Motor Fuel Tax Fund an amount
24 equal to 1.7% of 80% of the net revenue realized under this Act
25 for the second preceding month. Beginning April 1, 2000, this
26 transfer is no longer required and shall not be made.

1 Net revenue realized for a month shall be the revenue
2 collected by the State pursuant to this Act, less the amount
3 paid out during that month as refunds to taxpayers for
4 overpayment of liability.

5 For greater simplicity of administration, it shall be
6 permissible for manufacturers, importers and wholesalers whose
7 products are sold by numerous servicemen in Illinois, and who
8 wish to do so, to assume the responsibility for accounting and
9 paying to the Department all tax accruing under this Act with
10 respect to such sales, if the servicemen who are affected do
11 not make written objection to the Department to this
12 arrangement.

13 (Source: P.A. 96-34, eff. 7-13-09; 96-38, eff. 7-13-09; 96-898,
14 eff. 5-27-10.)

15 Section 5-40. The Retailers' Occupation Tax Act is amended
16 by changing Sections 2-54, 3, 5k, 5l, and 9 as follows:

17 (35 ILCS 120/2-54)

18 Sec. 2-54. Building materials exemption; River Edge
19 Redevelopment Zones.

20 (a) Each retailer that makes a qualified sale of building
21 materials to be incorporated into real estate within a River
22 Edge Redevelopment Zone in accordance with the River Edge
23 Redevelopment Zone Act by remodeling, rehabilitating, or new
24 construction may deduct receipts from those sales when

1 calculating the tax imposed by this Act. For purposes of this
2 Section, "qualified sale" means a sale of building materials
3 that will be incorporated into real estate as part of an
4 industrial or commercial project for which a Certificate of
5 Eligibility for Sales Tax Exemption has been issued by the
6 corporate authorities of the municipality in which the building
7 project is located.

8 (b) Before July 1, 2013, to ~~to~~ document the exemption
9 allowed under this Section, the retailer must obtain from the
10 purchaser a copy of the Certificate of Eligibility for Sales
11 Tax Exemption issued by the corporate authorities of the
12 municipality in which the real estate into which the building
13 materials will be incorporated is located. The Certificate of
14 Eligibility for Sales Tax Exemption must contain all of the
15 following:

16 (1) A statement that the commercial or industrial
17 project identified in the Certificate meets all the
18 requirements of the jurisdiction in which the project is
19 located.

20 (2) The location or address of the building project.

21 (3) The signature of the chief executive officer of the
22 municipality in which the building project is located, or
23 the chief executive officer's delegate.

24 (c) Before July 1, 2013, in ~~in~~ addition, the retailer must
25 obtain a certificate from the purchaser that contains all of
26 the following:

1 (1) A statement that the building materials are being
2 purchased for incorporation into real estate located in a
3 River Edge Redevelopment Zone included in a redevelopment
4 project area in accordance with River Edge Redevelopment
5 Zone Act.

6 (2) The location or address of the real estate into
7 which the building materials will be incorporated.

8 (3) The name of the River Edge Redevelopment Zone in
9 which that real estate is located.

10 (4) A description of the building materials being
11 purchased.

12 (5) The purchaser's signature and date of purchase.

13 (d) On and after July 1, 2013, to document the exemption
14 allowed under this Section the retailer must obtain from the
15 purchaser the purchaser's River Edge Building Materials
16 Exemption Certificate number issued by the Department. A
17 construction contractor or other entity shall not make tax-free
18 purchases unless it has an active Exemption Certificate issued
19 by the Department at the time of purchase.

20 Upon request from the corporate authorities of the
21 municipality in which the building project is located, the
22 Department shall issue a River Edge Building Materials
23 Exemption Certificate for each construction contractor or
24 other entity identified by the corporate authorities of the
25 municipality in which the building project is located. The
26 Department shall make the Exemption Certificates available to

1 the corporate authorities of the municipality in which the
2 building project is located and each construction contractor or
3 other entity. The request for River Edge Building Materials
4 Exemption Certificates from the corporate authorities of the
5 municipality in which the building project is located to the
6 Department must include the following information:

7 (1) the name and address of the construction contractor
8 or other entity;

9 (2) the name and number of the River Edge Redevelopment
10 Zone in which the building project is located;

11 (3) the name and location or address of the building
12 project in the River Edge Redevelopment Zone;

13 (4) the estimated amount of the exemption for each
14 construction contractor or other entity for which a request
15 for Exemption Certificate is made, based on a stated
16 estimated average tax rate and the percentage of the
17 contract that consists of materials;

18 (5) the period of time over which supplies for the
19 project are expected to be purchased; and

20 (6) other reasonable information as the Department may
21 require, including but not limited to FEIN numbers, to
22 determine if the contractor or other entity, or any
23 partner, or a corporate officer, and in the case of a
24 limited liability company, any manager or member, of the
25 construction contractor or other entity, is or has been the
26 owner, a partner, a corporate officer, and in the case of a

1 limited liability company, a manager or member, of a person
2 that is in default for moneys due to the Department under
3 this Act or any other tax or fee Act administered by the
4 Department.

5 The Department shall issue the River Edge Building
6 Materials Exemption Certificates within 3 business days after
7 receipt of request from the corporate authorities of the
8 municipality in which the building project is located. This
9 requirement does not apply in circumstances where the
10 Department, for reasonable cause, is unable to issue the
11 Exemption Certificate within 3 business days. The Department
12 may refuse to issue an Exemption Certificate if the owner, any
13 partner, or a corporate officer, and in the case of a limited
14 liability company, any manager or member, of the construction
15 contractor or other entity is or has been the owner, a partner,
16 a corporate officer, and in the case of a limited liability
17 company, a manager or member, of a person that is in default
18 for moneys due to the Department under this Act or any other
19 tax or fee Act administered by the Department. The River Edge
20 Building Materials Exemption Certificate shall contain
21 language stating that, if the construction contractor or other
22 entity who is issued the Exemption Certificate makes a
23 tax-exempt purchase as described in this Section that is not
24 eligible for exemption under this Section, or allows another
25 person to make a tax-exempt purchase, as described in this
26 Section, that is not eligible for exemption under this Section,

1 then, in addition to any tax or other penalty imposed, the
2 construction contractor or other entity is subject to a penalty
3 equal to the tax that would have been paid by the retailer
4 under this Act as well as any applicable local retailers'
5 occupation tax on the purchase that is not eligible for the
6 exemption.

7 The Department, in its discretion, may require that the
8 request for River Edge Building Materials Exemption
9 Certificates be submitted electronically. The Department may,
10 in its discretion, issue the Exemption Certificates
11 electronically. The River Edge Building Materials Exemption
12 Certificate number shall be designed in such a way that the
13 Department can identify from the unique number on the Exemption
14 Certificate issued to a given construction contractor or other
15 entity, the name of the River Edge Redevelopment Zone in which
16 the building project is located, the project for which the
17 Exemption Certificate is issued, and the construction
18 contractor or other entity to whom the Exemption Certificate is
19 issued. The Exemption Certificate shall contain an expiration
20 date, which shall be no more than 2 years after the date of
21 issuance. At the request of the corporate authorities of the
22 municipality in which the building project is located, the
23 Department may renew an Exemption Certificate. After the
24 Department issues Exemption Certificates for a given River Edge
25 building project, the corporate authorities of the
26 municipality in which the building project is located may

1 notify the Department of additional construction contractors
2 or other entities eligible for a River Edge Building Materials
3 Exemption Certificate. Upon notification by the corporate
4 authorities of the municipality in which the building project
5 is located, and subject to the other provisions of this
6 subsection (d), the Department shall issue a River Edge
7 Building Materials Exemption Certificate to each additional
8 construction contractor or other entity identified by the
9 corporate authorities of the municipality in which the building
10 project is located. The corporate authorities of the
11 municipality in which the building project is located may
12 notify the Department to rescind a Building Materials Exemption
13 Certificate previously issued by the Department but that has
14 not yet expired. Upon notification by the corporate authorities
15 of the municipality in which the building project is located,
16 and subject to the other provisions of this subsection (d), the
17 Department shall issue the rescission of the River Edge
18 Building Materials Exemption Certificate to the construction
19 contractor or other entity identified by the corporate
20 authorities of the municipality in which the building project
21 is located and provide a copy to the corporate authorities of
22 the municipality in which the building project is located.

23 If the Department of Revenue determines that a construction
24 contractor or other entity that was issued an Exemption
25 Certificate under this subsection (d) made a tax-exempt
26 purchase, as described in this Section, that was not eligible

1 for exemption under this Section, or allowed another person to
2 make a tax-exempt purchase, as described in this Section, that
3 was not eligible for exemption under this Section, then, in
4 addition to any tax or other penalty imposed, the construction
5 contractor or other entity is subject to a penalty equal to the
6 tax that would have been paid by the retailer under this Act as
7 well as any applicable local retailers' occupation tax on the
8 purchase that was not eligible for the exemption.

9 Notwithstanding anything to the contrary in this Section,
10 for River Edge building projects already in existence and for
11 which construction contracts are already in place on July 1,
12 2013, the request for River Edge Building Materials Exemption
13 Certificates from the corporate authorities of the
14 municipality in which the building project is located to the
15 Department for these pre-existing construction contractors and
16 other entities must include the information required under
17 subsection (d), but not including the information listed in
18 items (4) and (5). For any new construction contract entered
19 into on or after July 1, 2013, however, all of the information
20 in this subsection (d) must be provided.

21 (e) The provisions of this Section are exempt from Section
22 2-70.

23 (Source: P.A. 94-1021, eff. 7-12-06.)

24 (35 ILCS 120/3) (from Ch. 120, par. 442)

25 Sec. 3. Except as provided in this Section, on or before

1 the twentieth day of each calendar month, every person engaged
2 in the business of selling tangible personal property at retail
3 in this State during the preceding calendar month shall file a
4 return with the Department, stating:

5 1. The name of the seller;

6 2. His residence address and the address of his
7 principal place of business and the address of the
8 principal place of business (if that is a different
9 address) from which he engages in the business of selling
10 tangible personal property at retail in this State;

11 3. Total amount of receipts received by him during the
12 preceding calendar month or quarter, as the case may be,
13 from sales of tangible personal property, and from services
14 furnished, by him during such preceding calendar month or
15 quarter;

16 4. Total amount received by him during the preceding
17 calendar month or quarter on charge and time sales of
18 tangible personal property, and from services furnished,
19 by him prior to the month or quarter for which the return
20 is filed;

21 5. Deductions allowed by law;

22 6. Gross receipts which were received by him during the
23 preceding calendar month or quarter and upon the basis of
24 which the tax is imposed;

25 7. The amount of credit provided in Section 2d of this
26 Act;

- 1 8. The amount of tax due;
- 2 9. The signature of the taxpayer; and
- 3 10. Such other reasonable information as the
- 4 Department may require.

5 If a taxpayer fails to sign a return within 30 days after
6 the proper notice and demand for signature by the Department,
7 the return shall be considered valid and any amount shown to be
8 due on the return shall be deemed assessed.

9 Each return shall be accompanied by the statement of
10 prepaid tax issued pursuant to Section 2e for which credit is
11 claimed.

12 Prior to October 1, 2003, and on and after September 1,
13 2004 a retailer may accept a Manufacturer's Purchase Credit
14 certification from a purchaser in satisfaction of Use Tax as
15 provided in Section 3-85 of the Use Tax Act if the purchaser
16 provides the appropriate documentation as required by Section
17 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit
18 certification, accepted by a retailer prior to October 1, 2003
19 and on and after September 1, 2004 as provided in Section 3-85
20 of the Use Tax Act, may be used by that retailer to satisfy
21 Retailers' Occupation Tax liability in the amount claimed in
22 the certification, not to exceed 6.25% of the receipts subject
23 to tax from a qualifying purchase. A Manufacturer's Purchase
24 Credit reported on any original or amended return filed under
25 this Act after October 20, 2003 for reporting periods prior to
26 September 1, 2004 shall be disallowed. Manufacturer's

1 Purchaser Credit reported on annual returns due on or after
2 January 1, 2005 will be disallowed for periods prior to
3 September 1, 2004. No Manufacturer's Purchase Credit may be
4 used after September 30, 2003 through August 31, 2004 to
5 satisfy any tax liability imposed under this Act, including any
6 audit liability.

7 The Department may require returns to be filed on a
8 quarterly basis. If so required, a return for each calendar
9 quarter shall be filed on or before the twentieth day of the
10 calendar month following the end of such calendar quarter. The
11 taxpayer shall also file a return with the Department for each
12 of the first two months of each calendar quarter, on or before
13 the twentieth day of the following calendar month, stating:

- 14 1. The name of the seller;
- 15 2. The address of the principal place of business from
16 which he engages in the business of selling tangible
17 personal property at retail in this State;
- 18 3. The total amount of taxable receipts received by him
19 during the preceding calendar month from sales of tangible
20 personal property by him during such preceding calendar
21 month, including receipts from charge and time sales, but
22 less all deductions allowed by law;
- 23 4. The amount of credit provided in Section 2d of this
24 Act;
- 25 5. The amount of tax due; and
- 26 6. Such other reasonable information as the Department

1 may require.

2 Beginning on October 1, 2003, any person who is not a
3 licensed distributor, importing distributor, or manufacturer,
4 as defined in the Liquor Control Act of 1934, but is engaged in
5 the business of selling, at retail, alcoholic liquor shall file
6 a statement with the Department of Revenue, in a format and at
7 a time prescribed by the Department, showing the total amount
8 paid for alcoholic liquor purchased during the preceding month
9 and such other information as is reasonably required by the
10 Department. The Department may adopt rules to require that this
11 statement be filed in an electronic or telephonic format. Such
12 rules may provide for exceptions from the filing requirements
13 of this paragraph. For the purposes of this paragraph, the term
14 "alcoholic liquor" shall have the meaning prescribed in the
15 Liquor Control Act of 1934.

16 Beginning on October 1, 2003, every distributor, importing
17 distributor, and manufacturer of alcoholic liquor as defined in
18 the Liquor Control Act of 1934, shall file a statement with the
19 Department of Revenue, no later than the 10th day of the month
20 for the preceding month during which transactions occurred, by
21 electronic means, showing the total amount of gross receipts
22 from the sale of alcoholic liquor sold or distributed during
23 the preceding month to purchasers; identifying the purchaser to
24 whom it was sold or distributed; the purchaser's tax
25 registration number; and such other information reasonably
26 required by the Department. A distributor, importing

1 distributor, or manufacturer of alcoholic liquor must
2 personally deliver, mail, or provide by electronic means to
3 each retailer listed on the monthly statement a report
4 containing a cumulative total of that distributor's, importing
5 distributor's, or manufacturer's total sales of alcoholic
6 liquor to that retailer no later than the 10th day of the month
7 for the preceding month during which the transaction occurred.
8 The distributor, importing distributor, or manufacturer shall
9 notify the retailer as to the method by which the distributor,
10 importing distributor, or manufacturer will provide the sales
11 information. If the retailer is unable to receive the sales
12 information by electronic means, the distributor, importing
13 distributor, or manufacturer shall furnish the sales
14 information by personal delivery or by mail. For purposes of
15 this paragraph, the term "electronic means" includes, but is
16 not limited to, the use of a secure Internet website, e-mail,
17 or facsimile.

18 If a total amount of less than \$1 is payable, refundable or
19 creditable, such amount shall be disregarded if it is less than
20 50 cents and shall be increased to \$1 if it is 50 cents or more.

21 Beginning October 1, 1993, a taxpayer who has an average
22 monthly tax liability of \$150,000 or more shall make all
23 payments required by rules of the Department by electronic
24 funds transfer. Beginning October 1, 1994, a taxpayer who has
25 an average monthly tax liability of \$100,000 or more shall make
26 all payments required by rules of the Department by electronic

1 funds transfer. Beginning October 1, 1995, a taxpayer who has
2 an average monthly tax liability of \$50,000 or more shall make
3 all payments required by rules of the Department by electronic
4 funds transfer. Beginning October 1, 2000, a taxpayer who has
5 an annual tax liability of \$200,000 or more shall make all
6 payments required by rules of the Department by electronic
7 funds transfer. The term "annual tax liability" shall be the
8 sum of the taxpayer's liabilities under this Act, and under all
9 other State and local occupation and use tax laws administered
10 by the Department, for the immediately preceding calendar year.
11 The term "average monthly tax liability" shall be the sum of
12 the taxpayer's liabilities under this Act, and under all other
13 State and local occupation and use tax laws administered by the
14 Department, for the immediately preceding calendar year
15 divided by 12. Beginning on October 1, 2002, a taxpayer who has
16 a tax liability in the amount set forth in subsection (b) of
17 Section 2505-210 of the Department of Revenue Law shall make
18 all payments required by rules of the Department by electronic
19 funds transfer.

20 Before August 1 of each year beginning in 1993, the
21 Department shall notify all taxpayers required to make payments
22 by electronic funds transfer. All taxpayers required to make
23 payments by electronic funds transfer shall make those payments
24 for a minimum of one year beginning on October 1.

25 Any taxpayer not required to make payments by electronic
26 funds transfer may make payments by electronic funds transfer

1 with the permission of the Department.

2 All taxpayers required to make payment by electronic funds
3 transfer and any taxpayers authorized to voluntarily make
4 payments by electronic funds transfer shall make those payments
5 in the manner authorized by the Department.

6 The Department shall adopt such rules as are necessary to
7 effectuate a program of electronic funds transfer and the
8 requirements of this Section.

9 Any amount which is required to be shown or reported on any
10 return or other document under this Act shall, if such amount
11 is not a whole-dollar amount, be increased to the nearest
12 whole-dollar amount in any case where the fractional part of a
13 dollar is 50 cents or more, and decreased to the nearest
14 whole-dollar amount where the fractional part of a dollar is
15 less than 50 cents.

16 If the retailer is otherwise required to file a monthly
17 return and if the retailer's average monthly tax liability to
18 the Department does not exceed \$200, the Department may
19 authorize his returns to be filed on a quarter annual basis,
20 with the return for January, February and March of a given year
21 being due by April 20 of such year; with the return for April,
22 May and June of a given year being due by July 20 of such year;
23 with the return for July, August and September of a given year
24 being due by October 20 of such year, and with the return for
25 October, November and December of a given year being due by
26 January 20 of the following year.

1 If the retailer is otherwise required to file a monthly or
2 quarterly return and if the retailer's average monthly tax
3 liability with the Department does not exceed \$50, the
4 Department may authorize his returns to be filed on an annual
5 basis, with the return for a given year being due by January 20
6 of the following year.

7 Such quarter annual and annual returns, as to form and
8 substance, shall be subject to the same requirements as monthly
9 returns.

10 Notwithstanding any other provision in this Act concerning
11 the time within which a retailer may file his return, in the
12 case of any retailer who ceases to engage in a kind of business
13 which makes him responsible for filing returns under this Act,
14 such retailer shall file a final return under this Act with the
15 Department not more than one month after discontinuing such
16 business.

17 Where the same person has more than one business registered
18 with the Department under separate registrations under this
19 Act, such person may not file each return that is due as a
20 single return covering all such registered businesses, but
21 shall file separate returns for each such registered business.

22 In addition, with respect to motor vehicles, watercraft,
23 aircraft, and trailers that are required to be registered with
24 an agency of this State, every retailer selling this kind of
25 tangible personal property shall file, with the Department,
26 upon a form to be prescribed and supplied by the Department, a

1 separate return for each such item of tangible personal
2 property which the retailer sells, except that if, in the same
3 transaction, (i) a retailer of aircraft, watercraft, motor
4 vehicles or trailers transfers more than one aircraft,
5 watercraft, motor vehicle or trailer to another aircraft,
6 watercraft, motor vehicle retailer or trailer retailer for the
7 purpose of resale or (ii) a retailer of aircraft, watercraft,
8 motor vehicles, or trailers transfers more than one aircraft,
9 watercraft, motor vehicle, or trailer to a purchaser for use as
10 a qualifying rolling stock as provided in Section 2-5 of this
11 Act, then that seller may report the transfer of all aircraft,
12 watercraft, motor vehicles or trailers involved in that
13 transaction to the Department on the same uniform
14 invoice-transaction reporting return form. For purposes of
15 this Section, "watercraft" means a Class 2, Class 3, or Class 4
16 watercraft as defined in Section 3-2 of the Boat Registration
17 and Safety Act, a personal watercraft, or any boat equipped
18 with an inboard motor.

19 Any retailer who sells only motor vehicles, watercraft,
20 aircraft, or trailers that are required to be registered with
21 an agency of this State, so that all retailers' occupation tax
22 liability is required to be reported, and is reported, on such
23 transaction reporting returns and who is not otherwise required
24 to file monthly or quarterly returns, need not file monthly or
25 quarterly returns. However, those retailers shall be required
26 to file returns on an annual basis.

1 The transaction reporting return, in the case of motor
2 vehicles or trailers that are required to be registered with an
3 agency of this State, shall be the same document as the Uniform
4 Invoice referred to in Section 5-402 of The Illinois Vehicle
5 Code and must show the name and address of the seller; the name
6 and address of the purchaser; the amount of the selling price
7 including the amount allowed by the retailer for traded-in
8 property, if any; the amount allowed by the retailer for the
9 traded-in tangible personal property, if any, to the extent to
10 which Section 1 of this Act allows an exemption for the value
11 of traded-in property; the balance payable after deducting such
12 trade-in allowance from the total selling price; the amount of
13 tax due from the retailer with respect to such transaction; the
14 amount of tax collected from the purchaser by the retailer on
15 such transaction (or satisfactory evidence that such tax is not
16 due in that particular instance, if that is claimed to be the
17 fact); the place and date of the sale; a sufficient
18 identification of the property sold; such other information as
19 is required in Section 5-402 of The Illinois Vehicle Code, and
20 such other information as the Department may reasonably
21 require.

22 The transaction reporting return in the case of watercraft
23 or aircraft must show the name and address of the seller; the
24 name and address of the purchaser; the amount of the selling
25 price including the amount allowed by the retailer for
26 traded-in property, if any; the amount allowed by the retailer

1 for the traded-in tangible personal property, if any, to the
2 extent to which Section 1 of this Act allows an exemption for
3 the value of traded-in property; the balance payable after
4 deducting such trade-in allowance from the total selling price;
5 the amount of tax due from the retailer with respect to such
6 transaction; the amount of tax collected from the purchaser by
7 the retailer on such transaction (or satisfactory evidence that
8 such tax is not due in that particular instance, if that is
9 claimed to be the fact); the place and date of the sale, a
10 sufficient identification of the property sold, and such other
11 information as the Department may reasonably require.

12 Such transaction reporting return shall be filed not later
13 than 20 days after the day of delivery of the item that is
14 being sold, but may be filed by the retailer at any time sooner
15 than that if he chooses to do so. The transaction reporting
16 return and tax remittance or proof of exemption from the
17 Illinois use tax may be transmitted to the Department by way of
18 the State agency with which, or State officer with whom the
19 tangible personal property must be titled or registered (if
20 titling or registration is required) if the Department and such
21 agency or State officer determine that this procedure will
22 expedite the processing of applications for title or
23 registration.

24 With each such transaction reporting return, the retailer
25 shall remit the proper amount of tax due (or shall submit
26 satisfactory evidence that the sale is not taxable if that is

1 the case), to the Department or its agents, whereupon the
2 Department shall issue, in the purchaser's name, a use tax
3 receipt (or a certificate of exemption if the Department is
4 satisfied that the particular sale is tax exempt) which such
5 purchaser may submit to the agency with which, or State officer
6 with whom, he must title or register the tangible personal
7 property that is involved (if titling or registration is
8 required) in support of such purchaser's application for an
9 Illinois certificate or other evidence of title or registration
10 to such tangible personal property.

11 No retailer's failure or refusal to remit tax under this
12 Act precludes a user, who has paid the proper tax to the
13 retailer, from obtaining his certificate of title or other
14 evidence of title or registration (if titling or registration
15 is required) upon satisfying the Department that such user has
16 paid the proper tax (if tax is due) to the retailer. The
17 Department shall adopt appropriate rules to carry out the
18 mandate of this paragraph.

19 If the user who would otherwise pay tax to the retailer
20 wants the transaction reporting return filed and the payment of
21 the tax or proof of exemption made to the Department before the
22 retailer is willing to take these actions and such user has not
23 paid the tax to the retailer, such user may certify to the fact
24 of such delay by the retailer and may (upon the Department
25 being satisfied of the truth of such certification) transmit
26 the information required by the transaction reporting return

1 and the remittance for tax or proof of exemption directly to
2 the Department and obtain his tax receipt or exemption
3 determination, in which event the transaction reporting return
4 and tax remittance (if a tax payment was required) shall be
5 credited by the Department to the proper retailer's account
6 with the Department, but without the 2.1% or 1.75% discount
7 provided for in this Section being allowed. When the user pays
8 the tax directly to the Department, he shall pay the tax in the
9 same amount and in the same form in which it would be remitted
10 if the tax had been remitted to the Department by the retailer.

11 Refunds made by the seller during the preceding return
12 period to purchasers, on account of tangible personal property
13 returned to the seller, shall be allowed as a deduction under
14 subdivision 5 of his monthly or quarterly return, as the case
15 may be, in case the seller had theretofore included the
16 receipts from the sale of such tangible personal property in a
17 return filed by him and had paid the tax imposed by this Act
18 with respect to such receipts.

19 Where the seller is a corporation, the return filed on
20 behalf of such corporation shall be signed by the president,
21 vice-president, secretary or treasurer or by the properly
22 accredited agent of such corporation.

23 Where the seller is a limited liability company, the return
24 filed on behalf of the limited liability company shall be
25 signed by a manager, member, or properly accredited agent of
26 the limited liability company.

1 Except as provided in this Section, the retailer filing the
2 return under this Section shall, at the time of filing such
3 return, pay to the Department the amount of tax imposed by this
4 Act less a discount of 2.1% prior to January 1, 1990 and 1.75%
5 on and after January 1, 1990, or \$5 per calendar year,
6 whichever is greater, which is allowed to reimburse the
7 retailer for the expenses incurred in keeping records,
8 preparing and filing returns, remitting the tax and supplying
9 data to the Department on request. Any prepayment made pursuant
10 to Section 2d of this Act shall be included in the amount on
11 which such 2.1% or 1.75% discount is computed. In the case of
12 retailers who report and pay the tax on a transaction by
13 transaction basis, as provided in this Section, such discount
14 shall be taken with each such tax remittance instead of when
15 such retailer files his periodic return.

16 Before October 1, 2000, if the taxpayer's average monthly
17 tax liability to the Department under this Act, the Use Tax
18 Act, the Service Occupation Tax Act, and the Service Use Tax
19 Act, excluding any liability for prepaid sales tax to be
20 remitted in accordance with Section 2d of this Act, was \$10,000
21 or more during the preceding 4 complete calendar quarters, he
22 shall file a return with the Department each month by the 20th
23 day of the month next following the month during which such tax
24 liability is incurred and shall make payments to the Department
25 on or before the 7th, 15th, 22nd and last day of the month
26 during which such liability is incurred. On and after October

1 1, 2000, if the taxpayer's average monthly tax liability to the
2 Department under this Act, the Use Tax Act, the Service
3 Occupation Tax Act, and the Service Use Tax Act, excluding any
4 liability for prepaid sales tax to be remitted in accordance
5 with Section 2d of this Act, was \$20,000 or more during the
6 preceding 4 complete calendar quarters, he shall file a return
7 with the Department each month by the 20th day of the month
8 next following the month during which such tax liability is
9 incurred and shall make payment to the Department on or before
10 the 7th, 15th, 22nd and last day of the month during which such
11 liability is incurred. If the month during which such tax
12 liability is incurred began prior to January 1, 1985, each
13 payment shall be in an amount equal to 1/4 of the taxpayer's
14 actual liability for the month or an amount set by the
15 Department not to exceed 1/4 of the average monthly liability
16 of the taxpayer to the Department for the preceding 4 complete
17 calendar quarters (excluding the month of highest liability and
18 the month of lowest liability in such 4 quarter period). If the
19 month during which such tax liability is incurred begins on or
20 after January 1, 1985 and prior to January 1, 1987, each
21 payment shall be in an amount equal to 22.5% of the taxpayer's
22 actual liability for the month or 27.5% of the taxpayer's
23 liability for the same calendar month of the preceding year. If
24 the month during which such tax liability is incurred begins on
25 or after January 1, 1987 and prior to January 1, 1988, each
26 payment shall be in an amount equal to 22.5% of the taxpayer's

1 actual liability for the month or 26.25% of the taxpayer's
2 liability for the same calendar month of the preceding year. If
3 the month during which such tax liability is incurred begins on
4 or after January 1, 1988, and prior to January 1, 1989, or
5 begins on or after January 1, 1996, each payment shall be in an
6 amount equal to 22.5% of the taxpayer's actual liability for
7 the month or 25% of the taxpayer's liability for the same
8 calendar month of the preceding year. If the month during which
9 such tax liability is incurred begins on or after January 1,
10 1989, and prior to January 1, 1996, each payment shall be in an
11 amount equal to 22.5% of the taxpayer's actual liability for
12 the month or 25% of the taxpayer's liability for the same
13 calendar month of the preceding year or 100% of the taxpayer's
14 actual liability for the quarter monthly reporting period. The
15 amount of such quarter monthly payments shall be credited
16 against the final tax liability of the taxpayer's return for
17 that month. Before October 1, 2000, once applicable, the
18 requirement of the making of quarter monthly payments to the
19 Department by taxpayers having an average monthly tax liability
20 of \$10,000 or more as determined in the manner provided above
21 shall continue until such taxpayer's average monthly liability
22 to the Department during the preceding 4 complete calendar
23 quarters (excluding the month of highest liability and the
24 month of lowest liability) is less than \$9,000, or until such
25 taxpayer's average monthly liability to the Department as
26 computed for each calendar quarter of the 4 preceding complete

1 calendar quarter period is less than \$10,000. However, if a
2 taxpayer can show the Department that a substantial change in
3 the taxpayer's business has occurred which causes the taxpayer
4 to anticipate that his average monthly tax liability for the
5 reasonably foreseeable future will fall below the \$10,000
6 threshold stated above, then such taxpayer may petition the
7 Department for a change in such taxpayer's reporting status. On
8 and after October 1, 2000, once applicable, the requirement of
9 the making of quarter monthly payments to the Department by
10 taxpayers having an average monthly tax liability of \$20,000 or
11 more as determined in the manner provided above shall continue
12 until such taxpayer's average monthly liability to the
13 Department during the preceding 4 complete calendar quarters
14 (excluding the month of highest liability and the month of
15 lowest liability) is less than \$19,000 or until such taxpayer's
16 average monthly liability to the Department as computed for
17 each calendar quarter of the 4 preceding complete calendar
18 quarter period is less than \$20,000. However, if a taxpayer can
19 show the Department that a substantial change in the taxpayer's
20 business has occurred which causes the taxpayer to anticipate
21 that his average monthly tax liability for the reasonably
22 foreseeable future will fall below the \$20,000 threshold stated
23 above, then such taxpayer may petition the Department for a
24 change in such taxpayer's reporting status. The Department
25 shall change such taxpayer's reporting status unless it finds
26 that such change is seasonal in nature and not likely to be

1 long term. If any such quarter monthly payment is not paid at
2 the time or in the amount required by this Section, then the
3 taxpayer shall be liable for penalties and interest on the
4 difference between the minimum amount due as a payment and the
5 amount of such quarter monthly payment actually and timely
6 paid, except insofar as the taxpayer has previously made
7 payments for that month to the Department in excess of the
8 minimum payments previously due as provided in this Section.
9 The Department shall make reasonable rules and regulations to
10 govern the quarter monthly payment amount and quarter monthly
11 payment dates for taxpayers who file on other than a calendar
12 monthly basis.

13 The provisions of this paragraph apply before October 1,
14 2001. Without regard to whether a taxpayer is required to make
15 quarter monthly payments as specified above, any taxpayer who
16 is required by Section 2d of this Act to collect and remit
17 prepaid taxes and has collected prepaid taxes which average in
18 excess of \$25,000 per month during the preceding 2 complete
19 calendar quarters, shall file a return with the Department as
20 required by Section 2f and shall make payments to the
21 Department on or before the 7th, 15th, 22nd and last day of the
22 month during which such liability is incurred. If the month
23 during which such tax liability is incurred began prior to the
24 effective date of this amendatory Act of 1985, each payment
25 shall be in an amount not less than 22.5% of the taxpayer's
26 actual liability under Section 2d. If the month during which

1 such tax liability is incurred begins on or after January 1,
2 1986, each payment shall be in an amount equal to 22.5% of the
3 taxpayer's actual liability for the month or 27.5% of the
4 taxpayer's liability for the same calendar month of the
5 preceding calendar year. If the month during which such tax
6 liability is incurred begins on or after January 1, 1987, each
7 payment shall be in an amount equal to 22.5% of the taxpayer's
8 actual liability for the month or 26.25% of the taxpayer's
9 liability for the same calendar month of the preceding year.
10 The amount of such quarter monthly payments shall be credited
11 against the final tax liability of the taxpayer's return for
12 that month filed under this Section or Section 2f, as the case
13 may be. Once applicable, the requirement of the making of
14 quarter monthly payments to the Department pursuant to this
15 paragraph shall continue until such taxpayer's average monthly
16 prepaid tax collections during the preceding 2 complete
17 calendar quarters is \$25,000 or less. If any such quarter
18 monthly payment is not paid at the time or in the amount
19 required, the taxpayer shall be liable for penalties and
20 interest on such difference, except insofar as the taxpayer has
21 previously made payments for that month in excess of the
22 minimum payments previously due.

23 The provisions of this paragraph apply on and after October
24 1, 2001. Without regard to whether a taxpayer is required to
25 make quarter monthly payments as specified above, any taxpayer
26 who is required by Section 2d of this Act to collect and remit

1 prepaid taxes and has collected prepaid taxes that average in
2 excess of \$20,000 per month during the preceding 4 complete
3 calendar quarters shall file a return with the Department as
4 required by Section 2f and shall make payments to the
5 Department on or before the 7th, 15th, 22nd and last day of the
6 month during which the liability is incurred. Each payment
7 shall be in an amount equal to 22.5% of the taxpayer's actual
8 liability for the month or 25% of the taxpayer's liability for
9 the same calendar month of the preceding year. The amount of
10 the quarter monthly payments shall be credited against the
11 final tax liability of the taxpayer's return for that month
12 filed under this Section or Section 2f, as the case may be.
13 Once applicable, the requirement of the making of quarter
14 monthly payments to the Department pursuant to this paragraph
15 shall continue until the taxpayer's average monthly prepaid tax
16 collections during the preceding 4 complete calendar quarters
17 (excluding the month of highest liability and the month of
18 lowest liability) is less than \$19,000 or until such taxpayer's
19 average monthly liability to the Department as computed for
20 each calendar quarter of the 4 preceding complete calendar
21 quarters is less than \$20,000. If any such quarter monthly
22 payment is not paid at the time or in the amount required, the
23 taxpayer shall be liable for penalties and interest on such
24 difference, except insofar as the taxpayer has previously made
25 payments for that month in excess of the minimum payments
26 previously due.

1 If any payment provided for in this Section exceeds the
2 taxpayer's liabilities under this Act, the Use Tax Act, the
3 Service Occupation Tax Act and the Service Use Tax Act, as
4 shown on an original monthly return, the Department shall, if
5 requested by the taxpayer, issue to the taxpayer a credit
6 memorandum no later than 30 days after the date of payment. The
7 credit evidenced by such credit memorandum may be assigned by
8 the taxpayer to a similar taxpayer under this Act, the Use Tax
9 Act, the Service Occupation Tax Act or the Service Use Tax Act,
10 in accordance with reasonable rules and regulations to be
11 prescribed by the Department. If no such request is made, the
12 taxpayer may credit such excess payment against tax liability
13 subsequently to be remitted to the Department under this Act,
14 the Use Tax Act, the Service Occupation Tax Act or the Service
15 Use Tax Act, in accordance with reasonable rules and
16 regulations prescribed by the Department. If the Department
17 subsequently determined that all or any part of the credit
18 taken was not actually due to the taxpayer, the taxpayer's 2.1%
19 and 1.75% vendor's discount shall be reduced by 2.1% or 1.75%
20 of the difference between the credit taken and that actually
21 due, and that taxpayer shall be liable for penalties and
22 interest on such difference.

23 If a retailer of motor fuel is entitled to a credit under
24 Section 2d of this Act which exceeds the taxpayer's liability
25 to the Department under this Act for the month which the
26 taxpayer is filing a return, the Department shall issue the

1 taxpayer a credit memorandum for the excess.

2 Beginning January 1, 1990, each month the Department shall
3 pay into the Local Government Tax Fund, a special fund in the
4 State treasury which is hereby created, the net revenue
5 realized for the preceding month from the 1% tax on sales of
6 food for human consumption which is to be consumed off the
7 premises where it is sold (other than alcoholic beverages, soft
8 drinks and food which has been prepared for immediate
9 consumption) and prescription and nonprescription medicines,
10 drugs, medical appliances and insulin, urine testing
11 materials, syringes and needles used by diabetics.

12 Beginning January 1, 1990, each month the Department shall
13 pay into the County and Mass Transit District Fund, a special
14 fund in the State treasury which is hereby created, 4% of the
15 net revenue realized for the preceding month from the 6.25%
16 general rate.

17 Beginning August 1, 2000, each month the Department shall
18 pay into the County and Mass Transit District Fund 20% of the
19 net revenue realized for the preceding month from the 1.25%
20 rate on the selling price of motor fuel and gasohol. Beginning
21 September 1, 2010, each month the Department shall pay into the
22 County and Mass Transit District Fund 20% of the net revenue
23 realized for the preceding month from the 1.25% rate on the
24 selling price of sales tax holiday items.

25 Beginning January 1, 1990, each month the Department shall
26 pay into the Local Government Tax Fund 16% of the net revenue

1 realized for the preceding month from the 6.25% general rate on
2 the selling price of tangible personal property.

3 Beginning August 1, 2000, each month the Department shall
4 pay into the Local Government Tax Fund 80% of the net revenue
5 realized for the preceding month from the 1.25% rate on the
6 selling price of motor fuel and gasohol. Beginning September 1,
7 2010, each month the Department shall pay into the Local
8 Government Tax Fund 80% of the net revenue realized for the
9 preceding month from the 1.25% rate on the selling price of
10 sales tax holiday items.

11 Beginning October 1, 2009, each month the Department shall
12 pay into the Capital Projects Fund an amount that is equal to
13 an amount estimated by the Department to represent 80% of the
14 net revenue realized for the preceding month from the sale of
15 candy, grooming and hygiene products, and soft drinks that had
16 been taxed at a rate of 1% prior to September 1, 2009 but that
17 is now taxed at 6.25%.

18 Beginning July 1, 2011, each month the Department shall pay
19 into the Clean Air Act (CAA) Permit Fund 80% of the net revenue
20 realized for the preceding month from the 6.25% general rate on
21 the selling price of sorbents used in Illinois in the process
22 of sorbent injection as used to comply with the Environmental
23 Protection Act or the federal Clean Air Act, but the total
24 payment into the Clean Air Act (CAA) Permit Fund under this Act
25 and the Use Tax Act shall not exceed \$2,000,000 in any fiscal
26 year.

1 Beginning July 1, 2013, each month the Department shall pay
2 into the Underground Storage Tank Fund from the proceeds
3 collected under this Act, the Use Tax Act, the Service Use Tax
4 Act, and the Service Occupation Tax Act an amount equal to the
5 average monthly deficit in the Underground Storage Tank Fund
6 during the prior year, as certified annually by the Illinois
7 Environmental Protection Agency, but the total payment into the
8 Underground Storage Tank Fund under this Act, the Use Tax Act,
9 the Service Use Tax Act, and the Service Occupation Tax Act
10 shall not exceed \$18,000,000 in any State fiscal year. As used
11 in this paragraph, the "average monthly deficit" shall be equal
12 to the difference between the average monthly claims for
13 payment by the fund and the average monthly revenues deposited
14 into the fund, excluding payments made pursuant to this
15 paragraph.

16 Of the remainder of the moneys received by the Department
17 pursuant to this Act, (a) 1.75% thereof shall be paid into the
18 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
19 and after July 1, 1989, 3.8% thereof shall be paid into the
20 Build Illinois Fund; provided, however, that if in any fiscal
21 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
22 may be, of the moneys received by the Department and required
23 to be paid into the Build Illinois Fund pursuant to this Act,
24 Section 9 of the Use Tax Act, Section 9 of the Service Use Tax
25 Act, and Section 9 of the Service Occupation Tax Act, such Acts
26 being hereinafter called the "Tax Acts" and such aggregate of

1 2.2% or 3.8%, as the case may be, of moneys being hereinafter
2 called the "Tax Act Amount", and (2) the amount transferred to
3 the Build Illinois Fund from the State and Local Sales Tax
4 Reform Fund shall be less than the Annual Specified Amount (as
5 hereinafter defined), an amount equal to the difference shall
6 be immediately paid into the Build Illinois Fund from other
7 moneys received by the Department pursuant to the Tax Acts; the
8 "Annual Specified Amount" means the amounts specified below for
9 fiscal years 1986 through 1993:

10	Fiscal Year	Annual Specified Amount
11	1986	\$54,800,000
12	1987	\$76,650,000
13	1988	\$80,480,000
14	1989	\$88,510,000
15	1990	\$115,330,000
16	1991	\$145,470,000
17	1992	\$182,730,000
18	1993	\$206,520,000;

19 and means the Certified Annual Debt Service Requirement (as
20 defined in Section 13 of the Build Illinois Bond Act) or the
21 Tax Act Amount, whichever is greater, for fiscal year 1994 and
22 each fiscal year thereafter; and further provided, that if on
23 the last business day of any month the sum of (1) the Tax Act
24 Amount required to be deposited into the Build Illinois Bond
25 Account in the Build Illinois Fund during such month and (2)
26 the amount transferred to the Build Illinois Fund from the

1 State and Local Sales Tax Reform Fund shall have been less than
2 1/12 of the Annual Specified Amount, 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 in no event shall the
6 payments required under the preceding proviso result in
7 aggregate payments into the Build Illinois Fund pursuant to
8 this clause (b) for any fiscal year in excess of the greater of
9 (i) the Tax Act Amount or (ii) the Annual Specified Amount for
10 such fiscal year. The amounts payable into the Build Illinois
11 Fund under clause (b) of the first sentence in this paragraph
12 shall be payable only until such time as the aggregate amount
13 on deposit under each trust indenture securing Bonds issued and
14 outstanding pursuant to the Build Illinois Bond Act is
15 sufficient, taking into account any future investment income,
16 to fully provide, in accordance with such indenture, for the
17 defeasance of or the payment of the principal of, premium, if
18 any, and interest on the Bonds secured by such indenture and on
19 any Bonds expected to be issued thereafter and all fees and
20 costs payable with respect thereto, all as certified by the
21 Director of the Bureau of the Budget (now Governor's Office of
22 Management and Budget). If on the last business day of any
23 month in which Bonds are outstanding pursuant to the Build
24 Illinois Bond Act, the aggregate of moneys deposited in the
25 Build Illinois Bond Account in the Build Illinois Fund in such
26 month shall be less than the amount required to be transferred

1 in such month from the Build Illinois Bond Account to the Build
2 Illinois Bond Retirement and Interest Fund pursuant to Section
3 13 of the Build Illinois Bond Act, an amount equal to such
4 deficiency shall be immediately paid from other moneys received
5 by the Department pursuant to the Tax Acts to the Build
6 Illinois Fund; provided, however, that any amounts paid to the
7 Build Illinois Fund in any fiscal year pursuant to this
8 sentence shall be deemed to constitute payments pursuant to
9 clause (b) of the first sentence of this paragraph and shall
10 reduce the amount otherwise payable for such fiscal year
11 pursuant to that clause (b). The moneys received by the
12 Department pursuant to this Act and required to be deposited
13 into the Build Illinois Fund are subject to the pledge, claim
14 and charge set forth in Section 12 of the Build Illinois Bond
15 Act.

16 Subject to payment of amounts into the Build Illinois Fund
17 as provided in the preceding paragraph or in any amendment
18 thereto hereafter enacted, the following specified monthly
19 installment of the amount requested in the certificate of the
20 Chairman of the Metropolitan Pier and Exposition Authority
21 provided under Section 8.25f of the State Finance Act, but not
22 in excess of sums designated as "Total Deposit", shall be
23 deposited in the aggregate from collections under Section 9 of
24 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
25 9 of the Service Occupation Tax Act, and Section 3 of the
26 Retailers' Occupation Tax Act into the McCormick Place

1 Expansion Project Fund in the specified fiscal years.

2		Total
	Fiscal Year	Deposit
3	1993	\$0
4	1994	53,000,000
5	1995	58,000,000
6	1996	61,000,000
7	1997	64,000,000
8	1998	68,000,000
9	1999	71,000,000
10	2000	75,000,000
11	2001	80,000,000
12	2002	93,000,000
13	2003	99,000,000
14	2004	103,000,000
15	2005	108,000,000
16	2006	113,000,000
17	2007	119,000,000
18	2008	126,000,000
19	2009	132,000,000
20	2010	139,000,000
21	2011	146,000,000
22	2012	153,000,000
23	2013	161,000,000
24	2014	170,000,000
25	2015	179,000,000

1	2016	189,000,000
2	2017	199,000,000
3	2018	210,000,000
4	2019	221,000,000
5	2020	233,000,000
6	2021	246,000,000
7	2022	260,000,000
8	2023	275,000,000
9	2024	275,000,000
10	2025	275,000,000
11	2026	279,000,000
12	2027	292,000,000
13	2028	307,000,000
14	2029	322,000,000
15	2030	338,000,000
16	2031	350,000,000
17	2032	350,000,000

18 and

19 each fiscal year

20 thereafter that bonds

21 are outstanding under

22 Section 13.2 of the

23 Metropolitan Pier and

24 Exposition Authority Act,

25 but not after fiscal year 2060.

26 Beginning July 20, 1993 and in each month of each fiscal

1 year thereafter, one-eighth of the amount requested in the
2 certificate of the Chairman of the Metropolitan Pier and
3 Exposition Authority for that fiscal year, less the amount
4 deposited into the McCormick Place Expansion Project Fund by
5 the State Treasurer in the respective month under subsection
6 (g) of Section 13 of the Metropolitan Pier and Exposition
7 Authority Act, plus cumulative deficiencies in the deposits
8 required under this Section for previous months and years,
9 shall be deposited into the McCormick Place Expansion Project
10 Fund, until the full amount requested for the fiscal year, but
11 not in excess of the amount specified above as "Total Deposit",
12 has been deposited.

13 Subject to payment of amounts into the Build Illinois Fund
14 and the McCormick Place Expansion Project Fund pursuant to the
15 preceding paragraphs or in any amendments thereto hereafter
16 enacted, beginning July 1, 1993, the Department shall each
17 month pay into the Illinois Tax Increment Fund 0.27% of 80% of
18 the net revenue realized for the preceding month from the 6.25%
19 general rate on the selling price of tangible personal
20 property.

21 Subject to payment of amounts into the Build Illinois Fund
22 and the McCormick Place Expansion Project Fund pursuant to the
23 preceding paragraphs or in any amendments thereto hereafter
24 enacted, beginning with the receipt of the first report of
25 taxes paid by an eligible business and continuing for a 25-year
26 period, the Department shall each month pay into the Energy

1 Infrastructure Fund 80% of the net revenue realized from the
2 6.25% general rate on the selling price of Illinois-mined coal
3 that was sold to an eligible business. For purposes of this
4 paragraph, the term "eligible business" means a new electric
5 generating facility certified pursuant to Section 605-332 of
6 the Department of Commerce and Economic Opportunity Law of the
7 Civil Administrative Code of Illinois.

8 Of the remainder of the moneys received by the Department
9 pursuant to this Act, 75% thereof shall be paid into the State
10 Treasury and 25% shall be reserved in a special account and
11 used only for the transfer to the Common School Fund as part of
12 the monthly transfer from the General Revenue Fund in
13 accordance with Section 8a of the State Finance Act.

14 The Department may, upon separate written notice to a
15 taxpayer, require the taxpayer to prepare and file with the
16 Department on a form prescribed by the Department within not
17 less than 60 days after receipt of the notice an annual
18 information return for the tax year specified in the notice.
19 Such annual return to the Department shall include a statement
20 of gross receipts as shown by the retailer's last Federal
21 income tax return. If the total receipts of the business as
22 reported in the Federal income tax return do not agree with the
23 gross receipts reported to the Department of Revenue for the
24 same period, the retailer shall attach to his annual return a
25 schedule showing a reconciliation of the 2 amounts and the
26 reasons for the difference. The retailer's annual return to the

1 Department shall also disclose the cost of goods sold by the
2 retailer during the year covered by such return, opening and
3 closing inventories of such goods for such year, costs of goods
4 used from stock or taken from stock and given away by the
5 retailer during such year, payroll information of the
6 retailer's business during such year and any additional
7 reasonable information which the Department deems would be
8 helpful in determining the accuracy of the monthly, quarterly
9 or annual returns filed by such retailer as provided for in
10 this Section.

11 If the annual information return required by this Section
12 is not filed when and as required, the taxpayer shall be liable
13 as follows:

14 (i) Until January 1, 1994, the taxpayer shall be liable
15 for a penalty equal to 1/6 of 1% of the tax due from such
16 taxpayer under this Act during the period to be covered by
17 the annual return for each month or fraction of a month
18 until such return is filed as required, the penalty to be
19 assessed and collected in the same manner as any other
20 penalty provided for in this Act.

21 (ii) On and after January 1, 1994, the taxpayer shall
22 be liable for a penalty as described in Section 3-4 of the
23 Uniform Penalty and Interest Act.

24 The chief executive officer, proprietor, owner or highest
25 ranking manager shall sign the annual return to certify the
26 accuracy of the information contained therein. Any person who

1 willfully signs the annual return containing false or
2 inaccurate information shall be guilty of perjury and punished
3 accordingly. The annual return form prescribed by the
4 Department shall include a warning that the person signing the
5 return may be liable for perjury.

6 The provisions of this Section concerning the filing of an
7 annual information return do not apply to a retailer who is not
8 required to file an income tax return with the United States
9 Government.

10 As soon as possible after the first day of each month, upon
11 certification of the Department of Revenue, the Comptroller
12 shall order transferred and the Treasurer shall transfer from
13 the General Revenue Fund to the Motor Fuel Tax Fund an amount
14 equal to 1.7% of 80% of the net revenue realized under this Act
15 for the second preceding month. Beginning April 1, 2000, this
16 transfer is no longer required and shall not be made.

17 Net revenue realized for a month shall be the revenue
18 collected by the State pursuant to this Act, less the amount
19 paid out during that month as refunds to taxpayers for
20 overpayment of liability.

21 For greater simplicity of administration, manufacturers,
22 importers and wholesalers whose products are sold at retail in
23 Illinois by numerous retailers, and who wish to do so, may
24 assume the responsibility for accounting and paying to the
25 Department all tax accruing under this Act with respect to such
26 sales, if the retailers who are affected do not make written

1 objection to the Department to this arrangement.

2 Any person who promotes, organizes, provides retail
3 selling space for concessionaires or other types of sellers at
4 the Illinois State Fair, DuQuoin State Fair, county fairs,
5 local fairs, art shows, flea markets and similar exhibitions or
6 events, including any transient merchant as defined by Section
7 2 of the Transient Merchant Act of 1987, is required to file a
8 report with the Department providing the name of the merchant's
9 business, the name of the person or persons engaged in
10 merchant's business, the permanent address and Illinois
11 Retailers Occupation Tax Registration Number of the merchant,
12 the dates and location of the event and other reasonable
13 information that the Department may require. The report must be
14 filed not later than the 20th day of the month next following
15 the month during which the event with retail sales was held.
16 Any person who fails to file a report required by this Section
17 commits a business offense and is subject to a fine not to
18 exceed \$250.

19 Any person engaged in the business of selling tangible
20 personal property at retail as a concessionaire or other type
21 of seller at the Illinois State Fair, county fairs, art shows,
22 flea markets and similar exhibitions or events, or any
23 transient merchants, as defined by Section 2 of the Transient
24 Merchant Act of 1987, may be required to make a daily report of
25 the amount of such sales to the Department and to make a daily
26 payment of the full amount of tax due. The Department shall

1 impose this requirement when it finds that there is a
2 significant risk of loss of revenue to the State at such an
3 exhibition or event. Such a finding shall be based on evidence
4 that a substantial number of concessionaires or other sellers
5 who are not residents of Illinois will be engaging in the
6 business of selling tangible personal property at retail at the
7 exhibition or event, or other evidence of a significant risk of
8 loss of revenue to the State. The Department shall notify
9 concessionaires and other sellers affected by the imposition of
10 this requirement. In the absence of notification by the
11 Department, the concessionaires and other sellers shall file
12 their returns as otherwise required in this Section.

13 (Source: P.A. 96-34, eff. 7-13-09; 96-38, eff. 7-13-09; 96-898,
14 eff. 5-27-10; 96-1012, eff. 7-7-10; 97-95, eff. 7-12-11;
15 97-333, eff. 8-12-11.)

16 (35 ILCS 120/5k) (from Ch. 120, par. 444k)

17 Sec. 5k. Building materials exemption; enterprise zone.

18 (a) Each retailer who makes a qualified sale of building
19 materials to be incorporated into real estate in an enterprise
20 zone established by a county or municipality under the Illinois
21 Enterprise Zone Act by remodeling, rehabilitation or new
22 construction, may deduct receipts from such sales when
23 calculating the tax imposed by this Act. For purposes of this
24 Section, before July 1, 2013, "qualified sale" means a sale of
25 building materials that will be incorporated into real estate

1 as part of a building project for which a Certificate of
2 Eligibility for Sales Tax Exemption has been issued by the
3 administrator of the enterprise zone in which the building
4 project is located, and on and after July 1, 2013, "qualified
5 sale" means a sale of building materials that will be
6 incorporated into real estate as part of a building project for
7 which an Enterprise Zone Building Materials Exemption
8 Certificate has been issued to the purchaser by the Department.
9 A construction contractor or other entity shall not make
10 tax-free purchases unless it has an active Exemption
11 Certificate issued by the Department at the time of the
12 purchase.

13 (b) Before July 1, 2013, to document the exemption allowed
14 under this Section, the retailer must obtain from the purchaser
15 a copy of the Certificate of Eligibility for Sales Tax
16 Exemption issued by the administrator of the enterprise zone
17 into which the building materials will be incorporated. On and
18 after July 1, 2013, to document the exemption allowed under
19 this Section, the retailer must obtain from the purchaser the
20 certification required under subsection (c), which must
21 contain the Enterprise Zone Building Materials Exemption
22 Certificate number issued to the purchaser by the Department.
23 Upon request from the enterprise zone administrator, the
24 Department shall issue an Enterprise Zone Building Materials
25 Exemption Certificate for each construction contractor or
26 other entity identified by the enterprise zone administrator.

1 The Department shall make ~~issue~~ the Exemption Certificates
2 available directly to each enterprise zone administrator,
3 construction contractor, or other entity. ~~The Department shall~~
4 ~~also provide the enterprise zone administrator with a copy of~~
5 ~~each Exemption Certificate issued.~~ The request for Enterprise
6 Zone Building Materials Exemption Certificates from the
7 enterprise zone administrator to the Department must include
8 the following information:

9 (1) the name and address of the construction contractor
10 or other entity;

11 (2) the name and number of the enterprise zone;

12 (3) the name and location or address of the building
13 project in the enterprise zone;

14 (4) the estimated amount of the exemption for each
15 construction contractor or other entity for which a request
16 for Exemption Certificate is made, based on a stated
17 estimated average tax rate and the percentage of the
18 contract that consists of materials;

19 (5) the period of time over which supplies for the
20 project are expected to be purchased; and

21 (6) other reasonable information as the Department may
22 require, including, but not limited to FEIN numbers, to
23 determine if the contractor or other entity, or any
24 partner, or a corporate officer, and in the case of a
25 limited liability company, any manager or member, of the
26 construction contractor or other entity, is or has been the

1 owner, a partner, a corporate officer, and in the case of a
2 limited liability company, a manager or member, of a person
3 that is in default for moneys due to the Department under
4 this Act or any other tax or fee Act administered by the
5 Department.

6 The Department shall issue the Enterprise Zone Building
7 Materials Exemption Certificates within 3 business days after
8 receipt of request from the zone administrator. This
9 requirement does not apply in circumstances where the
10 Department, for reasonable cause, is unable to issue the
11 Exemption Certificate within 3 business days. The Department
12 may refuse to issue an Exemption Certificate if the owner, any
13 partner, or a corporate officer, and in the case of a limited
14 liability company, any manager or member, of the construction
15 contractor or other entity is or has been the owner, a partner,
16 a corporate officer, and in the case of a limited liability
17 company, a manager or member, of a person that is in default
18 for moneys due to the Department under this Act or any other
19 tax or fee Act administered by the Department. The Enterprise
20 Zone Building Materials Exemption Certificate shall contain
21 language stating that if the construction contractor or other
22 entity who is issued the Exemption Certificate makes a
23 tax-exempt purchase, as described in this Section, that is not
24 eligible for exemption under this Section or allows another
25 person to make a tax-exempt purchase, as described in this
26 Section, that is not eligible for exemption under this Section,

1 then, in addition to any tax or other penalty imposed, the
2 construction contractor or other entity is subject to a penalty
3 equal to the tax that would have been paid by the retailer
4 under this Act as well as any applicable local retailers'
5 occupation tax on the purchase that is not eligible for the
6 exemption.

7 The Department, in its discretion, may require that the
8 request for Enterprise Zone Building Materials Exemption
9 Certificates be submitted electronically. The Department may,
10 in its discretion, issue the Exemption Certificates
11 electronically. The Enterprise Zone Building Materials
12 Exemption Certificate number shall be designed in such a way
13 that the Department can identify from the unique number on the
14 Exemption Certificate issued to a given construction
15 contractor or other entity, the name of the Enterprise Zone,
16 the project for which the Exemption Certificate is issued, and
17 the construction contractor or other entity to whom the
18 Exemption Certificate is issued. The Exemption Certificate
19 shall contain an expiration date, which shall be no more than 2
20 years after the date of issuance. At the request of the zone
21 administrator, the Department may renew an Exemption
22 Certificate. After the Department issues Exemption
23 Certificates for a given enterprise zone project, the
24 enterprise zone administrator may notify the Department of
25 additional construction contractors or other entities eligible
26 for an Enterprise Zone Building Materials Exemption

1 Certificate. Upon notification by the enterprise zone
2 administrator and subject to the other provisions of this
3 subsection (b), the Department shall issue an Enterprise Zone
4 Building Materials Exemption Certificate to each additional
5 construction contractor or other entity identified by the
6 enterprise zone administrator. An enterprise zone
7 administrator may notify the Department to rescind an
8 Enterprise Zone Building Materials Exemption Certificate
9 previously issued by the Department but that has not yet
10 expired. Upon notification by the enterprise zone
11 administrator and subject to the other provisions of this
12 subsection (b), the Department shall issue the rescission of
13 the Enterprise Zone Building Materials Exemption Certificate
14 to the construction contractor or other entity identified by
15 the enterprise zone administrator and provide a copy to the
16 enterprise zone administrator.

17 If the Department of Revenue determines that a construction
18 contractor or other entity that was issued an Exemption
19 Certificate under this subsection (b) made a tax-exempt
20 purchase, as described in this Section, that was not eligible
21 for exemption under this Section or allowed another person to
22 make a tax-exempt purchase, as described in this Section, that
23 was not eligible for exemption under this Section, then, in
24 addition to any tax or other penalty imposed, the construction
25 contractor or other entity is subject to a penalty equal to the
26 tax that would have been paid by the retailer under this Act as

1 well as any applicable local retailers' occupation tax on the
2 purchase that was not eligible for the exemption.

3 (c) In addition, the retailer must obtain certification
4 from the purchaser that contains:

5 (1) a statement that the building materials are being
6 purchased for incorporation into real estate located in an
7 Illinois enterprise zone;

8 (2) the location or address of the real estate into
9 which the building materials will be incorporated;

10 (3) the name of the enterprise zone in which that real
11 estate is located;

12 (4) a description of the building materials being
13 purchased;

14 (5) on and after July 1, 2013, the purchaser's
15 Enterprise Zone Building Materials Exemption Certificate
16 number issued by the Department; and

17 (6) the purchaser's signature and date of purchase.

18 (d) The deduction allowed by this Section for the sale of
19 building materials may be limited, to the extent authorized by
20 ordinance, adopted after the effective date of this amendatory
21 Act of 1992, by the municipality or county that created the
22 enterprise zone into which the building materials will be
23 incorporated. The ordinance, however, may neither require nor
24 prohibit the purchase of building materials from any retailer
25 or class of retailers in order to qualify for the exemption
26 allowed under this Section. The provisions of this Section are

1 exempt from Section 2-70.

2 (e) Notwithstanding anything to the contrary in this
3 Section, for enterprise zone projects already in existence and
4 for which construction contracts are already in place on July
5 1, 2013, the request for Enterprise Zone Building Materials
6 Exemption Certificates from the enterprise zone administrator
7 to the Department for these pre-existing construction
8 contractors and other entities must include the information
9 required under subsection (b), but not including the
10 information listed in items (4) and (5). For any new
11 construction contract entered into on or after July 1, 2013,
12 however, all of the information in subsection (b) must be
13 provided.

14 (Source: P.A. 97-905, eff. 8-7-12.)

15 (35 ILCS 120/51) (from Ch. 120, par. 4441)

16 Sec. 51. Building materials exemption; High Impact
17 Business.

18 (a) Beginning January 1, 1995, each retailer who makes a
19 sale of building materials that will be incorporated into a
20 High Impact Business location as designated by the Department
21 of Commerce and Economic Opportunity under Section 5.5 of the
22 Illinois Enterprise Zone Act may deduct receipts from such
23 sales when calculating only the 6.25% State rate of tax imposed
24 by this Act. Beginning on the effective date of this amendatory
25 Act of 1995, a retailer may also deduct receipts from such

1 sales when calculating any applicable local taxes. However,
2 until the effective date of this amendatory Act of 1995, a
3 retailer may file claims for credit or refund to recover the
4 amount of any applicable local tax paid on such sales. No
5 retailer who is eligible for the deduction or credit under
6 Section 5k of this Act for making a sale of building materials
7 to be incorporated into real estate in an enterprise zone by
8 rehabilitation, remodeling or new construction shall be
9 eligible for the deduction or credit authorized under this
10 Section.

11 (b) On and after July 1, 2013, in ~~In~~ addition to any other
12 requirements to document the exemption allowed under this
13 Section, the retailer must obtain from the purchaser the
14 purchaser's High Impact Business Building Materials Exemption
15 Certificate number issued by the Department. A construction
16 contractor or other entity shall not make tax-free purchases
17 unless it has an active Exemption Certificate issued by the
18 Department at the time of purchase.

19 Upon request from the designated High Impact Business, the
20 Department shall issue a High Impact Business Building
21 Materials Exemption Certificate for each construction
22 contractor or other entity identified by the designated High
23 Impact Business. The Department shall make ~~issue~~ the Exemption
24 Certificates available ~~directly~~ to each construction
25 contractor or other entity and the designated High Impact
26 Business. ~~The Department shall also provide the designated High~~

1 ~~Impact Business with a copy of each Exemption Certificate~~
2 ~~issued.~~ The request for Building Materials Exemption
3 Certificates from the designated High Impact Business to the
4 Department must include the following information:

5 (1) the name and address of the construction contractor
6 or other entity;

7 (2) the name and location or address of the designated
8 High Impact Business;

9 (3) the estimated amount of the exemption for each
10 construction contractor or other entity for which a request
11 for Exemption Certificate is made, based on a stated
12 estimated average tax rate and the percentage of the
13 contract that consists of materials;

14 (4) the period of time over which supplies for the
15 project are expected to be purchased; and

16 (5) other reasonable information as the Department may
17 require, including but not limited to FEIN numbers, to
18 determine if the contractor or other entity, or any
19 partner, or a corporate officer, and in the case of a
20 limited liability company, any manager or member, of the
21 construction contractor or other entity, is or has been the
22 owner, a partner, a corporate officer, and in the case of a
23 limited liability company, a manager or member, of a person
24 that is in default for moneys due to the Department under
25 this Act or any other tax or fee Act administered by the
26 Department.

1 The Department shall issue the High Impact Business
2 Building Materials Exemption Certificates within 3 business
3 days after receipt of request from the designated High Impact
4 Business. This requirement does not apply in circumstances
5 where the Department, for reasonable cause, is unable to issue
6 the Exemption Certificate within 3 business days. The
7 Department may refuse to issue an Exemption Certificate if the
8 owner, any partner, or a corporate officer, and in the case of
9 a limited liability company, any manager or member, of the
10 construction contractor or other entity is or has been the
11 owner, a partner, a corporate officer, and in the case of a
12 limited liability company, a manager or member, of a person
13 that is in default for moneys due to the Department under this
14 Act or any other tax or fee Act administered by the Department.
15 The High Impact Business Building Materials Exemption
16 Certificate shall contain language stating that if the
17 construction contractor or other entity who is issued the
18 Exemption Certificate makes a tax-exempt purchase, as
19 described in this Section, that is not eligible for exemption
20 under this Section or allows another person to make a
21 tax-exempt purchase, as described in this Section, that is not
22 eligible for exemption under this Section, then, in addition to
23 any tax or other penalty imposed, the construction contractor
24 or other entity is subject to a penalty equal to the tax that
25 would have been paid by the retailer under this Act as well as
26 any applicable local retailers' occupation tax on the purchase

1 that is not eligible for the exemption.

2 The Department, in its discretion, may require that the
3 request for High Impact Business Building Materials Exemption
4 Certificates be submitted electronically. The Department may,
5 in its discretion, issue the Exemption Certificates
6 electronically. The High Impact Business Building Materials
7 Exemption Certificate number shall be designed in such a way
8 that the Department can identify from the unique number on the
9 Exemption Certificate issued to a given construction
10 contractor or other entity, the name of the designated High
11 Impact Business and the construction contractor or other entity
12 to whom the Exemption Certificate is issued. The Exemption
13 Certificate shall contain an expiration date, which shall be no
14 more than 2 years after the date of issuance. At the request of
15 the designated High Impact Business, the Department may renew
16 an Exemption Certificate. After the Department issues
17 Exemption Certificates for a given designated High Impact
18 Business, the designated High Impact Business may notify the
19 Department of additional construction contractors or other
20 entities eligible for a Building Materials Exemption
21 Certificate. Upon notification by the designated High Impact
22 Business and subject to the other provisions of this subsection
23 (b), the Department shall issue a High Impact Business Building
24 Materials Exemption Certificate to each additional
25 construction contractor or other entity identified by the
26 designated High Impact Business. A designated High Impact

1 Business may notify the Department to rescind a Building
2 Materials Exemption Certificate previously issued by the
3 Department but that has not yet expired. Upon notification by
4 the designated High Impact Business and subject to the other
5 provisions of this subsection (b), the Department shall issue
6 the rescission of the Building Materials Exemption Certificate
7 to the construction contractor or other entity identified by
8 the designated High Impact Business and provide a copy to the
9 designated High Impact Business.

10 If the Department of Revenue determines that a construction
11 contractor or other entity that was issued an Exemption
12 Certificate under this subsection (b) made a tax-exempt
13 purchase, as described in this Section, that was not eligible
14 for exemption under this Section or allowed another person to
15 make a tax-exempt purchase, as described in this Section, that
16 was not eligible for exemption under this Section, then, in
17 addition to any tax or other penalty imposed, the construction
18 contractor or other entity is subject to a penalty equal to the
19 tax that would have been paid by the retailer under this Act as
20 well as any applicable local retailers' occupation tax on the
21 purchase that was not eligible for the exemption.

22 (c) Notwithstanding anything to the contrary in this
23 Section, for High Impact Businesses for which projects are
24 already in existence and for which construction contracts are
25 already in place on July 1, 2013, the request for High Impact
26 Business Building Materials Exemption Certificates from the

1 High Impact Business to the Department for these pre-existing
2 construction contractors and other entities must include the
3 information required under subsection (b), but not including
4 the information listed in items (3) and (4). For any new
5 construction contract entered into on or after July 1, 2013,
6 however, all of the information in subsection (b) must be
7 provided.

8 (Source: P.A. 97-905, eff. 8-7-12.)

9 Section 5-50. The Property Tax Code is amended by changing
10 Sections 10-115 and 18-165 as follows:

11 (35 ILCS 200/10-115)

12 Sec. 10-115. Department guidelines and valuations for
13 farmland. The Department shall issue guidelines and
14 recommendations for the valuation of farmland to achieve
15 equitable assessment within and between counties.

16 The Director of Revenue shall appoint a five-person
17 Farmland Assessment Technical Advisory Board, consisting of
18 technical experts from the colleges or schools of agriculture
19 of the State universities and State and federal agricultural
20 agencies, to advise in and provide data and technical
21 information needed for implementation of this Section.

22 By May 1 of each year, the Department shall certify to each
23 chief county assessment officer the following, calculated from
24 data provided by the Farmland Technical Advisory Board, on a

1 per acre basis by soil productivity index for harvested
2 cropland, using moving averages for the most recent 5-year
3 period for which data are available:

4 (a) gross income, estimated by using yields per acre as
5 assigned to soil productivity indices, the crop mix for
6 each soil productivity index as determined by the College
7 of Agriculture of the University of Illinois and average
8 prices received by farmers for principal crops as published
9 by the Illinois Crop Reporting Service;

10 (b) production costs, other than land costs, provided
11 by the College of Agriculture of the University of
12 Illinois;

13 (c) net return to land, which shall be the difference
14 between (a) and (b) above;

15 (d) a proposed agricultural economic value determined
16 by dividing the net return to land by the moving average of
17 the Federal Land Bank farmland mortgage interest rate as
18 calculated by the Department;

19 (e) the equalized assessed value per acre of farmland
20 for each soil productivity index, which shall be 33-1/3% of
21 the agricultural economic value, or the percentage as
22 provided under Section 17-5; but any increase or decrease
23 in the equalized assessed value per acre by soil
24 productivity index shall not exceed 10% from the immediate
25 preceding year's soil productivity index certified
26 assessed value of the median cropped soil; in tax year 2015

1 only, that 10% limitation shall be reduced by \$5 per acre;

2 (f) a proposed average equalized assessed value per
3 acre of cropland for each individual county, weighted by
4 the distribution of soils by productivity index in the
5 county; and

6 (g) a proposed average equalized assessed value per
7 acre for all farmland in each county, weighted (i) to
8 consider the proportions of all farmland acres in the
9 county which are cropland, permanent pasture, and other
10 farmland, and (ii) to reflect the valuations for those
11 types of land and debasements for slope and erosion as
12 required by Section 10-125.

13 (Source: P.A. 91-357, eff. 7-29-99.)

14 (35 ILCS 200/18-165)

15 Sec. 18-165. Abatement of taxes.

16 (a) Any taxing district, upon a majority vote of its
17 governing authority, may, after the determination of the
18 assessed valuation of its property, order the clerk of that
19 county to abate any portion of its taxes on the following types
20 of property:

21 (1) Commercial and industrial.

22 (A) The property of any commercial or industrial
23 firm, including but not limited to the property of (i)
24 any firm that is used for collecting, separating,
25 storing, or processing recyclable materials, locating

1 within the taxing district during the immediately
2 preceding year from another state, territory, or
3 country, or having been newly created within this State
4 during the immediately preceding year, or expanding an
5 existing facility, or (ii) any firm that is used for
6 the generation and transmission of electricity
7 locating within the taxing district during the
8 immediately preceding year or expanding its presence
9 within the taxing district during the immediately
10 preceding year by construction of a new electric
11 generating facility that uses natural gas as its fuel,
12 or any firm that is used for production operations at a
13 new, expanded, or reopened coal mine within the taxing
14 district, that has been certified as a High Impact
15 Business by the Illinois Department of Commerce and
16 Economic Opportunity. The property of any firm used for
17 the generation and transmission of electricity shall
18 include all property of the firm used for transmission
19 facilities as defined in Section 5.5 of the Illinois
20 Enterprise Zone Act. The abatement shall not exceed a
21 period of 10 years and the aggregate amount of abated
22 taxes for all taxing districts combined shall not
23 exceed \$4,000,000.

24 (A-5) Any property in the taxing district of a new
25 electric generating facility, as defined in Section
26 605-332 of the Department of Commerce and Economic

1 Opportunity Law of the Civil Administrative Code of
2 Illinois. The abatement shall not exceed a period of 10
3 years. The abatement shall be subject to the following
4 limitations:

5 (i) if the equalized assessed valuation of the
6 new electric generating facility is equal to or
7 greater than \$25,000,000 but less than
8 \$50,000,000, then the abatement may not exceed (i)
9 over the entire term of the abatement, 5% of the
10 taxing district's aggregate taxes from the new
11 electric generating facility and (ii) in any one
12 year of abatement, 20% of the taxing district's
13 taxes from the new electric generating facility;

14 (ii) if the equalized assessed valuation of
15 the new electric generating facility is equal to or
16 greater than \$50,000,000 but less than
17 \$75,000,000, then the abatement may not exceed (i)
18 over the entire term of the abatement, 10% of the
19 taxing district's aggregate taxes from the new
20 electric generating facility and (ii) in any one
21 year of abatement, 35% of the taxing district's
22 taxes from the new electric generating facility;

23 (iii) if the equalized assessed valuation of
24 the new electric generating facility is equal to or
25 greater than \$75,000,000 but less than
26 \$100,000,000, then the abatement may not exceed

1 (i) over the entire term of the abatement, 20% of
2 the taxing district's aggregate taxes from the new
3 electric generating facility and (ii) in any one
4 year of abatement, 50% of the taxing district's
5 taxes from the new electric generating facility;

6 (iv) if the equalized assessed valuation of
7 the new electric generating facility is equal to or
8 greater than \$100,000,000 but less than
9 \$125,000,000, then the abatement may not exceed

10 (i) over the entire term of the abatement, 30% of
11 the taxing district's aggregate taxes from the new
12 electric generating facility and (ii) in any one
13 year of abatement, 60% of the taxing district's
14 taxes from the new electric generating facility;

15 (v) if the equalized assessed valuation of the
16 new electric generating facility is equal to or
17 greater than \$125,000,000 but less than
18 \$150,000,000, then the abatement may not exceed

19 (i) over the entire term of the abatement, 40% of
20 the taxing district's aggregate taxes from the new
21 electric generating facility and (ii) in any one
22 year of abatement, 60% of the taxing district's
23 taxes from the new electric generating facility;

24 (vi) if the equalized assessed valuation of
25 the new electric generating facility is equal to or
26 greater than \$150,000,000, then the abatement may

1 not exceed (i) over the entire term of the
2 abatement, 50% of the taxing district's aggregate
3 taxes from the new electric generating facility
4 and (ii) in any one year of abatement, 60% of the
5 taxing district's taxes from the new electric
6 generating facility.

7 The abatement is not effective unless the owner of
8 the new electric generating facility agrees to repay to
9 the taxing district all amounts previously abated,
10 together with interest computed at the rate and in the
11 manner provided for delinquent taxes, in the event that
12 the owner of the new electric generating facility
13 closes the new electric generating facility before the
14 expiration of the entire term of the abatement.

15 The authorization of taxing districts to abate
16 taxes under this subdivision (a) (1) (A-5) expires on
17 January 1, 2010.

18 (B) The property of any commercial or industrial
19 development of at least (i) 500 acres or (ii) 225 acres
20 in the case of a commercial or industrial development
21 that applies for and is granted designation as a High
22 Impact Business under paragraph (F) of item (3) of
23 subsection (a) of Section 5.5 of the Illinois
24 Enterprise Zone Act, having been created within the
25 taxing district. The abatement shall not exceed a
26 period of 20 years and the aggregate amount of abated

1 taxes for all taxing districts combined shall not
2 exceed \$12,000,000.

3 (C) The property of any commercial or industrial
4 firm currently located in the taxing district that
5 expands a facility or its number of employees. The
6 abatement shall not exceed a period of 10 years and the
7 aggregate amount of abated taxes for all taxing
8 districts combined shall not exceed \$4,000,000. The
9 abatement period may be renewed at the option of the
10 taxing districts.

11 (2) Horse racing. Any property in the taxing district
12 which is used for the racing of horses and upon which
13 capital improvements consisting of expansion, improvement
14 or replacement of existing facilities have been made since
15 July 1, 1987. The combined abatements for such property
16 from all taxing districts in any county shall not exceed
17 \$5,000,000 annually and shall not exceed a period of 10
18 years.

19 (3) Auto racing. Any property designed exclusively for
20 the racing of motor vehicles. Such abatement shall not
21 exceed a period of 10 years.

22 (4) Academic or research institute. The property of any
23 academic or research institute in the taxing district that
24 (i) is an exempt organization under paragraph (3) of
25 Section 501(c) of the Internal Revenue Code, (ii) operates
26 for the benefit of the public by actually and exclusively

1 performing scientific research and making the results of
2 the research available to the interested public on a
3 non-discriminatory basis, and (iii) employs more than 100
4 employees. An abatement granted under this paragraph shall
5 be for at least 15 years and the aggregate amount of abated
6 taxes for all taxing districts combined shall not exceed
7 \$5,000,000.

8 (5) Housing for older persons. Any property in the
9 taxing district that is devoted exclusively to affordable
10 housing for older households. For purposes of this
11 paragraph, "older households" means those households (i)
12 living in housing provided under any State or federal
13 program that the Department of Human Rights determines is
14 specifically designed and operated to assist elderly
15 persons and is solely occupied by persons 55 years of age
16 or older and (ii) whose annual income does not exceed 80%
17 of the area gross median income, adjusted for family size,
18 as such gross income and median income are determined from
19 time to time by the United States Department of Housing and
20 Urban Development. The abatement shall not exceed a period
21 of 15 years, and the aggregate amount of abated taxes for
22 all taxing districts shall not exceed \$3,000,000.

23 (6) Historical society. For assessment years 1998
24 through 2018, the property of an historical society
25 qualifying as an exempt organization under Section
26 501(c)(3) of the federal Internal Revenue Code.

1 (7) Recreational facilities. Any property in the
2 taxing district (i) that is used for a municipal airport,
3 (ii) that is subject to a leasehold assessment under
4 Section 9-195 of this Code and (iii) which is sublet from a
5 park district that is leasing the property from a
6 municipality, but only if the property is used exclusively
7 for recreational facilities or for parking lots used
8 exclusively for those facilities. The abatement shall not
9 exceed a period of 10 years.

10 (8) Relocated corporate headquarters. If approval
11 occurs within 5 years after the effective date of this
12 amendatory Act of the 92nd General Assembly, any property
13 or a portion of any property in a taxing district that is
14 used by an eligible business for a corporate headquarters
15 as defined in the Corporate Headquarters Relocation Act.
16 Instead of an abatement under this paragraph (8), a taxing
17 district may enter into an agreement with an eligible
18 business to make annual payments to that eligible business
19 in an amount not to exceed the property taxes paid directly
20 or indirectly by that eligible business to the taxing
21 district and any other taxing districts for premises
22 occupied pursuant to a written lease and may make those
23 payments without the need for an annual appropriation. No
24 school district, however, may enter into an agreement with,
25 or abate taxes for, an eligible business unless the
26 municipality in which the corporate headquarters is

1 located agrees to provide funding to the school district in
2 an amount equal to the amount abated or paid by the school
3 district as provided in this paragraph (8). Any abatement
4 ordered or agreement entered into under this paragraph (8)
5 may be effective for the entire term specified by the
6 taxing district, except the term of the abatement or annual
7 payments may not exceed 20 years.

8 (9) United States Military Public/Private Residential
9 Developments. Each building, structure, or other
10 improvement designed, financed, constructed, renovated,
11 managed, operated, or maintained after January 1, 2006
12 under a "PPV Lease", as set forth under Division 14 of
13 Article 10, and any such PPV Lease.

14 (10) Property located in a business corridor that
15 qualifies for an abatement under Section 18-184.10.

16 (b) Upon a majority vote of its governing authority, any
17 municipality may, after the determination of the assessed
18 valuation of its property, order the county clerk to abate any
19 portion of its taxes on any property that is located within the
20 corporate limits of the municipality in accordance with Section
21 8-3-18 of the Illinois Municipal Code.

22 (Source: P.A. 96-1136, eff. 7-21-10; 97-577, eff. 1-1-12;
23 97-636, eff. 6-1-12.)

24 Section 5-55. The County Economic Development Project Area
25 Property Tax Allocation Act is amended by changing Section 3 as

1 follows:

2 (55 ILCS 85/3) (from Ch. 34, par. 7003)

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

6 (a) "Department" means the Department of Commerce and
7 Economic Opportunity.

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

1 economic development project area, (10) a description of the
2 type, class and number of employees to be employed in the
3 operation of the facilities to be developed or improved in the
4 economic development project area and (11) a commitment by the
5 county to fair employment practices and an affirmative action
6 plan with respect to any economic development program to be
7 undertaken by the county. The economic development plan for an
8 economic development project area authorized by subsection
9 (a-15) of Section 4 of this Act must additionally include (1)
10 evidence indicating that the redevelopment project area on the
11 whole has not been subject to growth and development through
12 investment by private enterprise and is not reasonably expected
13 to be subject to such growth and development without the
14 assistance provided through the implementation of the economic
15 development plan and (2) evidence that portions of the economic
16 development project area have incurred Illinois Environmental
17 Protection Agency or United States Environmental Protection
18 Agency remediation costs for, or a study conducted by an
19 independent consultant recognized as having expertise in
20 environmental remediation has determined a need for, the
21 clean-up of hazardous waste, hazardous substances, or
22 underground storage tanks required by State or federal law,
23 provided that the remediation costs constitute a material
24 impediment to the development or redevelopment of the project
25 area.

26 (c) "Economic development project" means any development

1 project in furtherance of the objectives of this Act.

2 (d) "Economic development project area" means any improved
3 or vacant area which is located within the corporate limits of
4 a county and which (1) is within the unincorporated area of
5 such county, or, with the consent of any affected municipality,
6 is located partially within the unincorporated area of such
7 county and partially within one or more municipalities, (2) is
8 contiguous, (3) is not less in the aggregate than 100 acres
9 and, for an economic development project area authorized by
10 subsection (a-15) of Section 4 of this Act, not more than 2,000
11 acres, (4) is suitable for siting by any commercial,
12 manufacturing, industrial, research or transportation
13 enterprise of facilities to include but not be limited to
14 commercial businesses, offices, factories, mills, processing
15 plants, assembly plants, packing plants, fabricating plants,
16 industrial or commercial distribution centers, warehouses,
17 repair overhaul or service facilities, freight terminals,
18 research facilities, test facilities or transportation
19 facilities, whether or not such area has been used at any time
20 for such facilities and whether or not the area has been used
21 or is suitable for such facilities and whether or not the area
22 has been used or is suitable for other uses, including
23 commercial agricultural purposes, and (5) which has been
24 certified by the Department pursuant to this Act.

25 (e) "Economic development project costs" means and
26 includes the sum total of all reasonable or necessary costs

1 incurred by a county incidental to an economic development
2 project, including, without limitation, the following:

3 (1) Costs of studies, surveys, development of plans and
4 specifications, implementation and administration of an
5 economic development plan, personnel and professional
6 service costs for architectural, engineering, legal,
7 marketing, financial, planning, sheriff, fire, public
8 works or other services, provided that no charges for
9 professional services may be based on a percentage of
10 incremental tax revenue;

11 (2) Property assembly costs within an economic
12 development project area, including but not limited to
13 acquisition of land and other real or personal property or
14 rights or interests therein, and specifically including
15 payments to developers or other non-governmental persons
16 as reimbursement for property assembly costs incurred by
17 such developer or other non-governmental person;

18 (3) Site preparation costs, including but not limited
19 to clearance of any area within an economic development
20 project area by demolition or removal of any existing
21 buildings, structures, fixtures, utilities and
22 improvements and clearing and grading; site improvement
23 addressing ground level or below ground environmental
24 contamination; and including installation, repair,
25 construction, reconstruction, or relocation of public
26 streets, public utilities, and other public site

1 improvements within or without an economic development
2 project area which are essential to the preparation of the
3 economic development project area for use in accordance
4 with an economic development plan; and specifically
5 including payments to developers or other non-governmental
6 persons as reimbursement for site preparation costs
7 incurred by such developer or 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;

1 (7) All or a portion of a taxing district's capital
2 costs resulting from an economic development project
3 necessarily incurred or estimated to be incurred by a
4 taxing district in the furtherance of the objectives of an
5 economic development project, to the extent that the county
6 by written agreement accepts, approves and agrees to incur
7 or to reimburse such costs;

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

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

24 (10) Costs of rebating ad valorem taxes paid by any
25 developer or other nongovernmental person in whose name the
26 general taxes were paid for the last preceding year on any

1 lot, block, tract or parcel of land in the economic
2 development project area, provided that:

3 (i) such economic development project area is
4 located in an enterprise zone created pursuant to the
5 Illinois Enterprise Zone Act; beginning on the
6 effective date of this amendatory Act of the 98th
7 General Assembly and ending on the date occurring 3
8 years later, compliance with this provision (i) is not
9 required in Grundy County;

10 (ii) such ad valorem taxes shall be rebated only in
11 such amounts and for such tax year or years as the
12 county and any one or more affected taxing districts
13 shall have agreed by prior written agreement;
14 beginning on the effective date of this amendatory Act
15 of the 98th General Assembly and ending on the date
16 occurring 3 years later, compliance with this
17 provision (ii) is not required in Grundy County if the
18 county receives approval from 2/3 of the taxing
19 districts representing no less than 75% of the
20 aggregate tax levy for all of the affected taxing
21 districts for the levy year;

22 (iii) any amount of rebate of taxes shall not
23 exceed the portion, if any, of taxes levied by the
24 county or such taxing district or districts which is
25 attributable to the increase in the current equalized
26 assessed valuation of each taxable lot, block, tract or

1 parcel of real property in the economic development
2 project area over and above the initial equalized
3 assessed value of each property existing at the time
4 property tax allocation financing was adopted for said
5 economic development project area; and

6 (iv) costs of rebating ad valorem taxes shall be
7 paid by a county solely from the special tax allocation
8 fund established pursuant to this Act and shall be paid
9 from the proceeds of any obligations issued by a
10 county.

11
12 (11) Costs of job training, advanced vocational
13 education or career education programs, including but not
14 limited to courses in occupational, semi-technical or
15 technical fields leading directly to employment, incurred
16 by one or more taxing districts, provided that such costs
17 are related to the establishment and maintenance of
18 additional job training, advanced vocational education or
19 career education programs for persons employed or to be
20 employed by employers located in an economic development
21 project area, and further provided, that when such costs
22 are incurred by a taxing district or taxing districts other
23 than the county, they shall be set forth in a written
24 agreement by or among the county and the taxing district or
25 taxing districts, which agreement describes the program to
26 be undertaken, including, but not limited to, the number of

1 employees to be trained, a description of the training and
2 services to be provided, the number and type of positions
3 available or to be available, itemized costs of the program
4 and sources of funds to pay the same, and the term of the
5 agreement. Such costs include, specifically, the payment
6 by community college districts of costs pursuant to Section
7 3-37, 3-38, 3-40 and 3-40.1 of the Public Community College
8 Act and by school districts of costs pursuant to Sections
9 10-22.20 and 10-23.3a of the School Code;

10 (12) Private financing costs incurred by developers or
11 other non-governmental persons in connection with an
12 economic development project, and specifically including
13 payments to developers or other non-governmental persons
14 as reimbursement for such costs incurred by such developer
15 or other non-governmental persons provided that:

16 (A) private financing costs shall be paid or
17 reimbursed by a county only pursuant to the prior
18 official action of the county evidencing an intent to
19 pay such private financing costs;

20 (B) except as provided in subparagraph (D) of this
21 Section, the aggregate amount of such costs paid or
22 reimbursed by a county in any one year shall not exceed
23 30% of such costs paid or incurred by such developer or
24 other non-governmental person in that year;

25 (C) private financing costs shall be paid or
26 reimbursed by a county solely from the special tax

1 allocation fund established pursuant to this Act and
2 shall not be paid or reimbursed from the proceeds of
3 any obligations issued by a county;

4 (D) if there are not sufficient funds available in
5 the special tax allocation fund in any year to make
6 such payment or reimbursement in full, any amount of
7 such private financing costs remaining to be paid or
8 reimbursed by a county shall accrue and be payable when
9 funds are available in the special tax allocation fund
10 to make such payment; and

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

19 (f) "Obligations" means any instrument evidencing the
20 obligation of a county to pay money, including without
21 limitation, bonds, notes, installment or financing contracts,
22 certificates, tax anticipation warrants or notes, vouchers,
23 and any other evidence of indebtedness.

24 (g) "Taxing districts" means municipalities, townships,
25 counties, and school, road, park, sanitary, mosquito
26 abatement, forest preserve, public health, fire protection,

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

4 (Source: P.A. 96-1262, eff. 7-26-10.)

5 Section 5-60. The Illinois Municipal Code is amended by
6 changing Sections 11-65-10 and 11-74.4-3.5 as follows:

7 (65 ILCS 5/11-65-10)

8 Sec. 11-65-10. Public-facilities corporations authorized.

9 (a) Each municipality referenced in Section 11-65-2 is
10 authorized to incorporate a public-facilities corporation to
11 exercise, as business agent of the municipality, the powers of
12 the municipality set forth in Section 11-65-2, Section 11-65-6,
13 and Section 11-65-7, and also the power of the municipality to
14 acquire by dedication, gift, lease, contract, or purchase all
15 property and rights, necessary or proper, within the corporate
16 limits of the municipality, for municipal convention hall
17 purposes.

18 (b) In this Division 65, unless the context otherwise
19 requires, a "public-facilities corporation" means an Illinois
20 not-for-profit corporation whose purpose is charitable and
21 civic, organized solely for the purpose of (i) acquiring a site
22 or sites appropriate for a municipal convention hall; (ii)
23 constructing, building, and equipping thereon a municipal
24 convention hall; and (iii) collecting the revenues therefrom,

1 entirely without profit to the public-facilities corporation,
2 its officers, or directors. A public-facilities corporation
3 shall assist the municipality it serves in the municipality's
4 essential governmental purposes.

5 (c) The municipality shall retain control of the
6 public-facilities corporation by means of the municipality's
7 expressed legal right, set forth in the articles of
8 incorporation of the public-facilities corporation, to
9 appoint, remove, and replace the members of the board of
10 directors of the public-facilities corporation. The directors
11 and officers of the public-facilities corporation shall serve
12 without compensation but may be reimbursed for their reasonable
13 expenses that are incurred on behalf of the public-facilities
14 corporation. Upon retirement or redemption of any bonds or
15 other debt instruments issued by the public-facilities
16 corporation in connection with the development of the municipal
17 convention hall, the legal title to the municipal convention
18 hall shall be transferred to the municipality without any
19 further consideration by or on behalf of the municipality.

20 (d) The municipality may designate a public-facilities
21 corporation to include a facility that operates for the benefit
22 of multiple units of local government through a management
23 board created by a duly executed intergovernmental cooperation
24 agreement and ratified by each duly elected board.

25 (Source: P.A. 95-672, eff. 10-11-07.)

1 (65 ILCS 5/11-74.4-3.5)

2 Sec. 11-74.4-3.5. Completion dates for redevelopment
3 projects.

4 (a) Unless otherwise stated in this Section, the estimated
5 dates of completion of the redevelopment project and retirement
6 of obligations issued to finance redevelopment project costs
7 (including refunding bonds under Section 11-74.4-7) may not be
8 later than December 31 of the year in which the payment to the
9 municipal treasurer, as provided in subsection (b) of Section
10 11-74.4-8 of this Act, is to be made with respect to ad valorem
11 taxes levied in the 23rd calendar year after the year in which
12 the ordinance approving the redevelopment project area was
13 adopted if the ordinance was adopted on or after January 15,
14 1981.

15 (b) The estimated dates of completion of the redevelopment
16 project and retirement of obligations issued to finance
17 redevelopment project costs (including refunding bonds under
18 Section 11-74.4-7) may not be later than December 31 of the
19 year in which the payment to the municipal treasurer as
20 provided in subsection (b) of Section 11-74.4-8 of this Act is
21 to be made with respect to ad valorem taxes levied in the 32nd
22 calendar year after the year in which the ordinance approving
23 the redevelopment project area was adopted, if the ordinance
24 was adopted on September 9, 1999 by the Village of Downs.

25 The estimated dates of completion of the redevelopment
26 project and retirement of obligations issued to finance

1 redevelopment project costs (including refunding bonds under
2 Section 11-74.4-7) may not be later than December 31 of the
3 year in which the payment to the municipal treasurer as
4 provided in subsection (b) of Section 11-74.4-8 of this Act is
5 to be made with respect to ad valorem taxes levied in the 33rd
6 calendar year after the year in which the ordinance approving
7 the redevelopment project area was adopted, if the ordinance
8 was adopted on May 20, 1985 by the Village of Wheeling.

9 The estimated dates of completion of the redevelopment
10 project and retirement of obligations issued to finance
11 redevelopment project costs (including refunding bonds under
12 Section 11-74.4-7) may not be later than December 31 of the
13 year in which the payment to the municipal treasurer as
14 provided in subsection (b) of Section 11-74.4-8 of this Act is
15 to be made with respect to ad valorem taxes levied in the 28th
16 calendar year after the year in which the ordinance approving
17 the redevelopment project area was adopted, if the ordinance
18 was adopted on October 12, 1989 by the City of Lawrenceville.

19 (c) The estimated dates of completion of the redevelopment
20 project and retirement of obligations issued to finance
21 redevelopment project costs (including refunding bonds under
22 Section 11-74.4-7) may not be later than December 31 of the
23 year in which the payment to the municipal treasurer as
24 provided in subsection (b) of Section 11-74.4-8 of this Act is
25 to be made with respect to ad valorem taxes levied in the 35th
26 calendar year after the year in which the ordinance approving

1 the redevelopment project area was adopted:

2 (1) if the ordinance was adopted before January 15,
3 1981;

4 (2) if the ordinance was adopted in December 1983,
5 April 1984, July 1985, or December 1989;

6 (3) if the ordinance was adopted in December 1987 and
7 the redevelopment project is located within one mile of
8 Midway Airport;

9 (4) if the ordinance was adopted before January 1, 1987
10 by a municipality in Mason County;

11 (5) if the municipality is subject to the Local
12 Government Financial Planning and Supervision Act or the
13 Financially Distressed City Law;

14 (6) if the ordinance was adopted in December 1984 by
15 the Village of Rosemont;

16 (7) if the ordinance was adopted on December 31, 1986
17 by a municipality located in Clinton County for which at
18 least \$250,000 of tax increment bonds were authorized on
19 June 17, 1997, or if the ordinance was adopted on December
20 31, 1986 by a municipality with a population in 1990 of
21 less than 3,600 that is located in a county with a
22 population in 1990 of less than 34,000 and for which at
23 least \$250,000 of tax increment bonds were authorized on
24 June 17, 1997;

25 (8) if the ordinance was adopted on October 5, 1982 by
26 the City of Kankakee, or if the ordinance was adopted on

- 1 December 29, 1986 by East St. Louis;
- 2 (9) if the ordinance was adopted on November 12, 1991
3 by the Village of Sauget;
- 4 (10) if the ordinance was adopted on February 11, 1985
5 by the City of Rock Island;
- 6 (11) if the ordinance was adopted before December 18,
7 1986 by the City of Moline;
- 8 (12) if the ordinance was adopted in September 1988 by
9 Sauk Village;
- 10 (13) if the ordinance was adopted in October 1993 by
11 Sauk Village;
- 12 (14) if the ordinance was adopted on December 29, 1986
13 by the City of Galva;
- 14 (15) if the ordinance was adopted in March 1991 by the
15 City of Centreville;
- 16 (16) if the ordinance was adopted on January 23, 1991
17 by the City of East St. Louis;
- 18 (17) if the ordinance was adopted on December 22, 1986
19 by the City of Aledo;
- 20 (18) if the ordinance was adopted on February 5, 1990
21 by the City of Clinton;
- 22 (19) if the ordinance was adopted on September 6, 1994
23 by the City of Freeport;
- 24 (20) if the ordinance was adopted on December 22, 1986
25 by the City of Tuscola;
- 26 (21) if the ordinance was adopted on December 23, 1986

1 by the City of Sparta;

2 (22) if the ordinance was adopted on December 23, 1986

3 by the City of Beardstown;

4 (23) if the ordinance was adopted on April 27, 1981,

5 October 21, 1985, or December 30, 1986 by the City of

6 Belleville;

7 (24) if the ordinance was adopted on December 29, 1986

8 by the City of Collinsville;

9 (25) if the ordinance was adopted on September 14, 1994

10 by the City of Alton;

11 (26) if the ordinance was adopted on November 11, 1996

12 by the City of Lexington;

13 (27) if the ordinance was adopted on November 5, 1984

14 by the City of LeRoy;

15 (28) if the ordinance was adopted on April 3, 1991 or

16 June 3, 1992 by the City of Markham;

17 (29) if the ordinance was adopted on November 11, 1986

18 by the City of Pekin;

19 (30) if the ordinance was adopted on December 15, 1981

20 by the City of Champaign;

21 (31) if the ordinance was adopted on December 15, 1986

22 by the City of Urbana;

23 (32) if the ordinance was adopted on December 15, 1986

24 by the Village of Heyworth;

25 (33) if the ordinance was adopted on February 24, 1992

26 by the Village of Heyworth;

1 (34) if the ordinance was adopted on March 16, 1995 by
2 the Village of Heyworth;

3 (35) if the ordinance was adopted on December 23, 1986
4 by the Town of Cicero;

5 (36) if the ordinance was adopted on December 30, 1986
6 by the City of Effingham;

7 (37) if the ordinance was adopted on May 9, 1991 by the
8 Village of Tilton;

9 (38) if the ordinance was adopted on October 20, 1986
10 by the City of Elmhurst;

11 (39) if the ordinance was adopted on January 19, 1988
12 by the City of Waukegan;

13 (40) if the ordinance was adopted on September 21, 1998
14 by the City of Waukegan;

15 (41) if the ordinance was adopted on December 31, 1986
16 by the City of Sullivan;

17 (42) if the ordinance was adopted on December 23, 1991
18 by the City of Sullivan;

19 (43) if the ordinance was adopted on December 31, 1986
20 by the City of Oglesby;

21 (44) if the ordinance was adopted on July 28, 1987 by
22 the City of Marion;

23 (45) if the ordinance was adopted on April 23, 1990 by
24 the City of Marion;

25 (46) if the ordinance was adopted on August 20, 1985 by
26 the Village of Mount Prospect;

1 (47) if the ordinance was adopted on February 2, 1998
2 by the Village of Woodhull;

3 (48) if the ordinance was adopted on April 20, 1993 by
4 the Village of Princeville;

5 (49) if the ordinance was adopted on July 1, 1986 by
6 the City of Granite City;

7 (50) if the ordinance was adopted on February 2, 1989
8 by the Village of Lombard;

9 (51) if the ordinance was adopted on December 29, 1986
10 by the Village of Gardner;

11 (52) if the ordinance was adopted on July 14, 1999 by
12 the Village of Paw Paw;

13 (53) if the ordinance was adopted on November 17, 1986
14 by the Village of Franklin Park;

15 (54) if the ordinance was adopted on November 20, 1989
16 by the Village of South Holland;

17 (55) if the ordinance was adopted on July 14, 1992 by
18 the Village of Riverdale;

19 (56) if the ordinance was adopted on December 29, 1986
20 by the City of Galesburg;

21 (57) if the ordinance was adopted on April 1, 1985 by
22 the City of Galesburg;

23 (58) if the ordinance was adopted on May 21, 1990 by
24 the City of West Chicago;

25 (59) if the ordinance was adopted on December 16, 1986
26 by the City of Oak Forest;

1 (60) if the ordinance was adopted in 1999 by the City
2 of Villa Grove;

3 (61) if the ordinance was adopted on January 13, 1987
4 by the Village of Mt. Zion;

5 (62) if the ordinance was adopted on December 30, 1986
6 by the Village of Manteno;

7 (63) if the ordinance was adopted on April 3, 1989 by
8 the City of Chicago Heights;

9 (64) if the ordinance was adopted on January 6, 1999 by
10 the Village of Rosemont;

11 (65) if the ordinance was adopted on December 19, 2000
12 by the Village of Stone Park;

13 (66) if the ordinance was adopted on December 22, 1986
14 by the City of DeKalb;

15 (67) if the ordinance was adopted on December 2, 1986
16 by the City of Aurora;

17 (68) if the ordinance was adopted on December 31, 1986
18 by the Village of Milan;

19 (69) if the ordinance was adopted on September 8, 1994
20 by the City of West Frankfort;

21 (70) if the ordinance was adopted on December 23, 1986
22 by the Village of Libertyville;

23 (71) if the ordinance was adopted on December 22, 1986
24 by the Village of Hoffman Estates;

25 (72) if the ordinance was adopted on September 17, 1986
26 by the Village of Sherman;

1 (73) if the ordinance was adopted on December 16, 1986
2 by the City of Macomb;

3 (74) if the ordinance was adopted on June 11, 2002 by
4 the City of East Peoria to create the West Washington
5 Street TIF;

6 (75) if the ordinance was adopted on June 11, 2002 by
7 the City of East Peoria to create the Camp Street TIF;

8 (76) if the ordinance was adopted on August 7, 2000 by
9 the City of Des Plaines;

10 (77) if the ordinance was adopted on December 22, 1986
11 by the City of Washington to create the Washington Square
12 TIF #2;

13 (78) if the ordinance was adopted on December 29, 1986
14 by the City of Morris;

15 (79) if the ordinance was adopted on July 6, 1998 by
16 the Village of Steeleville;

17 (80) if the ordinance was adopted on December 29, 1986
18 by the City of Pontiac to create TIF I (the Main St TIF);

19 (81) if the ordinance was adopted on December 29, 1986
20 by the City of Pontiac to create TIF II (the Interstate
21 TIF);

22 (82) if the ordinance was adopted on November 6, 2002
23 by the City of Chicago to create the Madden/Wells TIF
24 District;

25 (83) if the ordinance was adopted on November 4, 1998
26 by the City of Chicago to create the Roosevelt/Racine TIF

1 District;

2 (84) if the ordinance was adopted on June 10, 1998 by
3 the City of Chicago to create the Stony Island
4 Commercial/Burnside Industrial Corridors TIF District;

5 (85) if the ordinance was adopted on November 29, 1989
6 by the City of Chicago to create the Englewood Mall TIF
7 District;

8 (86) if the ordinance was adopted on December 27, 1986
9 by the City of Mendota;

10 (87) if the ordinance was adopted on December 31, 1986
11 by the Village of Cahokia;

12 (88) if the ordinance was adopted on September 20, 1999
13 by the City of Belleville;

14 (89) if the ordinance was adopted on December 30, 1986
15 by the Village of Bellevue to create the Bellevue TIF
16 District 1;

17 (90) if the ordinance was adopted on December 13, 1993
18 by the Village of Crete;

19 (91) if the ordinance was adopted on February 12, 2001
20 by the Village of Crete;

21 (92) if the ordinance was adopted on April 23, 2001 by
22 the Village of Crete;

23 (93) if the ordinance was adopted on December 16, 1986
24 by the City of Champaign;

25 (94) if the ordinance was adopted on December 20, 1986
26 by the City of Charleston;

1 (95) if the ordinance was adopted on June 6, 1989 by
2 the Village of Romeoville;

3 (96) if the ordinance was adopted on October 14, 1993
4 and amended on August 2, 2010 by the City of Venice;

5 (97) if the ordinance was adopted on June 1, 1994 by
6 the City of Markham;

7 (98) if the ordinance was adopted on May 19, 1998 by
8 the Village of Bensenville;

9 (99) if the ordinance was adopted on November 12, 1987
10 by the City of Dixon;

11 (100) if the ordinance was adopted on December 20, 1988
12 by the Village of Lansing;

13 (101) if the ordinance was adopted on October 27, 1998
14 by the City of Moline; ~~or~~

15 (102) if the ordinance was adopted on May 21, 1991 by
16 the Village of Glenwood; ~~or~~

17 (103) ~~(102)~~ if the ordinance was adopted on January 28,
18 1992 by the City of East Peoria; ~~or~~

19 (104) ~~(103)~~ if the ordinance was adopted on December
20 14, 1998 by the City of Carlyle; ~~or~~

21 (105) if the ordinance was adopted on May 17, 2000, as
22 subsequently amended, by the City of Chicago to create the
23 Midwest Redevelopment TIF District; or

24 (106) if the ordinance was adopted on September 13,
25 1989 by the City of Chicago to create the Michigan/Cermak
26 Area TIF District.

1 (d) For redevelopment project areas for which bonds were
2 issued before July 29, 1991, or for which contracts were
3 entered into before June 1, 1988, in connection with a
4 redevelopment project in the area within the State Sales Tax
5 Boundary, the estimated dates of completion of the
6 redevelopment project and retirement of obligations to finance
7 redevelopment project costs (including refunding bonds under
8 Section 11-74.4-7) may be extended by municipal ordinance to
9 December 31, 2013. The termination procedures of subsection (b)
10 of Section 11-74.4-8 are not required for these redevelopment
11 project areas in 2009 but are required in 2013. The extension
12 allowed by Public Act 87-1272 shall not apply to real property
13 tax increment allocation financing under Section 11-74.4-8.

14 (e) Those dates, for purposes of real property tax
15 increment allocation financing pursuant to Section 11-74.4-8
16 only, shall be not more than 35 years for redevelopment project
17 areas that were adopted on or after December 16, 1986 and for
18 which at least \$8 million worth of municipal bonds were
19 authorized on or after December 19, 1989 but before January 1,
20 1990; provided that the municipality elects to extend the life
21 of the redevelopment project area to 35 years by the adoption
22 of an ordinance after at least 14 but not more than 30 days'
23 written notice to the taxing bodies, that would otherwise
24 constitute the joint review board for the redevelopment project
25 area, before the adoption of the ordinance.

26 (f) Those dates, for purposes of real property tax

1 increment allocation financing pursuant to Section 11-74.4-8
2 only, shall be not more than 35 years for redevelopment project
3 areas that were established on or after December 1, 1981 but
4 before January 1, 1982 and for which at least \$1,500,000 worth
5 of tax increment revenue bonds were authorized on or after
6 September 30, 1990 but before July 1, 1991; provided that the
7 municipality elects to extend the life of the redevelopment
8 project area to 35 years by the adoption of an ordinance after
9 at least 14 but not more than 30 days' written notice to the
10 taxing bodies, that would otherwise constitute the joint review
11 board for the redevelopment project area, before the adoption
12 of the ordinance.

13 (g) In consolidating the material relating to completion
14 dates from Sections 11-74.4-3 and 11-74.4-7 into this Section,
15 it is not the intent of the General Assembly to make any
16 substantive change in the law, except for the extension of the
17 completion dates for the City of Aurora, the Village of Milan,
18 the City of West Frankfort, the Village of Libertyville, and
19 the Village of Hoffman Estates set forth under items (67),
20 (68), (69), (70), and (71) of subsection (c) of this Section.

21 (Source: P.A. 96-127, eff. 8-4-09; 96-182, eff. 8-10-09;
22 96-208, eff. 8-10-09; 96-209, eff. 1-1-10; 96-213, eff.
23 8-10-09; 96-264, eff. 8-11-09; 96-328, eff. 8-11-09; 96-439,
24 eff. 8-14-09; 96-454, eff. 8-14-09; 96-722, eff. 8-25-09;
25 96-773, eff. 8-28-09; 96-830, eff. 12-4-09; 96-837, eff.
26 12-16-09; 96-1000, eff. 7-2-10; 96-1359, eff. 7-28-10;

1 96-1494, eff. 12-30-10; 96-1514, eff. 2-4-11; 96-1552, eff.
2 3-10-11; 97-93, eff. 1-1-12; 97-372, eff. 8-15-11; 97-600, eff.
3 8-26-11; 97-633, eff. 12-16-11; 97-635, eff. 12-16-11; 97-807,
4 eff. 7-13-12; 97-1114, eff. 8-27-12; revised 9-20-12.)

5 Section 5-65. The River Edge Redevelopment Zone Act is
6 amended by changing Section 10-10.2 and by adding Section 10-15
7 as follows:

8 (65 ILCS 115/10-10.2)

9 Sec. 10-10.2. Accounting.

10 (a) Any business receiving tax incentives due to its
11 location within a River Edge Redevelopment Zone must annually
12 report to the Department of Revenue information reasonably
13 required by the Department to enable the Department of Revenue
14 to verify and calculate the total tax benefits for property
15 taxes and taxes imposed by the State that are received by the
16 business, broken down by incentive category, ~~annually to the~~
17 ~~Department of Revenue.~~ To the extent that a business receiving
18 tax incentives has obtained a River Edge Building Materials
19 Exemption Certificate, that business is required to report
20 those building materials exemption benefits only under
21 subsection (a-5) of this Section. No additional reporting for
22 those building materials exemption benefits is required under
23 this subsection (a). Reports will be due no later than May 31
24 ~~March 30~~ of each year and shall cover the previous calendar

1 year. The first report will be for the 2012 calendar year and
2 will be due no later than May 31 ~~March 30~~, 2013. Failure to
3 report data may ~~shall~~ result in ineligibility to receive
4 incentives. The Department, in consultation with the
5 Department of Revenue, is authorized to adopt rules governing
6 ineligibility to receive exemptions, including the length of
7 ineligibility. Factors to be considered in determining whether
8 a business is ineligible shall include, but are not limited to,
9 prior compliance with the reporting requirements, cooperation
10 in discontinuing and correcting violations, the extent of the
11 violation, and whether the violation was willful or inadvertent
12 ~~For the first offense, a business shall be given 60 days to~~
13 ~~comply.~~

14 (a-5) Each contractor or other entity that has been issued
15 a River Edge Building Materials Exemption Certificate under
16 Section 2-54 of the Retailers' Occupation Tax Act shall
17 annually report to the Department of Revenue the total tax
18 benefits for taxes imposed by the State that are received under
19 River Edge building materials exemption. Reports shall contain
20 information reasonably required by the Department of Revenue to
21 enable it to verify and calculate the total tax benefits for
22 taxes imposed by the State, and shall be broken down by River
23 Edge Redevelopment Zone. Reports are due no later than May 31
24 of each year and shall cover the previous calendar year. The
25 first report will be for the 2013 calendar year and will be due
26 no later than May 31, 2014. Failure to report data may result

1 in revocation of the River Edge Building Materials Exemption
2 Certificate issued to the contractor or other entity. The
3 Department of Revenue is authorized to adopt rules governing
4 revocation determinations, including the length of
5 revocations. Factors to be considered in revocations shall
6 include, but are not limited to, prior compliance with the
7 reporting requirements, cooperation in discontinuing and
8 correcting violations, and whether the certificate was used
9 unlawfully during the preceding year.

10 (b) Each person required to file a return under the Gas
11 Revenue Tax Act, the Gas Use Tax Act, the Electricity Excise
12 Tax Act, or the Telecommunications Excise Tax Act shall file,
13 on or before May 31 ~~March 30~~ of each year, a report with the
14 Department of Revenue, in the manner and form required by the
15 Department of Revenue, containing information reasonably
16 required by the Department of Revenue to enable the Department
17 of Revenue to verify and calculate ~~itemizing~~ the amount of the
18 deduction for taxes imposed by the State that is taken under
19 each Act, respectively, due to the location of a business in a
20 River Edge Redevelopment Zone. The report shall be itemized by
21 business and the business location address.

22 (c) Employers shall report their job creation, retention,
23 and capital investment numbers within the River Edge
24 Redevelopment Zone annually to the ~~administrator which will~~
25 ~~compile the information and report it to the~~ Department of
26 Revenue no later than May 31 ~~March 30~~ of each calendar year.

1 (d) The Department of Revenue will aggregate and collect
2 the tax, job, and capital investment data by River Edge
3 Redevelopment Zone and report this information, formatted to
4 exclude company-specific proprietary information, to the
5 Department by August ~~May~~ 1, 2013, and by August ~~May~~ 1 of every
6 calendar year thereafter. The Department will include this
7 information in their required reports under Section 6 of this
8 Act.

9 (e) The Department of Revenue, in its discretion, may
10 require that the reports filed under this Section be submitted
11 electronically.

12 (f) The Department of Revenue shall have the authority to
13 adopt rules as are reasonable and necessary to implement the
14 provisions of this Section.

15 (Source: P.A. 97-905, eff. 8-7-12.)

16 (65 ILCS 115/10-15 new)

17 Sec. 10-15. Riverfront Development Fund.

18 (a) Purpose. The General Assembly has determined that it is
19 in the interest of the State of Illinois to promote development
20 that will protect, promote, and improve the riverfront areas of
21 a financially distressed city designated under the Financially
22 Distressed City Law.

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

24 "Agreement" means the agreement between an eligible
25 employer and the Department under the provisions of

1 subsection (f) of this Section.

2 "Department" means the Department of Commerce and
3 Economic Opportunity.

4 "Director" means the Director of Commerce and Economic
5 Opportunity.

6 "Eligible developer" means an individual, partnership,
7 corporation, or other entity that develops within a river
8 edge redevelopment zone that is located within a
9 municipality designated as a financially distressed city.

10 "Eligible employer" means an individual, partnership,
11 corporation, or other entity that employs full-time
12 employees within a river edge redevelopment zone that is
13 located within a municipality designated as a financially
14 distressed city.

15 "Full-time employee" means an individual who is
16 employed for consideration for at least 35 hours each week
17 or who renders any other standard of service generally
18 accepted by industry custom or practice as full-time
19 employment. An individual for whom a W-2 is issued by a
20 Professional Employer Organization (PEO) is a full-time
21 employee if employed in the service of the eligible
22 employer for consideration for at least 35 hours each week
23 or who renders any other standard of service generally
24 accepted by industry custom or practice as full-time
25 employment.

26 "Incremental income tax" means the total amount

1 withheld from the compensation of new employees under
2 Article 7 of the Illinois Income Tax Act arising from
3 employment by an eligible employer.

4 "Infrastructure" means roads, access roads, streets,
5 bridges, sidewalks, water and sewer line extensions, water
6 distribution and purification facilities, waste disposal
7 systems, sewage treatment facilities, stormwater drainage
8 and retention facilities, gas and electric utility line
9 extensions, or other improvements that are essential to the
10 development of the project that is the subject of an
11 agreement.

12 "New employee" means a full-time employee first
13 employed by an eligible employer in the project that is the
14 subject of an agreement between the Department and an
15 eligible developer and who is hired after the eligible
16 developer enters into the agreement, but does not include:

17 (1) an employee of the eligible employer who
18 performs a job that (i) existed for at least 6 months
19 before the employee was hired and (ii) was previously
20 performed by another employee;

21 (2) an employee of the eligible employer who was
22 previously employed in Illinois by a related member of
23 the eligible employer and whose employment was shifted
24 to the eligible employer after the eligible employer
25 entered into the agreement; or

26 (3) a child, grandchild, parent, or spouse, other

1 than a spouse who is legally separated from the
2 individual, of any individual who has a direct or an
3 indirect ownership interest of at least 5% in the
4 profits, capital, or value of the eligible employer.

5 Notwithstanding item (2) of this definition, an
6 employee may be considered a new employee under the
7 agreement if the employee performs a job that was
8 previously performed by an employee who was:

9 (A) treated under the agreement as a new employee;

10 and

11 (B) promoted by the eligible employer to another
12 job.

13 "Professional Employer Organization" (PEO) means an
14 employee leasing company, as defined in Section
15 206.1(A) (2) of the Illinois Unemployment Insurance Act.

16 "Related member" means a person or entity that, with
17 respect to the eligible employer during any portion of the
18 taxable year, is any one of the following:

19 (1) an individual stockholder, if the stockholder
20 and the members of the stockholder's family (as defined
21 in Section 318 of the Internal Revenue Code) own
22 directly, indirectly, beneficially, or constructively,
23 in the aggregate, at least 50% of the value of the
24 eligible employer's outstanding stock;

25 (2) a partnership, estate, or trust and any partner
26 or beneficiary, if the partnership, estate, or trust,

1 and its partners or beneficiaries own directly,
2 indirectly, or beneficially, or constructively, in the
3 aggregate, at least 50% of the profits, capital, stock,
4 or value of the eligible employer;

5 (3) a corporation, and any party related to the
6 corporation in a manner that would require an
7 attribution of stock from the corporation to the party
8 or from the party to the corporation under the
9 attribution rules of Section 318 of the Internal
10 Revenue Code, if the taxpayer owns directly,
11 indirectly, beneficially, or constructively at least
12 50% of the value of the corporation's outstanding
13 stock;

14 (4) a corporation and any party related to that
15 corporation in a manner that would require an
16 attribution of stock from the corporation to the party
17 or from the party to the corporation under the
18 attribution rules of Section 318 of the Internal
19 Revenue Code, if the corporation and all such related
20 parties own in the aggregate at least 50% of the
21 profits, capital, stock, or value of the eligible
22 employer; or

23 (5) a person to or from whom there is attribution
24 of stock ownership in accordance with Section 1563(e)
25 of the Internal Revenue Code, except, for purposes of
26 determining whether a person is a related member under

1 this definition, 20% shall be substituted for 5%
2 wherever 5% appears in Section 1563(e) of the Internal
3 Revenue Code.

4 (c) The Riverfront Development Fund. The Riverfront
5 Development Fund is created as a special fund in the State
6 treasury. As soon as possible after the first day of each
7 month, upon certification of the Department of Revenue, the
8 Comptroller shall order transferred and the Treasurer shall
9 transfer from the General Revenue Fund to the Riverfront
10 Development Fund an amount equal to the incremental income tax
11 for the previous month attributable to a project that is the
12 subject of an agreement. The total amount transferred under
13 this subsection may not exceed \$3,000,000 in any State fiscal
14 year.

15 (d) Grants from the Riverfront Development Fund. In State
16 fiscal years 2015 through 2021, all moneys in the Riverfront
17 Development Fund, held solely for the benefit of eligible
18 developers, shall be appropriated to the Department to make
19 infrastructure grants to eligible developers pursuant to
20 agreements.

21 (e) Limitation on grant amounts. The total aggregate amount
22 of grants awarded to all eligible developers shall not exceed
23 \$3,000,000 in each State fiscal year. The total amount of a
24 grant awarded to an eligible developer shall not exceed the
25 total amount of infrastructure costs incurred by that eligible
26 developer with respect to a project that is the subject of an

1 agreement. No eligible developer shall receive moneys that are
2 attributable to a project that is not the subject of the
3 developer's agreement with the Department.

4 (f) Agreements with applicants. The Department shall enter
5 into an agreement with an eligible developer who is entitled to
6 grants under this Section. The agreement must include all of
7 the following:

8 (1) A detailed description of the project that is the
9 subject of the agreement, including the location of the
10 project, the number of jobs created by the project, and
11 project costs. For purposes of this subsection, "project
12 costs" includes the costs of the project incurred or to be
13 incurred by the eligible developer, including
14 infrastructure costs, but excludes the value of State or
15 local incentives, including tax increment financing and
16 deductions, credits, or exemptions afforded to an employer
17 located in an enterprise zone.

18 (2) A requirement that the eligible developer shall
19 maintain operations at the project location, stated as a
20 minimum number of years not to exceed 10 years.

21 (3) A specific method for determining the number of new
22 employees attributable to the project.

23 (4) A requirement that the eligible developer shall
24 report monthly to the Department and the Department of
25 Revenue the number of new employees and the incremental
26 income tax withheld in connection with the new employees.

1 (5) A requirement that the Department is authorized to
2 verify with the Department of Revenue the amounts reported
3 under paragraph (4).

4 Section 5-67. The Metropolitan Pier and Exposition
5 Authority Act is amended by changing Sections 5, 5.4, and 13.2
6 as follows:

7 (70 ILCS 210/5) (from Ch. 85, par. 1225)

8 Sec. 5. The Metropolitan Pier and Exposition Authority
9 shall also have the following rights and powers:

10 (a) To accept from Chicago Park Fair, a corporation, an
11 assignment of whatever sums of money it may have received
12 from the Fair and Exposition Fund, allocated by the
13 Department of Agriculture of the State of Illinois, and
14 Chicago Park Fair is hereby authorized to assign, set over
15 and transfer any of those funds to the Metropolitan Pier
16 and Exposition Authority. The Authority has the right and
17 power hereafter to receive sums as may be distributed to it
18 by the Department of Agriculture of the State of Illinois
19 from the Fair and Exposition Fund pursuant to the
20 provisions of Sections 5, 6i, and 28 of the State Finance
21 Act. All sums received by the Authority shall be held in
22 the sole custody of the secretary-treasurer of the
23 Metropolitan Pier and Exposition Board.

24 (b) To accept the assignment of, assume and execute any

1 contracts heretofore entered into by Chicago Park Fair.

2 (c) To acquire, own, construct, equip, lease, operate
3 and maintain grounds, buildings and facilities to carry out
4 its corporate purposes and duties, and to carry out or
5 otherwise provide for the recreational, cultural,
6 commercial or residential development of Navy Pier, and to
7 fix and collect just, reasonable and nondiscriminatory
8 charges for the use thereof. The charges so collected shall
9 be made available to defray the reasonable expenses of the
10 Authority and to pay the principal of and the interest upon
11 any revenue bonds issued by the Authority. The Authority
12 shall be subject to and comply with the Lake Michigan and
13 Chicago Lakefront Protection Ordinance, the Chicago
14 Building Code, the Chicago Zoning Ordinance, and all
15 ordinances and regulations of the City of Chicago contained
16 in the following Titles of the Municipal Code of Chicago:
17 Businesses, Occupations and Consumer Protection; Health
18 and Safety; Fire Prevention; Public Peace, Morals and
19 Welfare; Utilities and Environmental Protection; Streets,
20 Public Ways, Parks, Airports and Harbors; Electrical
21 Equipment and Installation; Housing and Economic
22 Development (only Chapter 5-4 thereof); and Revenue and
23 Finance (only so far as such Title pertains to the
24 Authority's duty to collect taxes on behalf of the City of
25 Chicago).

26 (d) To enter into contracts treating in any manner with

1 the objects and purposes of this Act.

2 (e) To lease any buildings to the Adjutant General of
3 the State of Illinois for the use of the Illinois National
4 Guard or the Illinois Naval Militia.

5 (f) To exercise the right of eminent domain by
6 condemnation proceedings in the manner provided by the
7 Eminent Domain Act, including, with respect to Site B only,
8 the authority to exercise quick take condemnation by
9 immediate vesting of title under Article 20 of the Eminent
10 Domain Act, to acquire any privately owned real or personal
11 property and, with respect to Site B only, public property
12 used for rail transportation purposes (but no such taking
13 of such public property shall, in the reasonable judgment
14 of the owner, interfere with such rail transportation) for
15 the lawful purposes of the Authority in Site A, at Navy
16 Pier, and at Site B. Just compensation for property taken
17 or acquired under this paragraph shall be paid in money or,
18 notwithstanding any other provision of this Act and with
19 the agreement of the owner of the property to be taken or
20 acquired, the Authority may convey substitute property or
21 interests in property or enter into agreements with the
22 property owner, including leases, licenses, or
23 concessions, with respect to any property owned by the
24 Authority, or may provide for other lawful forms of just
25 compensation to the owner. Any property acquired in
26 condemnation proceedings shall be used only as provided in

1 this Act. Except as otherwise provided by law, the City of
2 Chicago shall have a right of first refusal prior to any
3 sale of any such property by the Authority to a third party
4 other than substitute property. The Authority shall
5 develop and implement a relocation plan for businesses
6 displaced as a result of the Authority's acquisition of
7 property. The relocation plan shall be substantially
8 similar to provisions of the Uniform Relocation Assistance
9 and Real Property Acquisition Act and regulations
10 promulgated under that Act relating to assistance to
11 displaced businesses. To implement the relocation plan the
12 Authority may acquire property by purchase or gift or may
13 exercise the powers authorized in this subsection (f),
14 except the immediate vesting of title under Article 20 of
15 the Eminent Domain Act, to acquire substitute private
16 property within one mile of Site B for the benefit of
17 displaced businesses located on property being acquired by
18 the Authority. However, no such substitute property may be
19 acquired by the Authority unless the mayor of the
20 municipality in which the property is located certifies in
21 writing that the acquisition is consistent with the
22 municipality's land use and economic development policies
23 and goals. The acquisition of substitute property is
24 declared to be for public use. In exercising the powers
25 authorized in this subsection (f), the Authority shall use
26 its best efforts to relocate businesses within the area of

1 McCormick Place or, failing that, within the City of
2 Chicago.

3 (g) To enter into contracts relating to construction
4 projects which provide for the delivery by the contractor
5 of a completed project, structure, improvement, or
6 specific portion thereof, for a fixed maximum price, which
7 contract may provide that the delivery of the project,
8 structure, improvement, or specific portion thereof, for
9 the fixed maximum price is insured or guaranteed by a third
10 party capable of completing the construction.

11 (h) To enter into agreements with any person with
12 respect to the use and occupancy of the grounds, buildings,
13 and facilities of the Authority, including concession,
14 license, and lease agreements on terms and conditions as
15 the Authority determines. Notwithstanding Section 24,
16 agreements with respect to the use and occupancy of the
17 grounds, buildings, and facilities of the Authority for a
18 term of more than one year shall be entered into in
19 accordance with the procurement process provided for in
20 Section 25.1.

21 (i) To enter into agreements with any person with
22 respect to the operation and management of the grounds,
23 buildings, and facilities of the Authority or the provision
24 of goods and services on terms and conditions as the
25 Authority determines.

26 (j) After conducting the procurement process provided

1 for in Section 25.1, to enter into one or more contracts to
2 provide for the design and construction of all or part of
3 the Authority's Expansion Project grounds, buildings, and
4 facilities. Any contract for design and construction of the
5 Expansion Project shall be in the form authorized by
6 subsection (g), shall be for a fixed maximum price not in
7 excess of the funds that are authorized to be made
8 available for those purposes during the term of the
9 contract, and shall be entered into before commencement of
10 construction.

11 (k) To enter into agreements, including project
12 agreements with labor unions, that the Authority deems
13 necessary to complete the Expansion Project or any other
14 construction or improvement project in the most timely and
15 efficient manner and without strikes, picketing, or other
16 actions that might cause disruption or delay and thereby
17 add to the cost of the project.

18 (l) To provide incentives to organizations and
19 entities that agree to make use of the grounds, buildings,
20 and facilities of the Authority for conventions, meetings,
21 or trade shows. The incentives may take the form of
22 discounts from regular fees charged by the Authority,
23 subsidies for or assumption of the costs incurred with
24 respect to the convention, meeting, or trade show, or other
25 inducements. The Authority shall award incentives to
26 attract large conventions, meetings, and trade shows to its

1 facilities under the terms set forth in this subsection (1)
2 from amounts appropriated to the Authority from the
3 Metropolitan Pier and Exposition Authority Incentive Fund
4 for this purpose.

5 No later than May 15 of each year, the Chief Executive
6 Officer of the Metropolitan Pier and Exposition Authority
7 shall certify to the State Comptroller and the State
8 Treasurer the amounts of incentive grant funds used during
9 the current fiscal year to provide incentives for
10 conventions, meetings, or trade shows that (i) have been
11 approved by the Authority, in consultation with an
12 organization meeting the qualifications set out in Section
13 5.6 of this Act, provided the Authority has entered into a
14 marketing agreement with such an organization, (ii)
15 demonstrate registered attendance in excess of 5,000
16 individuals or in excess of 10,000 individuals, as
17 appropriate, and (iii) but for the incentive, would not
18 have used the facilities of the Authority for the
19 convention, meeting, or trade show. The State Comptroller
20 may request that the Auditor General conduct an audit of
21 the accuracy of the certification. If the State Comptroller
22 determines by this process of certification that incentive
23 funds, in whole or in part, were disbursed by the Authority
24 by means other than in accordance with the standards of
25 this subsection (1), then any amount transferred to the
26 Metropolitan Pier and Exposition Authority Incentive Fund

1 shall be reduced during the next subsequent transfer in
2 direct proportion to that amount determined to be in
3 violation of the terms set forth in this subsection (1).

4 On July 15, 2012, the Comptroller shall order
5 transferred, and the Treasurer shall transfer, into the
6 Metropolitan Pier and Exposition Authority Incentive Fund
7 from the General Revenue Fund the sum of \$7,500,000 plus an
8 amount equal to the incentive grant funds certified by the
9 Chief Executive Officer as having been lawfully paid under
10 the provisions of this Section in the previous 2 fiscal
11 years that have not otherwise been transferred into the
12 Metropolitan Pier and Exposition Authority Incentive Fund,
13 provided that transfers in excess of \$15,000,000 shall not
14 be made in any fiscal year.

15 On July 15, 2013, the Comptroller shall order
16 transferred, and the Treasurer shall transfer, into the
17 Metropolitan Pier and Exposition Authority Incentive Fund
18 from the General Revenue Fund the sum of \$7,500,000 plus an
19 amount equal to the incentive grant funds certified by the
20 Chief Executive Officer as having been lawfully paid under
21 the provisions of this Section in the previous fiscal year
22 that have not otherwise been transferred into the
23 Metropolitan Pier and Exposition Authority Incentive Fund,
24 provided that transfers in excess of \$15,000,000 shall not
25 be made in any fiscal year.

26 On July 15, 2014, and every year thereafter, the

1 Comptroller shall order transferred, and the Treasurer
2 shall transfer, into the Metropolitan Pier and Exposition
3 Authority Incentive Fund from the General Revenue Fund an
4 amount equal to the incentive grant funds certified by the
5 Chief Executive Officer as having been lawfully paid under
6 the provisions of this Section in the previous fiscal year
7 that have not otherwise been transferred into the
8 Metropolitan Pier and Exposition Authority Incentive Fund,
9 provided that transfers in excess of \$15,000,000 shall not
10 be made in any fiscal year.

11 After a transfer has been made under this subsection
12 (1), the Chief Executive Officer shall file a request for
13 payment with the Comptroller evidencing that the incentive
14 grants have been made and the Comptroller shall thereafter
15 order paid, and the Treasurer shall pay, the requested
16 amounts to the Metropolitan Pier and Exposition Authority.

17 In no case shall more than \$5,000,000 be used in any
18 one year by the Authority for incentives granted
19 conventions, meetings, or trade shows with a registered
20 attendance of more than 5,000 and less than 10,000. Amounts
21 in the Metropolitan Pier and Exposition Authority
22 Incentive Fund shall only be used by the Authority for
23 incentives paid to attract large conventions, meetings,
24 and trade shows to its facilities as provided in this
25 subsection (1).

26 (1-5) The Village of Rosemont shall provide incentives

1 from amounts transferred into the Convention Center
2 Support Fund to retain and attract conventions, meetings,
3 or trade shows to the Donald E. Stephens Convention Center
4 under the terms set forth in this subsection (1-5).

5 No later than May 15 of each year, the Mayor of the
6 Village of Rosemont or his or her designee shall certify to
7 the State Comptroller and the State Treasurer the amounts
8 of incentive grant funds used during the previous fiscal
9 year to provide incentives for conventions, meetings, or
10 trade shows that (1) have been approved by the Village, (2)
11 demonstrate registered attendance in excess of 5,000
12 individuals, and (3) but for the incentive, would not have
13 used the Donald E. Stephens Convention Center facilities
14 for the convention, meeting, or trade show. The State
15 Comptroller may request that the Auditor General conduct an
16 audit of the accuracy of the certification.

17 If the State Comptroller determines by this process of
18 certification that incentive funds, in whole or in part,
19 were disbursed by the Village by means other than in
20 accordance with the standards of this subsection (1-5),
21 then the amount transferred to the Convention Center
22 Support Fund shall be reduced during the next subsequent
23 transfer in direct proportion to that amount determined to
24 be in violation of the terms set forth in this subsection
25 (1-5).

26 On July 15, 2012, and each year thereafter, the

1 Comptroller shall order transferred, and the Treasurer
2 shall transfer, into the Convention Center Support Fund
3 from the General Revenue Fund the amount of \$5,000,000 for
4 (i) incentives to attract large conventions, meetings, and
5 trade shows to the Donald E. Stephens Convention Center,
6 and (ii) to be used by the Village of Rosemont for the
7 repair, maintenance, and improvement of the Donald E.
8 Stephens Convention Center and for debt service on debt
9 instruments issued for those purposes by the village. No
10 later than 30 days after the transfer, the Comptroller
11 shall order paid, and the Treasurer shall pay, to the
12 Village of Rosemont the amounts transferred.

13 (m) To enter into contracts with any person conveying
14 the naming rights or other intellectual property rights
15 with respect to the grounds, buildings, and facilities of
16 the Authority.

17 (n) To enter into grant agreements with the Chicago
18 Convention and Tourism Bureau providing for the marketing
19 of the convention facilities to large and small
20 conventions, meetings, and trade shows and the promotion of
21 the travel industry in the City of Chicago, provided such
22 agreements meet the requirements of Section 5.6 of this
23 Act. Receipts of the Authority from the increase in the
24 airport departure tax authorized by Section 13(f) of this
25 amendatory Act of the 96th General Assembly and, subject to
26 appropriation to the Authority, funds deposited in the

1 Chicago Travel Industry Promotion Fund pursuant to Section
2 6 of the Hotel Operators' Occupation Tax Act shall be
3 granted to the Bureau for such purposes.

4 Nothing in this Act shall be construed to authorize the
5 Authority to spend the proceeds of any bonds or notes issued
6 under Section 13.2 or any taxes levied under Section 13 to
7 construct a stadium to be leased to or used by professional
8 sports teams.

9 (Source: P.A. 96-739, eff. 1-1-10; 96-898, eff. 5-27-10;
10 97-617, eff. 10-26-11.)

11 (70 ILCS 210/5.4)

12 Sec. 5.4. Exhibitor rights and work rule reforms.

13 (a) Legislative findings.

14 (1) The Authority is a political subdivision of the
15 State of Illinois subject to the plenary authority of the
16 General Assembly and was created for the benefit of the
17 general public to promote business, industry, commerce,
18 and tourism within the City of Chicago and the State of
19 Illinois.

20 (2) The Authority owns and operates McCormick Place and
21 Navy Pier, which have collectively 2.8 million square feet
22 of exhibit hall space, 700,000 square feet of meeting room
23 space.

24 (3) The Authority is a vital economic engine that

1 annually generates 65,000 jobs and \$8 billion of economic
2 activity for the State of Illinois through the trade shows,
3 conventions, and other meetings held and attended at
4 McCormick Place and Navy Pier.

5 (4) The Authority supports the operation of McCormick
6 Place and Navy Pier through not only fees on the rental of
7 exhibit and meeting room space, electrical and utility
8 service, food and beverage services, and parking, but also
9 hotel room rates paid by persons staying at the
10 Authority-owned hotel.

11 (5) The Authority has a compelling and proprietary
12 interest in the success, competitiveness, and continued
13 viability of McCormick Place and Navy Pier as the owner and
14 operator of the convention facilities and its obligation to
15 ensure that these facilities produce sufficient operating
16 revenues.

17 (6) The Authority's convention facilities were
18 constructed and renovated through the issuance of public
19 bonds that are directly repaid by State hotel, auto rental,
20 food and beverage, and airport and departure taxes paid
21 principally by persons who attend, work at, exhibit, and
22 provide goods and services to conventions, shows,
23 exhibitions, and meetings at McCormick Place and Navy Pier.

24 (7) State law also dedicates State occupation and use
25 tax revenues to fulfill debt service obligations on these
26 bonds should State hotel, auto rental, food and beverage,

1 and airport and departure taxes fail to generate sufficient
2 revenue.

3 (8) Through fiscal year 2010, \$55 million in State
4 occupation and use taxes will have been allocated to make
5 debt service payments on the Authority's bonds due to
6 shortfalls in State hotel, auto rental, food and beverage,
7 and airport and departure taxes. These shortfalls are
8 expected to continue in future fiscal years and would
9 require the annual dedication of approximately \$40 million
10 in State occupation and use taxes to fulfill debt service
11 payments.

12 (9) In 2009, managers of the International Plastics
13 Showcase announced that 2009 was the last year they would
14 host their exhibition at McCormick Place, as they had since
15 1971, because union labor work rules and electric and food
16 service costs make it uneconomical for the show managers
17 and exhibitors to use McCormick Place as a convention venue
18 as compared to convention facilities in Orlando, Florida
19 and Las Vegas, Nevada. The exhibition used over 740,000
20 square feet of exhibit space, attracted over 43,000
21 attendees, generated \$4.8 million of revenues to McCormick
22 Place, and raised over \$200,000 in taxes to pay debt
23 service on convention facility bonds.

24 (10) After the International Plastics Showcase
25 exhibition announced its departure, other conventions and
26 exhibitions managers and exhibitors also stated that they

1 would not return to McCormick Place and Navy Pier for the
2 same reasons cited by the International Plastics Showcase
3 exhibition. In addition, still other managers and
4 exhibitors stated that they would not select McCormick
5 Place as a convention venue unless the union labor work
6 rules and electrical and food service costs were made
7 competitive with those in Orlando and Las Vegas.

8 (11) The General Assembly created the Joint Committee
9 on the Metropolitan Pier and Exposition Authority to
10 conduct hearings and obtain facts to determine how union
11 labor work rules and electrical and food service costs make
12 McCormick Place and Navy Pier uneconomical as a convention
13 venue.

14 (12) Witness testimony and fact-gathering revealed
15 that while the skilled labor provided by trade unions at
16 McCormick Place and Navy Pier is second to none and is
17 actually "exported" to work on conventions and exhibitions
18 held in Orlando and Las Vegas, restrictive work rules on
19 the activities show exhibitors may perform present
20 exhibitors and show managers with an uninviting atmosphere
21 and result in significantly higher costs than competing
22 convention facilities.

23 (13) Witness testimony and fact-gathering also
24 revealed that the mark-up on electrical and food service
25 imposed by the Authority to generate operating revenue for
26 McCormick Place and Navy Pier also substantially increased

1 exhibitor and show organizer costs to the point of excess
2 when compared to competing convention facilities.

3 (14) Witness testimony and fact-gathering further
4 revealed that the additional departure of conventions,
5 exhibitions, and trade shows from Authority facilities
6 threatens the continued economic viability of these
7 facilities and the stability of sufficient tax revenues
8 necessary to support debt service.

9 (15) In order to safeguard the Authority's and State of
10 Illinois' shared compelling and proprietary interests in
11 McCormick Place and Navy Pier and in response to local
12 economic needs, the provisions contained in this Section
13 set forth mandated changes and reforms to restore and
14 ensure that (i) the Authority's facilities remain
15 economically competitive with other convention venues and
16 (ii) conventions, exhibitions, trade shows, and other
17 meetings are attracted to and retained at Authority
18 facilities by producing an exhibitor-friendly environment
19 and by reducing costs for exhibitors and show managers.

20 (16) The provisions set forth in this Section are
21 reasonable, necessary, and narrowly tailored to safeguard
22 the Authority's and State of Illinois' shared and
23 compelling proprietary interests and respond to local
24 economic needs as compared to the available alternative set
25 forth in House Bill 4900 of the 96th General Assembly and
26 proposals submitted to the Joint Committee on the

1 Metropolitan Pier and Exposition Authority. Action by the
2 State offers the only comprehensive means to remedy the
3 circumstances set forth in these findings, despite the
4 concerted and laudable voluntary efforts of the Authority,
5 labor unions, show contractors, show managers, and
6 exhibitors.

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

8 "Booth" means the demarcated exhibit space of an
9 exhibitor on Authority premises.

10 "Contractor" or "show contractor" means any person who
11 contracts with the Authority, an exhibitor, or with the
12 manager of a show to provide any services related to
13 drayage, rigging, carpentry, decorating, electrical,
14 maintenance, mechanical, and food and beverage services or
15 related trades and duties for shows on Authority premises.

16 "Exhibitor" or "show exhibitor" means any person who
17 contracts with the Authority or with a manager or
18 contractor of a show held or to be held on Authority
19 premises.

20 "Exhibitor employee" means any person who has been
21 employed by the exhibitor as a full-time employee for a
22 minimum of 6 months before the show's opening date.

23 "Hand tools" means cordless tools, power tools, and
24 other tools as determined by the Authority.

25 "Licensee" means any entity that uses the Authority's

1 premises.

2 "Manager" or "show manager" means any person that owns
3 or manages a show held or to be held on Authority premises.

4 "Personally owned vehicles" means the vehicles owned
5 by show exhibitors or the show management, excluding
6 commercially registered trucks, vans, and other vehicles
7 as determined by the Authority.

8 "Premises" means grounds, buildings, and facilities of
9 the Authority.

10 "Show" means a convention, exposition, trade show,
11 event, or meeting held on Authority premises by a show
12 manager or show contractor on behalf of a show manager.

13 "2011 Settlement Agreement" means the agreement that
14 the Authority made and entered into with the Chicago
15 Regional Council of Carpenters, not including any
16 revisions or amendments, and filed with the Illinois
17 Secretary of State Index Department and designated as
18 97-GA-A01.

19 "Union employees" means workers represented by a labor
20 organization, as defined in the National Labor Relations
21 Act, providing skilled labor services to exhibitors, a show
22 manager, or a show contractor on Authority premises.

23 (c) Exhibitor rights.

24 In order to control costs, increase the
25 competitiveness, and promote and provide for the economic

1 stability of Authority premises, all Authority contracts
2 with exhibitors, contractors, and managers shall include
3 the following minimum terms and conditions:

4 (1) Consistent with safety and the skills and training
5 necessary to perform the task, as determined by the
6 Authority, an exhibitor and exhibitor employees are
7 permitted in a booth of any size with the use of the
8 exhibitor's ladders and hand tools to:

9 (i) set-up and dismantle exhibits displayed on
10 Authority premises;

11 (ii) assemble and disassemble materials,
12 machinery, or equipment on Authority premises; and

13 (iii) install all signs, graphics, props,
14 balloons, other decorative items, and the exhibitor's
15 own drapery, including the skirting of exhibitor
16 tables, on the Authority's premises.

17 (2) An exhibitor and exhibitor employees are permitted
18 in a booth of any size to deliver, set-up, plug in,
19 interconnect, and operate an exhibitor's electrical
20 equipment, computers, audio-visual devices, and other
21 equipment.

22 (3) An exhibitor and exhibitor employees are permitted
23 in a booth of any size to skid, position, and re-skid all
24 exhibitor material, machinery, and equipment on Authority
25 premises.

26 (4) An exhibitor and exhibitor employees are

1 prohibited at any time from using scooters, forklifts,
2 pallet jacks, condors, scissors lifts, motorized dollies,
3 or similar motorized or hydraulic equipment on Authority
4 premises.

5 (5) The Authority shall designate areas, in its
6 discretion, where exhibitors may unload and load exhibitor
7 materials from privately owned vehicles at Authority
8 premises with the use of non-motorized hand trucks and
9 dollies.

10 (6) On Monday through Friday for any consecutive 8-hour
11 period during the hours of 6:00 a.m. and 10:00 p.m., union
12 employees on Authority premises shall be paid
13 straight-time hourly wages plus fringe benefits. Union
14 employees shall be paid straight-time and a half hourly
15 wages plus fringe benefits for labor services provided
16 after any consecutive 8-hour period; provided, however,
17 that between the hours of midnight and 6:00 a.m. union
18 employees shall be paid double straight-time wages plus
19 fringe benefits for labor services.

20 (7) On Monday through Friday for any consecutive 8-hour
21 period during the hours of 6:00 a.m. and 10:00 p.m., a show
22 manager or contractor shall charge an exhibitor only for
23 labor services provided by union employees on Authority
24 premises based on straight-time hourly wages plus fringe
25 benefits along with a reasonable mark-up. After any
26 consecutive 8-hour period, a show manager or contractor

1 shall charge an exhibitor only for labor services provided
2 by union employees based on straight-time and a half hourly
3 wages plus fringe benefits along with a reasonable mark-up;
4 provided, however, that between the hours of midnight and
5 6:00 a.m. a show manager or contractor shall charge an
6 exhibitor only for labor services provided by union
7 employees based on double straight-time wages plus fringe
8 benefits along with a reasonable mark-up.

9 (8) (Blank).

10 (9) (Blank).

11 (10) (Blank).

12 (11) (Blank).

13 (12) The Authority has the power to determine, after
14 consultation with the Advisory Council, the work
15 jurisdiction and scope of work of union employees on
16 Authority premises during the move-in, move-out, and run of
17 a show, provided that any affected labor organization may
18 contest the Authority's determination through a binding
19 decision of an independent, third-party arbitrator. When
20 making the determination, the Authority or arbitrator, as
21 the case may be, shall consider the training and skills
22 required to perform the task, past practices on Authority
23 premises, safety, and the need for efficiency and exhibitor
24 satisfaction. These factors shall be considered in their
25 totality and not in isolation. The Authority's
26 determination must be made in writing, set forth an

1 explanation and statement of the reason or reasons
2 supporting the determination, and be provided to each
3 affected labor organization. The changes in this item (12)
4 by this amendatory Act of the 97th General Assembly are
5 declarative of existing law and shall not be construed as a
6 new enactment. Nothing in this item permits the Authority
7 to eliminate any labor organization representing union
8 employees that provide labor services on the move-in,
9 move-out, and run of the show as of the effective date of
10 this amendatory Act of the 96th General Assembly.

11 (13) (Blank).

12 (14) An exhibitor or show manager may request by name
13 specific union employees to provide labor services on
14 Authority premises consistent with all State and federal
15 laws. Union employees requested by an exhibitor shall take
16 priority over union employees requested by a show manager.

17 (15) A show manager or show contractor on behalf of a
18 show manager may retain an electrical contractor approved
19 by the Authority or Authority-provisioned electrical
20 services to provide electrical services on the premises. If
21 a show manager or show contractor on behalf of a show
22 manager retains Authority-provisioned electrical services,
23 then the Authority shall offer these services at a rate not
24 to exceed the cost of providing those services.

25 (16) Crew sizes for any task or operation shall not
26 exceed 2 persons unless, after consultation with the

1 Advisory Council, the Authority determines otherwise based
2 on the task, skills, and training required to perform the
3 task and on safety.

4 (17) An exhibitor may bring food and beverages on the
5 premises of the Authority for personal consumption.

6 (18) Show managers and contractors shall comply with
7 any audit performed under subsection (e) of this Section.

8 (19) A show manager or contractor shall charge an
9 exhibitor only for labor services provided by union
10 employees on Authority premises on a minimum half-hour
11 basis.

12 The Authority has the power to implement, enforce, and
13 administer the exhibitor rights set forth in this subsection,
14 including the promulgation of rules. The Authority also has the
15 power to determine violations of this subsection and implement
16 appropriate remedies, including, but not limited to, barring
17 violators from Authority premises. The provisions set forth in
18 this Section are binding and equally applicable to any show
19 conducted at Navy Pier, and this statement of the law is
20 declarative of existing law and shall not be construed as a new
21 enactment. The Authority may waive the applicability of only
22 item (6) of this subsection (c) to the extent necessary and
23 required to comply with paragraph 1 of Section F of the 2011
24 Settlement Agreement, as set forth on Page 12 of that
25 Agreement.

1 (d) Advisory Council.

2 (1) An Advisory Council is hereby established to ensure
3 an active and productive dialogue between all affected
4 stakeholders to ensure exhibitor satisfaction for
5 conventions, exhibitions, trade shows, and meetings held
6 on Authority premises.

7 (2) The composition of the Council shall be determined
8 by the Authority consistent with its existing practice for
9 labor-management relations.

10 (3) The Council shall hold meetings no less than once
11 every 90 days.

12 (e) Audit of exhibitor rights.

13 The Authority shall retain the services of a person to
14 complete, at least once ~~twice~~ per calendar year, a financial
15 statement audit and compliance attestation engagement that may
16 consist of an examination or an agreed-upon procedures
17 engagement that, in the opinion of the licensed public
18 accounting firm selected by the Authority in accordance with
19 the provisions of this Act and with the concurrence of the
20 Authority, is better suited to determine and verify compliance
21 with the exhibitor rights set forth in this Section, and that
22 cost reductions or other efficiencies resulting from the
23 exhibitor rights have been fairly passed along to exhibitors.
24 In the event an agreed-upon procedures engagement is performed,
25 the Authority shall first consult with the Advisory Committee

1 and solicit its suggestions and advice with respect to the
2 specific procedures to be agreed upon in the engagement.
3 Thereafter, the public accounting firm and the Authority shall
4 agree upon the specific procedures to be followed in the
5 engagement. It is intended that the design of the engagement
6 and the procedures to be followed shall allow for flexibility
7 in targeting specific areas for examination and to revise the
8 procedures where appropriate for achieving the purpose of the
9 engagement ~~examination to determine and verify that the~~
10 ~~exhibitor rights set forth in this Section have produced cost~~
11 ~~reductions for exhibitors and those cost reductions have been~~
12 ~~fairly passed along to exhibitors.~~ The financial statement
13 audit shall be performed in accordance with generally accepted
14 auditing standards. The compliance attestation engagement
15 ~~examination~~ shall be (i) performed in accordance with
16 attestation standards established by the American Institute of
17 Certified Public Accountants and shall examine the compliance
18 with the requirements set forth in this Section and (ii)
19 conducted by a licensed public accounting firm, selected by the
20 Authority from a list of firms prequalified to do business with
21 the Illinois Auditor General. Upon request, a show contractor
22 or manager shall provide the Authority or person retained to
23 provide attestation ~~auditing~~ services with any information and
24 other documentation reasonably necessary to perform the
25 obligations set forth in this subsection. Upon completion, the
26 report shall be submitted to the Authority and made publicly

1 available on the Authority's website.

2 Within 30 days of the next regularly scheduled meeting of
3 the Advisory Committee following the effective date of this
4 amendatory Act of the 98th General Assembly, the Authority, in
5 conjunction with the Advisory Committee, shall adopt a uniform
6 set of procedures to expeditiously investigate and address
7 exhibitor complaints and concerns. The procedures shall
8 require full disclosure and cooperation among the Authority,
9 show managers, show contractors, exhibitor-appointed
10 contractors, professional service providers, and labor unions.

11 (f) Exhibitor service reforms. The Authority shall make every
12 effort to substantially reduce exhibitor's costs for
13 participating in shows.

14 (1) Any contract to provide food or beverage services
15 in the buildings and facilities of the Authority, except
16 Navy Pier, shall be provided at a rate not to exceed the
17 cost established in the contract. The Board shall
18 periodically review all food and beverage contracts.

19 (2) A department or unit of the Authority shall not
20 serve as the exclusive provider of electrical services.

21 (3) Exhibitors shall receive a detailed statement of
22 all costs associated with utility services, including the
23 cost of labor, equipment, and materials.

24 (g) Severability. If any provision of this Section or its

1 application to any person or circumstance is held invalid, the
2 invalidity of that provision or application does not affect
3 other provisions or applications of this Section that can be
4 given effect without the invalid provision or application.

5 (Source: P.A. 96-898, eff. 5-27-10; 96-899, eff. 5-28-10;
6 97-629, eff. 11-30-11.)

7 (70 ILCS 210/13.2) (from Ch. 85, par. 1233.2)

8 Sec. 13.2. The McCormick Place Expansion Project Fund is
9 created in the State Treasury. All moneys in the McCormick
10 Place Expansion Project Fund are allocated to and shall be
11 appropriated and used only for the purposes authorized by and
12 subject to the limitations and conditions of this Section.
13 Those amounts may be appropriated by law to the Authority for
14 the purposes of paying the debt service requirements on all
15 bonds and notes, including bonds and notes issued to refund or
16 advance refund bonds and notes issued under this Section,
17 Section 13.1, or issued to refund or advance refund bonds and
18 notes otherwise issued under this Act, (collectively referred
19 to as "bonds") to be issued by the Authority under this Section
20 in an aggregate original principal amount (excluding the amount
21 of any bonds and notes issued to refund or advance refund bonds
22 or notes issued under this Section and Section 13.1) not to
23 exceed \$2,557,000,000 for the purposes of carrying out and
24 performing its duties and exercising its powers under this Act.
25 The increased debt authorization provided by this amendatory

1 Act of the 96th General Assembly shall be used solely for the
2 purpose of: (i) hotel construction and related necessary
3 capital improvements; (ii) ~~and~~ other needed capital
4 improvements to existing facilities; and (iii) land
5 acquisition for and construction of one multi-use facility on
6 property bounded by East Cermak Road on the south, East 21st
7 Street on the north, South Indiana Avenue on the west, and
8 South Prairie Avenue on the east in the City of Chicago, Cook
9 County, Illinois. No bonds issued to refund or advance refund
10 bonds issued under this Section may mature later than 40 years
11 from the date of issuance of the refunding or advance refunding
12 bonds. After the aggregate original principal amount of bonds
13 authorized in this Section has been issued, the payment of any
14 principal amount of such bonds does not authorize the issuance
15 of additional bonds (except refunding bonds). Any bonds and
16 notes issued under this Section in any year in which there is
17 an outstanding "post-2010 deficiency amount" as that term is
18 defined in Section 13 (g) (3) of this Act shall provide for the
19 payment to the State Treasurer of the amount of that
20 deficiency.

21 On the first day of each month commencing after July 1,
22 1993, amounts, if any, on deposit in the McCormick Place
23 Expansion Project Fund shall, subject to appropriation, be paid
24 in full to the Authority or, upon its direction, to the trustee
25 or trustees for bondholders of bonds that by their terms are
26 payable from the moneys received from the McCormick Place

1 Expansion Project Fund, until an amount equal to 100% of the
2 aggregate amount of the principal and interest in the fiscal
3 year, including that pursuant to sinking fund requirements, has
4 been so paid and deficiencies in reserves shall have been
5 remedied.

6 The State of Illinois pledges to and agrees with the
7 holders of the bonds of the Metropolitan Pier and Exposition
8 Authority issued under this Section that the State will not
9 limit or alter the rights and powers vested in the Authority by
10 this Act so as to impair the terms of any contract made by the
11 Authority with those holders or in any way impair the rights
12 and remedies of those holders until the bonds, together with
13 interest thereon, interest on any unpaid installments of
14 interest, and all costs and expenses in connection with any
15 action or proceedings by or on behalf of those holders are
16 fully met and discharged; provided that any increase in the Tax
17 Act Amounts specified in Section 3 of the Retailers' Occupation
18 Tax Act, Section 9 of the Use Tax Act, Section 9 of the Service
19 Use Tax Act, and Section 9 of the Service Occupation Tax Act
20 required to be deposited into the Build Illinois Bond Account
21 in the Build Illinois Fund pursuant to any law hereafter
22 enacted shall not be deemed to impair the rights of such
23 holders so long as the increase does not result in the
24 aggregate debt service payable in the current or any future
25 fiscal year of the State on all bonds issued pursuant to the
26 Build Illinois Bond Act and the Metropolitan Pier and

1 Exposition Authority Act and payable from tax revenues
2 specified in Section 3 of the Retailers' Occupation Tax Act,
3 Section 9 of the Use Tax Act, Section 9 of the Service Use Tax
4 Act, and Section 9 of the Service Occupation Tax Act exceeding
5 33 1/3% of such tax revenues for the most recently completed
6 fiscal year of the State at the time of such increase. In
7 addition, the State pledges to and agrees with the holders of
8 the bonds of the Authority issued under this Section that the
9 State will not limit or alter the basis on which State funds
10 are to be paid to the Authority as provided in this Act or the
11 use of those funds so as to impair the terms of any such
12 contract; provided that any increase in the Tax Act Amounts
13 specified in Section 3 of the Retailers' Occupation Tax Act,
14 Section 9 of the Use Tax Act, Section 9 of the Service Use Tax
15 Act, and Section 9 of the Service Occupation Tax Act required
16 to be deposited into the Build Illinois Bond Account in the
17 Build Illinois Fund pursuant to any law hereafter enacted shall
18 not be deemed to impair the terms of any such contract so long
19 as the increase does not result in the aggregate debt service
20 payable in the current or any future fiscal year of the State
21 on all bonds issued pursuant to the Build Illinois Bond Act and
22 the Metropolitan Pier and Exposition Authority Act and payable
23 from tax revenues specified in Section 3 of the Retailers'
24 Occupation Tax Act, Section 9 of the Use Tax Act, Section 9 of
25 the Service Use Tax Act, and Section 9 of the Service
26 Occupation Tax Act exceeding 33 1/3% of such tax revenues for

1 the most recently completed fiscal year of the State at the
2 time of such increase. The Authority is authorized to include
3 these pledges and agreements with the State in any contract
4 with the holders of bonds issued under this Section.

5 The State shall not be liable on bonds of the Authority
6 issued under this Section those bonds shall not be a debt of
7 the State, and this Act shall not be construed as a guarantee
8 by the State of the debts of the Authority. The bonds shall
9 contain a statement to this effect on the face of the bonds.

10 (Source: P.A. 96-898, eff. 5-27-10.)

11 Section 5-70. The Public Utilities Act is amended by
12 changing Section 9-222.1A as follows:

13 (220 ILCS 5/9-222.1A)

14 Sec. 9-222.1A. High impact business. Beginning on August 1,
15 1998 and thereafter, a business enterprise that is certified as
16 a High Impact Business by the Department of Commerce and
17 Economic Opportunity (formerly Department of Commerce and
18 Community Affairs) is exempt from the tax imposed by Section
19 2-4 of the Electricity Excise Tax Law, if the High Impact
20 Business is registered to self-assess that tax, and is exempt
21 from any additional charges added to the business enterprise's
22 utility bills as a pass-on of State utility taxes under Section
23 9-222 of this Act, to the extent the tax or charges are
24 exempted by the percentage specified by the Department of

1 Commerce and Economic Opportunity for State utility taxes,
2 provided the business enterprise meets the following criteria:

3 (1) (A) it intends either (i) to make a minimum
4 eligible investment of \$12,000,000 that will be placed
5 in service in qualified property in Illinois and is
6 intended to create at least 500 full-time equivalent
7 jobs at a designated location in Illinois; or (ii) to
8 make a minimum eligible investment of \$30,000,000 that
9 will be placed in service in qualified property in
10 Illinois and is intended to retain at least 1,500
11 full-time equivalent jobs at a designated location in
12 Illinois; or

13 (B) it meets the criteria of subdivision
14 (a) (3) (B), (a) (3) (C), ~~or~~ (a) (3) (D), or (a) (3) (F) of
15 Section 5.5 of the Illinois Enterprise Zone Act;

16 (2) it is designated as a High Impact Business by the
17 Department of Commerce and Economic Opportunity; and

18 (3) it is certified by the Department of Commerce and
19 Economic Opportunity as complying with the requirements
20 specified in clauses (1) and (2) of this Section.

21 The Department of Commerce and Economic Opportunity shall
22 determine the period during which the exemption from the
23 Electricity Excise Tax Law and the charges imposed under
24 Section 9-222 are in effect, which shall not exceed 20 years
25 from the date of initial certification, and shall specify the
26 percentage of the exemption from those taxes or additional

1 charges.

2 The Department of Commerce and Economic Opportunity is
3 authorized to promulgate rules and regulations to carry out the
4 provisions of this Section, including procedures for complying
5 with the requirements specified in clauses (1) and (2) of this
6 Section and procedures for applying for the exemptions
7 authorized under this Section; to define the amounts and types
8 of eligible investments that business enterprises must make in
9 order to receive State utility tax exemptions or exemptions
10 from the additional charges imposed under Section 9-222 and
11 this Section; to approve such utility tax exemptions for
12 business enterprises whose investments are not yet placed in
13 service; and to require that business enterprises granted tax
14 exemptions or exemptions from additional charges under Section
15 9-222 repay the exempted amount if the business enterprise
16 fails to comply with the terms and conditions of the
17 certification.

18 Upon certification of the business enterprises by the
19 Department of Commerce and Economic Opportunity, the
20 Department of Commerce and Economic Opportunity shall notify
21 the Department of Revenue of the certification. The Department
22 of Revenue shall notify the public utilities of the exemption
23 status of business enterprises from the tax or pass-on charges
24 of State utility taxes. The exemption status shall take effect
25 within 3 months after certification of the business enterprise.
26 (Source: P.A. 94-793, eff. 5-19-06.)

1 Section 5-73. The Environmental Protection Act is amended
2 by changing Sections 57.7, 57.8, and 57.11 as follows:

3 (415 ILCS 5/57.7)

4 Sec. 57.7. Leaking underground storage tanks; site
5 investigation and corrective action.

6 (a) Site investigation.

7 (1) For any site investigation activities required by
8 statute or rule, the owner or operator shall submit to the
9 Agency for approval a site investigation plan designed to
10 determine the nature, concentration, direction of
11 movement, rate of movement, and extent of the contamination
12 as well as the significant physical features of the site
13 and surrounding area that may affect contaminant transport
14 and risk to human health and safety and the environment.

15 (2) Any owner or operator intending to seek payment
16 from the Fund shall submit to the Agency for approval a
17 site investigation budget that includes, but is not limited
18 to, an accounting of all costs associated with the
19 implementation and completion of the site investigation
20 plan.

21 (3) Remediation objectives for the applicable
22 indicator contaminants shall be determined using the
23 tiered approach to corrective action objectives rules
24 adopted by the Board pursuant to this Title and Title XVII

1 of this Act. For the purposes of this Title, "Contaminant
2 of Concern" or "Regulated Substance of Concern" in the
3 rules means the applicable indicator contaminants set
4 forth in subsection (d) of this Section and the rules
5 adopted thereunder.

6 (4) Upon the Agency's approval of a site investigation
7 plan, or as otherwise directed by the Agency, the owner or
8 operator shall conduct a site investigation in accordance
9 with the plan.

10 (5) Within 30 days after completing the site
11 investigation, the owner or operator shall submit to the
12 Agency for approval a site investigation completion
13 report. At a minimum the report shall include all of the
14 following:

15 (A) Executive summary.

16 (B) Site history.

17 (C) Site-specific sampling methods and results.

18 (D) Documentation of all field activities,
19 including quality assurance.

20 (E) Documentation regarding the development of
21 proposed remediation objectives.

22 (F) Interpretation of results.

23 (G) Conclusions.

24 (b) Corrective action.

25 (1) If the site investigation confirms none of the
26 applicable indicator contaminants exceed the proposed

1 remediation objectives, within 30 days after completing
2 the site investigation the owner or operator shall submit
3 to the Agency for approval a corrective action completion
4 report in accordance with this Section.

5 (2) If any of the applicable indicator contaminants
6 exceed the remediation objectives approved for the site,
7 within 30 days after the Agency approves the site
8 investigation completion report the owner or operator
9 shall submit to the Agency for approval a corrective action
10 plan designed to mitigate any threat to human health, human
11 safety, or the environment resulting from the underground
12 storage tank release. The plan shall describe the selected
13 remedy and evaluate its ability and effectiveness to
14 achieve the remediation objectives approved for the site.
15 At a minimum, the report shall include all of the
16 following:

17 (A) Executive summary.

18 (B) Statement of remediation objectives.

19 (C) Remedial technologies selected.

20 (D) Confirmation sampling plan.

21 (E) Current and projected future use of the
22 property.

23 (F) Applicable preventive, engineering, and
24 institutional controls including long-term
25 reliability, operating, and maintenance plans, and
26 monitoring procedures.

1 (G) A schedule for implementation and completion
2 of the plan.

3 (3) Any owner or operator intending to seek payment
4 from the Fund shall submit to the Agency for approval a
5 corrective action budget that includes, but is not limited
6 to, an accounting of all costs associated with the
7 implementation and completion of the corrective action
8 plan.

9 (4) Upon the Agency's approval of a corrective action
10 plan, or as otherwise directed by the Agency, the owner or
11 operator shall proceed with corrective action in
12 accordance with the plan.

13 (5) Within 30 days after the completion of a corrective
14 action plan that achieves applicable remediation
15 objectives the owner or operator shall submit to the Agency
16 for approval a corrective action completion report. The
17 report shall demonstrate whether corrective action was
18 completed in accordance with the approved corrective
19 action plan and whether the remediation objectives
20 approved for the site, as well as any other requirements of
21 the plan, have been achieved.

22 (6) If within 4 years after the approval of any
23 corrective action plan the applicable remediation
24 objectives have not been achieved and the owner or operator
25 has not submitted a corrective action completion report,
26 the owner or operator must submit a status report for

1 Agency review. The status report must include, but is not
2 limited to, a description of the remediation activities
3 taken to date, the effectiveness of the method of
4 remediation being used, the likelihood of meeting the
5 applicable remediation objectives using the current method
6 of remediation, and the date the applicable remediation
7 objectives are expected to be achieved.

8 (7) If the Agency determines any approved corrective
9 action plan will not achieve applicable remediation
10 objectives within a reasonable time, based upon the method
11 of remediation and site specific circumstances, the Agency
12 may require the owner or operator to submit to the Agency
13 for approval a revised corrective action plan. If the owner
14 or operator intends to seek payment from the Fund, the
15 owner or operator must also submit a revised budget.

16 (c) Agency review and approval.

17 (1) Agency approval of any plan and associated budget,
18 as described in this subsection (c), shall be considered
19 final approval for purposes of seeking and obtaining
20 payment from the Underground Storage Tank Fund if the costs
21 associated with the completion of any such plan are less
22 than or equal to the amounts approved in such budget.

23 (2) In the event the Agency fails to approve,
24 disapprove, or modify any plan or report submitted pursuant
25 to this Title in writing within 120 days of the receipt by
26 the Agency, the plan or report shall be considered to be

1 rejected by operation of law for purposes of this Title and
2 rejected for purposes of payment from the Underground
3 Storage Tank Fund.

4 (A) For purposes of those plans as identified in
5 paragraph (5) of this subsection (c), the Agency's
6 review may be an audit procedure. Such review or audit
7 shall be consistent with the procedure for such review
8 or audit as promulgated by the Board under Section
9 57.14. The Agency has the authority to establish an
10 auditing program to verify compliance of such plans
11 with the provisions of this Title.

12 (B) For purposes of corrective action plans
13 submitted pursuant to subsection (b) of this Section
14 for which payment from the Fund is not being sought,
15 the Agency need not take action on such plan until 120
16 days after it receives the corrective action
17 completion report required under subsection (b) of
18 this Section. In the event the Agency approved the
19 plan, it shall proceed under the provisions of this
20 subsection (c).

21 (3) In approving any plan submitted pursuant to
22 subsection (a) or (b) of this Section, the Agency shall
23 determine, by a procedure promulgated by the Board under
24 Section 57.14, that the costs associated with the plan are
25 reasonable, will be incurred in the performance of site
26 investigation or corrective action, and will not be used

1 for site investigation or corrective action activities in
2 excess of those required to meet the minimum requirements
3 of this Title. The Agency shall also determine, pursuant to
4 the Project Labor Agreements Act, whether the corrective
5 action shall include a project labor agreement if payment
6 from the Underground Storage Tank Fund is to be requested.

7 (A) For purposes of payment from the Fund,
8 corrective action activities required to meet the
9 minimum requirements of this Title shall include, but
10 not be limited to, the following use of the Board's
11 Tiered Approach to Corrective Action Objectives rules
12 adopted under Title XVII of this Act:

13 (i) For the site where the release occurred,
14 the use of Tier 2 remediation objectives that are
15 no more stringent than Tier 1 remediation
16 objectives.

17 (ii) The use of industrial/commercial property
18 remediation objectives, unless the owner or
19 operator demonstrates that the property being
20 remediated is residential property or being
21 developed into residential property.

22 (iii) The use of groundwater ordinances as
23 institutional controls in accordance with Board
24 rules.

25 (iv) The use of on-site groundwater use
26 restrictions as institutional controls in

1 accordance with Board rules.

2 (B) Any bidding process adopted under Board rules
3 to determine the reasonableness of costs of corrective
4 action must provide for a publicly-noticed,
5 competitive, and sealed bidding process that includes,
6 at a minimum, the following:

7 (i) The owner or operator must issue
8 invitations for bids that include, at a minimum, a
9 description of the work being bid and applicable
10 contractual terms and conditions. The criteria on
11 which the bids will be evaluated must be set forth
12 in the invitation for bids. The criteria may
13 include, but shall not be limited to, criteria for
14 determining acceptability, such as inspection,
15 testing, quality, workmanship, delivery, and
16 suitability for a particular purpose. Criteria
17 that will affect the bid price and be considered in
18 the evaluation of a bid, such as discounts, shall
19 be objectively measurable.

20 (ii) At least 14 days prior to the date set in
21 the invitation for the opening of bids, public
22 notice of the invitation for bids must be published
23 in a local paper of general circulation for the
24 area in which the site is located.

25 (iii) Bids must be opened publicly in the
26 presence of one or more witnesses at the time and

1 place designated in the invitation for bids. The
2 name of each bidder, the amount of each bid, and
3 other relevant information as specified in Board
4 rules must be recorded and submitted to the Agency
5 in the applicable budget. After selection of the
6 winning bid, the winning bid and the record of each
7 unsuccessful bid shall be open to public
8 inspection.

9 (iv) Bids must be unconditionally accepted
10 without alteration or correction. Bids must be
11 evaluated based on the requirements set forth in
12 the invitation for bids, which may include
13 criteria for determining acceptability, such as
14 inspection, testing, quality, workmanship,
15 delivery, and suitability for a particular
16 purpose. Criteria that will affect the bid price
17 and be considered in the evaluation of a bid, such
18 as discounts, shall be objectively measurable. The
19 invitation for bids shall set forth the evaluation
20 criteria to be used.

21 (v) Correction or withdrawal of inadvertently
22 erroneous bids before or after selection of the
23 winning bid, or cancellation of winning bids based
24 on bid mistakes, shall be allowed in accordance
25 with Board rules. After bid opening, no changes in
26 bid prices or other provisions of bids prejudicial

1 to the owner or operator or fair competition shall
2 be allowed. All decisions to allow the correction
3 or withdrawal of bids based on bid mistakes shall
4 be supported by a written determination made by the
5 owner or operator.

6 (vi) The owner or operator shall select the
7 winning bid with reasonable promptness by written
8 notice to the lowest responsible and responsive
9 bidder whose bid meets the requirements and
10 criteria set forth in the invitation for bids. The
11 winning bid and other relevant information as
12 specified in Board rules must be recorded and
13 submitted to the Agency in the applicable budget.

14 (vii) All bidding documentation must be
15 retained by the owner or operator for a minimum of
16 3 years after the costs bid are submitted in an
17 application for payment, except that documentation
18 relating to an appeal, litigation, or other
19 disputed claim must be maintained until at least 3
20 years after the date of the final disposition of
21 the appeal, litigation, or other disputed claim.
22 All bidding documentation must be made available
23 to the Agency for inspection and copying during
24 normal business hours.

25 (C) Any bidding process adopted under Board rules
26 to determine the reasonableness of costs of corrective

1 action shall (i) be optional and (ii) allow bidding
2 only if the owner or operator demonstrates that
3 corrective action cannot be performed for amounts less
4 than or equal to maximum payment amounts adopted by the
5 Board.

6 (4) For any plan or report received after June 24,
7 2002, any action by the Agency to disapprove or modify a
8 plan submitted pursuant to this Title shall be provided to
9 the owner or operator in writing within 120 days of the
10 receipt by the Agency or, in the case of a site
11 investigation plan or corrective action plan for which
12 payment is not being sought, within 120 days of receipt of
13 the site investigation completion report or corrective
14 action completion report, respectively, and shall be
15 accompanied by:

16 (A) an explanation of the Sections of this Act
17 which may be violated if the plans were approved;

18 (B) an explanation of the provisions of the
19 regulations, promulgated under this Act, which may be
20 violated if the plan were approved;

21 (C) an explanation of the specific type of
22 information, if any, which the Agency deems the
23 applicant did not provide the Agency; and

24 (D) a statement of specific reasons why the Act and
25 the regulations might not be met if the plan were
26 approved.

1 Any action by the Agency to disapprove or modify a plan
2 or report or the rejection of any plan or report by
3 operation of law shall be subject to appeal to the Board in
4 accordance with the procedures of Section 40. If the owner
5 or operator elects to incorporate modifications required
6 by the Agency rather than appeal, an amended plan shall be
7 submitted to the Agency within 35 days of receipt of the
8 Agency's written notification.

9 (5) For purposes of this Title, the term "plan" shall
10 include:

11 (A) Any site investigation plan submitted pursuant
12 to subsection (a) of this Section;

13 (B) Any site investigation budget submitted
14 pursuant to subsection (a) of this Section;

15 (C) Any corrective action plan submitted pursuant
16 to subsection (b) of this Section; or

17 (D) Any corrective action plan budget submitted
18 pursuant to subsection (b) of this Section.

19 (d) For purposes of this Title, the term "indicator
20 contaminant" shall mean, unless and until the Board promulgates
21 regulations to the contrary, the following: (i) if an
22 underground storage tank contains gasoline, the indicator
23 parameter shall be BTEX and Benzene; (ii) if the tank contained
24 petroleum products consisting of middle distillate or heavy
25 ends, then the indicator parameter shall be determined by a
26 scan of PNA's taken from the location where contamination is

1 most likely to be present; and (iii) if the tank contained used
2 oil, then the indicator contaminant shall be those chemical
3 constituents which indicate the type of petroleum stored in an
4 underground storage tank. All references in this Title to
5 groundwater objectives shall mean Class I groundwater
6 standards or objectives as applicable.

7 (e) (1) Notwithstanding the provisions of this Section, an
8 owner or operator may proceed to conduct site investigation
9 or corrective action prior to the submittal or approval of
10 an otherwise required plan. If the owner or operator elects
11 to so proceed, an applicable plan shall be filed with the
12 Agency at any time. Such plan shall detail the steps taken
13 to determine the type of site investigation or corrective
14 action which was necessary at the site along with the site
15 investigation or corrective action taken or to be taken, in
16 addition to costs associated with activities to date and
17 anticipated costs.

18 (2) Upon receipt of a plan submitted after activities
19 have commenced at a site, the Agency shall proceed to
20 review in the same manner as required under this Title. In
21 the event the Agency disapproves all or part of the costs,
22 the owner or operator may appeal such decision to the
23 Board. The owner or operator shall not be eligible to be
24 reimbursed for such disapproved costs unless and until the
25 Board determines that such costs were eligible for payment.

26 (f) All investigations, plans, and reports conducted or

1 prepared under this Section shall be conducted or prepared
2 under the supervision of a licensed professional engineer and
3 in accordance with the requirements of this Title.

4 (Source: P.A. 95-331, eff. 8-21-07; 96-908, eff. 6-8-10.)

5 (415 ILCS 5/57.8)

6 Sec. 57.8. Underground Storage Tank Fund; payment; options
7 for State payment; deferred correction election to commence
8 corrective action upon availability of funds. If an owner or
9 operator is eligible to access the Underground Storage Tank
10 Fund pursuant to an Office of State Fire Marshal
11 eligibility/deductible final determination letter issued in
12 accordance with Section 57.9, the owner or operator may submit
13 a complete application for final or partial payment to the
14 Agency for activities taken in response to a confirmed release.
15 An owner or operator may submit a request for partial or final
16 payment regarding a site no more frequently than once every 90
17 days.

18 (a) Payment after completion of corrective action
19 measures. The owner or operator may submit an application for
20 payment for activities performed at a site after completion of
21 the requirements of Sections 57.6 and 57.7, or after completion
22 of any other required activities at the underground storage
23 tank site.

24 (1) In the case of any approved plan and budget for
25 which payment is being sought, the Agency shall make a

1 payment determination within 120 days of receipt of the
2 application. Such determination shall be considered a
3 final decision. The Agency's review shall be limited to
4 generally accepted auditing and accounting practices. In
5 no case shall the Agency conduct additional review of any
6 plan which was completed within the budget, beyond auditing
7 for adherence to the corrective action measures in the
8 proposal. If the Agency fails to approve the payment
9 application within 120 days, such application shall be
10 deemed approved by operation of law and the Agency shall
11 proceed to reimburse the owner or operator the amount
12 requested in the payment application. However, in no event
13 shall the Agency reimburse the owner or operator an amount
14 greater than the amount approved in the plan.

15 (2) If sufficient funds are available in the
16 Underground Storage Tank Fund, the Agency shall, within 60
17 days, forward to the Office of the State Comptroller a
18 voucher in the amount approved under the payment
19 application.

20 (3) In the case of insufficient funds, the Agency shall
21 form a priority list for payment and shall notify persons
22 in such priority list monthly of the availability of funds
23 and when payment shall be made. Payment shall be made to
24 the owner or operator at such time as sufficient funds
25 become available for the costs associated with site
26 investigation and corrective action and costs expended for

1 activities performed where no proposal is required, if
2 applicable. Such priority list shall be available to any
3 owner or operator upon request. Priority for payment shall
4 be determined by the date the Agency receives a complete
5 request for partial or final payment. Upon receipt of
6 notification from the Agency that the requirements of this
7 Title have been met, the Comptroller shall make payment to
8 the owner or operator of the amount approved by the Agency,
9 if sufficient money exists in the Fund. If there is
10 insufficient money in the Fund, then payment shall not be
11 made. If the owner or operator appeals a final Agency
12 payment determination and it is determined that the owner
13 or operator is eligible for payment or additional payment,
14 the priority date for the payment or additional payment
15 shall be the same as the priority date assigned to the
16 original request for partial or final payment.

17 (4) Any deductible, as determined pursuant to the
18 Office of the State Fire Marshal's eligibility and
19 deductibility final determination in accordance with
20 Section 57.9, shall be subtracted from any payment invoice
21 paid to an eligible owner or operator. Only one deductible
22 shall apply per underground storage tank site.

23 (5) In the event that costs are or will be incurred in
24 addition to those approved by the Agency, or after payment,
25 the owner or operator may submit successive plans
26 containing amended budgets. The requirements of Section

1 57.7 shall apply to any amended plans.

2 (6) For purposes of this Section, a complete
3 application shall consist of:

4 (A) A certification from a Licensed Professional
5 Engineer or Licensed Professional Geologist as
6 required under this Title and acknowledged by the owner
7 or operator.

8 (B) A statement of the amounts approved in the
9 budget and the amounts actually sought for payment
10 along with a certified statement by the owner or
11 operator that the amounts so sought were expended in
12 conformance with the approved budget.

13 (C) A copy of the Office of the State Fire
14 Marshal's eligibility and deductibility determination.

15 (D) Proof that approval of the payment requested
16 will not result in the limitations set forth in
17 subsection (g) of this Section being exceeded.

18 (E) A federal taxpayer identification number and
19 legal status disclosure certification on a form
20 prescribed and provided by the Agency.

21 (F) If the Agency determined under subsection
22 (c)(3) of Section 57.7 of this Act that corrective
23 action must include a project labor agreement, a
24 certification from the owner or operator that the
25 corrective action was (i) performed under a project
26 labor agreement that meets the requirements of Section

1 25 of the Project Labor Agreements Act and (ii)
2 implemented in a manner consistent with the terms and
3 conditions of the Project Labor Agreements Act and in
4 full compliance with all statutes, regulations, and
5 Executive Orders as required under that Act and the
6 Prevailing Wage Act.

7 (b) Commencement of site investigation or corrective
8 action upon availability of funds. The Board shall adopt
9 regulations setting forth procedures based on risk to human
10 health or the environment under which the owner or operator who
11 has received approval for any budget plan submitted pursuant to
12 Section 57.7, and who is eligible for payment from the
13 Underground Storage Tank Fund pursuant to an Office of the
14 State Fire Marshal eligibility and deductibility
15 determination, may elect to defer site investigation or
16 corrective action activities until funds are available in an
17 amount equal to the amount approved in the budget. The
18 regulations shall establish criteria based on risk to human
19 health or the environment to be used for determining on a
20 site-by-site basis whether deferral is appropriate. The
21 regulations also shall establish the minimum investigatory
22 requirements for determining whether the risk based criteria
23 are present at a site considering deferral and procedures for
24 the notification of owners or operators of insufficient funds,
25 Agency review of request for deferral, notification of Agency
26 final decisions, returning deferred sites to active status, and

1 earmarking of funds for payment.

2 (c) When the owner or operator requests indemnification for
3 payment of costs incurred as a result of a release of petroleum
4 from an underground storage tank, if the owner or operator has
5 satisfied the requirements of subsection (a) of this Section,
6 the Agency shall forward a copy of the request to the Attorney
7 General. The Attorney General shall review and approve the
8 request for indemnification if:

9 (1) there is a legally enforceable judgment entered
10 against the owner or operator and such judgment was entered
11 due to harm caused by a release of petroleum from an
12 underground storage tank and such judgment was not entered
13 as a result of fraud; or

14 (2) a settlement with a third party due to a release of
15 petroleum from an underground storage tank is reasonable.

16 (d) Notwithstanding any other provision of this Title, the
17 Agency shall not approve payment to an owner or operator from
18 the Fund for costs of corrective action or indemnification
19 incurred during a calendar year in excess of the following
20 aggregate amounts based on the number of petroleum underground
21 storage tanks owned or operated by such owner or operator in
22 Illinois.

23 Amount	Number of Tanks
24 \$2,000,000	fewer than 101
25 \$3,000,000	101 or more

26 (1) Costs incurred in excess of the aggregate amounts

1 set forth in paragraph (1) of this subsection shall not be
2 eligible for payment in subsequent years.

3 (2) For purposes of this subsection, requests
4 submitted by any of the agencies, departments, boards,
5 committees or commissions of the State of Illinois shall be
6 acted upon as claims from a single owner or operator.

7 (3) For purposes of this subsection, owner or operator
8 includes (i) any subsidiary, parent, or joint stock company
9 of the owner or operator and (ii) any company owned by any
10 parent, subsidiary, or joint stock company of the owner or
11 operator.

12 (e) Costs of corrective action or indemnification incurred
13 by an owner or operator which have been paid to an owner or
14 operator under a policy of insurance, another written
15 agreement, or a court order are not eligible for payment under
16 this Section. An owner or operator who receives payment under a
17 policy of insurance, another written agreement, or a court
18 order shall reimburse the State to the extent such payment
19 covers costs for which payment was received from the Fund. Any
20 monies received by the State under this subsection (e) shall be
21 deposited into the Fund.

22 (f) (Blank.)

23 (g) The Agency shall not approve any payment from the Fund
24 to pay an owner or operator:

25 (1) for costs of corrective action incurred by such
26 owner or operator in an amount in excess of \$1,500,000 per

1 occurrence; and

2 (2) for costs of indemnification of such owner or
3 operator in an amount in excess of \$1,500,000 per
4 occurrence.

5 (h) Payment of any amount from the Fund for corrective
6 action or indemnification shall be subject to the State
7 acquiring by subrogation the rights of any owner, operator, or
8 other person to recover the costs of corrective action or
9 indemnification for which the Fund has compensated such owner,
10 operator, or person from the person responsible or liable for
11 the release.

12 (i) If the Agency refuses to pay or authorizes only a
13 partial payment, the affected owner or operator may petition
14 the Board for a hearing in the manner provided for the review
15 of permit decisions in Section 40 of this Act.

16 (j) Costs of corrective action or indemnification incurred
17 by an owner or operator prior to July 28, 1989, shall not be
18 eligible for payment or reimbursement under this Section.

19 (k) The Agency shall not pay costs of corrective action or
20 indemnification incurred before providing notification of the
21 release of petroleum in accordance with the provisions of this
22 Title.

23 (l) Corrective action does not include legal defense costs.
24 Legal defense costs include legal costs for seeking payment
25 under this Title unless the owner or operator prevails before
26 the Board in which case the Board may authorize payment of

1 legal fees.

2 (m) The Agency may apportion payment of costs for plans
3 submitted under Section 57.7 if:

4 (1) the owner or operator was deemed eligible to access
5 the Fund for payment of corrective action costs for some,
6 but not all, of the underground storage tanks at the site;
7 and

8 (2) the owner or operator failed to justify all costs
9 attributable to each underground storage tank at the site.

10 (n) The Agency shall not pay costs associated with a
11 corrective action plan incurred after the Agency provides
12 notification to the owner or operator pursuant to item (7) of
13 subsection (b) of Section 57.7 that a revised corrective action
14 plan is required. Costs associated with any subsequently
15 approved corrective action plan shall be eligible for
16 reimbursement if they meet the requirements of this Title.

17 (Source: P.A. 95-331, eff. 8-21-07.)

18 (415 ILCS 5/57.11)

19 Sec. 57.11. Underground Storage Tank Fund; creation.

20 (a) There is hereby created in the State Treasury a special
21 fund to be known as the Underground Storage Tank Fund. There
22 shall be deposited into the Underground Storage Tank Fund all
23 monies received by the Office of the State Fire Marshal as fees
24 for underground storage tanks under Sections 4 and 5 of the
25 Gasoline Storage Act, ~~and as~~ fees pursuant to the Motor Fuel

1 Tax Law, and beginning July 1, 2013, payments pursuant to the
2 Use Tax Act, the Service Use Tax Act, the Service Occupation
3 Tax Act, and the Retailers' Occupation Tax Act. All amounts
4 held in the Underground Storage Tank Fund shall be invested at
5 interest by the State Treasurer. All income earned from the
6 investments shall be deposited into the Underground Storage
7 Tank Fund no less frequently than quarterly. Moneys in the
8 Underground Storage Tank Fund, pursuant to appropriation, may
9 be used by the Agency and the Office of the State Fire Marshal
10 for the following purposes:

11 (1) To take action authorized under Section 57.12 to
12 recover costs under Section 57.12.

13 (2) To assist in the reduction and mitigation of damage
14 caused by leaks from underground storage tanks, including
15 but not limited to, providing alternative water supplies to
16 persons whose drinking water has become contaminated as a
17 result of those leaks.

18 (3) To be used as a matching amount towards federal
19 assistance relative to the release of petroleum from
20 underground storage tanks.

21 (4) For the costs of administering activities of the
22 Agency and the Office of the State Fire Marshal relative to
23 the Underground Storage Tank Fund.

24 (5) For payment of costs of corrective action incurred
25 by and indemnification to operators of underground storage
26 tanks as provided in this Title.

1 (6) For a total of 2 demonstration projects in amounts
2 in excess of a \$10,000 deductible charge designed to assess
3 the viability of corrective action projects at sites which
4 have experienced contamination from petroleum releases.
5 Such demonstration projects shall be conducted in
6 accordance with the provision of this Title.

7 (7) Subject to appropriation, moneys in the
8 Underground Storage Tank Fund may also be used by the
9 Department of Revenue for the costs of administering its
10 activities relative to the Fund and for refunds provided
11 for in Section 13a.8 of the Motor Fuel Tax Act.

12 (b) Moneys in the Underground Storage Tank Fund may,
13 pursuant to appropriation, be used by the Office of the State
14 Fire Marshal or the Agency to take whatever emergency action is
15 necessary or appropriate to assure that the public health or
16 safety is not threatened whenever there is a release or
17 substantial threat of a release of petroleum from an
18 underground storage tank and for the costs of administering its
19 activities relative to the Underground Storage Tank Fund.

20 (c) Beginning July 1, 1993, the Governor shall certify to
21 the State Comptroller and State Treasurer the monthly amount
22 necessary to pay debt service on State obligations issued
23 pursuant to Section 6 of the General Obligation Bond Act. On
24 the last day of each month, the Comptroller shall order
25 transferred and the Treasurer shall transfer from the
26 Underground Storage Tank Fund to the General Obligation Bond

1 Retirement and Interest Fund the amount certified by the
2 Governor, plus any cumulative deficiency in those transfers for
3 prior months.

4 (d) Except as provided in subsection (c) of this Section,
5 the Underground Storage Tank Fund is not subject to
6 administrative charges authorized under Section 8h of the State
7 Finance Act that would in any way transfer any funds from the
8 Underground Storage Tank Fund into any other fund of the State.

9 (e) Each fiscal year, subject to appropriation, the Agency
10 may commit up to \$10,000,000 of the moneys in the Underground
11 Storage Tank Fund to the payment of corrective action costs for
12 legacy sites that meet one or more of the following criteria as
13 a result of the underground storage tank release: (i) the
14 presence of free product, (ii) contamination within a regulated
15 recharge area, a wellhead protection area, or the setback zone
16 of a potable water supply well, (iii) contamination extending
17 beyond the boundaries of the site where the release occurred,
18 or (iv) such other criteria as may be adopted in Agency rules.

19 (1) Fund moneys committed under this subsection (e)
20 shall be held in the Fund for payment of the corrective
21 action costs for which the moneys were committed.

22 (2) The Agency may adopt rules governing the commitment
23 of Fund moneys under this subsection (e).

24 (3) This subsection (e) does not limit the use of Fund
25 moneys at legacy sites as otherwise provided under this
26 Title.

1 (4) For the purposes of this subsection (e), the term
2 "legacy site" means a site for which (i) an underground
3 storage tank release was reported prior to January 1, 2005,
4 (ii) the owner or operator has been determined eligible to
5 receive payment from the Fund for corrective action costs,
6 and (iii) the Agency did not receive any applications for
7 payment prior to January 1, 2010.

8 (f) Beginning July 1, 2013, if the amounts deposited into
9 the Fund from moneys received by the Office of the State Fire
10 Marshal as fees for underground storage tanks under Sections 4
11 and 5 of the Gasoline Storage Act and as fees pursuant to the
12 Motor Fuel Tax Law during a State fiscal year are sufficient to
13 pay all claims for payment by the fund received during that
14 State fiscal year, then the amount of any payments into the
15 fund pursuant to the Use Tax Act, the Service Use Tax Act, the
16 Service Occupation Tax Act, and the Retailers' Occupation Tax
17 Act during that State fiscal year shall be deposited as
18 follows: 75% thereof shall be paid into the State treasury and
19 25% shall be reserved in a special account and used only for
20 the transfer to the Common School Fund as part of the monthly
21 transfer from the General Revenue Fund in accordance with
22 Section 8a of the State Finance Act.

23 (Source: P.A. 96-34, eff. 7-13-09; 96-908, eff. 6-8-10.)

24 Section 5-75. The Prevailing Wage Act is amended by
25 changing Section 2 as follows:

1 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

2 Sec. 2. This Act applies to the wages of laborers,
3 mechanics and other workers employed in any public works, as
4 hereinafter defined, by any public body and to anyone under
5 contracts for public works. This includes any maintenance,
6 repair, assembly, or disassembly work performed on equipment
7 whether owned, leased, or rented.

8 As used in this Act, unless the context indicates
9 otherwise:

10 "Public works" means all fixed works constructed or
11 demolished by any public body, or paid for wholly or in part
12 out of public funds. "Public works" as defined herein includes
13 all projects financed in whole or in part with bonds, grants,
14 loans, or other funds made available by or through the State or
15 any of its political subdivisions, including but not limited
16 to: bonds issued under the Industrial Project Revenue Bond Act
17 (Article 11, Division 74 of the Illinois Municipal Code), the
18 Industrial Building Revenue Bond Act, the Illinois Finance
19 Authority Act, the Illinois Sports Facilities Authority Act, or
20 the Build Illinois Bond Act; loans or other funds made
21 available pursuant to the Build Illinois Act; loans or other
22 funds made available pursuant to the Riverfront Development
23 Fund under Section 10-15 of the River Edge Redevelopment Zone
24 Act; or funds from the Fund for Illinois' Future under Section
25 6z-47 of the State Finance Act, funds for school construction

1 under Section 5 of the General Obligation Bond Act, funds
2 authorized under Section 3 of the School Construction Bond Act,
3 funds for school infrastructure under Section 6z-45 of the
4 State Finance Act, and funds for transportation purposes under
5 Section 4 of the General Obligation Bond Act. "Public works"
6 also includes (i) all projects financed in whole or in part
7 with funds from the Department of Commerce and Economic
8 Opportunity under the Illinois Renewable Fuels Development
9 Program Act for which there is no project labor agreement; (ii)
10 all work performed pursuant to a public private agreement under
11 the Public Private Agreements for the Illiana Expressway Act or
12 the Public-Private Agreements for the South Suburban Airport
13 Act; and (iii) all projects undertaken under a public-private
14 agreement under the Public-Private Partnerships for
15 Transportation Act. "Public works" also includes all projects
16 at leased facility property used for airport purposes under
17 Section 35 of the Local Government Facility Lease Act. "Public
18 works" also includes the construction of a new wind power
19 facility by a business designated as a High Impact Business
20 under Section 5.5(a) (3) (E) of the Illinois Enterprise Zone Act.
21 "Public works" does not include work done directly by any
22 public utility company, whether or not done under public
23 supervision or direction, or paid for wholly or in part out of
24 public funds. "Public works" also includes any corrective
25 action performed pursuant to Title XVI of the Environmental
26 Protection Act for which payment from the Underground Storage

1 Tank Fund is requested. "Public works" does not include
2 projects undertaken by the owner at an owner-occupied
3 single-family residence or at an owner-occupied unit of a
4 multi-family residence.

5 "Construction" means all work on public works involving
6 laborers, workers or mechanics. This includes any maintenance,
7 repair, assembly, or disassembly work performed on equipment
8 whether owned, leased, or rented.

9 "Locality" means the county where the physical work upon
10 public works is performed, except (1) that if there is not
11 available in the county a sufficient number of competent
12 skilled laborers, workers and mechanics to construct the public
13 works efficiently and properly, "locality" includes any other
14 county nearest the one in which the work or construction is to
15 be performed and from which such persons may be obtained in
16 sufficient numbers to perform the work and (2) that, with
17 respect to contracts for highway work with the Department of
18 Transportation of this State, "locality" may at the discretion
19 of the Secretary of the Department of Transportation be
20 construed to include two or more adjacent counties from which
21 workers may be accessible for work on such construction.

22 "Public body" means the State or any officer, board or
23 commission of the State or any political subdivision or
24 department thereof, or any institution supported in whole or in
25 part by public funds, and includes every county, city, town,
26 village, township, school district, irrigation, utility,

1 reclamation improvement or other district and every other
2 political subdivision, district or municipality of the state
3 whether such political subdivision, municipality or district
4 operates under a special charter or not.

5 The terms "general prevailing rate of hourly wages",
6 "general prevailing rate of wages" or "prevailing rate of
7 wages" when used in this Act mean the hourly cash wages plus
8 fringe benefits for training and apprenticeship programs
9 approved by the U.S. Department of Labor, Bureau of
10 Apprenticeship and Training, health and welfare, insurance,
11 vacations and pensions paid generally, in the locality in which
12 the work is being performed, to employees engaged in work of a
13 similar character on public works.

14 (Source: P.A. 96-28, eff. 7-1-09; 96-58, eff. 1-1-10; 96-186,
15 eff. 1-1-10; 96-913, eff. 6-9-10; 96-1000, eff. 7-2-10; 97-502,
16 eff. 8-23-11.)

17 ARTICLE 99.

18 EFFECTIVE DATE AND SEVERABILITY

19 Section 99-97. Severability. The provisions of this Act are
20 severable under Section 1.31 of the Statute on Statutes.

21 Section 99-99. Effective date. This Act takes effect upon
22 becoming law.