



Rep. John E. Bradley

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1 AMENDMENT TO SENATE BILL 20

2 AMENDMENT NO. _____. Amend Senate Bill 20, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "ARTICLE 1.

6 SHORT TITLE

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

9 ARTICLE 2.

10 PUBLIC-PRIVATE AGREEMENTS FOR THE SOUTH SUBURBAN AIRPORT ACT

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

1 Section 2-5. Legislative findings.

2 (a) Providing facilities for air travel to and from the
3 State of Illinois through the South Suburban Airport is
4 essential for the health and welfare of the people of the State
5 of Illinois and economic development of the State of Illinois.

6 (b) Airport development has significant regional impacts
7 with regard to economic development, public infrastructure
8 requirements, traffic, noise, and other concerns.

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

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

15 (e) Public-private agreements between the State of
16 Illinois and one or more private entities to develop, finance,
17 construct, manage, operate, maintain, or any combination
18 thereof, the South Suburban Airport have the potential of
19 maximizing value and benefit to the People of the State of
20 Illinois and the public at large.

21 (f) Public-private agreements may enable the South
22 Suburban Airport to be developed, financed, constructed,
23 managed, operated, and maintained in an entrepreneurial and
24 business-like manner.

25 (g) In the event that the State of Illinois enters into one
26 or more public-private agreements to develop, finance,

1 construct, manage, operate, or maintain the South Suburban
2 Airport, the private parties to the agreements should be
3 accountable to the People of Illinois through a comprehensive
4 system of oversight, regulation, auditing, and reporting.

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

9 (i) It is the intent of this Act for the Department to
10 collaborate with affected municipalities, counties, citizens,
11 elected officials, interest groups, and other stakeholders to
12 foster economic development around the South Suburban Airport
13 and the region, and to insure that the communities near the
14 South Suburban Airport have an ongoing opportunity to provide
15 input on the development and operation the South Suburban
16 Airport.

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

18 "Agreement" means a public-private agreement.

19 "Airport" means a facility for all types of air service,
20 including, without limitation, landing fields, taxiways,
21 aprons, runways, runway clear areas, heliports, hangars,
22 aircraft service facilities, approaches, navigational aids,
23 air traffic control facilities, terminals, inspection
24 facilities, security facilities, parking, internal transit
25 facilities, fueling facilities, cargo handling facilities,

1 concessions, rapid transit and roadway access, land and
2 interests in land, public waters, submerged land under public
3 waters and reclaimed land located on previously submerged land
4 under public waters, and all other property and appurtenances
5 necessary or useful for development, ownership, and operation
6 of any such facilities. "Airport" includes commercial or
7 industrial facilities related to the functioning of the airport
8 or to providing services to users of the airport.

9 "Contractor" means a person that has been selected to enter
10 or has entered into a public-private agreement with the
11 Department on behalf of the State for the development,
12 financing, construction, management, or operation of the South
13 Suburban Airport under this Act.

14 "Department" means the Illinois Department of
15 Transportation.

16 "Inaugural airport" means all airport facilities,
17 equipment, property, and appurtenances necessary or useful to
18 the development and operation of the South Suburban Airport
19 that are constructed, developed, installed, or acquired as of
20 the commencement of public operations of the South Suburban
21 Airport.

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

25 "Maintain" or "maintenance" includes ordinary maintenance,
26 repair, rehabilitation, capital maintenance, maintenance

1 replacement, and any other categories of maintenance that may
2 be designated by the Department.

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

5 "Offeror" means a person that responds to a request for
6 proposals under this Act.

7 "Operate" or "operation" means to do one or more of the
8 following: maintain, improve, equip, modify, or otherwise
9 operate.

10 "Person" means any individual, firm, association, joint
11 venture, partnership, estate, trust, syndicate, fiduciary,
12 corporation, or any other legal entity, group, or combination
13 thereof.

14 "Public-private agreement" means an agreement or contract
15 between the Department on behalf of the State and all
16 schedules, exhibits, and attachments thereto, entered into
17 pursuant to a competitive request for proposals process
18 governed by this Act, for the development, financing,
19 construction, management, or operation of the South Suburban
20 Airport under this Act.

21 "Revenues" means all revenues, including any combination
22 of, but not limited to: income; user fees; earnings; interest;
23 lease payments; allocations; moneys from the federal
24 government, the State, and units of local government, including
25 but not limited to federal, State, and local appropriations,
26 grants, loans, lines of credit, and credit guarantees; bond

1 proceeds; equity investments; service payments; or other
2 receipts arising out of or in connection with the financing,
3 development, construction, management, or operation of the
4 South Suburban Airport.

5 "State" means the State of Illinois.

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

8 "South Suburban Airport" means the airport to be developed
9 on a site located in Will County and approved by the Federal
10 Aviation Administration in the Record of Decision for Tier 1:
11 FAA Site Approval And Land Acquisition By The State Of
12 Illinois, Proposed South Suburban Airport, Will County,
13 Illinois, dated July 2002, and all property within the
14 inaugural airport boundary and the ultimate airport boundary.

15 "Ultimate airport boundary" means the development and
16 property limits of the South Suburban Airport beyond the
17 inaugural airport boundary as determined by the Department, as
18 may be adjusted and reconfigured from time to time.

19 "Unit of local government" has the meaning ascribed to that
20 term in Article VII, Section 1 of the Constitution of the State
21 of Illinois, and, for purposes of this Act, includes school
22 districts.

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

1 Section 2-15. General airport powers.

2 (a) The Department has the power to plan, develop, secure
3 permits, licenses, and approvals for, acquire, develop,
4 construct, equip, own, and operate the South Suburban Airport.
5 The Department also has the power to own, operate, acquire
6 facilities for, construct, improve, repair, maintain,
7 renovate, and expand the South Suburban Airport, including any
8 facilities located on the site of the South Suburban Airport
9 for use by any individual or entity other than the Department.
10 The development of the South Suburban Airport shall also
11 include all land, highways, waterways, mass transit
12 facilities, and other infrastructure that, in the
13 determination of the Department, are necessary or appropriate
14 in connection with the development or operation of the South
15 Suburban Airport. The development of the South Suburban Airport
16 also includes acquisition and development of any land or
17 facilities for (i) relocation of persons, including providing
18 replacement housing or facilities for persons and entities
19 displaced by that development, (ii) protecting or reclaiming
20 the environment with respect to the South Suburban Airport,
21 (iii) providing substitute or replacement property or
22 facilities, including without limitation, for areas of
23 recreation, conservation, open space, and wetlands, (iv)
24 providing navigational aids, or (v) utilities to serve the
25 airport, whether or not located on the site of the South
26 Suburban Airport.

1 (b) The Department shall have the authority to undertake
2 and complete all ongoing projects related to the South Suburban
3 Airport, including the South Suburban Airport Master Plan, and
4 assisting the Federal Aviation Administration in preparing and
5 approving the Environmental Impact Statement and Record of
6 Decision.

7 (c) The Department has the power to enter into all
8 contracts useful for carrying out its purposes and powers,
9 including, without limitation, public-private agreements
10 pursuant to the provisions of this Act; leases of any of its
11 property or facilities, use agreements with airlines or other
12 airport users relating to the South Suburban Airport,
13 agreements with South Suburban Airport concessionaires, and
14 franchise agreements for use of or access to South Suburban
15 Airport facilities.

16 (d) The Department has the power to apply to the proper
17 authorities of the United States, the State of Illinois, and
18 other governmental entities, as permitted or authorized by
19 applicable law, to obtain any licenses, approvals, or permits
20 reasonably necessary to achieve the purposes of this Act. All
21 applications to the Federal Aviation Administration, or any
22 successor agency, shall be made by the Department.

23 (e) The Department may take all steps consistent with
24 applicable laws to maximize funding for the costs of the South
25 Suburban Airport from grants by the Federal Aviation
26 Administration or any successor agency, or any other federal

1 governmental agency.

2 (f) The Department has the power to apply to the proper
3 authorities of the United States pursuant to appropriate law
4 for permission to establish, operate, maintain, and lease
5 foreign trade zones and sub-zones within the areas of the South
6 Suburban Airport and to establish, operate, maintain, and lease
7 foreign trade zones and sub-zones.

8 (g) The Department may publicize, advertise, and promote
9 the activities of the South Suburban Airport, including, to
10 make known the advantages, facilities, resources, products,
11 attractions, and attributes of the South Suburban Airport.

12 (h) The Department may, at any time, acquire any land, any
13 interests in land, other property, and interests in property
14 needed for the South Suburban Airport or necessary to carry out
15 the Department's powers and functions under this Act, including
16 by exercise of the power of eminent domain pursuant to Section
17 2-100 of this Act. The Department shall also have the power to
18 dispose of any such lands, interests, and property upon terms
19 it deems appropriate.

20 (i) The Department may adopt any reasonable rules for the
21 administration of this Act in accordance with the Illinois
22 Administrative Procedure Act.

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

24 (a) Notwithstanding any provision of law to the contrary,
25 the Department may, on behalf of the State, and pursuant to a

1 competitive request for proposals process governed by Section
2 2-30 of this Act, enter into one or more public-private
3 agreements with one or more contractors to develop, finance,
4 construct, manage, operate, or maintain, or any combination
5 thereof, the South Suburban Airport. Pursuant to those
6 agreements, the contractors may receive the right to certain
7 revenues including user fees in consideration of the payment of
8 moneys to the State for that right.

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

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

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

19 Section 2-25. Prequalification to enter into
20 public-private agreements. The Department may establish a
21 process for prequalification of offerors. If the Department
22 creates a prequalification process, it shall: (i) provide a
23 public notice of the prequalification at least 30 days before
24 the date on which applications are due; (ii) set forth
25 requirements and evaluation criteria in order to become

1 prequalified; (iii) determine which offerors that have
2 submitted prequalification applications, if any, meet the
3 requirements and evaluation criteria; and (iv) allow only those
4 offerors that have been prequalified to respond to the request
5 for proposals.

6 Section 2-30. Request for proposals process to enter into
7 public-private agreements.

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

21 (b) The competitive request for proposals process shall, at
22 a minimum, solicit statements of qualification and proposals
23 from offerors.

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

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

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

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

7 (4) the offeror's ability to meet the utilization goals
8 for business enterprises established in the Business
9 Enterprise for Minorities, Females, and Persons with
10 Disabilities Act;

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

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

17 (d) The Department shall retain the services of an advisor
18 or advisors with significant experience in the development,
19 financing, construction, management, or operation of public
20 assets to assist in the preparation of the request for
21 proposals.

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

26 (f) The Department shall select one or more offerors as

1 finalists. The Department shall submit the offeror's
2 statements of qualification and proposals to the Commission on
3 Government Forecasting and Accountability and the Procurement
4 Policy Board, which shall, within 30 days after the submission,
5 complete a review of the statements of qualification and
6 proposals and, jointly or separately, report on, at a minimum,
7 the satisfaction of the criteria contained in the request for
8 proposals, the qualifications of the offerors, and the value of
9 the proposals to the State. The Department shall not select an
10 offeror as the contractor for the South Suburban Airport
11 project until it has received and considered the findings of
12 the Commission on Government Forecasting and Accountability
13 and the Procurement Policy Board as set forth in their
14 respective reports.

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

20 (1) the date, time, and place of the hearing and the
21 address of the Department;

22 (2) the subject matter of the hearing;

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

24 and

25 (4) the recommendation that has been made to select an
26 offeror as the contractor for the South Suburban

1 Airport project.

2 At the hearing, the Department shall allow the public to be
3 heard on the subject of the hearing.

4 (h) After the procedures required in this Section have been
5 completed, the Department shall make a determination as to
6 whether the offeror should be designated as the contractor for
7 the South Suburban Airport project and shall submit the
8 decision to the Governor and to the Governor's Office of
9 Management and Budget. After review of the Department's
10 determination, the Governor may accept or reject the
11 determination. If the Governor accepts the determination of the
12 Department, the Governor shall designate the offeror for the
13 South Suburban Airport project.

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

15 (a) The public-private agreement shall include all of the
16 following:

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

19 (2) the powers, duties, responsibilities, obligations,
20 and functions of the Department and the contractor;

21 (3) compensation or payments to the Department;

22 (4) compensation or payments to the contractor;

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

24 (A) ready access to information regarding the
25 contractor's powers, duties, responsibilities,

1 obligations, and functions under the public-private
2 agreement;

3 (B) the right to demand and receive information
4 from the contractor concerning any aspect of the
5 contractor's powers, duties, responsibilities,
6 obligations, and functions under the public-private
7 agreement; and

8 (C) the authority to direct or countermand
9 decisions by the contractor at any time;

10 (6) a provision imposing an affirmative duty on the
11 contractor to provide the Department with any information
12 the Department reasonably would want to know or would need
13 to know to enable the Department to exercise its powers,
14 carry out its duties, responsibilities, and obligations,
15 and perform its functions under this Act or the
16 public-private agreement or as otherwise required by law;

17 (7) a provision requiring the contractor to provide the
18 Department with advance written notice of any decision that
19 bears significantly on the public interest so the
20 Department has a reasonable opportunity to evaluate and
21 countermand that decision under this Section;

22 (8) a requirement that the Department monitor and
23 oversee the contractor's practices and take action that the
24 Department considers appropriate to ensure that the
25 contractor is in compliance with the terms of the
26 public-private agreement;

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

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

6 (11) the authority of the contractor to impose user
7 fees and the amounts of those fees;

8 (12) a provision governing the deposit and allocation
9 of revenues including user fees;

10 (13) a provision governing rights to real and personal
11 property of the State, the Department, the contractor, and
12 other third parties;

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

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

19 (16) a provision regarding the implementation and
20 delivery of reports, which shall include a requirement that
21 the contractor file with the Department, at least on an
22 annual basis, financial statements containing information
23 required by generally accepted accounting principles
24 (GAAP);

25 (17) procedural requirements for obtaining the prior
26 approval of the Department when rights that are the subject

1 of the agreement, including, but not limited to development
2 rights, construction rights, property rights, and rights
3 to certain revenues, are sold, assigned, transferred, or
4 pledged as collateral to secure financing or for any other
5 reason;

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

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

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

13 (21) timelines, deadlines, and scheduling;

14 (22) review of plans, including development,
15 financing, construction, management, operations, or
16 maintenance plans, by the Department;

17 (23) a provision regarding inspections by the
18 Department, including inspections of construction work and
19 improvements;

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

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

25 (26) procedures for amendment to the agreement.

26 (b) The public-private agreement may include any or all of

1 the following:

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

4 (2) provisions leasing to the contractor all or any
5 portion of the South Suburban Airport, provided that the
6 lease may not extend beyond the term of the public-private
7 agreement.

8 (3) cash reserves requirements;

9 (4) delivery of performance and payment bonds or other
10 performance security in a form and amount that is
11 satisfactory to the Department;

12 (5) maintenance of public liability insurance;

13 (6) maintenance of self-insurance;

14 (7) provisions governing grants and loans, pursuant to
15 which the Department may agree to make grants or loans for
16 the development, financing, construction, management, or
17 operation of the South Suburban Airport project from time
18 to time from amounts received from the federal government
19 or any agency or instrumentality of the federal government
20 or from any State or local agency;

21 (8) reimbursements to the Department for work
22 performed and goods, services, and equipment provided by
23 the Department;

24 (9) provisions allowing the Department to submit any
25 contractual disputes with the contractor relating to the
26 public-private agreement to non-binding alternative

1 dispute resolution proceedings; and

2 (10) any other terms, conditions, and provisions
3 acceptable to the Department that the Department deems
4 necessary and proper and in the public interest.

5 Section 2-40. Interim agreements.

6 (a) Prior to or in connection with the negotiation of the
7 public-private agreement, the Department may enter into an
8 interim agreement with the contractor.

9 (b) The interim agreement may not authorize the contractor
10 to perform construction work prior to the execution of the
11 public-private agreement.

12 (c) The interim agreement may include any or all of the
13 following:

14 (1) timelines, deadlines, and scheduling;

15 (2) compensation including the payment of costs and
16 fees in the event the Department terminates the interim
17 agreement or declines to proceed with negotiation of the
18 public-private agreement;

19 (3) a provision governing the contractor's authority
20 to commence activities related to the South Suburban
21 Airport project including, but not limited, to project
22 planning, advance property acquisition, design and
23 engineering, environmental analysis and mitigation,
24 surveying, conducting studies including revenue and
25 transportation studies, and ascertaining the availability

1 of financing;

2 (4) procurement procedures;

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

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

9 (d) The Department may enter into one or more interim
10 agreements with one or more contractors if the Department
11 determines in writing that it is in the public interest to do
12 so.

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

1 Section 2-50. Public-private agreement proceeds. After the
2 payment of all transaction costs, including payments for legal,
3 accounting, financial, consultation, and other professional
4 services, all moneys received by the State as compensation for
5 the public-private agreement shall be deposited into the South
6 Suburban Airport Improvement Fund, which is hereby created as a
7 special fund in the State treasury. Expenditures may be made
8 from the South Suburban Airport Improvement Fund only in the
9 manner as appropriated by the General Assembly by law.

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

12 Section 2-60. Selection of professional design firms.
13 Notwithstanding any provision of law to the contrary, the
14 selection of professional design firms by the Department for
15 South Suburban Airport projects, other than the selection of a
16 contractor for a public-private agreement or interim
17 agreement, shall comply with the Architectural, Engineering,
18 and Land Surveying Qualifications Based Selection Act.

19 Section 2-65. Other contracts. Except as otherwise
20 provided in a public-private agreement entered into pursuant to
21 this Act, the Department may, pursuant to the Illinois
22 Procurement Code and its rules, award contracts for goods,

1 services, or equipment, or lease all or any portion of the
2 South Suburban Airport.

3 Section 2-70. Planning for the South Suburban Airport
4 project. The South Suburban Airport project shall be subject to
5 all applicable planning requirements otherwise required by
6 law, including land use planning, regional planning,
7 transportation planning, and environmental compliance
8 requirements.

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

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

21 (b) Upon request, the Department shall appear and testify
22 before the Procurement Policy Board and produce information
23 requested by the Procurement Policy Board.

24 (c) At least 30 days prior to the beginning of the

1 Department's fiscal year, the Department shall prepare an
2 annual written progress report on the South Suburban Airport
3 project. The report shall include the status of any
4 public-private agreements or other contracting and any ongoing
5 or completed studies. The report shall be delivered to the
6 Procurement Policy Board and each county, municipality, and
7 metropolitan planning organization whose territory includes or
8 lies within 5 miles from the ultimate airport boundary.

9 Section 2-80. Illinois Department of Transportation
10 publication requirements.

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

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

18 Section 2-85. Independent audits. If the public-private
19 agreement provides for the construction of all or part of the
20 South Suburban Airport project and the estimated construction
21 costs under the public-private agreement exceed \$50,000,000,
22 the Department shall also require the contractor to pay the
23 costs for an independent audit of any and all cost estimates
24 associated with the public-private agreement as well as a

1 review of all public costs and potential liabilities to which
2 taxpayers could be exposed (including improvements to other
3 transportation facilities that may be needed as a result of the
4 public-private agreement, failure by the contractor to
5 reimburse the Department for services provided, and potential
6 risk and liability in the event of default on the agreement or
7 default on other types of financing). The independent audit
8 shall be conducted by an independent consultant selected by the
9 Department.

10 Section 2-90. Establishment of planning boundaries.

11 (a) The Department shall establish and provide public
12 notice of the approximate location of the inaugural airport
13 boundary and the ultimate airport boundary to inform the public
14 and prevent costly and conflicting development of the land
15 involved. The Department shall hold a public hearing when it
16 desires to formally provide public notice of the approximate
17 locations of the inaugural airport boundary and the ultimate
18 airport boundary. The hearing shall be held in Will County and
19 notice of the hearing shall be published in a newspaper or
20 newspapers of general circulation in Will County. Any
21 interested person or his representative shall be heard. The
22 Department shall evaluate the testimony given at the hearing.
23 The Department shall make a survey and prepare maps showing the
24 location of the inaugural airport boundary and the ultimate
25 airport boundary. The maps shall show the property lines and

1 owners of record of all land within the inaugural airport
2 boundary and the ultimate airport boundary and all other
3 pertinent information. Approval of the maps with any changes
4 resulting from the hearing shall be indicated in the record of
5 the hearing and a notice of the approval and a copy of the maps
6 shall be filed in the office of the recorder for Will County.
7 Public notice of the approval and filing shall be given in
8 newspapers of general circulation in Will County and shall be
9 served by registered mail within 60 days thereafter on all
10 owners of record of the land needed for future additions.

11 (b) The Department may approve changes in the maps of the
12 inaugural airport boundary and the ultimate airport boundary
13 from time to time. The changes shall be filed and notice given
14 in the manner provided for the original maps. After the maps
15 are filed and notice thereof given to the owners of record of
16 the land needed for future additions, no one shall incur
17 development costs or place improvements in, upon, or under the
18 land involved, nor rebuild, alter, or add to any existing
19 structure without first giving 60 days notice by registered
20 mail to the Department. This prohibition shall not apply to any
21 normal or emergency repairs to existing structures. The
22 Department has 45 days after receipt of that notice to inform
23 the owner of the Department's intention to acquire the land
24 involved. After informing the owner, the Department shall have
25 120 days to acquire the land by purchase or to initiate action
26 to acquire the land through the exercise of the right of

1 eminent domain. When the land is acquired by the State no
2 compensation shall be allowed for any construction,
3 alteration, or addition in violation of this Section unless the
4 Department has failed to acquire the land by purchase or has
5 abandoned an eminent domain proceeding initiated under the
6 provisions of this paragraph. Any land needed for modifications
7 to the inaugural airport boundary or the ultimate airport
8 boundary may be acquired at any time by the State. The time of
9 determination of the value of the property to be taken under
10 this Section for additions to the South Suburban Airport shall
11 be the date of the actual taking, if the property is acquired
12 by purchase, or the date of the filing of a complaint for
13 condemnation or as established by Section 10-5-60 of the
14 Eminent Domain Act, if the property is acquired through the
15 exercise of the right of eminent domain, rather than the date
16 when the maps of the of the inaugural airport boundary or the
17 ultimate airport boundary were filed of record.

18 Section 2-95. Relocation. The Department has the power to
19 provide for the relocation of all persons and entities
20 displaced by the development of the South Suburban Airport.
21 Except when federal funds are available for the payment of
22 direct financial assistance to persons displaced by the
23 acquisition of their real property, the Department shall pay to
24 displaced persons reimbursement for their reasonable
25 relocation costs, determined in the same manner as under the

1 federal Uniform Relocation Assistance and Real Property
2 Acquisition Policies Act of 1970, and as implemented by rules
3 adopted under that Act.

4 Section 2-100. Property acquisition.

5 (a) In addition to any other powers the Department may have
6 under Sections 72 and 74 of the Illinois Aeronautics Act or any
7 other applicable law, and notwithstanding any other law to the
8 contrary, the Department may acquire by gift, grant, lease,
9 purchase, condemnation, or otherwise, any right, title, or
10 interest in any private property, property held in the name of
11 or belonging to any public body or unit of government, or any
12 property devoted to a public use, or any other rights or
13 easements, including any property, rights, or easements owned
14 by the State, units of local government, or school districts,
15 including forest preserve districts, for purposes related to
16 the South Suburban Airport. The powers given to the Department
17 under this Section include the power to acquire, by
18 condemnation or otherwise, any property used for cemetery
19 purposes within or outside of inaugural airport boundary, and
20 to require that the cemetery be removed to a different
21 location. The powers given to the Department under this Section
22 include the power to condemn or otherwise acquire, and to
23 convey, substitute property when the Department reasonably
24 determines that monetary compensation will not be sufficient or
25 practical just compensation for property acquired by the

1 Department in connection with the South Suburban Airport. The
2 acquisition of substitute property is declared to be for public
3 use. The powers given by this Section to the Department to
4 condemn property include the power of condemnation by
5 quick-take under Article 20 of the Eminent Domain Act. Property
6 acquired under this Section includes property that the
7 Department reasonably determines will be necessary for future
8 use, regardless of whether final regulatory or funding
9 decisions have been made; provided, however, that quick-take of
10 such property is subject to Section 25-5-45 of the Eminent
11 Domain Act.

12 (b) With respect to any land acquired or sought to be
13 acquired by the Department by condemnation for the South
14 Suburban Airport pursuant to the powers granted by Section 72
15 or 74 of the Aeronautics Act, the phrase "within the limitation
16 of available appropriations" shall be deemed to require that
17 the Department have, on the date of filing the condemnation
18 complaint, unexpended appropriations equal to the amount of the
19 Department's most recent offer to purchase the property.

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

24 Section 2-105. Rights of the Illinois Department of
25 Transportation upon expiration or termination of the

1 agreement.

2 (a) Upon the termination or expiration of the
3 public-private agreement, including a termination for default,
4 the Department shall have the right to take over the South
5 Suburban Airport project and to succeed to all of the right,
6 title, and interest in the South Suburban Airport project,
7 subject to any liens on revenues previously granted by the
8 contractor to any person providing financing for the South
9 Suburban Airport project.

10 (b) If the Department elects to take over the South
11 Suburban Airport project as provided in subsection (a) of this
12 Section, the Department may, without limitation, do the
13 following:

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

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

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

23 (1) make payments to individuals or entities in
24 connection with any financing of the South Suburban Airport
25 project;

26 (2) permit a contractor or third party to receive some

1 or all of the revenues under the public-private agreement
2 entered into under this Act;

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

5 (4) pay current operation costs of the South Suburban
6 Airport; and

7 (5) pay the contractor for any compensation or payment
8 owing upon termination.

9 (d) All real property acquired as a part of the South
10 Suburban Airport shall be held in the name of the State of
11 Illinois upon termination of the South Suburban Airport
12 project.

13 (e) The full faith and credit of the State or any political
14 subdivision of the State or the Department is not pledged to
15 secure any financing of the contractor by the election to take
16 over the South Suburban Airport project. Assumption of
17 development, operation, or both, of the South Suburban Airport
18 project does not obligate the State or any political
19 subdivision of the State or the Department to pay any
20 obligation of the contractor.

21 Section 2-110. Standards for the South Suburban Airport
22 project. The plans and specifications for the South Suburban
23 Airport project shall comply with the following:

24 (1) the Department's standards for other projects
25 of a similar nature or as otherwise provided in the

1 public-private agreement;

2 (2) the Professional Engineering Practice Act of
3 1989, the Structural Engineering Practice Act of 1989,
4 the Illinois Architecture Practice Act of 1989, and the
5 Illinois Professional Land Surveyor Act of 1989; and

6 (3) any other applicable State or federal
7 standards.

8 Section 2-115. Financial arrangements.

9 (a) The Department may apply for, execute, or endorse
10 applications submitted by contractors and other third parties
11 to obtain federal, State, or local credit assistance to
12 develop, finance, maintain, or operate the South Suburban
13 Airport project.

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

1 Infrastructure Finance and Innovation Act (TIFIA).

2 (c) The Department may agree to make grants or loans for
3 the development, financing, construction, management,
4 operation , or maintenance of the South Suburban Airport
5 project from time to time, from amounts received from the
6 federal, State, or local government or any agency or
7 instrumentality of the federal, State, or local government.

8 (d) Any financing of the South Suburban Airport project may
9 be in the amounts and subject to the terms and conditions
10 contained in the public-private agreement.

11 (e) For the purpose of financing the South Suburban Airport
12 project, the contractor and the Department may do the
13 following:

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

16 (2) enter into grant agreements;

17 (3) access any other funds available to the Department;
18 and

19 (4) accept grants from any public or private agency or
20 entity.

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

25 (g) For the purpose of financing the South Suburban Airport
26 project, the Department is authorized to apply for, execute, or

1 endorse applications for an allocation of tax-exempt bond
2 financing authorization provided by Section 142(m) of the
3 United States Internal Revenue Code, as well as financing
4 available under any other federal law or program.

5 (h) Any bonds, debt, other securities, or other financing
6 issued or incurred by the contractor for the purposes of this
7 Act shall not be deemed to constitute a debt of the State or
8 any political subdivision of the State or a pledge of the faith
9 and credit of the State or any political subdivision of the
10 State.

11 Section 2-120. Labor.

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

14 (b) The public-private agreement shall require all
15 construction contractors to comply with the requirements of
16 Section 30-22 of the Illinois Procurement Code as they apply to
17 responsible bidders and to present satisfactory evidence of
18 that compliance to the Department, unless the South Suburban
19 Airport project is federally funded and the application of
20 those requirements would jeopardize the receipt or use of
21 federal funds in support of the South Suburban Airport project.

22 Section 2-125. Law enforcement.

23 (a) All law enforcement officers of the State and of each
24 affected local jurisdiction have the same powers and

1 jurisdiction within the boundaries of the South Suburban
2 Airport as they have in their respective areas of jurisdiction.

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

6 Section 2-130. Term of agreement; reversion of property to
7 the Department.

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

11 (b) Upon termination of the public-private agreement, the
12 authority and duties of the contractor under this Act cease,
13 except for those duties and obligations that extend beyond the
14 termination, as set forth in the public-private agreement, and
15 all interests in the South Suburban Airport shall revert to the
16 Department.

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

19 (a) The Department may exercise any powers provided under
20 this Act in participation or cooperation with any governmental
21 entity and enter into any contracts to facilitate that
22 participation or cooperation. The Department shall cooperate
23 with other governmental entities under this Act.

24 (b) The Department may make and enter into all contracts

1 and agreements necessary or incidental to the performance of
2 the Department's duties and the execution of the Department's
3 powers under this Act. Except as otherwise required by law,
4 these contracts or agreements are not subject to any approvals
5 other than the approval of the Department, Governor, or federal
6 agencies and may contain any terms that are considered
7 reasonable by the Department and not in conflict with any
8 provisions of this Act or other statutes, rules, or laws.

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

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

16 (e) The Department may enter into an agreement between and
17 among the contractor, the Department, and the Department of
18 State Police concerning the provision of law enforcement
19 assistance with respect to the South Suburban Airport under
20 this Act.

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

24 Section 2-140. Prohibited local action; home rule. A unit
25 of local government, including a home rule unit, may not take

1 any action that would have the effect of impairing the
2 development, construction management operation, or maintenance
3 of the South Suburban Airport pursuant to the public-private
4 agreement authorized under this Act. This Section is a denial
5 and limitation of home rule powers and functions under
6 subsection (h) of Section 6 of Article VII of the Illinois
7 Constitution.

8 Section 2-145. Powers liberally construed. The powers
9 conferred by this Act shall be liberally construed in order to
10 accomplish their purposes and shall be in addition and
11 supplemental to the powers conferred to the Department by any
12 other law. If any other law or rule is inconsistent with this
13 Act, this Act is controlling as to the authority of the
14 Department and any public-private agreement entered into under
15 this Act.

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

1 lease.

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

7 ARTICLE 3.

8 BROWNFIELDS REDEVELOPMENT AND INTERMODAL PROMOTION ACT

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

12 Section 3-5. Findings. The General Assembly has determined
13 that it is in the interest of the State of Illinois to
14 facilitate remediation and productive re-use of brownfield
15 sites located within specified areas and communities in
16 Illinois; to capitalize on current trends in international
17 trade routes by encouraging the redevelopment of brownfield
18 sites located near existing freight assets into scattered site
19 logistics parks and related facilities and businesses; and
20 furthermore that it is in the interest of the State to
21 encourage the hiring of minority and other historically
22 disadvantaged individuals in new businesses or facilities

1 developed with State assistance, and especially to encourage
2 the hiring of individuals who reside in high-unemployment
3 communities where such businesses or facilities are developed.

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

5 "Affected Municipality" means a municipality whose
6 boundaries are partially or completely within the Brownfields
7 Redevelopment Zone and where an Eligible Project will take
8 place.

9 "Developer Agreement" means the agreement between an
10 eligible developer or eligible employer and the Department
11 under this Act.

12 "Brownfield" means real property, the expansion,
13 redevelopment, or reuse of which may be complicated by the
14 presence or potential presence of a hazardous substance,
15 pollutant, or contaminant; for the purposes of this Act, a
16 property will be considered a brownfield if a prospective
17 purchaser seeking financing from a private financial
18 institution is required by that institution to conduct a Phase
19 I Environmental Site Assessment (ESA), as defined by ASTM
20 Standard E-1527-05 ("Standard Practice for Environmental Site
21 Assessments: Phase 1 Environmental Site Assessment Process").

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

24 "Director" means the Director of the Department of Commerce
25 and Economic Opportunity.

1 "Eligible Developer" means an individual, partnership,
2 corporation, or other entity, currently and actively engaged in
3 the development of logistics, warehousing, distribution, or
4 light manufacturing facilities in North America, including the
5 Managing Partner of the South Suburban Brownfields
6 Redevelopment Zone, that owns, options, or otherwise directly
7 controls a parcel of land that is included in a South Suburban
8 Brownfields Redevelopment Zone Project.

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

13 "Employment goal" means the goal of achieving a minimum
14 percentage of labor hours to be performed by employees who are
15 a member of a minority group and who reside in one of the
16 municipalities containing property that is part of the South
17 Suburban Brownfields Redevelopment Zone.

18 "Full-time employee" means an individual who is employed
19 for consideration for at least 35 hours each week or who
20 renders any other standard of service generally accepted by
21 industry custom or practice as full-time employment. An
22 individual for whom a W-2 is issued by a Professional Employer
23 Organization is a full-time employee if employed in the service
24 of the eligible employer for consideration for at least 35
25 hours each week or who renders any other standard of service
26 generally accepted by industry custom or practice as full-time

1 employment.

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

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

8 "Infrastructure" means roads and streets, bridges,
9 sidewalks, street lights, water and sewer line extensions or
10 improvements, storm water drainage and retention facilities,
11 gas and electric utility line extensions or improvements, and
12 rail improvements including signalization and siding
13 construction or repair, on publicly owned land or other public
14 improvements that are essential to the development of a
15 Redevelopment Zone Project.

16 "Intermodal" means a type of international freight system
17 that permits transshipping among sea, highway, rail and air
18 modes of transportation through use of ANSI/International
19 Organization for Standardization containers, line haul assets,
20 and handling equipment.

21 "Intermodal terminal" means an integrated facility where
22 trailers and containers are transferred between intermodal
23 railcars and highway carriers, including domestic and
24 international container shipments; or an integrated facility
25 where dry or liquid bulk and packaged commodities are
26 transferred between conventional railroad freight cars and

1 highway carriers.

2 "Managing Partner" means a representative of Cook County
3 appointed by the President of the Board of Commissioners of
4 Cook County or a duly created instrumentality of the County
5 which enters into an agreement with the Department as described
6 in subsection (c) of Section 3-30 of this Act regarding the
7 overall management and use of Increment Funds and which is
8 authorized by the County to undertake, or to enter into
9 Development agreements with third parties to undertake,
10 activities necessary for the redevelopment of parcels
11 designated under this Act as part of a South Suburban
12 Brownfields Redevelopment Zone. For the purposes of this
13 definition, a "duly created instrumentality of the county" is a
14 company that:

15 (1) is licensed to conduct business in the State of
16 Illinois;

17 (2) has (i) executed industrial developments of the
18 type described as "eligible projects" in Section 3-35 and
19 duly met all of its financial obligations entailed in those
20 projects and (ii) managed each of the types of tasks
21 described in Section 3-45 of this Act as "eligible
22 activities", performing those activities with results that
23 met or exceeded the objectives of the project, or otherwise
24 possesses the business experience described in this item
25 (2);

26 (3) is selected through a competitive Request for

1 Proposals process conducted according to rules and
2 standards generally applicable to the selection of
3 professional service contractors by the government of Cook
4 County.

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

7 (i) African American, meaning a person whose origins
8 are in any of the Black racial groups of Africa, and who
9 has historically and consistently identified himself or
10 herself as being such a person;

11 (ii) Hispanic American or Latino American, meaning a
12 person whose origins are in Mexico, Central or South
13 America, or any of the Spanish speaking islands of the
14 Caribbean (for example Cuba and Puerto Rico), regardless of
15 race, and who has historically and consistently identified
16 himself or herself as being such a person;

17 (iii) Asian or Pacific Islander American, meaning a
18 person whose origins are in any of the original peoples of
19 the Far East, Southeast Asia, the islands of the Pacific or
20 the Northern Marianas, or the Indian Subcontinent, and who
21 has historically and consistently identified himself or
22 herself as being such a person; or

23 (iv) Native American, meaning a person having origins
24 in any of the original peoples of North America, and who
25 maintain tribal affiliation or demonstrate at least
26 one-quarter descent from such groups, and who has

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

3 "New employee" means a full-time employee first employed by
4 an eligible employer for a project that is the subject of an
5 agreement between the Managing Partner and an eligible
6 developer or eligible employer and who is hired after the
7 eligible developer enters into the agreement, but does not
8 include:

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

13 (2) an employee of the eligible employer who was
14 previously employed in Illinois by a related member of the
15 eligible employer and whose employment was shifted to the
16 eligible employer after the eligible employer entered into
17 the agreement; or

18 (3) a child, grandchild, parent, or spouse, other than
19 a spouse who is legally separated from the individual, of
20 any individual who has a direct or an indirect ownership
21 interest of at least 5% in the profits, capital, or value
22 of the eligible employer.

23 Notwithstanding item (2) of this definition, an employee
24 may be considered a new employee under the agreement if the
25 employee performs a job that was previously performed by an
26 employee who was: (i) treated under the agreement as a new

1 employee and (ii) promoted by the eligible employer to another
2 job.

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

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

9 (1) an individual stockholder, if the stockholder and
10 the members of the stockholder's family (as defined in
11 Section 318 of the Internal Revenue Code) own directly,
12 indirectly, beneficially, or constructively, in the
13 aggregate, at least 50% of the value of the eligible
14 employer's outstanding stock;

15 (2) a partnership, estate, or trust and any partner or
16 beneficiary, if the partnership, estate, or trust, and its
17 partners or beneficiaries own directly, indirectly,
18 beneficially, or constructively, in the aggregate, at
19 least 50% of the profits, capital, stock, or value of the
20 eligible employer;

21 (3) a corporation, and any party related to the
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 taxpayer
26 owns directly, indirectly, beneficially, or constructively

1 at least 50% of the value of the corporation's outstanding
2 stock;

3 (4) a corporation and any party related to that
4 corporation in a manner that would require an attribution
5 of stock from the corporation to the party or from the
6 party to the corporation under the attribution rules of
7 Section 318 of the Internal Revenue Code, if the
8 corporation and all such related parties own in the
9 aggregate at least 50% of the profits, capital, stock, or
10 value of the eligible employer; or

11 (5) a person to or from whom there is attribution of
12 stock ownership in accordance with Section 1563(e) of the
13 Internal Revenue Code, except, for purposes of determining
14 whether a person is a related member under this definition,
15 20% shall be substituted for 5% wherever 5% appears in
16 Section 1563(e) of the Internal Revenue Code.

17 "South Suburban Brownfields Advisory Council" or "Advisory
18 Council" means a body comprised of representatives of Affected
19 Municipalities, along with experts appointed by the President
20 of the Cook County Board of Commissioners and the Governor of
21 Illinois, created to guide development within the South
22 Suburban Brownfields Redevelopment Zone.

23 "South Suburban Brownfields Redevelopment Zone Project" or
24 "Project" means an Eligible Project, as described in Section
25 3-35, to coordinate the redevelopment and re-use of industrial
26 sites within the South Suburban Brownfields Redevelopment Zone

1 in southern Cook County.

2 "South Suburban Brownfields Redevelopment Zone",
3 "Brownfields Redevelopment Zone" or "Zone" means the area fully
4 encompassing all properties, acreage, and structures,
5 including sites that conform to the Environmental Protection
6 Agency definition of Brownfield Industrial Sites, that are
7 zoned for industrial uses by the applicable local zoning agency
8 and which are located within the following South Suburban Cook
9 County municipalities that surround the Canadian National and
10 Union Pacific intermodal freight terminals in Harvey and
11 Dolton, Illinois respectively: Dixmoor, Dolton, East
12 Hazelcrest, Harvey, Hazelcrest, Homewood, Markham, Phoenix,
13 Posen, Riverdale, South Holland and Thornton. The South
14 Suburban Brownfields Advisory Council shall advise the
15 Managing Partner in regard to the selection of Projects. The
16 composition of the Advisory Council is determined as set forth
17 in subsection (a) of Section 3-30 of this Act.

18 Section 3-15. South Suburban Brownfields Redevelopment
19 Zone Fund. The South Suburban Brownfields Redevelopment Zone
20 Fund is created as a special fund in the State treasury. Upon
21 certification of the Department of Revenue following review of
22 the amounts contained in the quarter-annual report required
23 under paragraph 4 of Section 3-50 of this Act and subject to
24 the limits set forth in Section 3-25 of this Act, the
25 Comptroller shall order transferred and the Treasurer shall

1 transfer from the General Revenue Fund to the South Suburban
2 Brownfields Redevelopment Fund an amount equal to the
3 incremental income tax for the previous month attributable to
4 new employees at finished facilities on property that was
5 redeveloped as part of the South Suburban Brownfields
6 Redevelopment Zone. These revenues may be used to pay the
7 Managing Partner for its administrative expenses pursuant to
8 Section 3-45 of this Act or to reimburse Eligible Developers or
9 Eligible Employers for the cost of the activities detailed
10 under Section 3-45 of this Act for Projects being undertaken
11 within the South Suburban Brownfields Redevelopment Zone.

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

1 Section 3-25. Limitation on amounts for eligible projects.
2 The total amount of tax increment to be transferred to the
3 South Suburban Increment Fund shall not exceed \$3,000,000 in
4 each State fiscal year. Any increment generated in a given
5 State fiscal year in excess of \$3,000,000 shall be retained by
6 the State. Any revenues in the South Suburban Brownfields
7 Redevelopment Fund not used in a given fiscal year may be
8 rolled over into subsequent fiscal years. Use of the Fund to
9 pay or reimburse eligible expenses shall not preclude the
10 receipt of benefits from any Enterprise Zone, Tax Increment
11 Finance District, property tax abatement program, or other
12 business development program of a federal, State, or local
13 economic development program that may be available to the
14 project, and any brownfield site included in an agreement with
15 an eligible developer or eligible employer shall remain fully
16 eligible for all State and Federal tax incentives and grants
17 specifically related to brownfield remediation.

18 Section 3-30. Managing Partner; Advisory Council;
19 responsibilities.

20 (a) The Managing Partner shall report its recommendations
21 to the Advisory Council. The Advisory Council consists of two
22 members appointed by the Governor of the State of Illinois, two
23 members appointed by the President of the Cook County Board of
24 Commissioners and five members selected by the Affected

1 Municipalities to represent them. All members shall serve for a
2 term of 3 years. Upon expiration of each member's term, a
3 successor shall be appointed for a term of 3 years. Vacancies
4 on the Advisory Council shall be filled in the same manner as
5 the original appointments and any members so appointed shall
6 serve during the remainder of the term for which the vacancy
7 occurred. The appointments shall be made within 90 days of the
8 effective date of this Act. Five members shall constitute a
9 quorum. The Council shall elect a Chairperson amongst its
10 members by simple majority vote. Members shall serve without
11 compensation and accurate minutes shall be kept of all meetings
12 of the Advisory Council. The Advisory Council shall meet no
13 less frequently than quarterly and a meeting may be called by
14 the Chairperson or any four members of the Board. The
15 relationship between the Managing Partner and the Advisory
16 Council shall be set forth in an agreement among the parties.

17 (b) The Managing Partner is responsible for ensuring that,
18 in consultation with the Advisory Board, the acreage designated
19 as part of the Zone is redeveloped to simultaneously maximize
20 the following:

21 (1) Protection and improvement of the natural
22 environment and the remediation of brownfield industrial
23 property within the Brownfield Redevelopment Zone.

24 (2) Restoration of industrially zoned land to its best
25 and highest use, defined here as the highest possible
26 number of new jobs in logistics or manufacturing operations

1 and the highest levels of new business revenues.

2 (3) Employment of local low and moderate income
3 residents of the Zone and minority residents of the Zone
4 and contracting with local minority-owned firms, to the
5 extent consistent with Cook County policies and existing
6 law.

7 (c) In order to fulfill the responsibilities set forth in
8 subsection (b) of this Section, the Managing Partner has the
9 following powers and duties, which shall collectively comprise
10 its program administration tasks:

11 (1) Create, gain approval from the Director for, and
12 regularly update, a master plan for the redevelopment of
13 properties and the use of the Fund, for review by the
14 Advisory Board and the Director, including the following
15 elements:

16 (A) An explanation of how the features of the
17 master plan allow the Managing Partner to fulfill the
18 broad responsibility outlined in this Section.

19 (B) The tasks that the Managing Partner will
20 undertake, directly or through assistance in the
21 negotiation of development agreements with eligible
22 developers or eligible employers, to acquire,
23 assemble, remediate, prepare for development,
24 redevelop, or market parcels that are part of the Zone.

25 (C) The criteria by which the Managing Partner will
26 evaluate and select from among potential eligible

1 projects to carry out its basic responsibilities as
2 outlined in this Section, including criteria that will
3 fulfill the following programmatic goals: (i) at least
4 30% of labor hours must be performed by members of
5 minority groups who reside in the municipalities where
6 the Zone operates, and (ii) at least 20% of the dollar
7 value of contracts and subcontracts must be held by
8 minority-owned firms that are based in the
9 municipalities where the Zone operates.

10 (D) Methods the Managing Partner employed to
11 receive and incorporate input on the master plan from a
12 broad range of residents and stakeholders within the
13 municipalities where the Zone operates, and methods it
14 will employ to publicize the master plan so that it is
15 constantly available for public review.

16 (E) Documentation of the master plan's consistency
17 with the applicable metropolitan planning
18 organization's current regional comprehensive plan and
19 regional Transportation Improvement Plan (TIP), and
20 with the current State Transportation Improvement Plan
21 (STIP).

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

24 (A) All industrially zoned real estate properties
25 that are part of the Zone, including information
26 concerning each property's ownership; current or

1 delinquent tax status; proximity to major elements of
2 freight infrastructure; status as a potential or
3 designated brownfield; and any other information to
4 support the marketing and redevelopment of properties
5 that are part of the Zone.

6 (B) All major elements of infrastructure that
7 serve the properties that are part of the Zone,
8 including the capacity and state of repair of rail
9 lines and spurs, roadways, water, sewage, and power
10 systems.

11 (C) Names of minority-owned contracting firms that
12 are based in municipalities containing property that
13 is included in the Zone and wish to be hired by
14 eligible developers or eligible employers, including
15 the qualifications and contact information for these
16 contractors.

17 (D) Names of individuals who are residents of
18 municipalities containing property that is part of the
19 Zone and are members of a minority group, who wish to
20 be employed by eligible developers or eligible
21 employers, including the qualifications and contact
22 information for these residents.

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

26 (4) Evaluate project proposals to determine their

1 appropriateness and priority for funding based on the
2 evaluation criteria defined in the master plan.

3 (5) Negotiate and monitor agreements with Affected
4 Municipalities, eligible developers and eligible
5 employers.

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

9 (7) Publish and make publicly available an annual
10 report detailing local minority hiring and contracting
11 that has resulted from the use of revenues in the Fund, to
12 include the following: (A) the total number of labor hours
13 performed by new employees who work at finished facilities
14 located on property that is part of the Zone and who (i)
15 are members of a minority group, and (ii) reside in one of
16 the municipalities containing property that is part of the
17 Zone; (B) the total number of labor hours performed by all
18 new employees who work at finished facilities located on
19 property that is part of the Zone; (C) the total dollar
20 value of contracted or subcontracted services reimbursed
21 with revenues from the Fund and that were performed by
22 firms that are (i) minority-owned, and (ii) based in one of
23 the municipalities containing property that is part of the
24 Zone; (D) the total dollar value of contracted or
25 subcontracted services reimbursed with revenues from the
26 Fund; and (E) an explanation of concrete steps that will be

1 taken if these values do not meet the programmatic goals
2 that (i) at least 30% of labor hours must be performed by
3 members of local minority groups, and (ii) at least 20% of
4 the dollar value of contracts and subcontracts must be held
5 by local minority-owned firms.

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

8 (d) The Department shall manage and allocate all South
9 Suburban Brownfields Redevelopment Fund revenues subject to
10 the Director's finding that funds are being used to execute the
11 master plan for redevelopment of properties that are part of
12 the Zone.

13 The Managing Partner may, at its discretion, contract with
14 an entity of its choosing to support these program
15 administration tasks.

16 Section 3-35. Eligible projects. Funds may be used only for
17 projects that are necessary for the establishment of a facility
18 classified under the current edition of the Urban Land
19 Institute's "Guide to Classifying Industrial Property" in one
20 of the following primary categories: warehouse distribution,
21 manufacturing (light or metal fabrication), or freight
22 forwarding; where the secondary categories under warehouse
23 distribution include regional, bulk, and rack-supported
24 warehouses as well as both heavy and refrigerated distribution
25 facilities; and where the secondary categories under

1 manufacturing include parts assembly or packaging plants, food
2 processing plants, and metal working plants that fashion
3 complete products or components of machinery, transportation
4 equipment, appliances, or construction elements and where the
5 secondary category under freight forwarding includes truck
6 terminals. Projects must adhere to applicable local and
7 regional zoning regulations. Projects may consist of new
8 construction or expansion of existing facilities so long as the
9 expansion results in the creation of new jobs. Projects must
10 consist of a set of activities undertaken as part of an
11 agreement to bring back into productive use a brownfield
12 property that is part of the Zone, including activities defined
13 as eligible purposes of funds in Section 3-45 of this Act.

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

17 (i) any type or kind of processing, handing, or sorting
18 facility for any kind of municipal or private liquid or solid
19 waste;

20 (ii) any type or kind of intermodal or multimodal transfer
21 station for any kind of municipal or private liquid or solid
22 waste; or

23 (iii) container storage yards that are not part of a larger
24 facility whose primary function is the maintenance, repair, and
25 rebuilding of transportation equipment including intermodal

1 containers and trailers, container chassis, mechanical lift
2 equipment, hosting tractors, and over-the-road tractors.

3 Temporary or short-term processing or transfer facilities
4 specifically used as part of an approved environmental
5 remediation plan for a specific site or parcel under an
6 agreement are permitted.

7 Section 3-45. Eligible activities. Funds held in the South
8 Suburban Brownfields Redevelopment Fund may be expended for the
9 following purposes:

10 (1) Payment of costs undertaken directly by the
11 Managing Partner or reimbursement of costs incurred by an
12 eligible developer or eligible employer as part of the
13 execution of an agreement, any of which services may be
14 subcontracted out to third parties for the following
15 activities:

16 (A) environmental site assessments, site
17 investigations, remediation action plans, and
18 remediation of brownfield sites located on property
19 where any portion of an eligible project is taking
20 place;

21 (B) land acquisition and site assembly, site
22 development plans; and demolition of derelict or
23 outdated structures.

24 (C) recruiting and training of individuals who are
25 both (i) members of a minority group, and (ii) residing

1 in one of the municipalities containing property that
2 is part of the Zone, for employment in logistics or
3 light manufacturing, such as through pre-employment
4 services, pre-apprenticeship training, apprenticeship
5 training, and skills training; expenditures for these
6 recruiting or training activities shall not exceed 20%
7 of the total dollars transferred to the South Suburban
8 Increment Fund in any fiscal year or 15% of the total
9 dollars transferred to this Fund during the entire
10 period of the Fund's existence.

11 (2) Payment of the costs of repairing or upgrading
12 public infrastructure on publicly owned land within the
13 Zone, including rights of way, provided such
14 infrastructure is on public property that is either
15 included within the Brownfields Redevelopment Zone or
16 which is essential to the development of a Project.

17 In agreements with for-profit eligible developers and
18 employers governing redevelopment of privately held land,
19 reimbursements must first and foremost prioritize the
20 activities described in item (A).

21 (3) Program administration costs. The Managing Partner
22 may request up to a total of 15% of amounts in the Fund
23 over the course of the fiscal year to support its
24 responsibilities in that fiscal year or in prior years as
25 detailed in Section 3-30 of this Act. The Managing Partner
26 must find additional funds for any program administration

1 costs not covered by the 15%. Subject to the Department's
2 approval, the Managing Partner may impose a reasonable fee
3 upon eligible developers and eligible employers who submit
4 proposals, for purposes of processing these applications
5 and performing such due diligence as may be necessary to
6 assess overall feasibility of the proposed projects and
7 their consistency with the development objectives of this
8 Act and the Zone Master Plan as discussed in Section 3-30
9 of this Act. Those fees may not exceed 2% of the dollar
10 amount requested from the Fund for the proposed project,
11 and the Managing Partner may use these fees to support
12 program administration. The income to the Managing Partner
13 generated by those fees shall be counted as part of the 15%
14 of total transfers to the Fund permitted for the Managing
15 Partner's compensation.

16 Section 3-50. Agreements with Eligible Developers and
17 Affected Municipalities. Prior to the expenditure of any
18 amounts from the Fund (except for administration costs of the
19 Managing Partner which may be requested periodically), the
20 Department and the Affected Municipality shall enter into an
21 agreement which has been recommended by the Managing Partner
22 with an Eligible Developer or Eligible Employer who is seeking
23 reimbursement under this Act. The agreement must contain all of
24 the following:

25 (1) A detailed description of the project that is the

1 subject of the agreement, including the location of the
2 project, the expected number of jobs to be created by the
3 project, and a list of the costs incurred or to be incurred
4 by the eligible developer or employer for eligible
5 activities, excluding any amounts that are to be funded
6 through other public sources.

7 (2) A requirement that the eligible developer or
8 eligible employer maintain operations at the project
9 location, stated as a minimum number of years not to exceed
10 10 years.

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

13 (4) A requirement that the eligible developer or
14 eligible employer report on a quarterly basis to the
15 Managing Partner, the Department, and the Department of
16 Revenue the number of new employees and the incremental
17 income tax withheld in connection with the new employees.

18 (5) A provision authorizing the Department to verify
19 with the Department of Revenue the amounts reported under
20 paragraph (4) and to report this information to the
21 Managing Partner.

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

24 (7) A plan for how the eligible developer or eligible
25 employer will encourage local low and moderate income and
26 minority hiring and minority contracting, including

1 specific employment and contracting goals; plans for
2 recruiting, training, and retaining local minority
3 employees; plans for identifying and soliciting bids from
4 local minority-owned firms for contracted or subcontracted
5 services; a list of two or more community organizations
6 that it plans to work with to achieve those goals and
7 plans; and a specific method for determining and reporting
8 on the fulfillment of local minority and low and moderate
9 income hiring and minority contracting goals.

10 (8) A commitment from the eligible developer or
11 eligible employer to work with the City-County Office of
12 Workforce Employment and to consider referrals of trained
13 workers from such Office on a timely and non-discriminatory
14 basis.

15 (9) Documentation that any road improvements that are
16 part of the agreement are consistent with the current
17 regional Transportation Improvement Plan (TIP) and the
18 State Transportation Improvement Plan (STIP).

19 (10) Evidence of approval of the Eligible Project by
20 the Affected Municipality or Municipalities following such
21 public hearings and public notice as may be required by
22 Illinois law in regard to such Eligible Projects.

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

1 ARTICLE 4.

2 SOUTH SUBURBAN AIRPORT AMENDATORY PROVISIONS

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

6 (20 ILCS 2705/2705-220)

7 Sec. 2705-220. Public private partnerships for
8 transportation. The Department may exercise all powers granted
9 to it under the Public Private Agreements for the Illiana
10 Expressway Act and the Public-Private Agreements for the South
11 Suburban Airport Act.

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

13 Section 4-10. The Archaeological and Paleontological
14 Resources Protection Act is amended by adding Section 1.75 as
15 follows:

16 (20 ILCS 3435/1.75 new)

17 Sec. 1.75. South Suburban Airport. The Illinois Department
18 of Transportation, and any person acting on its behalf under a
19 public-private agreement entered into in accordance with the
20 Public-Private Agreements for the South Suburban Airport Act,
21 is exempt from the permit requirements of this Act, provided
22 that the Illinois Department of Transportation, or any such

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

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

8 (20 ILCS 3440/4.75 new)

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

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

22 (20 ILCS 3501/825-106.5 new)

1 Sec. 825-106.5. South Suburban Airport financing. For the
2 purpose of financing the South Suburban Airport under the
3 Public-Private Agreements for the South Suburban Airport Act,
4 the Authority is authorized to apply for an allocation of
5 tax-exempt bond financing authorization provided by Section
6 142(m) of the United States Internal Revenue Code, as well as
7 financing available under any other federal law or program.

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

10 (30 ILCS 105/5.826 new)

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

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

14 (30 ILCS 550/1.5)

15 Sec. 1.5. Public private agreements. This Act applies to
16 any public private agreement entered into under the Public
17 Private Agreements for the Illiana Expressway Act or the
18 Public-Private Agreements for the South Suburban Airport Act.

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

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

1 (30 ILCS 570/2.5)

2 Sec. 2.5. Public private agreements. This Act applies to
3 any public private agreement entered into under the Public
4 Private Agreements for the Illiana Expressway Act and the
5 Public-Private Agreements for the South Suburban Airport Act.

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

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

10 (30 ILCS 575/2.5)

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

12 Sec. 2.5. Public private agreements. This Act applies to
13 any public private agreement entered into under the Public
14 Private Agreements for the Illiana Expressway Act and the
15 Public-Private Agreements for the South Suburban Airport Act.

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

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

19 (35 ILCS 120/1s new)

20 Sec. 1s. Building materials exemption; South Suburban
21 Airport public-private partnership.

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

7 (b) As used in this Section, "qualified sale" means a sale
8 of building materials that will be incorporated into the South
9 Suburban Airport for which a Certificate of Eligibility for
10 Sales Tax Exemption has been issued by the Illinois Department
11 of Transportation, which has authority over the project.

12 (c) To document the exemption allowed under this Section,
13 the retailer must obtain from the purchaser a copy of the
14 Certificate of Eligibility for Sales Tax Exemption issued by
15 the Illinois Department of Transportation, which has
16 jurisdiction over the project into which the building materials
17 will be incorporated is located. The Certificate of Eligibility
18 for Sales Tax Exemption must contain all of the following:

19 (1) statement that the project identified in the
20 Certificate meets all the requirements of the Illinois
21 Department of Transportation;

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

23 (3) the signature of the Secretary of the Illinois
24 Department of Transportation, which has authority over the
25 South Suburban Airport or the Secretary's delegate.

26 (d) In addition to meeting the requirements of subsection

1 (c) of this Act, the retailer must obtain a certificate from
2 the purchaser that contains all of the following:

3 (1) a statement that the building materials are being
4 purchased for incorporation into the South Suburban
5 Airport in accordance with the Public-Private Agreements
6 for the South Suburban Airport Act;

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

9 (3) the name of the project;

10 (4) a description of the building materials being
11 purchased; and

12 (5) the purchaser's signature and date of purchase.

13 (e) This Section is exempt from Section 2-70 of this Act.

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

16 (35 ILCS 200/15-55)

17 Sec. 15-55. State property.

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

1 rented.

2 The leased property shall be assessed to the lessee and the
3 taxes thereon extended and billed to the lessee, and collected
4 in the same manner as for property which is not exempt. The
5 lessee shall be liable for the taxes and no lien shall attach
6 to the property of the State.

7 For the purposes of this Section, the word "leases"
8 includes licenses, franchises, operating agreements and other
9 arrangements under which private individuals, associations or
10 corporations are granted the right to use property of the
11 Illinois State Toll Highway Authority and includes all property
12 of the Authority used by others without regard to the size of
13 the leased parcel.

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

19 (1) conservation, nature trail or any other
20 charitable, scientific, educational or recreational
21 purposes with public benefit, including the preserving and
22 aiding in the preservation of natural areas, objects,
23 flora, fauna or biotic communities;

24 (2) the establishment of footpaths, trails and other
25 protected areas;

26 (3) the conservation of the proper use of natural

1 resources or the promotion of the study of plant and animal
2 communities and of other phases of ecology, natural history
3 and conservation;

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

6 (5) similar public recreational activities conducted
7 by the Illinois Prairie Path Corporation.

8 No lien shall attach to the property of the State. No tax
9 liability shall become the obligation of or be enforceable
10 against Illinois Prairie Path Corporation.

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

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

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

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

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

18 (c-1) If the Illinois State Toll Highway Authority sells
19 the Illinois State Toll Highway Authority headquarters
20 building and surrounding land, located at 2700 Ogden Avenue,
21 Downers Grove, Illinois as provided in subdivision (a)(2) of
22 Section 7.5 of the State Property Control Act, to another
23 entity whose property is not exempt and immediately thereafter
24 enters into a leaseback or other agreement that directly or
25 indirectly gives the State or the Illinois State Toll Highway
26 Authority a right to use, control, and possess the property,

1 that portion of the property leased and occupied exclusively by
2 the State or the Authority shall remain exempt under this
3 Section. For the property to remain exempt under this
4 subsection (c), the Authority must retain an option to purchase
5 the property at a future date or, within the limitations period
6 for reverters, the property must revert back to the Authority.

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

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

12 (2) the Authority no longer has an option to purchase
13 or otherwise acquire the property and there is no provision
14 for a reverter of the property to the Authority within the
15 limitations period for reverters.

16 Pursuant to Sections 15-15 and 15-20 of this Code, the
17 Authority shall notify the chief county assessment officer of
18 any transaction under this subsection (c). The chief county
19 assessment officer shall determine initial and continuing
20 compliance with the requirements of this Section for tax
21 exemption. Failure to notify the chief county assessment
22 officer of a transaction under this subsection (c) or to
23 otherwise comply with the requirements of Sections 15-15 and
24 15-20 of this Code shall, in the discretion of the chief county
25 assessment officer, constitute cause to terminate the
26 exemption, notwithstanding any other provision of this Code.

1 (d) The fair market rent of each parcel of real property in
2 Will County owned by the State of Illinois for the purpose of
3 developing an airport by the Department of Transportation shall
4 include the assessed value of leasehold tax. The lessee of each
5 parcel of real property in Will County owned by the State of
6 Illinois for the purpose of developing an airport by the
7 Department of Transportation shall not be liable for the taxes
8 thereon. In order for the State to compensate taxing districts
9 for the leasehold tax under this paragraph the Will County
10 Supervisor of Assessments shall certify, in writing, to the
11 Department of Transportation, the amount of leasehold taxes
12 extended for the 2002 property tax year for each such exempt
13 parcel. The Department of Transportation shall pay to the Will
14 County Treasurer, from the Tax Recovery Fund, on or before July
15 1 of each year, the amount of leasehold taxes for each such
16 exempt parcel as certified by the Will County Supervisor of
17 Assessments. The tax compensation shall terminate on December
18 31, 2020. It is the duty of the Department of Transportation to
19 file with the Office of the Will County Supervisor of
20 Assessments an affidavit stating the termination date for
21 rental of each such parcel due to airport construction. The
22 affidavit shall include the property identification number for
23 each such parcel. In no instance shall tax compensation for
24 property owned by the State be deemed delinquent or bear
25 interest. In no instance shall a lien attach to the property of
26 the State. In no instance shall the State be required to pay

1 leasehold tax compensation in excess of the Tax Recovery Fund's
2 balance.

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

5 (f) Notwithstanding anything to the contrary in this Code,
6 all property owned by the State that is the Illiana Expressway,
7 as defined in the Public Private Agreements for the Illiana
8 Expressway Act, and that is used for transportation purposes
9 and that is leased for those purposes to another entity whose
10 property is not exempt shall remain exempt, and any leasehold
11 interest in the property shall not be subject to taxation under
12 Section 9-195 of this Act.

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

22 (h) Notwithstanding anything to the contrary in this Code,
23 all property owned by the State that is the South Suburban
24 Airport, as defined in the Public-Private Agreements for the
25 South Suburban Airport Act, and that is used for airport
26 purposes and that is leased for those purposes to another

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

4 (Source: P.A. 96-192, eff. 8-10-09; 96-913, eff. 6-9-10;
5 97-502, eff. 8-23-11.)

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

8 (50 ILCS 40/1) (from Ch. 24, par. 1361)

9 Sec. 1. Each of the following units of state or local
10 government and public or private corporations shall have the
11 power to apply to proper authorities of the United States of
12 America pursuant to appropriate law for the right to establish,
13 operate, maintain and lease foreign trade zones and sub-zones
14 within its corporate limits or within limits established
15 pursuant to agreement with proper authorities of the United
16 States of America, as the case may be, and to establish,
17 operate, maintain and lease such foreign trade zones and
18 sub-zones:

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

20 (b) The Bi-State Authority, Lawrenceville - Vincennes
21 Airport.

22 (c) The Waukegan Port district.

23 (d) The Illinois Valley Regional Port District.

24 (e) The Economic Development Council, Inc. located in the

1 area of the United States Customs Port of Entry for Peoria,
2 pursuant to authorization granted by the county boards in the
3 geographic area served by the proposed foreign trade zone.

4 (f) The Greater Rockford Airport Authority.

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

7 (g) After the effective date of this amendatory Act of
8 1984, any county, city, village or town within the State or a
9 public or private corporation authorized or licensed to do
10 business in the State or any combination thereof may apply to
11 the Foreign Trade Zones Board, United States Department of
12 Commerce, for the right to establish, operate and maintain a
13 foreign trade zone and sub-zones. For the purposes of this
14 Section, such foreign trade zone or sub-zones may be
15 incorporated outside the corporate boundaries or be made up of
16 areas from adjoining counties or states.

17 (h) No foreign trade zone may be established within 50
18 miles of an existing zone situated in a county with 3,000,000
19 or more inhabitants or within 35 miles of an existing zone
20 situated in a county with less than 3,000,000 inhabitants, such
21 zones having been created pursuant to this Act without the
22 permission of the authorities which established the existing
23 zone.

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

25 Section 4-60. The Downstate Forest Preserve District Act is

1 amended by changing Section 5e as follows:

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

3 Sec. 5e. Property owned by a forest preserve district and
4 property in which a forest preserve district is the grantee of
5 a conservation easement or the grantee of a conservation right
6 as defined in Section 1(a) of the Real Property Conservation
7 Rights Act shall not be subject to eminent domain or
8 condemnation proceedings, except as otherwise provided in
9 Section 15 of the O'Hare Modernization Act and Section 2-100 of
10 the Public-Private Agreements for the South Suburban Airport
11 Act.

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

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

15 (410 ILCS 535/21) (from Ch. 111 1/2, par. 73-21)

16 Sec. 21. (1) The funeral director or person acting as such
17 who first assumes custody of a dead body or fetus shall make a
18 written report to the registrar of the district in which death
19 occurred or in which the body or fetus was found within 24
20 hours after taking custody of the body or fetus on a form
21 prescribed and furnished by the State Registrar and in
22 accordance with the rules promulgated by the State Registrar.
23 Except as specified in paragraph (2) of this Section, the

1 written report shall serve as a permit to transport, bury or
2 entomb the body or fetus within this State, provided that the
3 funeral director or person acting as such shall certify that
4 the physician in charge of the patient's care for the illness
5 or condition which resulted in death has been contacted and has
6 affirmatively stated that he will sign the medical certificate
7 of death or the fetal death certificate. If a funeral director
8 fails to file written reports under this Section in a timely
9 manner, the local registrar may suspend the funeral director's
10 privilege of filing written reports by mail. In a county with a
11 population greater than 3,000,000, if a funeral director or
12 person acting as such interrs or entombs a dead body without
13 having previously certified that the physician in charge of the
14 patient's care for the illness or condition that resulted in
15 death has been contacted and has affirmatively stated that he
16 or she will sign the medical certificate of death, then that
17 funeral director or person acting as such is responsible for
18 payment of the specific costs incurred by the county medical
19 examiner in disinterring and reinterring or reentombing the
20 dead body.

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

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

24 (b) Cremate the body or fetus; or

25 (c) Make disposal of any body or fetus in any manner
26 when death is subject to the coroner's or medical

1 examiner's investigation.

2 (3) In accordance with the provisions of paragraph (2) of
3 this Section the funeral director or person acting as such who
4 first assumes custody of a dead body or fetus shall obtain a
5 permit for disposition of such dead human body prior to final
6 disposition or removal from the State of the body or fetus.
7 Such permit shall be issued by the registrar of the district
8 where death occurred or the body or fetus was found. No such
9 permit shall be issued until a properly completed certificate
10 of death has been filed with the registrar. The registrar shall
11 insure the issuance of a permit for disposition within an
12 expedited period of time to accommodate Sunday or holiday
13 burials of decedents whose time of death and religious tenets
14 or beliefs necessitate Sunday or holiday burials.

15 (4) A permit which accompanies a dead body or fetus brought
16 into this State shall be authority for final disposition of the
17 body or fetus in this State, except in municipalities where
18 local ordinance requires the issuance of a local permit prior
19 to disposition.

20 (5) A permit for disposition of a dead human body shall be
21 required prior to disinterment of a dead body or fetus, and
22 when the disinterred body is to be shipped by a common carrier.
23 Such permit shall be issued to a licensed funeral director or
24 person acting as such, upon proper application, by the local
25 registrar of the district in which disinterment is to be made.
26 In the case of disinterment, proper application shall include a

1 statement providing the name and address of any surviving
2 spouse of the deceased, or, if none, any surviving children of
3 the deceased, or if no surviving spouse or children, a parent,
4 brother, or sister of the deceased. The application shall
5 indicate whether the applicant is one of these parties and, if
6 so, whether the applicant is a surviving spouse or a surviving
7 child. Prior to the issuance of a permit for disinterment, the
8 local registrar shall, by certified mail, notify the surviving
9 spouse, unless he or she is the applicant, or if there is no
10 surviving spouse, all surviving children except for the
11 applicant, of the application for the permit. The person or
12 persons notified shall have 30 days from the mailing of the
13 notice to object by obtaining an injunction enjoining the
14 issuance of the permit. After the 30-day period has expired,
15 the local registrar shall issue the permit unless he or she has
16 been enjoined from doing so or there are other statutory
17 grounds for refusal. The notice to the spouse or surviving
18 children shall inform the person or persons being notified of
19 the right to seek an injunction within 30 days. Notwithstanding
20 any other provision of this subsection (5), a court may order
21 issuance of a permit for disinterment without notice or prior
22 to the expiration of the 30-day period where the petition is
23 made by an agency of any governmental unit and good cause is
24 shown for disinterment without notice or for the early order.
25 Nothing in this subsection (5) limits the authority of the City
26 of Chicago to acquire property or otherwise exercise its powers

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

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

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

19 (735 ILCS 30/10-5-10) (was 735 ILCS 5/7-102)

20 Sec. 10-5-10. Parties.

21 (a) When the right (i) to take private property for public
22 use, without the owner's consent, (ii) to construct or maintain
23 any public road, railroad, plankroad, turnpike road, canal, or
24 other public work or improvement, or (iii) to damage property

1 not actually taken has been or is conferred by general law or
2 special charter upon any corporate or municipal authority,
3 public body, officer or agent, person, commissioner, or
4 corporation and when (i) the compensation to be paid for or in
5 respect of the property sought to be appropriated or damaged
6 for the purposes mentioned cannot be agreed upon by the parties
7 interested, (ii) the owner of the property is incapable of
8 consenting, (iii) the owner's name or residence is unknown, or
9 (iv) the owner is a nonresident of the State, then the party
10 authorized to take or damage the property so required, or to
11 construct, operate, and maintain any public road, railroad,
12 plankroad, turnpike road, canal, or other public work or
13 improvement, may apply to the circuit court of the county where
14 the property or any part of the property is situated, by filing
15 with the clerk a complaint. The complaint shall set forth, by
16 reference, (i) the complainant's authority in the premises,
17 (ii) the purpose for which the property is sought to be taken
18 or damaged, (iii) a description of the property, and (iv) the
19 names of all persons interested in the property as owners or
20 otherwise, as appearing of record, if known, or if not known
21 stating that fact; and shall pray the court to cause the
22 compensation to be paid to the owner to be assessed.

23 (b) If it appears that any person not in being, upon coming
24 into being, is, or may become or may claim to be, entitled to
25 any interest in the property sought to be appropriated or
26 damaged, the court shall appoint some competent and

1 disinterested person as guardian ad litem to appear for and
2 represent that interest in the proceeding and to defend the
3 proceeding on behalf of the person not in being. Any judgment
4 entered in the proceeding shall be as effectual for all
5 purposes as though the person was in being and was a party to
6 the proceeding.

7 (c) If the proceeding seeks to affect the property of
8 persons under guardianship, the guardians shall be made parties
9 defendant.

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

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

1 (f) When the property is sought to be taken or damaged by
2 the State for the purposes of establishing, operating, or
3 maintaining any State house or State charitable or other
4 institutions or improvements, the complaint shall be signed by
5 the Governor, or the Governor's designee, or as otherwise
6 provided by law.

7 (g) No property, except property described in Section 3 of
8 the Sports Stadium Act, property to be acquired in furtherance
9 of actions under Article 11, Divisions 124, 126, 128, 130, 135,
10 136, and 139, of the Illinois Municipal Code, property to be
11 acquired in furtherance of actions under Section 3.1 of the
12 Intergovernmental Cooperation Act, property to be acquired
13 that is a water system or waterworks pursuant to the home rule
14 powers of a unit of local government, and property described as
15 Site B in Section 2 of the Metropolitan Pier and Exposition
16 Authority Act, and property that may be taken as provided in
17 the Public-Private Agreements for the South Suburban Airport
18 Act belonging to a railroad or other public utility subject to
19 the jurisdiction of the Illinois Commerce Commission may be
20 taken or damaged, pursuant to the provisions of this Act,
21 without the prior approval of the Illinois Commerce Commission.
22 (Source: P.A. 94-1055, eff. 1-1-07; incorporates P.A. 94-1007,
23 eff. 1-1-07; 95-331, eff. 8-21-07.)

24 (735 ILCS 30/15-5-47 new)

25 Sec. 15-5-47. Eminent domain powers in new Acts. The

1 following provisions of law may include express grants of the
2 power to acquire property by condemnation or eminent domain:

3 Public-Private Agreements for the South Suburban Airport Act;
4 Department of Transportation; for South Suburban Airport
5 purposes.

6 (735 ILCS 30/25-5-45 new)

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

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

15 (775 ILCS 35/30)

16 Sec. 30. O'Hare Modernization and South Suburban Airport.
17 Nothing in this Act limits the authority of the City of Chicago
18 to exercise its powers under the O'Hare Modernization Act, or
19 the Department of Transportation to exercise its powers under
20 the Public-Private Agreements for the South Suburban Airport
21 Act, for the purposes of relocation of cemeteries or the graves
22 located therein.

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

2 ARTICLE 5.

3 AMENDATORY PROVISIONS

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

7 (20 ILCS 655/4.1)

8 Sec. 4.1. Department recommendations.

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

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

20 (2) Up to 50 points for the extent to which the
21 applicant meets or exceeds the criteria in item (2) of
22 subsection (f) of Section 4 of this Act, with points
23 awarded in accordance with the number of jobs created and

1 the aggregate amount of investment promised.

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

7 (4) Up to 30 points for the extent to which the
8 applicant meets or exceeds the criteria in item (4) of
9 subsection (f) of Section 4 of this Act, with points
10 awarded in accordance with the severity of the
11 environmental impact of the abandoned coal mine,
12 brownfield, or federal disaster area.

13 (5) Up to 50 points for the extent to which the
14 applicant meets or exceeds the criteria in item (5) of
15 subsection (f) of Section 4 of this Act, with points
16 awarded in accordance with the severity of the applicable
17 facility closures or downsizing.

18 (6) Up to 40 points for the extent to which the
19 applicant meets or exceeds the criteria in item (6) of
20 subsection (f) of Section 4 of this Act, with points
21 awarded in accordance with the severity and extent of the
22 high floor vacancy or deterioration.

23 (7) Up to 30 points for the extent to which the
24 applicant meets or exceeds the criteria in item (7) of
25 subsection (f) of Section 4 of this Act, with points
26 awarded in accordance with the extent to which the

1 application addresses a plan to improve the State and local
2 government tax base.

3 (8) Up to 50 points for the extent to which the
4 applicant meets or exceeds the criteria in item (8) of
5 subsection (f) of Section 4 of this Act, with points
6 awarded in accordance with the existence of significant
7 public infrastructure.

8 (9) Up to 40 points for the extent to which the
9 applicant meets or exceeds the criteria in item (9) of
10 subsection (f) of Section 4 of this Act, with points
11 awarded in accordance with the extent to which educational
12 programs exist for career preparation.

13 (10) Up to 40 points for the extent to which the
14 applicant meets or exceeds the criteria in item (10) of
15 subsection (f) of Section 4 of this Act, with points
16 awarded according to the severity of the change in
17 equalized assessed valuation.

18 (b) After assigning a score for each of the individual
19 criteria using the point system as described in subsection (a),
20 the Department shall then take the sum of the scores for each
21 applicant and assign a final score. The Department shall then
22 submit this information to the Board, as required in subsection
23 (c) of Section 5.2, as its recommendation.

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

25 (20 ILCS 655/5.2) (from Ch. 67 1/2, par. 607)

1 Sec. 5.2. Department Review of Enterprise Zone
2 Applications.

3 (a) All applications which are to be considered and acted
4 upon by the Department during a calendar year must be received
5 by the Department no later than December 31 of the preceding
6 calendar year.

7 Any application received after December 31 of any calendar
8 year shall be held by the Department for consideration and
9 action during the following calendar year.

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

12 (a-5) The Department shall, no later than July ~~March~~ 31,
13 2013, develop an application process for an enterprise zone
14 application. The Department has emergency rulemaking authority
15 for the purpose of application development only until 12 ~~9~~
16 months after the effective date of this amendatory Act of the
17 97th General Assembly.

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

22 (c) No later than June 30, the Department shall notify all
23 applicant municipalities and counties of the Department's
24 determination of the qualification of their respective
25 designated enterprise zone areas, and shall send qualifying
26 applications, including the applicant's scores for items (1)

1 through (10) of subsection (a) of Section 4.1 and the
2 applicant's final score under that Section, to the Board for
3 the Board's consideration, along with supporting documentation
4 of the basis for the Department's decision.

5 (d) If any such designated area is found to be qualified to
6 be an enterprise zone by the Department under subsection (c) of
7 this Section, the Department shall, no later than July 15, send
8 a letter of notification to each member of the General Assembly
9 whose legislative district or representative district contains
10 all or part of the designated area and publish a notice in at
11 least one newspaper of general circulation within the proposed
12 zone area to notify the general public of the application and
13 their opportunity to comment. Such notice shall include a
14 description of the area and a brief summary of the application
15 and shall indicate locations where the applicant has provided
16 copies of the application for public inspection. The notice
17 shall also indicate appropriate procedures for the filing of
18 written comments from zone residents, business, civic and other
19 organizations and property owners to the Department.

20 (e) (Blank).

21 (f) (Blank).

22 (g) (Blank).

23 (h) (Blank).

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

25 (20 ILCS 655/5.2.1)

1 Sec. 5.2.1. Enterprise Zone Board.

2 (a) An Enterprise Zone Board is hereby created within the
3 Department.

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

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

7 (2) the Director of Revenue, or his or her designee;
8 and

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

11 Board members shall serve without compensation but may be
12 reimbursed for necessary expenses incurred in the performance
13 of their duties.

14 (c) Each member appointed under item (3) of subsection (b)
15 shall have at least 5 years of experience in business, economic
16 development, or site location. Of the members appointed under
17 item (3) of subsection (b): one member shall reside in Cook
18 County; one member shall reside in DuPage, Kane, Lake, McHenry,
19 or Will County; and one member shall reside in a county other
20 than Cook, DuPage, Kane, Lake, McHenry, or Will.

21 (d) Of the initial members appointed under item (3) of
22 subsection (b): one member shall serve for a term of 2 years;
23 one member shall serve for a term of 3 years; and one member
24 shall serve for a term of 4 years. Thereafter, all members
25 appointed under item (3) of subsection (b) shall serve for
26 terms of 4 years. Members appointed under item (3) of

1 subsection (b) may be reappointed. The Governor may remove a
2 member appointed under item (3) of subsection (b) for
3 incompetence, neglect of duty, or malfeasance in office.

4 (e) By September 30, 2015 ~~2014~~, and September 30 of each
5 year thereafter, all applications filed by December 31 of the
6 preceding calendar year and deemed qualified by the Department
7 shall be approved or denied by the Board. If such application
8 is not approved by September 30, the application shall be
9 considered denied. If an application is denied, the Board shall
10 inform the applicant of the specific reasons for the denial.

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

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

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

19 (20 ILCS 655/5.3) (from Ch. 67 1/2, par. 608)

20 Sec. 5.3. Certification of Enterprise Zones; Effective
21 date.

22 (a) Certification of Board-approved designated Enterprise
23 Zones shall be made by the Department by certification of the
24 designating ordinance. The Department shall promptly issue a
25 certificate for each Enterprise Zone upon approval by the

1 Board. The certificate shall be signed by the Director of the
2 Department, shall make specific reference to the designating
3 ordinance, which shall be attached thereto, and shall be filed
4 in the office of the Secretary of State. A certified copy of
5 the Enterprise Zone Certificate, or a duplicate original
6 thereof, shall be recorded in the office of recorder of deeds
7 of the county in which the Enterprise Zone lies.

8 (b) An Enterprise Zone shall be effective on January 1 of
9 the first calendar year after Department certification. The
10 Department shall transmit a copy of the certification to the
11 Department of Revenue, and to the designating municipality or
12 county.

13 Upon certification of an Enterprise Zone, the terms and
14 provisions of the designating ordinance shall be in effect, and
15 may not be amended or repealed except in accordance with
16 Section 5.4.

17 (c) With the exception of Enterprise Zones scheduled to
18 expire before December 31, 2018, an Enterprise Zone designated
19 before the effective date of this amendatory Act of the 97th
20 General Assembly shall be in effect for 30 calendar years, or
21 for a lesser number of years specified in the certified
22 designating ordinance. Notwithstanding the foregoing, any
23 Enterprise Zone in existence on the effective date of this
24 amendatory Act of the 98th General Assembly that has a term of
25 20 calendar years may be extended for an additional 10 calendar
26 years upon amendment of the designating ordinance by the

1 designating municipality or county and submission of the
2 ordinance to the Department. The amended ordinance must be
3 properly recorded in the Office of Recorder of Deeds of each
4 county in which the Enterprise Zone lies. Each Enterprise Zone
5 in existence on the effective date of this amendatory Act of
6 the 97th General Assembly that is scheduled to expire before
7 July 1, 2016 ~~may will~~ have its termination date extended until
8 July 1, 2016 upon amendment of the designating ordinance by the
9 designating municipality or county extending the termination
10 date to July 1, 2016 and submission of the ordinance to the
11 Department. The amended ordinance must be properly recorded in
12 the Office of Recorder of Deeds of each county in which the
13 Enterprise Zone lies. An Enterprise Zone designated on or after
14 the effective date of this amendatory Act of the 97th General
15 Assembly shall be in effect for a term of 15 calendar years, or
16 for a lesser number of years specified in the certified
17 designating ordinance. An enterprise zone designated on or
18 after the effective date of this amendatory Act of the 97th
19 General Assembly shall be subject to review by the Board after
20 13 years for an additional 10-year designation beginning on the
21 expiration date of the enterprise zone. During the review
22 process, the Board shall consider the costs incurred by the
23 State and units of local government as a result of tax benefits
24 received by the enterprise zone. Enterprise Zones shall
25 terminate at midnight of December 31 of the final calendar year
26 of the certified term, except as provided in Section 5.4.

1 (d) No more than 12 Enterprise Zones may be certified by
2 the Department in calendar year 1984, no more than 12
3 Enterprise Zones may be certified by the Department in calendar
4 year 1985, no more than 13 Enterprise Zones may be certified by
5 the Department in calendar year 1986, no more than 15
6 Enterprise Zones may be certified by the Department in calendar
7 year 1987, and no more than 20 Enterprise Zones may be
8 certified by the Department in calendar year 1990. In other
9 calendar years, no more than 13 Enterprise Zones may be
10 certified by the Department. The Department may also designate
11 up to 8 additional Enterprise Zones outside the regular
12 application cycle if warranted by the extreme economic
13 circumstances as determined by the Department. The Department
14 may also designate one additional Enterprise Zone outside the
15 regular application cycle if an aircraft manufacturer agrees to
16 locate an aircraft manufacturing facility in the proposed
17 Enterprise Zone. Notwithstanding any other provision of this
18 Act, no more than 89 Enterprise Zones may be certified by the
19 Department for the 10 calendar years commencing with 1983. The
20 7 additional Enterprise Zones authorized by Public Act 86-15
21 shall not lie within municipalities or unincorporated areas of
22 counties that abut or are contiguous to Enterprise Zones
23 certified pursuant to this Section prior to June 30, 1989. The
24 7 additional Enterprise Zones (excluding the additional
25 Enterprise Zone which may be designated outside the regular
26 application cycle) authorized by Public Act 86-1030 shall not

1 lie within municipalities or unincorporated areas of counties
2 that abut or are contiguous to Enterprise Zones certified
3 pursuant to this Section prior to February 28, 1990. Beginning
4 in calendar year 2004 and until December 31, 2008, one
5 additional enterprise zone may be certified by the Department.
6 In any calendar year, the Department may not certify more than
7 3 Zones located within the same municipality. The Department
8 may certify Enterprise Zones in each of the 10 calendar years
9 commencing with 1983. The Department may not certify more than
10 a total of 18 Enterprise Zones located within the same county
11 (whether within municipalities or within unincorporated
12 territory) for the 10 calendar years commencing with 1983.
13 Thereafter, the Department may not certify any additional
14 Enterprise Zones, but may amend and rescind certifications of
15 existing Enterprise Zones in accordance with Section 5.4.

16 (e) Notwithstanding any other provision of law, if (i) the
17 county board of any county in which a current military base is
18 located, in part or in whole, or in which a military base that
19 has been closed within 20 years of the effective date of this
20 amendatory Act of 1998 is located, in part or in whole, adopts
21 a designating ordinance in accordance with Section 5 of this
22 Act to designate the military base in that county as an
23 enterprise zone and (ii) the property otherwise meets the
24 qualifications for an enterprise zone as prescribed in Section
25 4 of this Act, then the Department may certify the designating
26 ordinance or ordinances, as the case may be.

1 (f) Applications for Enterprise Zones that are scheduled to
2 expire in 2016, ~~2017, or 2018~~, including Enterprise Zones that
3 have been extended until 2016 by this amendatory Act of the
4 97th General Assembly, shall be submitted to the Department no
5 later than December 31, 2014 ~~the date established by the~~
6 ~~Department by rule pursuant to Section 5.2~~. At that time, the
7 Zone becomes available for either the previously designated
8 area or a different area to compete for designation. No
9 preference for designation as a Zone will be given to the
10 previously designated area.

11 For Enterprise Zones that are scheduled to expire on or
12 after January 1, 2017 ~~2019~~, an application process shall begin
13 2 years prior to the year in which the Zone expires. At that
14 time, the Zone becomes available for either the previously
15 designated area or a different area to compete for designation.
16 No preference for designation as a Zone will be given to the
17 previously designated area.

18 Each Enterprise Zone that reapplies for certification but
19 does not receive a new certification shall expire on its
20 scheduled termination date.

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

22 (20 ILCS 655/5.5) (from Ch. 67 1/2, par. 609.1)

23 Sec. 5.5. High Impact Business.

24 (a) In order to respond to unique opportunities to assist
25 in the encouragement, development, growth and expansion of the

1 private sector through large scale investment and development
2 projects, the Department is authorized to receive and approve
3 applications for the designation of "High Impact Businesses" in
4 Illinois subject to the following conditions:

5 (1) such applications may be submitted at any time
6 during the year;

7 (2) such business is not located, at the time of
8 designation, in an enterprise zone designated pursuant to
9 this Act;

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

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

1 201 of the Illinois Income Tax Act; or

2 (B) the business intends to establish a new
3 electric generating facility at a designated location
4 in Illinois. "New electric generating facility", for
5 purposes of this Section, means a newly-constructed
6 electric generation plant or a newly-constructed
7 generation capacity expansion at an existing electric
8 generation plant, including the transmission lines and
9 associated equipment that transfers electricity from
10 points of supply to points of delivery, and for which
11 such new foundation construction commenced not sooner
12 than July 1, 2001. Such facility shall be designed to
13 provide baseload electric generation and shall operate
14 on a continuous basis throughout the year; and (i)
15 shall have an aggregate rated generating capacity of at
16 least 1,000 megawatts for all new units at one site if
17 it uses natural gas as its primary fuel and foundation
18 construction of the facility is commenced on or before
19 December 31, 2004, or shall have an aggregate rated
20 generating capacity of at least 400 megawatts for all
21 new units at one site if it uses coal or gases derived
22 from coal as its primary fuel and shall support the
23 creation of at least 150 new Illinois coal mining jobs,
24 or (ii) shall be funded through a federal Department of
25 Energy grant before December 31, 2010 and shall support
26 the creation of Illinois coal-mining jobs, or (iii)

1 shall use coal gasification or integrated
2 gasification-combined cycle units that generate
3 electricity or chemicals, or both, and shall support
4 the creation of Illinois coal-mining jobs. The
5 business must certify in writing that the investments
6 necessary to establish a new electric generating
7 facility would not be placed in service and the job
8 creation in the case of a coal-fueled plant would not
9 occur without the tax credits and exemptions set forth
10 in subsection (b-5) of this Section. The term "placed
11 in service" has the same meaning as described in
12 subsection (h) of Section 201 of the Illinois Income
13 Tax Act; or

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

1 Jefferson County for synthetic natural gas from coal;
2 or

3 (C) the business intends to establish production
4 operations at a new coal mine, re-establish production
5 operations at a closed coal mine, or expand production
6 at an existing coal mine at a designated location in
7 Illinois not sooner than July 1, 2001; provided that
8 the production operations result in the creation of 150
9 new Illinois coal mining jobs as described in
10 subdivision (a)(3)(B) of this Section, and further
11 provided that the coal extracted from such mine is
12 utilized as the predominant source for a new electric
13 generating facility. The business must certify in
14 writing that the investments necessary to establish a
15 new, expanded, or reopened coal mine would not be
16 placed in service and the job creation would not occur
17 without the tax credits and exemptions set forth in
18 subsection (b-5) of this Section. The term "placed in
19 service" has the same meaning as described in
20 subsection (h) of Section 201 of the Illinois Income
21 Tax Act; or

22 (D) the business intends to construct new
23 transmission facilities or upgrade existing
24 transmission facilities at designated locations in
25 Illinois, for which construction commenced not sooner
26 than July 1, 2001. For the purposes of this Section,

1 "transmission facilities" means transmission lines
2 with a voltage rating of 115 kilovolts or above,
3 including associated equipment, that transfer
4 electricity from points of supply to points of delivery
5 and that transmit a majority of the electricity
6 generated by a new electric generating facility
7 designated as a High Impact Business in accordance with
8 this Section. The business must certify in writing that
9 the investments necessary to construct new
10 transmission facilities or upgrade existing
11 transmission facilities would not be placed in service
12 without the tax credits and exemptions set forth in
13 subsection (b-5) of this Section. The term "placed in
14 service" has the same meaning as described in
15 subsection (h) of Section 201 of the Illinois Income
16 Tax Act; or

17 (E) the business intends to establish a new wind
18 power facility at a designated location in Illinois.
19 For purposes of this Section, "new wind power facility"
20 means a newly constructed electric generation
21 facility, or a newly constructed expansion of an
22 existing electric generation facility, placed in
23 service on or after July 1, 2009, that generates
24 electricity using wind energy devices, and such
25 facility shall be deemed to include all associated
26 transmission lines, substations, and other equipment

1 related to the generation of electricity from wind
2 energy devices. For purposes of this Section, "wind
3 energy device" means any device, with a nameplate
4 capacity of at least 0.5 megawatts, that is used in the
5 process of converting kinetic energy from the wind to
6 generate electricity; or and

7 (F) the business commits to (i) make a minimum
8 investment of \$500,000,000, which will be placed in
9 service in a qualified property, (ii) create 125
10 full-time equivalent jobs at a designated location in
11 Illinois, (iii) establish a fertilizer plant at a
12 designated location in Illinois that complies with the
13 set-back standards as described in Table 1: Initial
14 Isolation and Protective Action Distances in the 2012
15 Emergency Response Guidebook published by the United
16 States Department of Transportation, (iv) pay a
17 prevailing wage for employees at that location who are
18 engaged in construction activities, and (v) secure an
19 appropriate level of general liability insurance to
20 protect against catastrophic failure of the fertilizer
21 plant or any of its constituent systems; in addition,
22 the business must agree to enter into a construction
23 project labor agreement including provisions
24 establishing wages, benefits, and other compensation
25 for employees performing work under the project labor
26 agreement at that location; for the purposes of this

1 Section, "fertilizer plant" means a newly constructed
2 or upgraded plant utilizing gas used in the production
3 of anhydrous ammonia and downstream nitrogen
4 fertilizer products for resale; for the purposes of
5 this Section, "prevailing wage" means the hourly cash
6 wages plus fringe benefits for training and
7 apprenticeship programs approved by the U.S.
8 Department of Labor, Bureau of Apprenticeship and
9 Training, health and welfare, insurance, vacations and
10 pensions paid generally, in the locality in which the
11 work is being performed, to employees engaged in work
12 of a similar character on public works; this paragraph
13 (F) applies only to businesses that submit an
14 application to the Department within 60 days after the
15 effective date of this amendatory Act of the 98th
16 General Assembly; and

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

21 (b) Businesses designated as High Impact Businesses
22 pursuant to subdivision (a) (3) (A) of this Section shall qualify
23 for the credits and exemptions described in the following Acts:
24 Section 9-222 and Section 9-222.1A of the Public Utilities Act,
25 subsection (h) of Section 201 of the Illinois Income Tax Act,
26 and Section 1d of the Retailers' Occupation Tax Act; provided

1 that these credits and exemptions described in these Acts shall
2 not be authorized until the minimum investments set forth in
3 subdivision (a)(3)(A) of this Section have been placed in
4 service in qualified properties and, in the case of the
5 exemptions described in the Public Utilities Act and Section 1d
6 of the Retailers' Occupation Tax Act, the minimum full-time
7 equivalent jobs or full-time retained jobs set forth in
8 subdivision (a)(3)(A) of this Section have been created or
9 retained. Businesses designated as High Impact Businesses
10 under this Section shall also qualify for the exemption
11 described in Section 51 of the Retailers' Occupation Tax Act.
12 The credit provided in subsection (h) of Section 201 of the
13 Illinois Income Tax Act shall be applicable to investments in
14 qualified property as set forth in subdivision (a)(3)(A) of
15 this Section.

16 (b-5) Businesses designated as High Impact Businesses
17 pursuant to subdivisions (a)(3)(B), (a)(3)(B-5), (a)(3)(C),
18 and (a)(3)(D) of this Section shall qualify for the credits and
19 exemptions described in the following Acts: Section 51 of the
20 Retailers' Occupation Tax Act, Section 9-222 and Section
21 9-222.1A of the Public Utilities Act, and subsection (h) of
22 Section 201 of the Illinois Income Tax Act; however, the
23 credits and exemptions authorized under Section 9-222 and
24 Section 9-222.1A of the Public Utilities Act, and subsection
25 (h) of Section 201 of the Illinois Income Tax Act shall not be
26 authorized until the new electric generating facility, the new

1 gasification facility, the new transmission facility, or the
2 new, expanded, or reopened coal mine is operational, except
3 that a new electric generating facility whose primary fuel
4 source is natural gas is eligible only for the exemption under
5 Section 51 of the Retailers' Occupation Tax Act.

6 (b-6) Businesses designated as High Impact Businesses
7 pursuant to subdivision (a) (3) (E) of this Section shall qualify
8 for the exemptions described in Section 51 of the Retailers'
9 Occupation Tax Act; any business so designated as a High Impact
10 Business being, for purposes of this Section, a "Wind Energy
11 Business".

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

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

24 (e) Except for new wind power facilities contemplated under
25 subdivision (a) (3) (E) of this Section, new proposed facilities
26 which apply for designation as High Impact Business must

1 provide the Department with proof of alternative non-Illinois
2 sites which would receive the proposed investment and job
3 creation in the event that the business is not designated as a
4 High Impact Business.

5 (f) Except for businesses contemplated under subdivision
6 (a)(3)(E) of this Section, in the event that a business is
7 designated a High Impact Business and it is later determined
8 after reasonable notice and an opportunity for a hearing as
9 provided under the Illinois Administrative Procedure Act, that
10 the business would have placed in service in qualified property
11 the investments and created or retained the requisite number of
12 jobs without the benefits of the High Impact Business
13 designation, the Department shall be required to immediately
14 revoke the designation and notify the Director of the
15 Department of Revenue who shall begin proceedings to recover
16 all wrongfully exempted State taxes with interest. The business
17 shall also be ineligible for all State funded Department
18 programs for a period of 10 years.

19 (g) The Department shall revoke a High Impact Business
20 designation if the participating business fails to comply with
21 the terms and conditions of the designation. However, the
22 penalties for new wind power facilities or Wind Energy
23 Businesses for failure to comply with any of the terms or
24 conditions of the Illinois Prevailing Wage Act shall be only
25 those penalties identified in the Illinois Prevailing Wage Act,
26 and the Department shall not revoke a High Impact Business

1 designation as a result of the failure to comply with any of
2 the terms or conditions of the Illinois Prevailing Wage Act in
3 relation to a new wind power facility or a Wind Energy
4 Business.

5 (h) Prior to designating a business, the Department shall
6 provide the members of the General Assembly and Commission on
7 Government Forecasting and Accountability with a report
8 setting forth the terms and conditions of the designation and
9 guarantees that have been received by the Department in
10 relation to the proposed business being designated.

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

12 (20 ILCS 655/8.1)

13 Sec. 8.1. Accounting.

14 (a) Any business receiving tax incentives due to its
15 location within an Enterprise Zone or its designation as a High
16 Impact Business must annually report to the Department of
17 Revenue information reasonably required by the Department of
18 Revenue to enable the Department to verify and calculate the
19 total Enterprise Zone or High Impact Business tax benefits for
20 property taxes and taxes imposed by the State that are received
21 by the business, broken down by incentive category and
22 enterprise zone, if applicable, annually to the Department of
23 Revenue. Reports will be due no later than May 31 ~~March 30~~
24 of each year and shall cover the previous calendar year. The first
25 report will be for the 2012 calendar year and will be due no

1 later than May 31, 2013 ~~March 30, 2013~~. Failure to report data
2 ~~may shall~~ result in ineligibility to receive incentives. To the
3 extent that a business receiving tax incentives has obtained an
4 Enterprise Zone Building Materials Exemption Certificate or a
5 High Impact Business Building Materials Exemption Certificate,
6 that business is required to report those building materials
7 exemption benefits only under subsection (a-5) of this Section.
8 No additional reporting for those building materials exemption
9 benefits is required under this subsection (a). The Department,
10 in consultation with the Department of Revenue, is authorized
11 to adopt rules governing ineligibility to receive exemptions,
12 including the length of ineligibility. Factors to be considered
13 in determining whether a business is ineligible shall include,
14 but are not limited to, prior compliance with the reporting
15 requirements, cooperation in discontinuing and correcting
16 violations, the extent of the violation, and whether the
17 violation was willful or inadvertent ~~For the first offense, a~~
18 ~~business shall be given 60 days to comply.~~

19 (a-5) Each contractor or other entity that has been issued
20 an Enterprise Zone Building Materials Exemption Certificate
21 under Section 5k of the Retailers' Occupation Tax Act or a High
22 Impact Business Building Materials Exemption Certificate under
23 Section 5l of the Retailers' Occupation Tax Act shall annually
24 report to the Department of Revenue the total value of the
25 Enterprise Zone or High Impact Business building materials
26 exemption from State taxes. Reports shall contain information

1 reasonably required by the Department of Revenue to enable it
2 to verify and calculate the total tax benefits for taxes
3 imposed by the State, and shall be broken down by Enterprise
4 Zone. Reports are due no later than May 31 of each year and
5 shall cover the previous calendar year. The first report will
6 be for the 2013 calendar year and will be due no later than May
7 31, 2014. Failure to report data may result in revocation of
8 the Enterprise Zone Building Materials Exemption Certificate
9 or High Impact Business Building Materials Exemption
10 Certificate issued to the contractor or other entity.

11 The Department of Revenue is authorized to adopt rules
12 governing revocation determinations, including the length of
13 revocation. Factors to be considered in revocations shall
14 include, but are not limited to, prior compliance with the
15 reporting requirements, cooperation in discontinuing and
16 correcting violations, and whether the certificate was used
17 unlawfully during the preceding year.

18 (b) Each person required to file a return under the Gas
19 Revenue Tax Act, the Gas Use Tax Act, the Electricity Excise
20 Tax Act, or the Telecommunications Excise Tax Act shall file,
21 on or before May 31 ~~March 30~~ of each year, a report with the
22 Department of Revenue, in the manner and form required by the
23 Department of Revenue, containing information reasonably
24 required by the Department of Revenue to enable the Department
25 of Revenue to calculate ~~itemizing~~ the amount of the deduction
26 for taxes imposed by the State that is taken under each Act,

1 respectively, due to the location of a business in an
2 Enterprise Zone or its designation as a High Impact Business.
3 The report shall be itemized by business and the business
4 location address.

5 (c) Employers shall report their job creation, retention,
6 and capital investment numbers within the zone annually to the
7 ~~administrator, which will compile the information and report it~~
8 ~~to the~~ Department of Revenue no later than May 31 ~~March 30~~ of
9 each calendar year. High Impact Businesses shall report their
10 job creation, retention, and capital investment numbers
11 ~~directly~~ to the Department of Revenue no later than May 31
12 ~~March 30~~ of each year.

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

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

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

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

5 (20 ILCS 655/8.2)

6 Sec. 8.2. Zone Administrator.

7 (a) Each Zone Administrator designated under Section 8 of
8 this Act shall post a copy of the boundaries of the Enterprise
9 Zone on its official Internet website and shall provide an
10 electronic copy to the Department. The Department shall post
11 each copy of the boundaries of an Enterprise Zone that it
12 receives from a Zone Administrator on its official Internet
13 website.

14 (b) The Zone Administrator shall collect and aggregate the
15 following information:

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

18 (2) within 60 days after the end of the project, the
19 estimated cost of each building project, broken down into
20 labor and materials.

21 (c) By April 1 of each year, each Zone Administrator shall
22 file a copy of its fee schedule with the Department, and the
23 Department shall post the fee schedule on its website ~~review~~
24 ~~and approve the fee schedule~~. Zone Administrators shall charge
25 no more than 0.5% of the cost of building materials of the

1 project associated with the specific Enterprise Zone, with a
2 maximum fee of no more than \$50,000.

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

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

6 (20 ILCS 715/25)

7 Sec. 25. Recapture.

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

10 (1) The recipient must (i) make the level of capital
11 investment in the economic development project specified
12 in the development assistance agreement; (ii) create or
13 retain, or both, the requisite number of jobs, paying not
14 less than specified wages for the created and retained
15 jobs, within and for the duration of 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.

20 (2) If the recipient fails to create or retain the
21 requisite number of jobs within and for the time period
22 specified, in the legislation authorizing, or the
23 administrative rules implementing, the development
24 assistance programs and the development assistance

1 agreement, the recipient shall be deemed to no longer
2 qualify for the State economic assistance and the
3 applicable recapture provisions shall take effect.

4 (3) If the recipient receives State economic
5 assistance in the form of a High Impact Business
6 designation pursuant to Section 5.5 of the Illinois
7 Enterprise Zone Act and the business receives the benefit
8 of the exemption authorized under Section 51 of the
9 Retailers' Occupation Tax Act (for the sale of building
10 materials incorporated into a High Impact Business
11 location) or the utility tax exemption authorized under
12 Section 9-222.1A of the Public Utilities Act and the
13 recipient fails to create or retain the requisite number of
14 jobs, as determined by the legislation authorizing the
15 development assistance programs or the administrative
16 rules implementing such legislation, or both, within the
17 requisite period of time, the recipient shall be required
18 to pay to the State the full amount of both the State tax
19 exemption and the utility tax exemption that it received as
20 a result of the High Impact Business designation.

21 (4) If the recipient receives a grant or loan pursuant
22 to the Large Business Development Program, the Business
23 Development Public Infrastructure Program, or the
24 Industrial Training Program and the recipient fails to
25 create or retain the requisite number of jobs for the
26 requisite time period, as provided in the legislation

1 authorizing the development assistance programs or the
2 administrative rules implementing such legislation, or
3 both, or in the development assistance agreement, the
4 recipient shall be required to repay to the State a pro
5 rata amount of the grant; that amount shall reflect the
6 percentage of the deficiency between the requisite number
7 of jobs to be created or retained by the recipient and the
8 actual number of such jobs in existence as of the date the
9 Department determines the recipient is in breach of the job
10 creation or retention covenants contained in the
11 development assistance agreement. If the recipient of
12 development assistance under the Large Business
13 Development Program, the Business Development Public
14 Infrastructure Program, or the Industrial Training Program
15 ceases operations at the specific project site, during the
16 5-year period commencing on the date of assistance, the
17 recipient shall be required to repay the entire amount of
18 the grant or to accelerate repayment of the loan back to
19 the State.

20 (5) If the recipient receives a tax credit under the
21 Economic Development for a Growing Economy tax credit
22 program, the development assistance agreement must provide
23 that (i) if the number of new or retained employees falls
24 below the requisite number set forth in the development
25 assistance agreement, the allowance of the credit shall be
26 automatically suspended until the number of new and

1 retained employees equals or exceeds the requisite number
2 in the development assistance agreement; (ii) if the
3 recipient discontinues operations at the specific project
4 site during the 5-year period after the beginning of the
5 first tax year for which the Department issues a tax credit
6 certificate, the recipient shall forfeit all credits taken
7 by the recipient during such 5-year period; and (iii) in
8 the event of a revocation or suspension of the credit, the
9 Department shall contact the Director of Revenue to
10 initiate proceedings against the recipient to recover
11 wrongfully exempted Illinois State income taxes and the
12 recipient shall promptly repay to the Department of Revenue
13 any wrongfully exempted Illinois State income taxes. The
14 forfeited amount of credits shall be deemed assessed on the
15 date the Department contacts the Department of Revenue and
16 the recipient shall promptly repay to the Department of
17 Revenue any wrongfully exempted Illinois State income
18 taxes.

19 (b) The Director may elect to waive enforcement of any
20 contractual provision arising out of the development
21 assistance agreement required by this Act based on a finding
22 that the waiver is necessary to avert an imminent and
23 demonstrable hardship to the recipient that may result in such
24 recipient's insolvency or discharge of workers. If a waiver is
25 granted, the recipient must agree to a contractual
26 modification, including recapture provisions, to the

1 development assistance agreement. The existence of any waiver
2 granted pursuant to this subsection (b) ~~(e)~~, the date of the
3 granting of such waiver, and a brief summary of the reasons
4 supporting the granting of such waiver shall be disclosed
5 consistent with the provisions of Section 25 of this Act.

6 (b-5) The Department shall post, on its website, (i) the
7 identity of each recipient from whom amounts were recaptured
8 under this Section on or after the effective date of this
9 amendatory Act of the 97th General Assembly, (ii) the date of
10 the recapture, (iii) a summary of the reasons supporting the
11 recapture, and (iv) the amount recaptured from those
12 recipients.

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

23 (d) For the purposes of this Act, recapture provisions do
24 not include the Illinois Department of Transportation Economic
25 Development Program, any grants under the Industrial Training
26 Program that are not given as an incentive to a recipient

1 business organization, or any successor programs as described
2 in the term "development assistance" in Section 5 of this Act.
3 (Source: P.A. 97-2, eff. 5-6-11; 97-721, eff. 6-29-12; revised
4 10-10-12.)

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

7 (30 ILCS 105/5.827 new)

8 Sec. 5.827. The South Suburban Brownfields Redevelopment
9 Fund.

10 (30 ILCS 105/5.829 new)

11 Sec. 5.829. The Riverfront Development Fund.

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

14 (30 ILCS 571/10)

15 Sec. 10. Public works projects. On a project-by-project
16 basis, a State department, agency, authority, board, or
17 instrumentality that is under the control of the Governor shall
18 include a project labor agreement on a public works project
19 when that department, agency, authority, board, or
20 instrumentality has determined that the agreement advances the
21 State's interests of cost, efficiency, quality, safety,

1 timeliness, skilled labor force, labor stability, or the
2 State's policy to advance minority-owned and women-owned
3 businesses and minority and female employment. For purposes of
4 this Act, any corrective action performed pursuant to Title XVI
5 of the Environmental Protection Act for which payment from the
6 Underground Storage Tank Fund is requested shall be considered
7 a public works project.

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

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

11 (35 ILCS 5/201) (from Ch. 120, par. 2-201)

12 Sec. 201. Tax Imposed.

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

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

23 (1) In the case of an individual, trust or estate, for
24 taxable years ending prior to July 1, 1989, an amount equal

1 to 2 1/2% of the taxpayer's net income for the taxable
2 year.

3 (2) In the case of an individual, trust or estate, for
4 taxable years beginning prior to July 1, 1989 and ending
5 after June 30, 1989, an amount equal to the sum of (i) 2
6 1/2% of the taxpayer's net income for the period prior to
7 July 1, 1989, as calculated under Section 202.3, and (ii)
8 3% of the taxpayer's net income for the period after June
9 30, 1989, as calculated under Section 202.3.

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

14 (4) In the case of an individual, trust, or estate, for
15 taxable years beginning prior to January 1, 2011, and
16 ending after December 31, 2010, an amount equal to the sum
17 of (i) 3% of the taxpayer's net income for the period prior
18 to January 1, 2011, as calculated under Section 202.5, and
19 (ii) 5% of the taxpayer's net income for the period after
20 December 31, 2010, as calculated under Section 202.5.

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

25 (5.1) In the case of an individual, trust, or estate,
26 for taxable years beginning prior to January 1, 2015, and

1 ending after December 31, 2014, an amount equal to the sum
2 of (i) 5% of the taxpayer's net income for the period prior
3 to January 1, 2015, as calculated under Section 202.5, and
4 (ii) 3.75% of the taxpayer's net income for the period
5 after December 31, 2014, as calculated under Section 202.5.

6 (5.2) In the case of an individual, trust, or estate,
7 for taxable years beginning on or after January 1, 2015,
8 and ending prior to January 1, 2025, an amount equal to
9 3.75% of the taxpayer's net income for the taxable year.

10 (5.3) In the case of an individual, trust, or estate,
11 for taxable years beginning prior to January 1, 2025, and
12 ending after December 31, 2024, an amount equal to the sum
13 of (i) 3.75% of the taxpayer's net income for the period
14 prior to January 1, 2025, as calculated under Section
15 202.5, and (ii) 3.25% of the taxpayer's net income for the
16 period after December 31, 2024, as calculated under Section
17 202.5.

18 (5.4) In the case of an individual, trust, or estate,
19 for taxable years beginning on or after January 1, 2025, an
20 amount equal to 3.25% of the taxpayer's net income for the
21 taxable year.

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

25 (7) In the case of a corporation, for taxable years
26 beginning prior to July 1, 1989 and ending after June 30,

1 1989, an amount equal to the sum of (i) 4% of the
2 taxpayer's net income for the period prior to July 1, 1989,
3 as calculated under Section 202.3, and (ii) 4.8% of the
4 taxpayer's net income for the period after June 30, 1989,
5 as calculated under Section 202.3.

6 (8) In the case of a corporation, for taxable years
7 beginning after June 30, 1989, and ending prior to January
8 1, 2011, an amount equal to 4.8% of the taxpayer's net
9 income for the taxable year.

10 (9) In the case of a corporation, for taxable years
11 beginning prior to January 1, 2011, and ending after
12 December 31, 2010, an amount equal to the sum of (i) 4.8%
13 of the taxpayer's net income for the period prior to
14 January 1, 2011, as calculated under Section 202.5, and
15 (ii) 7% of the taxpayer's net income for the period after
16 December 31, 2010, as calculated under Section 202.5.

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

21 (11) In the case of a corporation, for taxable years
22 beginning prior to January 1, 2015, and ending after
23 December 31, 2014, an amount equal to the sum of (i) 7% of
24 the taxpayer's net income for the period prior to January
25 1, 2015, as calculated under Section 202.5, and (ii) 5.25%
26 of the taxpayer's net income for the period after December

1 31, 2014, as calculated under Section 202.5.

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

6 (13) In the case of a corporation, for taxable years
7 beginning prior to January 1, 2025, and ending after
8 December 31, 2024, an amount equal to the sum of (i) 5.25%
9 of the taxpayer's net income for the period prior to
10 January 1, 2025, as calculated under Section 202.5, and
11 (ii) 4.8% of the taxpayer's net income for the period after
12 December 31, 2024, as calculated under Section 202.5.

13 (14) In the case of a corporation, for taxable years
14 beginning on or after January 1, 2025, an amount equal to
15 4.8% of the taxpayer's net income for the taxable year.

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

18 (c) Personal Property Tax Replacement Income Tax.
19 Beginning on July 1, 1979 and thereafter, in addition to such
20 income tax, there is also hereby imposed the Personal Property
21 Tax Replacement Income Tax measured by net income on every
22 corporation (including Subchapter S corporations), partnership
23 and trust, for each taxable year ending after June 30, 1979.
24 Such taxes are imposed on the privilege of earning or receiving
25 income in or as a resident of this State. The Personal Property
26 Tax Replacement Income Tax shall be in addition to the income

1 tax imposed by subsections (a) and (b) of this Section and in
2 addition to all other occupation or privilege taxes imposed by
3 this State or by any municipal corporation or political
4 subdivision thereof.

5 (d) Additional Personal Property Tax Replacement Income
6 Tax Rates. The personal property tax replacement income tax
7 imposed by this subsection and subsection (c) of this Section
8 in the case of a corporation, other than a Subchapter S
9 corporation and except as adjusted by subsection (d-1), shall
10 be an additional amount equal to 2.85% of such taxpayer's net
11 income for the taxable year, except that beginning on January
12 1, 1981, and thereafter, the rate of 2.85% specified in this
13 subsection shall be reduced to 2.5%, and in the case of a
14 partnership, trust or a Subchapter S corporation shall be an
15 additional amount equal to 1.5% of such taxpayer's net income
16 for the taxable year.

17 (d-1) Rate reduction for certain foreign insurers. In the
18 case of a foreign insurer, as defined by Section 35A-5 of the
19 Illinois Insurance Code, whose state or country of domicile
20 imposes on insurers domiciled in Illinois a retaliatory tax
21 (excluding any insurer whose premiums from reinsurance assumed
22 are 50% or more of its total insurance premiums as determined
23 under paragraph (2) of subsection (b) of Section 304, except
24 that for purposes of this determination premiums from
25 reinsurance do not include premiums from inter-affiliate
26 reinsurance arrangements), beginning with taxable years ending

1 on or after December 31, 1999, the sum of the rates of tax
2 imposed by subsections (b) and (d) shall be reduced (but not
3 increased) to the rate at which the total amount of tax imposed
4 under this Act, net of all credits allowed under this Act,
5 shall equal (i) the total amount of tax that would be imposed
6 on the foreign insurer's net income allocable to Illinois for
7 the taxable year by such foreign insurer's state or country of
8 domicile if that net income were subject to all income taxes
9 and taxes measured by net income imposed by such foreign
10 insurer's state or country of domicile, net of all credits
11 allowed or (ii) a rate of zero if no such tax is imposed on such
12 income by the foreign insurer's state of domicile. For the
13 purposes of this subsection (d-1), an inter-affiliate includes
14 a mutual insurer under common management.

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

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

21 (B) the privilege tax imposed by Section 409 of the
22 Illinois Insurance Code, the fire insurance company
23 tax imposed by Section 12 of the Fire Investigation
24 Act, and the fire department taxes imposed under
25 Section 11-10-1 of the Illinois Municipal Code,
26 equals 1.25% for taxable years ending prior to December 31,

1 2003, or 1.75% for taxable years ending on or after
2 December 31, 2003, of the net taxable premiums written for
3 the taxable year, as described by subsection (1) of Section
4 409 of the Illinois Insurance Code. This paragraph will in
5 no event increase the rates imposed under subsections (b)
6 and (d).

7 (2) Any reduction in the rates of tax imposed by this
8 subsection shall be applied first against the rates imposed
9 by subsection (b) and only after the tax imposed by
10 subsection (a) net of all credits allowed under this
11 Section other than the credit allowed under subsection (i)
12 has been reduced to zero, against the rates imposed by
13 subsection (d).

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

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

19 (1) A taxpayer shall be allowed a credit equal to .5%
20 of the basis of qualified property placed in service during
21 the taxable year, provided such property is placed in
22 service on or after July 1, 1984. There shall be allowed an
23 additional credit equal to .5% of the basis of qualified
24 property placed in service during the taxable year,
25 provided such property is placed in service on or after
26 July 1, 1986, and the taxpayer's base employment within

1 Illinois has increased by 1% or more over the preceding
2 year as determined by the taxpayer's employment records
3 filed with the Illinois Department of Employment Security.
4 Taxpayers who are new to Illinois shall be deemed to have
5 met the 1% growth in base employment for the first year in
6 which they file employment records with the Illinois
7 Department of Employment Security. The provisions added to
8 this Section by Public Act 85-1200 (and restored by Public
9 Act 87-895) shall be construed as declaratory of existing
10 law and not as a new enactment. If, in any year, the
11 increase in base employment within Illinois over the
12 preceding year is less than 1%, the additional credit shall
13 be limited to that percentage times a fraction, the
14 numerator of which is .5% and the denominator of which is
15 1%, but shall not exceed .5%. The investment credit shall
16 not be allowed to the extent that it would reduce a
17 taxpayer's liability in any tax year below zero, nor may
18 any credit for qualified property be allowed for any year
19 other than the year in which the property was placed in
20 service in Illinois. For tax years ending on or after
21 December 31, 1987, and on or before December 31, 1988, the
22 credit shall be allowed for the tax year in which the
23 property is placed in service, or, if the amount of the
24 credit exceeds the tax liability for that year, whether it
25 exceeds the original liability or the liability as later
26 amended, such excess may be carried forward and applied to

1 the tax liability of the 5 taxable years following the
2 excess credit years if the taxpayer (i) makes investments
3 which cause the creation of a minimum of 2,000 full-time
4 equivalent jobs in Illinois, (ii) is located in an
5 enterprise zone established pursuant to the Illinois
6 Enterprise Zone Act and (iii) is certified by the
7 Department of Commerce and Community Affairs (now
8 Department of Commerce and Economic Opportunity) as
9 complying with the requirements specified in clause (i) and
10 (ii) by July 1, 1986. The Department of Commerce and
11 Community Affairs (now Department of Commerce and Economic
12 Opportunity) shall notify the Department of Revenue of all
13 such certifications immediately. For tax years ending
14 after December 31, 1988, the credit shall be allowed for
15 the tax year in which the property is placed in service,
16 or, if the amount of the credit exceeds the tax liability
17 for that year, whether it exceeds the original liability or
18 the liability as later amended, such excess may be carried
19 forward and applied to the tax liability of the 5 taxable
20 years following the excess credit years. The credit shall
21 be applied to the earliest year for which there is a
22 liability. If there is credit from more than one tax year
23 that is available to offset a liability, earlier credit
24 shall be applied first.

25 (2) The term "qualified property" means property
26 which:

1 (A) is tangible, whether new or used, including
2 buildings and structural components of buildings and
3 signs that are real property, but not including land or
4 improvements to real property that are not a structural
5 component of a building such as landscaping, sewer
6 lines, local access roads, fencing, parking lots, and
7 other appurtenances;

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

13 (C) is acquired by purchase as defined in Section
14 179(d) of the Internal Revenue Code;

15 (D) is used in Illinois by a taxpayer who is
16 primarily engaged in manufacturing, or in mining coal
17 or fluorite, or in retailing, or was placed in service
18 on or after July 1, 2006 in a River Edge Redevelopment
19 Zone established pursuant to the River Edge
20 Redevelopment Zone Act; and

21 (E) has not previously been used in Illinois in
22 such a manner and by such a person as would qualify for
23 the credit provided by this subsection (e) or
24 subsection (f).

25 (3) For purposes of this subsection (e),
26 "manufacturing" means the material staging and production

1 of tangible personal property by procedures commonly
2 regarded as manufacturing, processing, fabrication, or
3 assembling which changes some existing material into new
4 shapes, new qualities, or new combinations. For purposes of
5 this subsection (e) the term "mining" shall have the same
6 meaning as the term "mining" in Section 613(c) of the
7 Internal Revenue Code. For purposes of this subsection (e),
8 the term "retailing" means the sale of tangible personal
9 property for use or consumption and not for resale, or
10 services rendered in conjunction with the sale of tangible
11 personal property for use or consumption and not for
12 resale. For purposes of this subsection (e), "tangible
13 personal property" has the same meaning as when that term
14 is used in the Retailers' Occupation Tax Act, and, for
15 taxable years ending after December 31, 2008, does not
16 include the generation, transmission, or distribution of
17 electricity.

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

21 (5) If the basis of the property for federal income tax
22 depreciation purposes is increased after it has been placed
23 in service in Illinois by the taxpayer, the amount of such
24 increase shall be deemed property placed in service on the
25 date of such increase in basis.

26 (6) The term "placed in service" shall have the same

1 meaning as under Section 46 of the Internal Revenue Code.

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

18 (8) Unless the investment credit is extended by law,
19 the basis of qualified property shall not include costs
20 incurred after December 31, 2018, except for costs incurred
21 pursuant to a binding contract entered into on or before
22 December 31, 2018.

23 (9) Each taxable year ending before December 31, 2000,
24 a partnership may elect to pass through to its partners the
25 credits to which the partnership is entitled under this
26 subsection (e) for the taxable year. A partner may use the

1 credit allocated to him or her under this paragraph only
2 against the tax imposed in subsections (c) and (d) of this
3 Section. If the partnership makes that election, those
4 credits shall be allocated among the partners in the
5 partnership in accordance with the rules set forth in
6 Section 704(b) of the Internal Revenue Code, and the rules
7 promulgated under that Section, and the allocated amount of
8 the credits shall be allowed to the partners for that
9 taxable year. The partnership shall make this election on
10 its Personal Property Tax Replacement Income Tax return for
11 that taxable year. The election to pass through the credits
12 shall be irrevocable.

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

1 (f) Investment credit; Enterprise Zone; River Edge
2 Redevelopment Zone.

3 (1) A taxpayer shall be allowed a credit against the
4 tax imposed by subsections (a) and (b) of this Section for
5 investment in qualified property which is placed in service
6 in an Enterprise Zone created pursuant to the Illinois
7 Enterprise Zone Act or, for property placed in service on
8 or after July 1, 2006, a River Edge Redevelopment Zone
9 established pursuant to the River Edge Redevelopment Zone
10 Act. For partners, shareholders of Subchapter S
11 corporations, and owners of limited liability companies,
12 if the liability company is treated as a partnership for
13 purposes of federal and State income taxation, there shall
14 be allowed a credit under this subsection (f) to be
15 determined in accordance with the determination of income
16 and distributive share of income under Sections 702 and 704
17 and Subchapter S of the Internal Revenue Code. The credit
18 shall be .5% of the basis for such property. The credit
19 shall be available only in the taxable year in which the
20 property is placed in service in the Enterprise Zone or
21 River Edge Redevelopment Zone and shall not be allowed to
22 the extent that it would reduce a taxpayer's liability for
23 the tax imposed by subsections (a) and (b) of this Section
24 to below zero. For tax years ending on or after December
25 31, 1985, the credit shall be allowed for the tax year in
26 which the property is placed in service, or, if the amount

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

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

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

13 (B) is depreciable pursuant to Section 167 of the
14 Internal Revenue Code, except that "3-year property"
15 as defined in Section 168(c)(2)(A) of that Code is not
16 eligible for the credit provided by this subsection
17 (f);

18 (C) is acquired by purchase as defined in Section
19 179(d) of the Internal Revenue Code;

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

22 (E) has not been previously used in Illinois in
23 such a manner and by such a person as would qualify for
24 the credit provided by this subsection (f) or
25 subsection (e).

26 (3) The basis of qualified property shall be the basis

1 used to compute the depreciation deduction for federal
2 income tax purposes.

3 (4) If the basis of the property for federal income tax
4 depreciation purposes is increased after it has been placed
5 in service in the Enterprise Zone or River Edge
6 Redevelopment Zone by the taxpayer, the amount of such
7 increase shall be deemed property placed in service on the
8 date of such increase in basis.

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

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

1 property to the extent of such reduction.

2 (7) There shall be allowed an additional credit equal
3 to 0.5% of the basis of qualified property placed in
4 service during the taxable year in a River Edge
5 Redevelopment Zone, provided such property is placed in
6 service on or after July 1, 2006, and the taxpayer's base
7 employment within Illinois has increased by 1% or more over
8 the preceding year as determined by the taxpayer's
9 employment records filed with the Illinois Department of
10 Employment Security. Taxpayers who are new to Illinois
11 shall be deemed to have met the 1% growth in base
12 employment for the first year in which they file employment
13 records with the Illinois Department of Employment
14 Security. If, in any year, the increase in base employment
15 within Illinois over the preceding year is less than 1%,
16 the additional credit shall be limited to that percentage
17 times a fraction, the numerator of which is 0.5% and the
18 denominator of which is 1%, but shall not exceed 0.5%.

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

21 ~~(1) A taxpayer conducting a trade or business, for~~
22 ~~taxable years ending on or after December 31, 2006, in a~~
23 ~~River Edge Redevelopment Zone or conducting a trade or~~
24 ~~business in a federally designated Foreign Trade Zone or~~
25 ~~Sub-Zone shall be allowed a credit against the tax imposed~~
26 ~~by subsections (a) and (b) of this Section in the amount of~~

1 ~~\$500 per eligible employee hired to work in the zone during~~
2 ~~the taxable year.~~

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

4 ~~(A) the taxpayer must hire 5 or more eligible~~
5 ~~employees to work in a River Edge Redevelopment Zone or~~
6 ~~federally designated Foreign Trade Zone or Sub Zone~~
7 ~~during the taxable year;~~

8 ~~(B) the taxpayer's total employment within the~~
9 ~~River Edge Redevelopment Zone or federally designated~~
10 ~~Foreign Trade Zone or Sub Zone must increase by 5 or~~
11 ~~more full-time employees beyond the total employed in~~
12 ~~that zone at the end of the previous tax year for which~~
13 ~~a jobs tax credit under this Section was taken, or~~
14 ~~beyond the total employed by the taxpayer as of~~
15 ~~December 31, 1985, whichever is later; and~~

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

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

20 ~~(A) Certified by the Department of Commerce and~~
21 ~~Economic Opportunity as "eligible for services"~~
22 ~~pursuant to regulations promulgated in accordance with~~
23 ~~Title II of the Job Training Partnership Act, Training~~
24 ~~Services for the Disadvantaged or Title III of the Job~~
25 ~~Training Partnership Act, Employment and Training~~
26 ~~Assistance for Dislocated Workers Program.~~

1 ~~(B) Hired after the River Edge Redevelopment Zone~~
2 ~~or federally designated Foreign Trade Zone or Sub Zone~~
3 ~~was designated or the trade or business was located in~~
4 ~~that zone, whichever is later.~~

5 ~~(C) Employed in the River Edge Redevelopment Zone~~
6 ~~or Foreign Trade Zone or Sub Zone. An employee is~~
7 ~~employed in a federally designated Foreign Trade Zone~~
8 ~~or Sub Zone if his services are rendered there or it is~~
9 ~~the base of operations for the services performed.~~

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

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

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

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

6 (h) Investment credit; High Impact Business.

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

1 The credit for additional investments beyond the minimum
2 investment by a designated high impact business authorized
3 under subdivision (a) (3) (A) of Section 5.5 of the Illinois
4 Enterprise Zone Act shall be available only in the taxable
5 year in which the property is placed in service and shall
6 not be allowed to the extent that it would reduce a
7 taxpayer's liability for the tax imposed by subsections (a)
8 and (b) of this Section to below zero. For tax years ending
9 on or after December 31, 1987, the credit shall be allowed
10 for the tax year in which the property is placed in
11 service, or, if the amount of the credit exceeds the tax
12 liability for that year, whether it exceeds the original
13 liability or the liability as later amended, such excess
14 may be carried forward and applied to the tax liability of
15 the 5 taxable years following the excess credit year. The
16 credit shall be applied to the earliest year for which
17 there is a liability. If there is credit from more than one
18 tax year that is available to offset a liability, the
19 credit accruing first in time shall be applied first.

20 Changes made in this subdivision (h) (1) by Public Act
21 88-670 restore changes made by Public Act 85-1182 and
22 reflect existing law.

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

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

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 (h);

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

7 (D) is not eligible for the Enterprise Zone
8 Investment Credit provided by subsection (f) of this
9 Section.

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

13 (4) If the basis of the property for federal income tax
14 depreciation purposes is increased after it has been placed
15 in service in a federally designated Foreign Trade Zone or
16 Sub-Zone located in Illinois by the taxpayer, the amount of
17 such increase shall be deemed property placed in service on
18 the date of such increase in basis.

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

21 (6) If during any taxable year ending on or before
22 December 31, 1996, any property ceases to be qualified
23 property in the hands of the taxpayer within 48 months
24 after being placed in service, or the situs of any
25 qualified property is moved outside Illinois within 48
26 months after being placed in service, the tax imposed under

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

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

23 (i) Credit for Personal Property Tax Replacement Income
24 Tax. For tax years ending prior to December 31, 2003, a credit
25 shall be allowed against the tax imposed by subsections (a) and
26 (b) of this Section for the tax imposed by subsections (c) and

1 (d) of this Section. This credit shall be computed by
2 multiplying the tax imposed by subsections (c) and (d) of this
3 Section by a fraction, the numerator of which is base income
4 allocable to Illinois and the denominator of which is Illinois
5 base income, and further multiplying the product by the tax
6 rate imposed by subsections (a) and (b) of this Section.

7 Any credit earned on or after December 31, 1986 under this
8 subsection which is unused in the year the credit is computed
9 because it exceeds the tax liability imposed by subsections (a)
10 and (b) for that year (whether it exceeds the original
11 liability or the liability as later amended) may be carried
12 forward and applied to the tax liability imposed by subsections
13 (a) and (b) of the 5 taxable years following the excess credit
14 year, provided that no credit may be carried forward to any
15 year ending on or after December 31, 2003. This credit shall be
16 applied first to the earliest year for which there is a
17 liability. If there is a credit under this subsection from more
18 than one tax year that is available to offset a liability the
19 earliest credit arising under this subsection shall be applied
20 first.

21 If, during any taxable year ending on or after December 31,
22 1986, the tax imposed by subsections (c) and (d) of this
23 Section for which a taxpayer has claimed a credit under this
24 subsection (i) is reduced, the amount of credit for such tax
25 shall also be reduced. Such reduction shall be determined by
26 recomputing the credit to take into account the reduced tax

1 imposed by subsections (c) and (d). If any portion of the
2 reduced amount of credit has been carried to a different
3 taxable year, an amended return shall be filed for such taxable
4 year to reduce the amount of credit claimed.

5 (j) Training expense credit. Beginning with tax years
6 ending on or after December 31, 1986 and prior to December 31,
7 2003, a taxpayer shall be allowed a credit against the tax
8 imposed by subsections (a) and (b) under this Section for all
9 amounts paid or accrued, on behalf of all persons employed by
10 the taxpayer in Illinois or Illinois residents employed outside
11 of Illinois by a taxpayer, for educational or vocational
12 training in semi-technical or technical fields or semi-skilled
13 or skilled fields, which were deducted from gross income in the
14 computation of taxable income. The credit against the tax
15 imposed by subsections (a) and (b) shall be 1.6% of such
16 training expenses. For partners, shareholders of subchapter S
17 corporations, and owners of limited liability companies, if the
18 liability company is treated as a partnership for purposes of
19 federal and State income taxation, there shall be allowed a
20 credit under this subsection (j) to be determined in accordance
21 with the determination of income and distributive share of
22 income under Sections 702 and 704 and subchapter S of the
23 Internal Revenue Code.

24 Any credit allowed under this subsection which is unused in
25 the year the credit is earned may be carried forward to each of
26 the 5 taxable years following the year for which the credit is

1 first computed until it is used. This credit shall be applied
2 first to the earliest year for which there is a liability. If
3 there is a credit under this subsection from more than one tax
4 year that is available to offset a liability the earliest
5 credit arising under this subsection shall be applied first. No
6 carryforward credit may be claimed in any tax year ending on or
7 after December 31, 2003.

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

25 For purposes of this subsection, "qualifying expenditures"
26 means the qualifying expenditures as defined for the federal

1 credit for increasing research activities which would be
2 allowable under Section 41 of the Internal Revenue Code and
3 which are conducted in this State, "qualifying expenditures for
4 increasing research activities in this State" means the excess
5 of qualifying expenditures for the taxable year in which
6 incurred over qualifying expenditures for the base period,
7 "qualifying expenditures for the base period" means the average
8 of the qualifying expenditures for each year in the base
9 period, and "base period" means the 3 taxable years immediately
10 preceding the taxable year for which the determination is being
11 made.

12 Any credit in excess of the tax liability for the taxable
13 year may be carried forward. A taxpayer may elect to have the
14 unused credit shown on its final completed return carried over
15 as a credit against the tax liability for the following 5
16 taxable years or until it has been fully used, whichever occurs
17 first; provided that no credit earned in a tax year ending
18 prior to December 31, 2003 may be carried forward to any year
19 ending on or after December 31, 2003.

20 If an unused credit is carried forward to a given year from
21 2 or more earlier years, that credit arising in the earliest
22 year will be applied first against the tax liability for the
23 given year. If a tax liability for the given year still
24 remains, the credit from the next earliest year will then be
25 applied, and so on, until all credits have been used or no tax
26 liability for the given year remains. Any remaining unused

1 credit or credits then will be carried forward to the next
2 following year in which a tax liability is incurred, except
3 that no credit can be carried forward to a year which is more
4 than 5 years after the year in which the expense for which the
5 credit is given was incurred.

6 No inference shall be drawn from this amendatory Act of the
7 91st General Assembly in construing this Section for taxable
8 years beginning before January 1, 1999.

9 (1) Environmental Remediation Tax Credit.

10 (i) For tax years ending after December 31, 1997 and on
11 or before December 31, 2001, a taxpayer shall be allowed a
12 credit against the tax imposed by subsections (a) and (b)
13 of this Section for certain amounts paid for unreimbursed
14 eligible remediation costs, as specified in this
15 subsection. For purposes of this Section, "unreimbursed
16 eligible remediation costs" means costs approved by the
17 Illinois Environmental Protection Agency ("Agency") under
18 Section 58.14 of the Environmental Protection Act that were
19 paid in performing environmental remediation at a site for
20 which a No Further Remediation Letter was issued by the
21 Agency and recorded under Section 58.10 of the
22 Environmental Protection Act. The credit must be claimed
23 for the taxable year in which Agency approval of the
24 eligible remediation costs is granted. The credit is not
25 available to any taxpayer if the taxpayer or any related
26 party caused or contributed to, in any material respect, a

1 release of regulated substances on, in, or under the site
2 that was identified and addressed by the remedial action
3 pursuant to the Site Remediation Program of the
4 Environmental Protection Act. After the Pollution Control
5 Board rules are adopted pursuant to the Illinois
6 Administrative Procedure Act for the administration and
7 enforcement of Section 58.9 of the Environmental
8 Protection Act, determinations as to credit availability
9 for purposes of this Section shall be made consistent with
10 those rules. For purposes of this Section, "taxpayer"
11 includes a person whose tax attributes the taxpayer has
12 succeeded to under Section 381 of the Internal Revenue Code
13 and "related party" includes the persons disallowed a
14 deduction for losses by paragraphs (b), (c), and (f)(1) of
15 Section 267 of the Internal Revenue Code by virtue of being
16 a related taxpayer, as well as any of its partners. The
17 credit allowed against the tax imposed by subsections (a)
18 and (b) shall be equal to 25% of the unreimbursed eligible
19 remediation costs in excess of \$100,000 per site, except
20 that the \$100,000 threshold shall not apply to any site
21 contained in an enterprise zone as determined by the
22 Department of Commerce and Community Affairs (now
23 Department of Commerce and Economic Opportunity). The
24 total credit allowed shall not exceed \$40,000 per year with
25 a maximum total of \$150,000 per site. For partners and
26 shareholders of subchapter S corporations, there shall be

1 allowed a credit under this subsection to be determined in
2 accordance with the determination of income and
3 distributive share of income under Sections 702 and 704 and
4 subchapter S of the Internal Revenue Code.

5 (ii) A credit allowed under this subsection that is
6 unused in the year the credit is earned may be carried
7 forward to each of the 5 taxable years following the year
8 for which the credit is first earned until it is used. The
9 term "unused credit" does not include any amounts of
10 unreimbursed eligible remediation costs in excess of the
11 maximum credit per site authorized under paragraph (i).
12 This credit shall be applied first to the earliest year for
13 which there is a liability. If there is a credit under this
14 subsection from more than one tax year that is available to
15 offset a liability, the earliest credit arising under this
16 subsection shall be applied first. A credit allowed under
17 this subsection may be sold to a buyer as part of a sale of
18 all or part of the remediation site for which the credit
19 was granted. The purchaser of a remediation site and the
20 tax credit shall succeed to the unused credit and remaining
21 carry-forward period of the seller. To perfect the
22 transfer, the assignor shall record the transfer in the
23 chain of title for the site and provide written notice to
24 the Director of the Illinois Department of Revenue of the
25 assignor's intent to sell the remediation site and the
26 amount of the tax credit to be transferred as a portion of

1 the sale. In no event may a credit be transferred to any
2 taxpayer if the taxpayer or a related party would not be
3 eligible under the provisions of subsection (i).

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

7 (m) Education expense credit. Beginning with tax years
8 ending after December 31, 1999, a taxpayer who is the custodian
9 of one or more qualifying pupils shall be allowed a credit
10 against the tax imposed by subsections (a) and (b) of this
11 Section for qualified education expenses incurred on behalf of
12 the qualifying pupils. The credit shall be equal to 25% of
13 qualified education expenses, but in no event may the total
14 credit under this subsection claimed by a family that is the
15 custodian of qualifying pupils exceed \$500. In no event shall a
16 credit under this subsection reduce the taxpayer's liability
17 under this Act to less than zero. This subsection is exempt
18 from the provisions of Section 250 of this Act.

19 For purposes of this subsection:

20 "Qualifying pupils" means individuals who (i) are
21 residents of the State of Illinois, (ii) are under the age of
22 21 at the close of the school year for which a credit is
23 sought, and (iii) during the school year for which a credit is
24 sought were full-time pupils enrolled in a kindergarten through
25 twelfth grade education program at any school, as defined in
26 this subsection.

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

5 "School" means any public or nonpublic elementary or
6 secondary school in Illinois that is in compliance with Title
7 VI of the Civil Rights Act of 1964 and attendance at which
8 satisfies the requirements of Section 26-1 of the School Code,
9 except that nothing shall be construed to require a child to
10 attend any particular public or nonpublic school to qualify for
11 the credit under this Section.

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

15 (n) River Edge Redevelopment Zone site remediation tax
16 credit.

17 (i) For tax years ending on or after December 31, 2006,
18 a taxpayer shall be allowed a credit against the tax
19 imposed by subsections (a) and (b) of this Section for
20 certain amounts paid for unreimbursed eligible remediation
21 costs, as specified in this subsection. For purposes of
22 this Section, "unreimbursed eligible remediation costs"
23 means costs approved by the Illinois Environmental
24 Protection Agency ("Agency") under Section 58.14a of the
25 Environmental Protection Act that were paid in performing
26 environmental remediation at a site within a River Edge

1 Redevelopment Zone for which a No Further Remediation
2 Letter was issued by the Agency and recorded under Section
3 58.10 of the Environmental Protection Act. The credit must
4 be claimed for the taxable year in which Agency approval of
5 the eligible remediation costs is granted. The credit is
6 not available to any taxpayer if the taxpayer or any
7 related party caused or contributed to, in any material
8 respect, a release of regulated substances on, in, or under
9 the site that was identified and addressed by the remedial
10 action pursuant to the Site Remediation Program of the
11 Environmental Protection Act. Determinations as to credit
12 availability for purposes of this Section shall be made
13 consistent with rules adopted by the Pollution Control
14 Board pursuant to the Illinois Administrative Procedure
15 Act for the administration and enforcement of Section 58.9
16 of the Environmental Protection Act. For purposes of this
17 Section, "taxpayer" includes a person whose tax attributes
18 the taxpayer has succeeded to under Section 381 of the
19 Internal Revenue Code and "related party" includes the
20 persons disallowed a deduction for losses by paragraphs
21 (b), (c), and (f)(1) of Section 267 of the Internal Revenue
22 Code by virtue of being a related taxpayer, as well as any
23 of its partners. The credit allowed against the tax imposed
24 by subsections (a) and (b) shall be equal to 25% of the
25 unreimbursed eligible remediation costs in excess of
26 \$100,000 per site.

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

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

26 (Source: P.A. 96-115, eff. 7-31-09; 96-116, eff. 7-31-09;

1 96-937, eff. 6-23-10; 96-1000, eff. 7-2-10; 96-1496, eff.
2 1-13-11; 97-2, eff. 5-6-11; 97-636, eff. 6-1-12; 97-905, eff.
3 8-7-12.)

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

6 (35 ILCS 105/9) (from Ch. 120, par. 439.9)

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

1 imposed by the Retailers' Occupation Tax Act, with respect to
2 the sale of the same property.

3 Where such tangible personal property is sold under a
4 conditional sales contract, or under any other form of sale
5 wherein the payment of the principal sum, or a part thereof, is
6 extended beyond the close of the period for which the return is
7 filed, the retailer, in collecting the tax (except as to motor
8 vehicles, watercraft, aircraft, and trailers that are required
9 to be registered with an agency of this State), may collect for
10 each tax return period, only the tax applicable to that part of
11 the selling price actually received during such tax return
12 period.

13 Except as provided in this Section, on or before the
14 twentieth day of each calendar month, such retailer shall file
15 a return for the preceding calendar month. Such return shall be
16 filed on forms prescribed by the Department and shall furnish
17 such information as the Department may reasonably require.

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

- 25 1. The name of the seller;
- 26 2. The address of the principal place of business from

1 which he engages in the business of selling tangible
2 personal property at retail in this State;

3 3. The total amount of taxable receipts received by him
4 during the preceding calendar month from sales of tangible
5 personal property by him during such preceding calendar
6 month, including receipts from charge and time sales, but
7 less all deductions allowed by law;

8 4. The amount of credit provided in Section 2d of this
9 Act;

10 5. The amount of tax due;

11 5-5. The signature of the taxpayer; and

12 6. Such other reasonable information as the Department
13 may require.

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

18 Beginning October 1, 1993, a taxpayer who has an average
19 monthly tax liability of \$150,000 or more shall make all
20 payments required by rules of the Department by electronic
21 funds transfer. Beginning October 1, 1994, a taxpayer who has
22 an average monthly tax liability of \$100,000 or more shall make
23 all payments required by rules of the Department by electronic
24 funds transfer. Beginning October 1, 1995, a taxpayer who has
25 an average monthly tax liability of \$50,000 or more shall make
26 all payments required by rules of the Department by electronic

1 funds transfer. Beginning October 1, 2000, a taxpayer who has
2 an annual tax liability of \$200,000 or more shall make all
3 payments required by rules of the Department by electronic
4 funds transfer. The term "annual tax liability" shall be the
5 sum of the taxpayer's liabilities under this Act, and under all
6 other State and local occupation and use tax laws administered
7 by the Department, for the immediately preceding calendar year.
8 The term "average monthly tax liability" means the sum of the
9 taxpayer's liabilities under this Act, and under all other
10 State and local occupation and use tax laws administered by the
11 Department, for the immediately preceding calendar year
12 divided by 12. Beginning on October 1, 2002, a taxpayer who has
13 a tax liability in the amount set forth in subsection (b) of
14 Section 2505-210 of the Department of Revenue Law shall make
15 all payments required by rules of the Department by electronic
16 funds transfer.

17 Before August 1 of each year beginning in 1993, the
18 Department shall notify all taxpayers required to make payments
19 by electronic funds transfer. All taxpayers required to make
20 payments by electronic funds transfer shall make those payments
21 for a minimum of one year beginning on October 1.

22 Any taxpayer not required to make payments by electronic
23 funds transfer may make payments by electronic funds transfer
24 with the permission of the Department.

25 All taxpayers required to make payment by electronic funds
26 transfer and any taxpayers authorized to voluntarily make

1 payments by electronic funds transfer shall make those payments
2 in the manner authorized by the Department.

3 The Department shall adopt such rules as are necessary to
4 effectuate a program of electronic funds transfer and the
5 requirements of this Section.

6 Before October 1, 2000, if the taxpayer's average monthly
7 tax liability to the Department under this Act, the Retailers'
8 Occupation Tax Act, the Service Occupation Tax Act, the Service
9 Use Tax Act was \$10,000 or more during the preceding 4 complete
10 calendar quarters, he shall file a return with the Department
11 each month by the 20th day of the month next following the
12 month during which such tax liability is incurred and shall
13 make payments to the Department on or before the 7th, 15th,
14 22nd and last day of the month during which such liability is
15 incurred. On and after October 1, 2000, if the taxpayer's
16 average monthly tax liability to the Department under this Act,
17 the Retailers' Occupation Tax Act, the Service Occupation Tax
18 Act, and the Service Use Tax Act was \$20,000 or more during the
19 preceding 4 complete calendar quarters, he shall file a return
20 with the Department each month by the 20th day of the month
21 next following the month during which such tax liability is
22 incurred and shall make payment to the Department on or before
23 the 7th, 15th, 22nd and last day of the month during which such
24 liability is incurred. If the month during which such tax
25 liability is incurred began prior to January 1, 1985, each
26 payment shall be in an amount equal to 1/4 of the taxpayer's

1 actual liability for the month or an amount set by the
2 Department not to exceed 1/4 of the average monthly liability
3 of the taxpayer to the Department for the preceding 4 complete
4 calendar quarters (excluding the month of highest liability and
5 the month of lowest liability in such 4 quarter period). If the
6 month during which such tax liability is incurred begins on or
7 after January 1, 1985, and prior to January 1, 1987, each
8 payment shall be in an amount equal to 22.5% of the taxpayer's
9 actual liability for the month or 27.5% of the taxpayer's
10 liability for the same calendar month of the preceding year. If
11 the month during which such tax liability is incurred begins on
12 or after January 1, 1987, and prior to January 1, 1988, each
13 payment shall be in an amount equal to 22.5% of the taxpayer's
14 actual liability for the month or 26.25% of the taxpayer's
15 liability for the same calendar month of the preceding year. If
16 the month during which such tax liability is incurred begins on
17 or after January 1, 1988, and prior to January 1, 1989, or
18 begins on or after January 1, 1996, each payment shall be in an
19 amount equal to 22.5% of the taxpayer's actual liability for
20 the month or 25% of the taxpayer's liability for the same
21 calendar month of the preceding year. If the month during which
22 such tax liability is incurred begins on or after January 1,
23 1989, and prior to January 1, 1996, each payment shall be in an
24 amount equal to 22.5% of the taxpayer's actual liability for
25 the month or 25% of the taxpayer's liability for the same
26 calendar month of the preceding year or 100% of the taxpayer's

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

1 4 preceding complete calendar quarter period is less than
2 \$20,000. However, if a taxpayer can show the Department that a
3 substantial change in the taxpayer's business has occurred
4 which causes the taxpayer to anticipate that his average
5 monthly tax liability for the reasonably foreseeable future
6 will fall below the \$20,000 threshold stated above, then such
7 taxpayer may petition the Department for a change in such
8 taxpayer's reporting status. The Department shall change such
9 taxpayer's reporting status unless it finds that such change is
10 seasonal in nature and not likely to be long term. If any such
11 quarter monthly payment is not paid at the time or in the
12 amount required by this Section, then the taxpayer shall be
13 liable for penalties and interest on the difference between the
14 minimum amount due and the amount of such quarter monthly
15 payment actually and timely paid, except insofar as the
16 taxpayer has previously made payments for that month to the
17 Department in excess of the minimum payments previously due as
18 provided in this Section. The Department shall make reasonable
19 rules and regulations to govern the quarter monthly payment
20 amount and quarter monthly payment dates for taxpayers who file
21 on other than a calendar monthly basis.

22 If any such payment provided for in this Section exceeds
23 the taxpayer's liabilities under this Act, the Retailers'
24 Occupation Tax Act, the Service Occupation Tax Act and the
25 Service Use Tax Act, as shown by an original monthly return,
26 the Department shall issue to the taxpayer a credit memorandum

1 no later than 30 days after the date of payment, which
2 memorandum may be submitted by the taxpayer to the Department
3 in payment of tax liability subsequently to be remitted by the
4 taxpayer to the Department or be assigned by the taxpayer to a
5 similar taxpayer under this Act, the Retailers' Occupation Tax
6 Act, the Service Occupation Tax Act or the Service Use Tax Act,
7 in accordance with reasonable rules and regulations to be
8 prescribed by the Department, except that if such excess
9 payment is shown on an original monthly return and is made
10 after December 31, 1986, no credit memorandum shall be issued,
11 unless requested by the taxpayer. If no such request is made,
12 the taxpayer may credit such excess payment against tax
13 liability subsequently to be remitted by the taxpayer to the
14 Department under this Act, the Retailers' Occupation Tax Act,
15 the Service Occupation Tax Act or the Service Use Tax Act, in
16 accordance with reasonable rules and regulations prescribed by
17 the Department. If the Department subsequently determines that
18 all or any part of the credit taken was not actually due to the
19 taxpayer, the taxpayer's 2.1% or 1.75% vendor's discount shall
20 be reduced by 2.1% or 1.75% of the difference between the
21 credit taken and that actually due, and the taxpayer shall be
22 liable for penalties and interest on such difference.

23 If the retailer is otherwise required to file a monthly
24 return and if the retailer's average monthly tax liability to
25 the Department does not exceed \$200, the Department may
26 authorize his returns to be filed on a quarter annual basis,

1 with the return for January, February, and March of a given
2 year being due by April 20 of such year; with the return for
3 April, May and June of a given year being due by July 20 of such
4 year; with the return for July, August and September of a given
5 year being due by October 20 of such year, and with the return
6 for October, November and December of a given year being due by
7 January 20 of the following year.

8 If the retailer is otherwise required to file a monthly or
9 quarterly return and if the retailer's average monthly tax
10 liability to the Department does not exceed \$50, the Department
11 may authorize his returns to be filed on an annual basis, with
12 the return for a given year being due by January 20 of the
13 following year.

14 Such quarter annual and annual returns, as to form and
15 substance, shall be subject to the same requirements as monthly
16 returns.

17 Notwithstanding any other provision in this Act concerning
18 the time within which a retailer may file his return, in the
19 case of any retailer who ceases to engage in a kind of business
20 which makes him responsible for filing returns under this Act,
21 such retailer shall file a final return under this Act with the
22 Department not more than one month after discontinuing such
23 business.

24 In addition, with respect to motor vehicles, watercraft,
25 aircraft, and trailers that are required to be registered with
26 an agency of this State, every retailer selling this kind of

1 tangible personal property shall file, with the Department,
2 upon a form to be prescribed and supplied by the Department, a
3 separate return for each such item of tangible personal
4 property which the retailer sells, except that if, in the same
5 transaction, (i) a retailer of aircraft, watercraft, motor
6 vehicles or trailers transfers more than one aircraft,
7 watercraft, motor vehicle or trailer to another aircraft,
8 watercraft, motor vehicle or trailer retailer for the purpose
9 of resale or (ii) a retailer of aircraft, watercraft, motor
10 vehicles, or trailers transfers more than one aircraft,
11 watercraft, motor vehicle, or trailer to a purchaser for use as
12 a qualifying rolling stock as provided in Section 3-55 of this
13 Act, then that seller may report the transfer of all the
14 aircraft, watercraft, motor vehicles or trailers involved in
15 that transaction to the Department on the same uniform
16 invoice-transaction reporting return form. For purposes of
17 this Section, "watercraft" means a Class 2, Class 3, or Class 4
18 watercraft as defined in Section 3-2 of the Boat Registration
19 and Safety Act, a personal watercraft, or any boat equipped
20 with an inboard motor.

21 The transaction reporting return in the case of motor
22 vehicles or trailers that are required to be registered with an
23 agency of this State, shall be the same document as the Uniform
24 Invoice referred to in Section 5-402 of the Illinois Vehicle
25 Code and must show the name and address of the seller; the name
26 and address of the purchaser; the amount of the selling price

1 including the amount allowed by the retailer for traded-in
2 property, if any; the amount allowed by the retailer for the
3 traded-in tangible personal property, if any, to the extent to
4 which Section 2 of this Act allows an exemption for the value
5 of traded-in property; the balance payable after deducting such
6 trade-in allowance from the total selling price; the amount of
7 tax due from the retailer with respect to such transaction; the
8 amount of tax collected from the purchaser by the retailer on
9 such transaction (or satisfactory evidence that such tax is not
10 due in that particular instance, if that is claimed to be the
11 fact); the place and date of the sale; a sufficient
12 identification of the property sold; such other information as
13 is required in Section 5-402 of the Illinois Vehicle Code, and
14 such other information as the Department may reasonably
15 require.

16 The transaction reporting return in the case of watercraft
17 and aircraft must show the name and address of the seller; the
18 name and address of the purchaser; the amount of the selling
19 price including the amount allowed by the retailer for
20 traded-in property, if any; the amount allowed by the retailer
21 for the traded-in tangible personal property, if any, to the
22 extent to which Section 2 of this Act allows an exemption for
23 the value of traded-in property; the balance payable after
24 deducting such trade-in allowance from the total selling price;
25 the amount of tax due from the retailer with respect to such
26 transaction; the amount of tax collected from the purchaser by

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

6 Such transaction reporting return shall be filed not later
7 than 20 days after the date of delivery of the item that is
8 being sold, but may be filed by the retailer at any time sooner
9 than that if he chooses to do so. The transaction reporting
10 return and tax remittance or proof of exemption from the tax
11 that is imposed by this Act may be transmitted to the
12 Department by way of the State agency with which, or State
13 officer with whom, the tangible personal property must be
14 titled or registered (if titling or registration is required)
15 if the Department and such agency or State officer determine
16 that this procedure will expedite the processing of
17 applications for title or registration.

18 With each such transaction reporting return, the retailer
19 shall remit the proper amount of tax due (or shall submit
20 satisfactory evidence that the sale is not taxable if that is
21 the case), to the Department or its agents, whereupon the
22 Department shall issue, in the purchaser's name, a tax receipt
23 (or a certificate of exemption if the Department is satisfied
24 that the particular sale is tax exempt) which such purchaser
25 may submit to the agency with which, or State officer with
26 whom, he must title or register the tangible personal property

1 that is involved (if titling or registration is required) in
2 support of such purchaser's application for an Illinois
3 certificate or other evidence of title or registration to such
4 tangible personal property.

5 No retailer's failure or refusal to remit tax under this
6 Act precludes a user, who has paid the proper tax to the
7 retailer, from obtaining his certificate of title or other
8 evidence of title or registration (if titling or registration
9 is required) upon satisfying the Department that such user has
10 paid the proper tax (if tax is due) to the retailer. The
11 Department shall adopt appropriate rules to carry out the
12 mandate of this paragraph.

13 If the user who would otherwise pay tax to the retailer
14 wants the transaction reporting return filed and the payment of
15 tax or proof of exemption made to the Department before the
16 retailer is willing to take these actions and such user has not
17 paid the tax to the retailer, such user may certify to the fact
18 of such delay by the retailer, and may (upon the Department
19 being satisfied of the truth of such certification) transmit
20 the information required by the transaction reporting return
21 and the remittance for tax or proof of exemption directly to
22 the Department and obtain his tax receipt or exemption
23 determination, in which event the transaction reporting return
24 and tax remittance (if a tax payment was required) shall be
25 credited by the Department to the proper retailer's account
26 with the Department, but without the 2.1% or 1.75% discount

1 provided for in this Section being allowed. When the user pays
2 the tax directly to the Department, he shall pay the tax in the
3 same amount and in the same form in which it would be remitted
4 if the tax had been remitted to the Department by the retailer.

5 Where a retailer collects the tax with respect to the
6 selling price of tangible personal property which he sells and
7 the purchaser thereafter returns such tangible personal
8 property and the retailer refunds the selling price thereof to
9 the purchaser, such retailer shall also refund, to the
10 purchaser, the tax so collected from the purchaser. When filing
11 his return for the period in which he refunds such tax to the
12 purchaser, the retailer may deduct the amount of the tax so
13 refunded by him to the purchaser from any other use tax which
14 such retailer may be required to pay or remit to the
15 Department, as shown by such return, if the amount of the tax
16 to be deducted was previously remitted to the Department by
17 such retailer. If the retailer has not previously remitted the
18 amount of such tax to the Department, he is entitled to no
19 deduction under this Act upon refunding such tax to the
20 purchaser.

21 Any retailer filing a return under this Section shall also
22 include (for the purpose of paying tax thereon) the total tax
23 covered by such return upon the selling price of tangible
24 personal property purchased by him at retail from a retailer,
25 but as to which the tax imposed by this Act was not collected
26 from the retailer filing such return, and such retailer shall

1 remit the amount of such tax to the Department when filing such
2 return.

3 If experience indicates such action to be practicable, the
4 Department may prescribe and furnish a combination or joint
5 return which will enable retailers, who are required to file
6 returns hereunder and also under the Retailers' Occupation Tax
7 Act, to furnish all the return information required by both
8 Acts on the one form.

9 Where the retailer has more than one business registered
10 with the Department under separate registration under this Act,
11 such retailer may not file each return that is due as a single
12 return covering all such registered businesses, but shall file
13 separate returns for each such registered business.

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

24 Beginning January 1, 1990, each month the Department shall
25 pay into the County and Mass Transit District Fund 4% of the
26 net revenue realized for the preceding month from the 6.25%

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

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

13 Beginning August 1, 2000, each month the Department shall
14 pay into the State and Local Sales Tax Reform Fund 100% of the
15 net revenue realized for the preceding month from the 1.25%
16 rate on the selling price of motor fuel and gasohol. Beginning
17 September 1, 2010, each month the Department shall pay into the
18 State and Local Sales Tax Reform Fund 100% of the net revenue
19 realized for the preceding month from the 1.25% rate on the
20 selling price of sales tax holiday items.

21 Beginning January 1, 1990, each month the Department shall
22 pay into the Local Government Tax Fund 16% of the net revenue
23 realized for the preceding month from the 6.25% general rate on
24 the selling price of tangible personal property which is
25 purchased outside Illinois at retail from a retailer and which
26 is titled or registered by an agency of this State's

1 government.

2 Beginning October 1, 2009, each month the Department shall
3 pay into the Capital Projects Fund an amount that is equal to
4 an amount estimated by the Department to represent 80% of the
5 net revenue realized for the preceding month from the sale of
6 candy, grooming and hygiene products, and soft drinks that had
7 been taxed at a rate of 1% prior to September 1, 2009 but that
8 is now taxed at 6.25%.

9 Beginning July 1, 2011, each month the Department shall pay
10 into the Clean Air Act (CAA) Permit Fund 80% of the net revenue
11 realized for the preceding month from the 6.25% general rate on
12 the selling price of sorbents used in Illinois in the process
13 of sorbent injection as used to comply with the Environmental
14 Protection Act or the federal Clean Air Act, but the total
15 payment into the Clean Air Act (CAA) Permit Fund under this Act
16 and the Retailers' Occupation Tax Act shall not exceed
17 \$2,000,000 in any fiscal year.

18 Beginning July 1, 2013, each month the Department shall pay
19 into the Underground Storage Tank Fund from the proceeds
20 collected under this Act, the Service Use Tax Act, the Service
21 Occupation Tax Act, and the Retailers' Occupation Tax Act an
22 amount equal to the average monthly deficit in the Underground
23 Storage Tank Fund during the prior year, as certified annually
24 by the Illinois Environmental Protection Agency, but the total
25 payment into the Underground Storage Tank Fund under this Act,
26 the Service Use Tax Act, the Service Occupation Tax Act, and

1 the Retailers' Occupation Tax Act shall not exceed \$18,000,000
2 in any State fiscal year. As used in this paragraph, the
3 "average monthly deficit" shall be equal to the difference
4 between the average monthly claims for payment by the fund and
5 the average monthly revenues deposited into the fund, excluding
6 payments made pursuant to this paragraph.

7 Of the remainder of the moneys received by the Department
8 pursuant to this Act, (a) 1.75% thereof shall be paid into the
9 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
10 and after July 1, 1989, 3.8% thereof shall be paid into the
11 Build Illinois Fund; provided, however, that if in any fiscal
12 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
13 may be, of the moneys received by the Department and required
14 to be paid into the Build Illinois Fund pursuant to Section 3
15 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax
16 Act, Section 9 of the Service Use Tax Act, and Section 9 of the
17 Service Occupation Tax Act, such Acts being hereinafter called
18 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case
19 may be, of moneys being hereinafter called the "Tax Act
20 Amount", and (2) the amount transferred to the Build Illinois
21 Fund from the State and Local Sales Tax Reform Fund shall be
22 less than the Annual Specified Amount (as defined in Section 3
23 of the Retailers' Occupation Tax Act), an amount equal to the
24 difference shall be immediately paid into the Build Illinois
25 Fund from other moneys received by the Department pursuant to
26 the Tax Acts; and further provided, that if on the last

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

1 the last business day of any month in which Bonds are
2 outstanding pursuant to the Build Illinois Bond Act, the
3 aggregate of the moneys deposited in the Build Illinois Bond
4 Account in the Build Illinois Fund in such month shall be less
5 than the amount required to be transferred in such month from
6 the Build Illinois Bond Account to the Build Illinois Bond
7 Retirement and Interest Fund pursuant to Section 13 of the
8 Build Illinois Bond Act, an amount equal to such deficiency
9 shall be immediately paid from other moneys received by the
10 Department pursuant to the Tax Acts to the Build Illinois Fund;
11 provided, however, that any amounts paid to the Build Illinois
12 Fund in any fiscal year pursuant to this sentence shall be
13 deemed to constitute payments pursuant to clause (b) of the
14 preceding sentence and shall reduce the amount otherwise
15 payable for such fiscal year pursuant to clause (b) of the
16 preceding sentence. The moneys received by the Department
17 pursuant to this Act and required to be deposited into the
18 Build Illinois Fund are subject to the pledge, claim and charge
19 set forth in Section 12 of the Build Illinois Bond Act.

20 Subject to payment of amounts into the Build Illinois Fund
21 as provided in the preceding paragraph or in any amendment
22 thereto hereafter enacted, the following specified monthly
23 installment of the amount requested in the certificate of the
24 Chairman of the Metropolitan Pier and Exposition Authority
25 provided under Section 8.25f of the State Finance Act, but not
26 in excess of the sums designated as "Total Deposit", shall be

1 deposited in the aggregate from collections under Section 9 of
2 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
3 9 of the Service Occupation Tax Act, and Section 3 of the
4 Retailers' Occupation Tax Act into the McCormick Place
5 Expansion Project Fund in the specified fiscal years.

6	Fiscal Year	Total Deposit
7	1993	\$0
8	1994	53,000,000
9	1995	58,000,000
10	1996	61,000,000
11	1997	64,000,000
12	1998	68,000,000
13	1999	71,000,000
14	2000	75,000,000
15	2001	80,000,000
16	2002	93,000,000
17	2003	99,000,000
18	2004	103,000,000
19	2005	108,000,000
20	2006	113,000,000
21	2007	119,000,000
22	2008	126,000,000
23	2009	132,000,000
24	2010	139,000,000
25	2011	146,000,000
26	2012	153,000,000

1	2013	161,000,000
2	2014	170,000,000
3	2015	179,000,000
4	2016	189,000,000
5	2017	199,000,000
6	2018	210,000,000
7	2019	221,000,000
8	2020	233,000,000
9	2021	246,000,000
10	2022	260,000,000
11	2023	275,000,000
12	2024	275,000,000
13	2025	275,000,000
14	2026	279,000,000
15	2027	292,000,000
16	2028	307,000,000
17	2029	322,000,000
18	2030	338,000,000
19	2031	350,000,000
20	2032	350,000,000

21 and
22 each fiscal year
23 thereafter that bonds
24 are outstanding under
25 Section 13.2 of the
26 Metropolitan Pier and

1 Exposition Authority Act,
2 but not after fiscal year 2060.

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

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 July 1, 1993, the Department shall each
20 month pay into the Illinois Tax Increment Fund 0.27% of 80% of
21 the net revenue realized for the preceding month from the 6.25%
22 general rate on the selling price of tangible personal
23 property.

24 Subject to payment of amounts into the Build Illinois Fund
25 and the McCormick Place Expansion Project Fund pursuant to the
26 preceding paragraphs or in any amendments thereto hereafter

1 enacted, beginning with the receipt of the first report of
2 taxes paid by an eligible business and continuing for a 25-year
3 period, the Department shall each month pay into the Energy
4 Infrastructure Fund 80% of the net revenue realized from the
5 6.25% general rate on the selling price of Illinois-mined coal
6 that was sold to an eligible business. For purposes of this
7 paragraph, the term "eligible business" means a new electric
8 generating facility certified pursuant to Section 605-332 of
9 the Department of Commerce and Economic Opportunity Law of the
10 Civil Administrative Code of Illinois.

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

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

24 Net revenue realized for a month shall be the revenue
25 collected by the State pursuant to this Act, less the amount
26 paid out during that month as refunds to taxpayers for

1 overpayment of liability.

2 For greater simplicity of administration, manufacturers,
3 importers and wholesalers whose products are sold at retail in
4 Illinois by numerous retailers, and who wish to do so, may
5 assume the responsibility for accounting and paying to the
6 Department all tax accruing under this Act with respect to such
7 sales, if the retailers who are affected do not make written
8 objection to the Department to this arrangement.

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

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

14 (35 ILCS 110/9) (from Ch. 120, par. 439.39)

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

1 not remit that part of any tax collected by him to the extent
2 that he is required to pay and does pay the tax imposed by the
3 Service Occupation Tax Act with respect to his sale of service
4 involving the incidental transfer by him of the same property.

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

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

19 1. The name of the seller;

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

22 3. The total amount of taxable receipts received by him
23 during the preceding calendar month, including receipts
24 from charge and time sales, but less all deductions allowed
25 by law;

26 4. The amount of credit provided in Section 2d of this

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 If the serviceman is otherwise required to file a monthly
25 return and if the serviceman's average monthly tax liability to
26 the Department does not exceed \$200, the Department may

1 authorize his returns to be filed on a quarter annual basis,
2 with the return for January, February and March of a given year
3 being due by April 20 of such year; with the return for April,
4 May and June of a given year being due by July 20 of such year;
5 with the return for July, August and September of a given year
6 being due by October 20 of such year, and with the return for
7 October, November and December of a given year being due by
8 January 20 of the following year.

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

15 Such quarter annual and annual returns, as to form and
16 substance, shall be subject to the same requirements as monthly
17 returns.

18 Notwithstanding any other provision in this Act concerning
19 the time within which a serviceman may file his return, in the
20 case of any serviceman who ceases to engage in a kind of
21 business which makes him responsible for filing returns under
22 this Act, such serviceman shall file a final return under this
23 Act with the Department not more than 1 month after
24 discontinuing such business.

25 Where a serviceman collects the tax with respect to the
26 selling price of property which he sells and the purchaser

1 thereafter returns such property and the serviceman refunds the
2 selling price thereof to the purchaser, such serviceman shall
3 also refund, to the purchaser, the tax so collected from the
4 purchaser. When filing his return for the period in which he
5 refunds such tax to the purchaser, the serviceman may deduct
6 the amount of the tax so refunded by him to the purchaser from
7 any other Service Use Tax, Service Occupation Tax, retailers'
8 occupation tax or use tax which such serviceman may be required
9 to pay or remit to the Department, as shown by such return,
10 provided that the amount of the tax to be deducted shall
11 previously have been remitted to the Department by such
12 serviceman. If the serviceman shall not previously have
13 remitted the amount of such tax to the Department, he shall be
14 entitled to no deduction hereunder upon refunding such tax to
15 the purchaser.

16 Any serviceman filing a return hereunder shall also include
17 the total tax upon the selling price of tangible personal
18 property purchased for use by him as an incident to a sale of
19 service, and such serviceman shall remit the amount of such tax
20 to the Department when filing such 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 servicemen, who are required to file
24 returns hereunder and also under the Service Occupation Tax
25 Act, to furnish all the return information required by both
26 Acts on the one form.

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

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

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

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

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

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

23 Of the remainder of the moneys received by the Department
24 pursuant to this Act, (a) 1.75% thereof shall be paid into the
25 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
26 and after July 1, 1989, 3.8% thereof shall be paid into the

1 Build Illinois Fund; provided, however, that if in any fiscal
2 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
3 may be, of the moneys received by the Department and required
4 to be paid into the Build Illinois Fund pursuant to Section 3
5 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax
6 Act, Section 9 of the Service Use Tax Act, and Section 9 of the
7 Service Occupation Tax Act, such Acts being hereinafter called
8 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case
9 may be, of moneys being hereinafter called the "Tax Act
10 Amount", and (2) the amount transferred to the Build Illinois
11 Fund from the State and Local Sales Tax Reform Fund shall be
12 less than the Annual Specified Amount (as defined in Section 3
13 of the Retailers' Occupation Tax Act), an amount equal to the
14 difference shall be immediately paid into the Build Illinois
15 Fund from other moneys received by the Department pursuant to
16 the Tax Acts; and further provided, that if on the last
17 business day of any month the sum of (1) the Tax Act Amount
18 required to be deposited into the Build Illinois Bond Account
19 in the Build Illinois Fund during such month and (2) the amount
20 transferred during such month to the Build Illinois Fund from
21 the State and Local Sales Tax Reform Fund shall have been less
22 than 1/12 of the Annual Specified Amount, an amount equal to
23 the difference shall be immediately paid into the Build
24 Illinois Fund from other moneys received by the Department
25 pursuant to the Tax Acts; and, further provided, that in no
26 event shall the payments required under the preceding proviso

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

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

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

22	Fiscal Year	Total Deposit
23	1993	\$0
24	1994	53,000,000
25	1995	58,000,000

1	1996	61,000,000
2	1997	64,000,000
3	1998	68,000,000
4	1999	71,000,000
5	2000	75,000,000
6	2001	80,000,000
7	2002	93,000,000
8	2003	99,000,000
9	2004	103,000,000
10	2005	108,000,000
11	2006	113,000,000
12	2007	119,000,000
13	2008	126,000,000
14	2009	132,000,000
15	2010	139,000,000
16	2011	146,000,000
17	2012	153,000,000
18	2013	161,000,000
19	2014	170,000,000
20	2015	179,000,000
21	2016	189,000,000
22	2017	199,000,000
23	2018	210,000,000
24	2019	221,000,000
25	2020	233,000,000
26	2021	246,000,000

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

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

20 Beginning July 20, 1993 and in each month of each fiscal
21 year thereafter, one-eighth of the amount requested in the
22 certificate of the Chairman of the Metropolitan Pier and
23 Exposition Authority for that fiscal year, less the amount
24 deposited into the McCormick Place Expansion Project Fund by
25 the State Treasurer in the respective month under subsection
26 (g) of Section 13 of the Metropolitan Pier and Exposition

1 Authority Act, plus cumulative deficiencies in the deposits
2 required under this Section for previous months and years,
3 shall be deposited into the McCormick Place Expansion Project
4 Fund, until the full amount requested for the fiscal year, but
5 not in excess of the amount specified above as "Total Deposit",
6 has been deposited.

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 July 1, 1993, the Department shall each
11 month pay into the Illinois Tax Increment Fund 0.27% of 80% of
12 the net revenue realized for the preceding month from the 6.25%
13 general rate on the selling price of tangible personal
14 property.

15 Subject to payment of amounts into the Build Illinois Fund
16 and the McCormick Place Expansion Project Fund pursuant to the
17 preceding paragraphs or in any amendments thereto hereafter
18 enacted, beginning with the receipt of the first report of
19 taxes paid by an eligible business and continuing for a 25-year
20 period, the Department shall each month pay into the Energy
21 Infrastructure Fund 80% of the net revenue realized from the
22 6.25% general rate on the selling price of Illinois-mined coal
23 that was sold to an eligible business. For purposes of this
24 paragraph, the term "eligible business" means a new electric
25 generating facility certified pursuant to Section 605-332 of
26 the Department of Commerce and Economic Opportunity Law of the

1 Civil Administrative Code of Illinois.

2 All remaining moneys received by the Department pursuant to
3 this Act shall be paid into the General Revenue Fund of the
4 State Treasury.

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

12 Net revenue realized for a month shall be the revenue
13 collected by the State pursuant to this Act, less the amount
14 paid out during that month as refunds to taxpayers for
15 overpayment of liability.

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

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

20 (35 ILCS 115/9) (from Ch. 120, par. 439.109)

21 Sec. 9. Each serviceman required or authorized to collect
22 the tax herein imposed shall pay to the Department the amount
23 of such tax at the time when he is required to file his return
24 for the period during which such tax was collectible, less a

1 discount of 2.1% prior to January 1, 1990, and 1.75% on and
2 after January 1, 1990, or \$5 per calendar year, whichever is
3 greater, which is allowed to reimburse the serviceman for
4 expenses incurred in collecting the tax, keeping records,
5 preparing and filing returns, remitting the tax and supplying
6 data to the Department on request.

7 Where such tangible personal property is sold under a
8 conditional sales contract, or under any other form of sale
9 wherein the payment of the principal sum, or a part thereof, is
10 extended beyond the close of the period for which the return is
11 filed, the serviceman, in collecting the tax may collect, for
12 each tax return period, only the tax applicable to the part of
13 the selling price actually received during such tax return
14 period.

15 Except as provided hereinafter in this Section, on or
16 before the twentieth day of each calendar month, such
17 serviceman shall file a return for the preceding calendar month
18 in accordance with reasonable rules and regulations to be
19 promulgated by the Department of Revenue. Such return shall be
20 filed on a form prescribed by the Department and shall contain
21 such information as the Department may reasonably require.

22 The Department may require returns to be filed on a
23 quarterly basis. If so required, a return for each calendar
24 quarter shall be filed on or before the twentieth day of the
25 calendar month following the end of such calendar quarter. The
26 taxpayer shall also file a return with the Department for each

1 of the first two months of each calendar quarter, on or before
2 the twentieth day of the following calendar month, stating:

3 1. The name of the seller;

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

6 3. The total amount of taxable receipts received by him
7 during the preceding calendar month, including receipts
8 from charge and time sales, but less all deductions allowed
9 by law;

10 4. The amount of credit provided in Section 2d of this
11 Act;

12 5. The amount of tax due;

13 5-5. The signature of the taxpayer; and

14 6. Such other reasonable information as the Department
15 may require.

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

20 Prior to October 1, 2003, and on and after September 1,
21 2004 a serviceman may accept a Manufacturer's Purchase Credit
22 certification from a purchaser in satisfaction of Service Use
23 Tax as provided in Section 3-70 of the Service Use Tax Act if
24 the purchaser provides the appropriate documentation as
25 required by Section 3-70 of the Service Use Tax Act. A
26 Manufacturer's Purchase Credit certification, accepted prior

1 to October 1, 2003 or on or after September 1, 2004 by a
2 serviceman as provided in Section 3-70 of the Service Use Tax
3 Act, may be used by that serviceman to satisfy Service
4 Occupation Tax liability in the amount claimed in the
5 certification, not to exceed 6.25% of the receipts subject to
6 tax from a qualifying purchase. A Manufacturer's Purchase
7 Credit reported on any original or amended return filed under
8 this Act after October 20, 2003 for reporting periods prior to
9 September 1, 2004 shall be disallowed. Manufacturer's Purchase
10 Credit reported on annual returns due on or after January 1,
11 2005 will be disallowed for periods prior to September 1, 2004.
12 No Manufacturer's Purchase Credit may be used after September
13 30, 2003 through August 31, 2004 to satisfy any tax liability
14 imposed under this Act, including any audit liability.

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

25 If the serviceman's average monthly tax liability to the
26 Department does not exceed \$50, the Department may authorize

1 his returns to be filed on an annual basis, with the return for
2 a given year being due by January 20 of the following year.

3 Such quarter annual and annual returns, as to form and
4 substance, shall be subject to the same requirements as monthly
5 returns.

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

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

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

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

17 Any taxpayer not required to make payments by electronic
18 funds transfer may make payments by electronic funds transfer
19 with the permission of the Department.

20 All taxpayers required to make payment by electronic funds
21 transfer and any taxpayers authorized to voluntarily make
22 payments by electronic funds transfer shall make those payments
23 in the manner authorized by the Department.

24 The Department shall adopt such rules as are necessary to
25 effectuate a program of electronic funds transfer and the
26 requirements of this Section.

1 Where a serviceman collects the tax with respect to the
2 selling price of tangible personal property which he sells and
3 the purchaser thereafter returns such tangible personal
4 property and the serviceman refunds the selling price thereof
5 to the purchaser, such serviceman shall also refund, to the
6 purchaser, the tax so collected from the purchaser. When filing
7 his return for the period in which he refunds such tax to the
8 purchaser, the serviceman may deduct the amount of the tax so
9 refunded by him to the purchaser from any other Service
10 Occupation Tax, Service Use Tax, Retailers' Occupation Tax or
11 Use Tax which such serviceman may be required to pay or remit
12 to the Department, as shown by such return, provided that the
13 amount of the tax to be deducted shall previously have been
14 remitted to the Department by such serviceman. If the
15 serviceman shall not previously have remitted the amount of
16 such tax to the Department, he shall be entitled to no
17 deduction hereunder upon refunding such tax to the purchaser.

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

25 Where the serviceman has more than one business registered
26 with the Department under separate registrations hereunder,

1 such serviceman shall file separate returns for each registered
2 business.

3 Beginning January 1, 1990, each month the Department shall
4 pay into the Local Government Tax Fund the revenue realized for
5 the preceding month from the 1% tax on sales of food for human
6 consumption which is to be consumed off the premises where it
7 is sold (other than alcoholic beverages, soft drinks and food
8 which has been prepared for immediate consumption) and
9 prescription and nonprescription medicines, drugs, medical
10 appliances and insulin, urine testing materials, syringes and
11 needles used by diabetics.

12 Beginning January 1, 1990, each month the Department shall
13 pay into the County and Mass Transit District Fund 4% of the
14 revenue realized for the preceding month from the 6.25% general
15 rate.

16 Beginning August 1, 2000, each month the Department shall
17 pay into the County and Mass Transit District Fund 20% of the
18 net revenue realized for the preceding month from the 1.25%
19 rate on the selling price of motor fuel and gasohol.

20 Beginning January 1, 1990, each month the Department shall
21 pay into the Local Government Tax Fund 16% of the revenue
22 realized for the preceding month from the 6.25% general rate on
23 transfers of tangible personal property.

24 Beginning August 1, 2000, each month the Department shall
25 pay into the Local Government Tax Fund 80% of the net revenue
26 realized for the preceding month from the 1.25% rate on the

1 selling price of motor fuel and gasohol.

2 Beginning October 1, 2009, each month the Department shall
3 pay into the Capital Projects Fund an amount that is equal to
4 an amount estimated by the Department to represent 80% of the
5 net revenue realized for the preceding month from the sale of
6 candy, grooming and hygiene products, and soft drinks that had
7 been taxed at a rate of 1% prior to September 1, 2009 but that
8 is now taxed at 6.25%.

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

24 Of the remainder of the moneys received by the Department
25 pursuant to this Act, (a) 1.75% thereof shall be paid into the
26 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on

1 and after July 1, 1989, 3.8% thereof shall be paid into the
2 Build Illinois Fund; provided, however, that if in any fiscal
3 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
4 may be, of the moneys received by the Department and required
5 to be paid into the Build Illinois Fund pursuant to Section 3
6 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax
7 Act, Section 9 of the Service Use Tax Act, and Section 9 of the
8 Service Occupation Tax Act, such Acts being hereinafter called
9 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case
10 may be, of moneys being hereinafter called the "Tax Act
11 Amount", and (2) the amount transferred to the Build Illinois
12 Fund from the State and Local Sales Tax Reform Fund shall be
13 less than the Annual Specified Amount (as defined in Section 3
14 of the Retailers' Occupation Tax Act), an amount equal to the
15 difference shall be immediately paid into the Build Illinois
16 Fund from other moneys received by the Department pursuant to
17 the Tax Acts; and further provided, that if on the last
18 business day of any month the sum of (1) the Tax Act Amount
19 required to be deposited into the Build Illinois Account in the
20 Build Illinois Fund during such month and (2) the amount
21 transferred during such month to the Build Illinois Fund from
22 the State and Local Sales Tax Reform Fund shall have been less
23 than 1/12 of the Annual Specified Amount, an amount equal to
24 the difference shall be immediately paid into the Build
25 Illinois Fund from other moneys received by the Department
26 pursuant to the Tax Acts; and, further provided, that in no

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

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

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

23	Fiscal Year	Total Deposit
24	1993	\$0
25	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 Remaining moneys received by the Department pursuant to
4 this Act shall be paid into the General Revenue Fund of the
5 State Treasury.

6 The Department may, upon separate written notice to a
7 taxpayer, require the taxpayer to prepare and file with the
8 Department on a form prescribed by the Department within not
9 less than 60 days after receipt of the notice an annual
10 information return for the tax year specified in the notice.
11 Such annual return to the Department shall include a statement
12 of gross receipts as shown by the taxpayer's last Federal
13 income tax return. If the total receipts of the business as
14 reported in the Federal income tax return do not agree with the
15 gross receipts reported to the Department of Revenue for the
16 same period, the taxpayer shall attach to his annual return a
17 schedule showing a reconciliation of the 2 amounts and the
18 reasons for the difference. The taxpayer's annual return to the
19 Department shall also disclose the cost of goods sold by the
20 taxpayer during the year covered by such return, opening and
21 closing inventories of such goods for such year, cost of goods
22 used from stock or taken from stock and given away by the
23 taxpayer during such year, pay roll information of the
24 taxpayer's business during such year and any additional
25 reasonable information which the Department deems would be
26 helpful in determining the accuracy of the monthly, quarterly

1 or annual returns filed by such taxpayer as hereinbefore
2 provided for in this Section.

3 If the annual information return required by this Section
4 is not filed when and as required, the taxpayer shall be liable
5 as follows:

6 (i) Until January 1, 1994, the taxpayer shall be liable
7 for a penalty equal to 1/6 of 1% of the tax due from such
8 taxpayer under this Act during the period to be covered by
9 the annual return for each month or fraction of a month
10 until such return is filed as required, the penalty to be
11 assessed and collected in the same manner as any other
12 penalty provided for in this Act.

13 (ii) On and after January 1, 1994, the taxpayer shall
14 be liable for a penalty as described in Section 3-4 of the
15 Uniform Penalty and Interest Act.

16 The chief executive officer, proprietor, owner or highest
17 ranking manager shall sign the annual return to certify the
18 accuracy of the information contained therein. Any person who
19 willfully signs the annual return containing false or
20 inaccurate information shall be guilty of perjury and punished
21 accordingly. The annual return form prescribed by the
22 Department shall include a warning that the person signing the
23 return may be liable for perjury.

24 The foregoing portion of this Section concerning the filing
25 of an annual information return shall not apply to a serviceman
26 who is not required to file an income tax return with the

1 United States Government.

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

9 Net revenue realized for a month shall be the revenue
10 collected by the State pursuant to this Act, less the amount
11 paid out during that month as refunds to taxpayers for
12 overpayment of liability.

13 For greater simplicity of administration, it shall be
14 permissible for manufacturers, importers and wholesalers whose
15 products are sold by numerous servicemen in Illinois, and who
16 wish to do so, to assume the responsibility for accounting and
17 paying to the Department all tax accruing under this Act with
18 respect to such sales, if the servicemen who are affected do
19 not make written objection to the Department to this
20 arrangement.

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

23 Section 5-40. The Retailers' Occupation Tax Act is amended
24 by changing Sections 2-54, 3, 5k, 5l, and 9 as follows:

1 (35 ILCS 120/2-54)

2 Sec. 2-54. Building materials exemption; River Edge
3 Redevelopment Zones.

4 (a) Each retailer that makes a qualified sale of building
5 materials to be incorporated into real estate within a River
6 Edge Redevelopment Zone in accordance with the River Edge
7 Redevelopment Zone Act by remodeling, rehabilitating, or new
8 construction may deduct receipts from those sales when
9 calculating the tax imposed by this Act. For purposes of this
10 Section, "qualified sale" means a sale of building materials
11 that will be incorporated into real estate as part of an
12 industrial or commercial project for which a Certificate of
13 Eligibility for Sales Tax Exemption has been issued by the
14 corporate authorities of the municipality in which the building
15 project is located.

16 (b) Before July 1, 2013, to ~~to~~ document the exemption
17 allowed under this Section, the retailer must obtain from the
18 purchaser a copy of the Certificate of Eligibility for Sales
19 Tax Exemption issued by the corporate authorities of the
20 municipality in which the real estate into which the building
21 materials will be incorporated is located. The Certificate of
22 Eligibility for Sales Tax Exemption must contain all of the
23 following:

24 (1) A statement that the commercial or industrial
25 project identified in the Certificate meets all the
26 requirements of the jurisdiction in which the project is

1 located.

2 (2) The location or address of the building project.

3 (3) The signature of the chief executive officer of the
4 municipality in which the building project is located, or
5 the chief executive officer's delegate.

6 (c) Before July 1, 2013, in ~~the~~ addition, the retailer must
7 obtain a certificate from the purchaser that contains all of
8 the following:

9 (1) A statement that the building materials are being
10 purchased for incorporation into real estate located in a
11 River Edge Redevelopment Zone included in a redevelopment
12 project area in accordance with River Edge Redevelopment
13 Zone Act.

14 (2) The location or address of the real estate into
15 which the building materials will be incorporated.

16 (3) The name of the River Edge Redevelopment Zone in
17 which that real estate is located.

18 (4) A description of the building materials being
19 purchased.

20 (5) The purchaser's signature and date of purchase.

21 (d) On and after July 1, 2013, to document the exemption
22 allowed under this Section the retailer must obtain from the
23 purchaser the purchaser's River Edge Building Materials
24 Exemption Certificate number issued by the Department. A
25 construction contractor or other entity shall not make tax-free
26 purchases unless it has an active Exemption Certificate issued

1 by the Department at the time of purchase.

2 Upon request from the corporate authorities of the
3 municipality in which the building project is located, the
4 Department shall issue a River Edge Building Materials
5 Exemption Certificate for each construction contractor or
6 other entity identified by the corporate authorities of the
7 municipality in which the building project is located. The
8 Department shall make the Exemption Certificates available to
9 the corporate authorities of the municipality in which the
10 building project is located and each construction contractor or
11 other entity. The request for River Edge Building Materials
12 Exemption Certificates from the corporate authorities of the
13 municipality in which the building project is located to the
14 Department must include the following information:

15 (1) the name and address of the construction contractor
16 or other entity;

17 (2) the name and number of the River Edge Redevelopment
18 Zone in which the building project is located;

19 (3) the name and location or address of the building
20 project in the River Edge Redevelopment Zone;

21 (4) the estimated amount of the exemption for each
22 construction contractor or other entity for which a request
23 for Exemption Certificate is made, based on a stated
24 estimated average tax rate and the percentage of the
25 contract that consists of materials;

26 (5) the period of time over which supplies for the

1 project are expected to be purchased; and

2 (6) other reasonable information as the Department may
3 require, including but not limited to FEIN numbers, to
4 determine if the contractor or other entity, or any
5 partner, or a corporate officer, and in the case of a
6 limited liability company, any manager or member, of the
7 construction contractor or other entity, is or has been the
8 owner, a partner, a corporate officer, and in the case of a
9 limited liability company, a manager or member, of a person
10 that is in default for moneys due to the Department under
11 this Act or any other tax or fee Act administered by the
12 Department.

13 The Department shall issue the River Edge Building
14 Materials Exemption Certificates within 3 business days after
15 receipt of request from the corporate authorities of the
16 municipality in which the building project is located. This
17 requirement does not apply in circumstances where the
18 Department, for reasonable cause, is unable to issue the
19 Exemption Certificate within 3 business days. The Department
20 may refuse to issue an Exemption Certificate if the owner, any
21 partner, or a corporate officer, and in the case of a limited
22 liability company, any manager or member, of the construction
23 contractor or other entity is or has been the owner, a partner,
24 a corporate officer, and in the case of a limited liability
25 company, a manager or member, of a person that is in default
26 for moneys due to the Department under this Act or any other

1 tax or fee Act administered by the Department. The River Edge
2 Building Materials Exemption Certificate shall contain
3 language stating that, if the construction contractor or other
4 entity who is issued the Exemption Certificate makes a
5 tax-exempt purchase as described in this Section that is not
6 eligible for exemption under this Section, or allows another
7 person to make a tax-exempt purchase, as described in this
8 Section, that is not eligible for exemption under this Section,
9 then, in addition to any tax or other penalty imposed, the
10 construction contractor or other entity is subject to a penalty
11 equal to the tax that would have been paid by the retailer
12 under this Act as well as any applicable local retailers'
13 occupation tax on the purchase that is not eligible for the
14 exemption.

15 The Department, in its discretion, may require that the
16 request for River Edge Building Materials Exemption
17 Certificates be submitted electronically. The Department may,
18 in its discretion, issue the Exemption Certificates
19 electronically. The River Edge Building Materials Exemption
20 Certificate number shall be designed in such a way that the
21 Department can identify from the unique number on the Exemption
22 Certificate issued to a given construction contractor or other
23 entity, the name of the River Edge Redevelopment Zone in which
24 the building project is located, the project for which the
25 Exemption Certificate is issued, and the construction
26 contractor or other entity to whom the Exemption Certificate is

1 issued. The Exemption Certificate shall contain an expiration
2 date, which shall be no more than 2 years after the date of
3 issuance. At the request of the corporate authorities of the
4 municipality in which the building project is located, the
5 Department may renew an Exemption Certificate. After the
6 Department issues Exemption Certificates for a given River Edge
7 building project, the corporate authorities of the
8 municipality in which the building project is located may
9 notify the Department of additional construction contractors
10 or other entities eligible for a River Edge Building Materials
11 Exemption Certificate. Upon notification by the corporate
12 authorities of the municipality in which the building project
13 is located, and subject to the other provisions of this
14 subsection (d), the Department shall issue a River Edge
15 Building Materials Exemption Certificate to each additional
16 construction contractor or other entity identified by the
17 corporate authorities of the municipality in which the building
18 project is located. The corporate authorities of the
19 municipality in which the building project is located may
20 notify the Department to rescind a Building Materials Exemption
21 Certificate previously issued by the Department but that has
22 not yet expired. Upon notification by the corporate authorities
23 of the municipality in which the building project is located,
24 and subject to the other provisions of this subsection (d), the
25 Department shall issue the rescission of the River Edge
26 Building Materials Exemption Certificate to the construction

1 contractor or other entity identified by the corporate
2 authorities of the municipality in which the building project
3 is located and provide a copy to the corporate authorities of
4 the municipality in which the building project is located.

5 If the Department of Revenue determines that a construction
6 contractor or other entity that was issued an Exemption
7 Certificate under this subsection (d) made a tax-exempt
8 purchase, as described in this Section, that was not eligible
9 for exemption under this Section, or allowed another person to
10 make a tax-exempt purchase, as described in this Section, that
11 was not eligible for exemption under this Section, then, in
12 addition to any tax or other penalty imposed, the construction
13 contractor or other entity is subject to a penalty equal to the
14 tax that would have been paid by the retailer under this Act as
15 well as any applicable local retailers' occupation tax on the
16 purchase that was not eligible for the exemption.

17 Notwithstanding anything to the contrary in this Section,
18 for River Edge building projects already in existence and for
19 which construction contracts are already in place on July 1,
20 2013, the request for River Edge Building Materials Exemption
21 Certificates from the corporate authorities of the
22 municipality in which the building project is located to the
23 Department for these pre-existing construction contractors and
24 other entities must include the information required under
25 subsection (d), but not including the information listed in
26 items (4) and (5). For any new construction contract entered

1 into on or after July 1, 2013, however, all of the information
2 in this subsection (d) must be provided.

3 (e) The provisions of this Section are exempt from Section
4 2-70.

5 (Source: P.A. 94-1021, eff. 7-12-06.)

6 (35 ILCS 120/3) (from Ch. 120, par. 442)

7 Sec. 3. Except as provided in this Section, on or before
8 the twentieth day of each calendar month, every person engaged
9 in the business of selling tangible personal property at retail
10 in this State during the preceding calendar month shall file a
11 return with the Department, stating:

12 1. The name of the seller;

13 2. His residence address and the address of his
14 principal place of business and the address of the
15 principal place of business (if that is a different
16 address) from which he engages in the business of selling
17 tangible personal property at retail in this State;

18 3. Total amount of receipts received by him during the
19 preceding calendar month or quarter, as the case may be,
20 from sales of tangible personal property, and from services
21 furnished, by him during such preceding calendar month or
22 quarter;

23 4. Total amount received by him during the preceding
24 calendar month or quarter on charge and time sales of
25 tangible personal property, and from services furnished,

1 by him prior to the month or quarter for which the return
2 is filed;

3 5. Deductions allowed by law;

4 6. Gross receipts which were received by him during the
5 preceding calendar month or quarter and upon the basis of
6 which the tax is imposed;

7 7. The amount of credit provided in Section 2d of this
8 Act;

9 8. The amount of tax due;

10 9. The signature of the taxpayer; and

11 10. Such other reasonable information as the
12 Department may require.

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

17 Each return shall be accompanied by the statement of
18 prepaid tax issued pursuant to Section 2e for which credit is
19 claimed.

20 Prior to October 1, 2003, and on and after September 1,
21 2004 a retailer may accept a Manufacturer's Purchase Credit
22 certification from a purchaser in satisfaction of Use Tax as
23 provided in Section 3-85 of the Use Tax Act if the purchaser
24 provides the appropriate documentation as required by Section
25 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit
26 certification, accepted by a retailer prior to October 1, 2003

1 and on and after September 1, 2004 as provided in Section 3-85
2 of the Use Tax Act, may be used by that retailer to satisfy
3 Retailers' Occupation Tax liability in the amount claimed in
4 the certification, not to exceed 6.25% of the receipts subject
5 to tax from a qualifying purchase. A Manufacturer's Purchase
6 Credit reported on any original or amended return filed under
7 this Act after October 20, 2003 for reporting periods prior to
8 September 1, 2004 shall be disallowed. Manufacturer's
9 Purchaser Credit reported on annual returns due on or after
10 January 1, 2005 will be disallowed for periods prior to
11 September 1, 2004. No Manufacturer's Purchase Credit may be
12 used after September 30, 2003 through August 31, 2004 to
13 satisfy any tax liability imposed under this Act, including any
14 audit liability.

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

22 1. The name of the seller;

23 2. The address of the principal place of business from
24 which he engages in the business of selling tangible
25 personal property at retail in this State;

26 3. The total amount of taxable receipts received by him

1 during the preceding calendar month from sales of tangible
2 personal property by him during such preceding calendar
3 month, including receipts from charge and time sales, but
4 less all deductions allowed by law;

5 4. The amount of credit provided in Section 2d of this
6 Act;

7 5. The amount of tax due; and

8 6. Such other reasonable information as the Department
9 may require.

10 Beginning on October 1, 2003, any person who is not a
11 licensed distributor, importing distributor, or manufacturer,
12 as defined in the Liquor Control Act of 1934, but is engaged in
13 the business of selling, at retail, alcoholic liquor shall file
14 a statement with the Department of Revenue, in a format and at
15 a time prescribed by the Department, showing the total amount
16 paid for alcoholic liquor purchased during the preceding month
17 and such other information as is reasonably required by the
18 Department. The Department may adopt rules to require that this
19 statement be filed in an electronic or telephonic format. Such
20 rules may provide for exceptions from the filing requirements
21 of this paragraph. For the purposes of this paragraph, the term
22 "alcoholic liquor" shall have the meaning prescribed in the
23 Liquor Control Act of 1934.

24 Beginning on October 1, 2003, every distributor, importing
25 distributor, and manufacturer of alcoholic liquor as defined in
26 the Liquor Control Act of 1934, shall file a statement with the

1 Department of Revenue, no later than the 10th day of the month
2 for the preceding month during which transactions occurred, by
3 electronic means, showing the total amount of gross receipts
4 from the sale of alcoholic liquor sold or distributed during
5 the preceding month to purchasers; identifying the purchaser to
6 whom it was sold or distributed; the purchaser's tax
7 registration number; and such other information reasonably
8 required by the Department. A distributor, importing
9 distributor, or manufacturer of alcoholic liquor must
10 personally deliver, mail, or provide by electronic means to
11 each retailer listed on the monthly statement a report
12 containing a cumulative total of that distributor's, importing
13 distributor's, or manufacturer's total sales of alcoholic
14 liquor to that retailer no later than the 10th day of the month
15 for the preceding month during which the transaction occurred.
16 The distributor, importing distributor, or manufacturer shall
17 notify the retailer as to the method by which the distributor,
18 importing distributor, or manufacturer will provide the sales
19 information. If the retailer is unable to receive the sales
20 information by electronic means, the distributor, importing
21 distributor, or manufacturer shall furnish the sales
22 information by personal delivery or by mail. For purposes of
23 this paragraph, the term "electronic means" includes, but is
24 not limited to, the use of a secure Internet website, e-mail,
25 or facsimile.

26 If a total amount of less than \$1 is payable, refundable or

1 creditable, such amount shall be disregarded if it is less than
2 50 cents and shall be increased to \$1 if it is 50 cents or more.

3 Beginning October 1, 1993, a taxpayer who has an average
4 monthly tax liability of \$150,000 or more shall make all
5 payments required by rules of the Department by electronic
6 funds transfer. Beginning October 1, 1994, a taxpayer who has
7 an average monthly tax liability of \$100,000 or more shall make
8 all payments required by rules of the Department by electronic
9 funds transfer. Beginning October 1, 1995, a taxpayer who has
10 an average monthly tax liability of \$50,000 or more shall make
11 all payments required by rules of the Department by electronic
12 funds transfer. Beginning October 1, 2000, a taxpayer who has
13 an annual tax liability of \$200,000 or more shall make all
14 payments required by rules of the Department by electronic
15 funds transfer. The term "annual tax liability" shall be the
16 sum of the taxpayer's liabilities under this Act, and under all
17 other State and local occupation and use tax laws administered
18 by the Department, for the immediately preceding calendar year.
19 The term "average monthly tax liability" shall be the sum of
20 the taxpayer's liabilities under this Act, and under all other
21 State and local occupation and use tax laws administered by the
22 Department, for the immediately preceding calendar year
23 divided by 12. Beginning on October 1, 2002, a taxpayer who has
24 a tax liability in the amount set forth in subsection (b) of
25 Section 2505-210 of the Department of Revenue Law shall make
26 all payments required by rules of the Department by electronic

1 funds transfer.

2 Before August 1 of each year beginning in 1993, the
3 Department shall notify all taxpayers required to make payments
4 by electronic funds transfer. All taxpayers required to make
5 payments by electronic funds transfer shall make those payments
6 for a minimum of one year beginning on October 1.

7 Any taxpayer not required to make payments by electronic
8 funds transfer may make payments by electronic funds transfer
9 with the permission of the Department.

10 All taxpayers required to make payment by electronic funds
11 transfer and any taxpayers authorized to voluntarily make
12 payments by electronic funds transfer shall make those payments
13 in the manner authorized by the Department.

14 The Department shall adopt such rules as are necessary to
15 effectuate a program of electronic funds transfer and the
16 requirements of this Section.

17 Any amount which is required to be shown or reported on any
18 return or other document under this Act shall, if such amount
19 is not a whole-dollar amount, be increased to the nearest
20 whole-dollar amount in any case where the fractional part of a
21 dollar is 50 cents or more, and decreased to the nearest
22 whole-dollar amount where the fractional part of a dollar is
23 less than 50 cents.

24 If the retailer is otherwise required to file a monthly
25 return and if the retailer's average monthly tax liability to
26 the Department does not exceed \$200, the Department may

1 authorize his returns to be filed on a quarter annual basis,
2 with the return for January, February and March of a given year
3 being due by April 20 of such year; with the return for April,
4 May and June of a given year being due by July 20 of such year;
5 with the return for July, August and September of a given year
6 being due by October 20 of such year, and with the return for
7 October, November and December of a given year being due by
8 January 20 of the following year.

9 If the retailer is otherwise required to file a monthly or
10 quarterly return and if the retailer's average monthly tax
11 liability with the Department does not exceed \$50, the
12 Department may authorize his returns to be filed on an annual
13 basis, with the return for a given year being due by January 20
14 of the following year.

15 Such quarter annual and annual returns, as to form and
16 substance, shall be subject to the same requirements as monthly
17 returns.

18 Notwithstanding any other provision in this Act concerning
19 the time within which a retailer may file his return, in the
20 case of any retailer who ceases to engage in a kind of business
21 which makes him responsible for filing returns under this Act,
22 such retailer shall file a final return under this Act with the
23 Department not more than one month after discontinuing such
24 business.

25 Where the same person has more than one business registered
26 with the Department under separate registrations under this

1 Act, such person may not file each return that is due as a
2 single return covering all such registered businesses, but
3 shall file separate returns for each such registered business.

4 In addition, with respect to motor vehicles, watercraft,
5 aircraft, and trailers that are required to be registered with
6 an agency of this State, every retailer selling this kind of
7 tangible personal property shall file, with the Department,
8 upon a form to be prescribed and supplied by the Department, a
9 separate return for each such item of tangible personal
10 property which the retailer sells, except that if, in the same
11 transaction, (i) a retailer of aircraft, watercraft, motor
12 vehicles or trailers transfers more than one aircraft,
13 watercraft, motor vehicle or trailer to another aircraft,
14 watercraft, motor vehicle retailer or trailer retailer for the
15 purpose of resale or (ii) a retailer of aircraft, watercraft,
16 motor vehicles, or trailers transfers more than one aircraft,
17 watercraft, motor vehicle, or trailer to a purchaser for use as
18 a qualifying rolling stock as provided in Section 2-5 of this
19 Act, then that seller may report the transfer of all aircraft,
20 watercraft, motor vehicles or trailers involved in that
21 transaction to the Department on the same uniform
22 invoice-transaction reporting return form. For purposes of
23 this Section, "watercraft" means a Class 2, Class 3, or Class 4
24 watercraft as defined in Section 3-2 of the Boat Registration
25 and Safety Act, a personal watercraft, or any boat equipped
26 with an inboard motor.

1 Any retailer who sells only motor vehicles, watercraft,
2 aircraft, or trailers that are required to be registered with
3 an agency of this State, so that all retailers' occupation tax
4 liability is required to be reported, and is reported, on such
5 transaction reporting returns and who is not otherwise required
6 to file monthly or quarterly returns, need not file monthly or
7 quarterly returns. However, those retailers shall be required
8 to file returns on an annual basis.

9 The transaction reporting return, in the case of motor
10 vehicles or trailers that are required to be registered with an
11 agency of this State, shall be the same document as the Uniform
12 Invoice referred to in Section 5-402 of The Illinois Vehicle
13 Code and must show the name and address of the seller; the name
14 and address of the purchaser; the amount of the selling price
15 including the amount allowed by the retailer for traded-in
16 property, if any; the amount allowed by the retailer for the
17 traded-in tangible personal property, if any, to the extent to
18 which Section 1 of this Act allows an exemption for the value
19 of traded-in property; the balance payable after deducting such
20 trade-in allowance from the total selling price; the amount of
21 tax due from the retailer with respect to such transaction; the
22 amount of tax collected from the purchaser by the retailer on
23 such transaction (or satisfactory evidence that such tax is not
24 due in that particular instance, if that is claimed to be the
25 fact); the place and date of the sale; a sufficient
26 identification of the property sold; such other information as

1 is required in Section 5-402 of The Illinois Vehicle Code, and
2 such other information as the Department may reasonably
3 require.

4 The transaction reporting return in the case of watercraft
5 or aircraft must show the name and address of the seller; the
6 name and address of the purchaser; the amount of the selling
7 price including the amount allowed by the retailer for
8 traded-in property, if any; the amount allowed by the retailer
9 for the traded-in tangible personal property, if any, to the
10 extent to which Section 1 of this Act allows an exemption for
11 the value of traded-in property; the balance payable after
12 deducting such trade-in allowance from the total selling price;
13 the amount of tax due from the retailer with respect to such
14 transaction; the amount of tax collected from the purchaser by
15 the retailer on such transaction (or satisfactory evidence that
16 such tax is not due in that particular instance, if that is
17 claimed to be the fact); the place and date of the sale, a
18 sufficient identification of the property sold, and such other
19 information as the Department may reasonably require.

20 Such transaction reporting return shall be filed not later
21 than 20 days after the day of delivery of the item that is
22 being sold, but may be filed by the retailer at any time sooner
23 than that if he chooses to do so. The transaction reporting
24 return and tax remittance or proof of exemption from the
25 Illinois use tax may be transmitted to the Department by way of
26 the State agency with which, or State officer with whom the

1 tangible personal property must be titled or registered (if
2 titling or registration is required) if the Department and such
3 agency or State officer determine that this procedure will
4 expedite the processing of applications for title or
5 registration.

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

19 No retailer's failure or refusal to remit tax under this
20 Act precludes a user, who has paid the proper tax to the
21 retailer, from obtaining his certificate of title or other
22 evidence of title or registration (if titling or registration
23 is required) upon satisfying the Department that such user has
24 paid the proper tax (if tax is due) to the retailer. The
25 Department shall adopt appropriate rules to carry out the
26 mandate of this paragraph.

1 If the user who would otherwise pay tax to the retailer
2 wants the transaction reporting return filed and the payment of
3 the tax or proof of exemption made to the Department before the
4 retailer is willing to take these actions and such user has not
5 paid the tax to the retailer, such user may certify to the fact
6 of such delay by the retailer and may (upon the Department
7 being satisfied of the truth of such certification) transmit
8 the information required by the transaction reporting return
9 and the remittance for tax or proof of exemption directly to
10 the Department and obtain his tax receipt or exemption
11 determination, in which event the transaction reporting return
12 and tax remittance (if a tax payment was required) shall be
13 credited by the Department to the proper retailer's account
14 with the Department, but without the 2.1% or 1.75% discount
15 provided for in this Section being allowed. When the user pays
16 the tax directly to the Department, he shall pay the tax in the
17 same amount and in the same form in which it would be remitted
18 if the tax had been remitted to the Department by the retailer.

19 Refunds made by the seller during the preceding return
20 period to purchasers, on account of tangible personal property
21 returned to the seller, shall be allowed as a deduction under
22 subdivision 5 of his monthly or quarterly return, as the case
23 may be, in case the seller had theretofore included the
24 receipts from the sale of such tangible personal property in a
25 return filed by him and had paid the tax imposed by this Act
26 with respect to such receipts.

1 Where the seller is a corporation, the return filed on
2 behalf of such corporation shall be signed by the president,
3 vice-president, secretary or treasurer or by the properly
4 accredited agent of such corporation.

5 Where the seller is a limited liability company, the return
6 filed on behalf of the limited liability company shall be
7 signed by a manager, member, or properly accredited agent of
8 the limited liability company.

9 Except as provided in this Section, the retailer filing the
10 return under this Section shall, at the time of filing such
11 return, pay to the Department the amount of tax imposed by this
12 Act less a discount of 2.1% prior to January 1, 1990 and 1.75%
13 on and after January 1, 1990, or \$5 per calendar year,
14 whichever is greater, which is allowed to reimburse the
15 retailer for the expenses incurred in keeping records,
16 preparing and filing returns, remitting the tax and supplying
17 data to the Department on request. Any prepayment made pursuant
18 to Section 2d of this Act shall be included in the amount on
19 which such 2.1% or 1.75% discount is computed. In the case of
20 retailers who report and pay the tax on a transaction by
21 transaction basis, as provided in this Section, such discount
22 shall be taken with each such tax remittance instead of when
23 such retailer files his periodic return.

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

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

1 month during which such tax liability is incurred begins on or
2 after January 1, 1985 and prior to January 1, 1987, each
3 payment shall be in an amount equal to 22.5% of the taxpayer's
4 actual liability for the month or 27.5% of the taxpayer's
5 liability for the same calendar month of the preceding year. If
6 the month during which such tax liability is incurred begins on
7 or after January 1, 1987 and prior to January 1, 1988, each
8 payment shall be in an amount equal to 22.5% of the taxpayer's
9 actual liability for the month or 26.25% of the taxpayer's
10 liability for the same calendar month of the preceding year. If
11 the month during which such tax liability is incurred begins on
12 or after January 1, 1988, and prior to January 1, 1989, or
13 begins on or after January 1, 1996, each payment shall be in an
14 amount equal to 22.5% of the taxpayer's actual liability for
15 the month or 25% of the taxpayer's liability for the same
16 calendar month of the preceding year. If the month during which
17 such tax liability is incurred begins on or after January 1,
18 1989, and prior to January 1, 1996, each payment shall be in an
19 amount equal to 22.5% of the taxpayer's actual liability for
20 the month or 25% of the taxpayer's liability for the same
21 calendar month of the preceding year or 100% of the taxpayer's
22 actual liability for the quarter monthly reporting period. The
23 amount of such quarter monthly payments shall be credited
24 against the final tax liability of the taxpayer's return for
25 that month. Before October 1, 2000, once applicable, the
26 requirement of the making of quarter monthly payments to the

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

1 show the Department that a substantial change in the taxpayer's
2 business has occurred which causes the taxpayer to anticipate
3 that his average monthly tax liability for the reasonably
4 foreseeable future will fall below the \$20,000 threshold stated
5 above, then such taxpayer may petition the Department for a
6 change in such taxpayer's reporting status. The Department
7 shall change such taxpayer's reporting status unless it finds
8 that such change is seasonal in nature and not likely to be
9 long term. If any such quarter monthly payment is not paid at
10 the time or in the amount required by this Section, then the
11 taxpayer shall be liable for penalties and interest on the
12 difference between the minimum amount due as a payment and the
13 amount of such quarter monthly payment actually and timely
14 paid, except insofar as the taxpayer has previously made
15 payments for that month to the Department in excess of the
16 minimum payments previously due as provided in this Section.
17 The Department shall make reasonable rules and regulations to
18 govern the quarter monthly payment amount and quarter monthly
19 payment dates for taxpayers who file on other than a calendar
20 monthly basis.

21 The provisions of this paragraph apply before October 1,
22 2001. Without regard to whether a taxpayer is required to make
23 quarter monthly payments as specified above, any taxpayer who
24 is required by Section 2d of this Act to collect and remit
25 prepaid taxes and has collected prepaid taxes which average in
26 excess of \$25,000 per month during the preceding 2 complete

1 calendar quarters, shall file a return with the Department as
2 required by Section 2f and shall make payments to the
3 Department on or before the 7th, 15th, 22nd and last day of the
4 month during which such liability is incurred. If the month
5 during which such tax liability is incurred began prior to the
6 effective date of this amendatory Act of 1985, each payment
7 shall be in an amount not less than 22.5% of the taxpayer's
8 actual liability under Section 2d. If the month during which
9 such tax liability is incurred begins on or after January 1,
10 1986, each payment shall be in an amount equal to 22.5% of the
11 taxpayer's actual liability for the month or 27.5% of the
12 taxpayer's liability for the same calendar month of the
13 preceding calendar year. If the month during which such tax
14 liability is incurred begins on or after January 1, 1987, each
15 payment shall be in an amount equal to 22.5% of the taxpayer's
16 actual liability for the month or 26.25% of the taxpayer's
17 liability for the same calendar month of the preceding year.
18 The amount of such quarter monthly payments shall be credited
19 against the final tax liability of the taxpayer's return for
20 that month filed under this Section or Section 2f, as the case
21 may be. Once applicable, the requirement of the making of
22 quarter monthly payments to the Department pursuant to this
23 paragraph shall continue until such taxpayer's average monthly
24 prepaid tax collections during the preceding 2 complete
25 calendar quarters is \$25,000 or less. If any such quarter
26 monthly payment is not paid at the time or in the amount

1 required, the taxpayer shall be liable for penalties and
2 interest on such difference, except insofar as the taxpayer has
3 previously made payments for that month in excess of the
4 minimum payments previously due.

5 The provisions of this paragraph apply on and after October
6 1, 2001. Without regard to whether a taxpayer is required to
7 make quarter monthly payments as specified above, any taxpayer
8 who is required by Section 2d of this Act to collect and remit
9 prepaid taxes and has collected prepaid taxes that average in
10 excess of \$20,000 per month during the preceding 4 complete
11 calendar quarters shall file a return with the Department as
12 required by Section 2f and shall make payments to the
13 Department on or before the 7th, 15th, 22nd and last day of the
14 month during which the liability is incurred. Each payment
15 shall be in an amount equal to 22.5% of the taxpayer's actual
16 liability for the month or 25% of the taxpayer's liability for
17 the same calendar month of the preceding year. The amount of
18 the quarter monthly payments shall be credited against the
19 final tax liability of the taxpayer's return for that month
20 filed under this Section or Section 2f, as the case may be.
21 Once applicable, the requirement of the making of quarter
22 monthly payments to the Department pursuant to this paragraph
23 shall continue until the taxpayer's average monthly prepaid tax
24 collections during the preceding 4 complete calendar quarters
25 (excluding the month of highest liability and the month of
26 lowest liability) is less than \$19,000 or until such taxpayer's

1 average monthly liability to the Department as computed for
2 each calendar quarter of the 4 preceding complete calendar
3 quarters is less than \$20,000. If any such quarter monthly
4 payment is not paid at the time or in the amount required, the
5 taxpayer shall be liable for penalties and interest on such
6 difference, except insofar as the taxpayer has previously made
7 payments for that month in excess of the minimum payments
8 previously due.

9 If any payment provided for in this Section exceeds the
10 taxpayer's liabilities under this Act, the Use Tax Act, the
11 Service Occupation Tax Act and the Service Use Tax Act, as
12 shown on an original monthly return, the Department shall, if
13 requested by the taxpayer, issue to the taxpayer a credit
14 memorandum no later than 30 days after the date of payment. The
15 credit evidenced by such credit memorandum may be assigned by
16 the taxpayer to a similar taxpayer under this Act, the Use Tax
17 Act, the Service Occupation Tax Act or the Service Use Tax Act,
18 in accordance with reasonable rules and regulations to be
19 prescribed by the Department. If no such request is made, the
20 taxpayer may credit such excess payment against tax liability
21 subsequently to be remitted to the Department under this Act,
22 the Use Tax Act, the Service Occupation Tax Act or the Service
23 Use Tax Act, in accordance with reasonable rules and
24 regulations prescribed by the Department. If the Department
25 subsequently determined that all or any part of the credit
26 taken was not actually due to the taxpayer, the taxpayer's 2.1%

1 and 1.75% vendor's discount shall be reduced by 2.1% or 1.75%
2 of the difference between the credit taken and that actually
3 due, and that taxpayer shall be liable for penalties and
4 interest on such difference.

5 If a retailer of motor fuel is entitled to a credit under
6 Section 2d of this Act which exceeds the taxpayer's liability
7 to the Department under this Act for the month which the
8 taxpayer is filing a return, the Department shall issue the
9 taxpayer a credit memorandum for the excess.

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

20 Beginning January 1, 1990, each month the Department shall
21 pay into the County and Mass Transit District Fund, a special
22 fund in the State treasury which is hereby created, 4% of the
23 net revenue realized for the preceding month from the 6.25%
24 general rate.

25 Beginning August 1, 2000, each month the Department shall
26 pay into the County and Mass Transit District Fund 20% of the

1 net revenue realized for the preceding month from the 1.25%
2 rate on the selling price of motor fuel and gasohol. Beginning
3 September 1, 2010, each month the Department shall pay into the
4 County and Mass Transit District Fund 20% of the net revenue
5 realized for the preceding month from the 1.25% rate on the
6 selling price of sales tax holiday items.

7 Beginning January 1, 1990, each month the Department shall
8 pay into the Local Government Tax Fund 16% of the net revenue
9 realized for the preceding month from the 6.25% general rate on
10 the selling price of tangible personal property.

11 Beginning August 1, 2000, each month the Department shall
12 pay into the Local Government Tax Fund 80% of the net revenue
13 realized for the preceding month from the 1.25% rate on the
14 selling price of motor fuel and gasohol. Beginning September 1,
15 2010, each month the Department shall pay into the Local
16 Government Tax Fund 80% of the net revenue realized for the
17 preceding month from the 1.25% rate on the selling price of
18 sales tax holiday items.

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, 2011, each month the Department shall pay

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

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

24 Of the remainder of the moneys received by the Department
25 pursuant to this Act, (a) 1.75% thereof shall be paid into the
26 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on

1 and after July 1, 1989, 3.8% thereof shall be paid into the
2 Build Illinois Fund; provided, however, that if in any fiscal
3 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
4 may be, of the moneys received by the Department and required
5 to be paid into the Build Illinois Fund pursuant to this Act,
6 Section 9 of the Use Tax Act, Section 9 of the Service Use Tax
7 Act, and Section 9 of the Service Occupation Tax Act, such Acts
8 being hereinafter called the "Tax Acts" and such aggregate of
9 2.2% or 3.8%, as the case may be, of moneys being hereinafter
10 called the "Tax Act Amount", and (2) the amount transferred to
11 the Build Illinois Fund from the State and Local Sales Tax
12 Reform Fund shall be less than the Annual Specified Amount (as
13 hereinafter defined), an amount equal to the difference shall
14 be immediately paid into the Build Illinois Fund from other
15 moneys received by the Department pursuant to the Tax Acts; the
16 "Annual Specified Amount" means the amounts specified below for
17 fiscal years 1986 through 1993:

18	Fiscal Year	Annual Specified Amount
19	1986	\$54,800,000
20	1987	\$76,650,000
21	1988	\$80,480,000
22	1989	\$88,510,000
23	1990	\$115,330,000
24	1991	\$145,470,000
25	1992	\$182,730,000
26	1993	\$206,520,000;

1 and means the Certified Annual Debt Service Requirement (as
2 defined in Section 13 of the Build Illinois Bond Act) or the
3 Tax Act Amount, whichever is greater, for fiscal year 1994 and
4 each fiscal year thereafter; and further provided, that if on
5 the last business day of any month the sum of (1) the Tax Act
6 Amount required to be deposited into the Build Illinois Bond
7 Account in the Build Illinois Fund during such month and (2)
8 the amount transferred to the Build Illinois Fund from the
9 State and Local Sales Tax Reform Fund shall have been less than
10 1/12 of the Annual Specified Amount, an amount equal to the
11 difference shall be immediately paid into the Build Illinois
12 Fund from other moneys received by the Department pursuant to
13 the Tax Acts; and, further provided, that in no event shall the
14 payments required under the preceding proviso result in
15 aggregate payments into the Build Illinois Fund pursuant to
16 this clause (b) for any fiscal year in excess of the greater of
17 (i) the Tax Act Amount or (ii) the Annual Specified Amount for
18 such fiscal year. The amounts payable into the Build Illinois
19 Fund under clause (b) of the first sentence in this paragraph
20 shall be payable only until such time as the aggregate amount
21 on deposit under each trust indenture securing Bonds issued and
22 outstanding pursuant to the Build Illinois Bond Act is
23 sufficient, taking into account any future investment income,
24 to fully provide, in accordance with such indenture, for the
25 defeasance of or the payment of the principal of, premium, if
26 any, and interest on the Bonds secured by such indenture and on

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

24 Subject to payment of amounts into the Build Illinois Fund
25 as provided in the preceding paragraph or in any amendment
26 thereto hereafter enacted, the following specified monthly

1 installment of the amount requested in the certificate of the
2 Chairman of the Metropolitan Pier and Exposition Authority
3 provided under Section 8.25f of the State Finance Act, but not
4 in excess of sums designated as "Total Deposit", shall be
5 deposited in the aggregate from collections under Section 9 of
6 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
7 9 of the Service Occupation Tax Act, and Section 3 of the
8 Retailers' Occupation Tax Act into the McCormick Place
9 Expansion Project Fund in the specified fiscal years.

	Fiscal Year	Total Deposit
10		
11	1993	\$0
12	1994	53,000,000
13	1995	58,000,000
14	1996	61,000,000
15	1997	64,000,000
16	1998	68,000,000
17	1999	71,000,000
18	2000	75,000,000
19	2001	80,000,000
20	2002	93,000,000
21	2003	99,000,000
22	2004	103,000,000
23	2005	108,000,000
24	2006	113,000,000
25	2007	119,000,000

1	2008	126,000,000
2	2009	132,000,000
3	2010	139,000,000
4	2011	146,000,000
5	2012	153,000,000
6	2013	161,000,000
7	2014	170,000,000
8	2015	179,000,000
9	2016	189,000,000
10	2017	199,000,000
11	2018	210,000,000
12	2019	221,000,000
13	2020	233,000,000
14	2021	246,000,000
15	2022	260,000,000
16	2023	275,000,000
17	2024	275,000,000
18	2025	275,000,000
19	2026	279,000,000
20	2027	292,000,000
21	2028	307,000,000
22	2029	322,000,000
23	2030	338,000,000
24	2031	350,000,000
25	2032	350,000,000
26	and	

1 each fiscal year
2 thereafter that bonds
3 are outstanding under
4 Section 13.2 of the
5 Metropolitan Pier and
6 Exposition Authority Act,
7 but not after fiscal year 2060.

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

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 July 1, 1993, the Department shall each
25 month pay into the Illinois Tax Increment Fund 0.27% of 80% of
26 the net revenue realized for the preceding month from the 6.25%

1 general rate on the selling price of tangible personal
2 property.

3 Subject to payment of amounts into the Build Illinois Fund
4 and the McCormick Place Expansion Project Fund pursuant to the
5 preceding paragraphs or in any amendments thereto hereafter
6 enacted, beginning with the receipt of the first report of
7 taxes paid by an eligible business and continuing for a 25-year
8 period, the Department shall each month pay into the Energy
9 Infrastructure Fund 80% of the net revenue realized from the
10 6.25% general rate on the selling price of Illinois-mined coal
11 that was sold to an eligible business. For purposes of this
12 paragraph, the term "eligible business" means a new electric
13 generating facility certified pursuant to Section 605-332 of
14 the Department of Commerce and Economic Opportunity Law of the
15 Civil Administrative Code of Illinois.

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

22 The Department may, upon separate written notice to a
23 taxpayer, require the taxpayer to prepare and file with the
24 Department on a form prescribed by the Department within not
25 less than 60 days after receipt of the notice an annual
26 information return for the tax year specified in the notice.

1 Such annual return to the Department shall include a statement
2 of gross receipts as shown by the retailer's last Federal
3 income tax return. If the total receipts of the business as
4 reported in the Federal income tax return do not agree with the
5 gross receipts reported to the Department of Revenue for the
6 same period, the retailer shall attach to his annual return a
7 schedule showing a reconciliation of the 2 amounts and the
8 reasons for the difference. The retailer's annual return to the
9 Department shall also disclose the cost of goods sold by the
10 retailer during the year covered by such return, opening and
11 closing inventories of such goods for such year, costs of goods
12 used from stock or taken from stock and given away by the
13 retailer during such year, payroll information of the
14 retailer's business during such year and any additional
15 reasonable information which the Department deems would be
16 helpful in determining the accuracy of the monthly, quarterly
17 or annual returns filed by such retailer as provided for in
18 this Section.

19 If the annual information return required by this Section
20 is not filed when and as required, the taxpayer shall be liable
21 as follows:

22 (i) Until January 1, 1994, the taxpayer shall be liable
23 for a penalty equal to 1/6 of 1% of the tax due from such
24 taxpayer under this Act during the period to be covered by
25 the annual return for each month or fraction of a month
26 until such return is filed as required, the penalty to be

1 assessed and collected in the same manner as any other
2 penalty provided for in this Act.

3 (ii) On and after January 1, 1994, the taxpayer shall
4 be liable for a penalty as described in Section 3-4 of the
5 Uniform Penalty and Interest Act.

6 The chief executive officer, proprietor, owner or highest
7 ranking manager shall sign the annual return to certify the
8 accuracy of the information contained therein. Any person who
9 willfully signs the annual return containing false or
10 inaccurate information shall be guilty of perjury and punished
11 accordingly. The annual return form prescribed by the
12 Department shall include a warning that the person signing the
13 return may be liable for perjury.

14 The provisions of this Section concerning the filing of an
15 annual information return do not apply to a retailer who is not
16 required to file an income tax return with the United States
17 Government.

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

25 Net revenue realized for a month shall be the revenue
26 collected by the State pursuant to this Act, less the amount

1 paid out during that month as refunds to taxpayers for
2 overpayment of liability.

3 For greater simplicity of administration, manufacturers,
4 importers and wholesalers whose products are sold at retail in
5 Illinois by numerous retailers, and who wish to do so, may
6 assume the responsibility for accounting and paying to the
7 Department all tax accruing under this Act with respect to such
8 sales, if the retailers who are affected do not make written
9 objection to the Department to this arrangement.

10 Any person who promotes, organizes, provides retail
11 selling space for concessionaires or other types of sellers at
12 the Illinois State Fair, DuQuoin State Fair, county fairs,
13 local fairs, art shows, flea markets and similar exhibitions or
14 events, including any transient merchant as defined by Section
15 2 of the Transient Merchant Act of 1987, is required to file a
16 report with the Department providing the name of the merchant's
17 business, the name of the person or persons engaged in
18 merchant's business, the permanent address and Illinois
19 Retailers Occupation Tax Registration Number of the merchant,
20 the dates and location of the event and other reasonable
21 information that the Department may require. The report must be
22 filed not later than the 20th day of the month next following
23 the month during which the event with retail sales was held.
24 Any person who fails to file a report required by this Section
25 commits a business offense and is subject to a fine not to
26 exceed \$250.

1 Any person engaged in the business of selling tangible
2 personal property at retail as a concessionaire or other type
3 of seller at the Illinois State Fair, county fairs, art shows,
4 flea markets and similar exhibitions or events, or any
5 transient merchants, as defined by Section 2 of the Transient
6 Merchant Act of 1987, may be required to make a daily report of
7 the amount of such sales to the Department and to make a daily
8 payment of the full amount of tax due. The Department shall
9 impose this requirement when it finds that there is a
10 significant risk of loss of revenue to the State at such an
11 exhibition or event. Such a finding shall be based on evidence
12 that a substantial number of concessionaires or other sellers
13 who are not residents of Illinois will be engaging in the
14 business of selling tangible personal property at retail at the
15 exhibition or event, or other evidence of a significant risk of
16 loss of revenue to the State. The Department shall notify
17 concessionaires and other sellers affected by the imposition of
18 this requirement. In the absence of notification by the
19 Department, the concessionaires and other sellers shall file
20 their returns as otherwise required in this Section.

21 (Source: P.A. 96-34, eff. 7-13-09; 96-38, eff. 7-13-09; 96-898,
22 eff. 5-27-10; 96-1012, eff. 7-7-10; 97-95, eff. 7-12-11;
23 97-333, eff. 8-12-11.)

24 (35 ILCS 120/5k) (from Ch. 120, par. 444k)

25 Sec. 5k. Building materials exemption; enterprise zone.

1 (a) Each retailer who makes a qualified sale of building
2 materials to be incorporated into real estate in an enterprise
3 zone established by a county or municipality under the Illinois
4 Enterprise Zone Act by remodeling, rehabilitation or new
5 construction, may deduct receipts from such sales when
6 calculating the tax imposed by this Act. For purposes of this
7 Section, before July 1, 2013, "qualified sale" means a sale of
8 building materials that will be incorporated into real estate
9 as part of a building project for which a Certificate of
10 Eligibility for Sales Tax Exemption has been issued by the
11 administrator of the enterprise zone in which the building
12 project is located, and on and after July 1, 2013, "qualified
13 sale" means a sale of building materials that will be
14 incorporated into real estate as part of a building project for
15 which an Enterprise Zone Building Materials Exemption
16 Certificate has been issued to the purchaser by the Department.
17 A construction contractor or other entity shall not make
18 tax-free purchases unless it has an active Exemption
19 Certificate issued by the Department at the time of the
20 purchase.

21 (b) Before July 1, 2013, to document the exemption allowed
22 under this Section, the retailer must obtain from the purchaser
23 a copy of the Certificate of Eligibility for Sales Tax
24 Exemption issued by the administrator of the enterprise zone
25 into which the building materials will be incorporated. On and
26 after July 1, 2013, to document the exemption allowed under

1 this Section, the retailer must obtain from the purchaser the
2 certification required under subsection (c), which must
3 contain the Enterprise Zone Building Materials Exemption
4 Certificate number issued to the purchaser by the Department.
5 Upon request from the enterprise zone administrator, the
6 Department shall issue an Enterprise Zone Building Materials
7 Exemption Certificate for each construction contractor or
8 other entity identified by the enterprise zone administrator.
9 The Department shall make ~~issue~~ the Exemption Certificates
10 available directly to each enterprise zone administrator,
11 construction contractor, or other entity. ~~The Department shall~~
12 ~~also provide the enterprise zone administrator with a copy of~~
13 ~~each Exemption Certificate issued.~~ The request for Enterprise
14 Zone Building Materials Exemption Certificates from the
15 enterprise zone administrator to the Department must include
16 the following information:

17 (1) the name and address of the construction contractor
18 or other entity;

19 (2) the name and number of the enterprise zone;

20 (3) the name and location or address of the building
21 project in the enterprise zone;

22 (4) the estimated amount of the exemption for each
23 construction contractor or other entity for which a request
24 for Exemption Certificate is made, based on a stated
25 estimated average tax rate and the percentage of the
26 contract that consists of materials;

1 (5) the period of time over which supplies for the
2 project are expected to be purchased; and

3 (6) other reasonable information as the Department may
4 require, including, but not limited to FEIN numbers, to
5 determine if the contractor or other entity, or any
6 partner, or a corporate officer, and in the case of a
7 limited liability company, any manager or member, of the
8 construction contractor or other entity, is or has been the
9 owner, a partner, a corporate officer, and in the case of a
10 limited liability company, a manager or member, of a person
11 that is in default for moneys due to the Department under
12 this Act or any other tax or fee Act administered by the
13 Department.

14 The Department shall issue the Enterprise Zone Building
15 Materials Exemption Certificates within 3 business days after
16 receipt of request from the zone administrator. This
17 requirement does not apply in circumstances where the
18 Department, for reasonable cause, is unable to issue the
19 Exemption Certificate within 3 business days. The Department
20 may refuse to issue an Exemption Certificate if the owner, any
21 partner, or a corporate officer, and in the case of a limited
22 liability company, any manager or member, of the construction
23 contractor or other entity is or has been the owner, a partner,
24 a corporate officer, and in the case of a limited liability
25 company, a manager or member, of a person that is in default
26 for moneys due to the Department under this Act or any other

1 tax or fee Act administered by the Department. The Enterprise
2 Zone Building Materials Exemption Certificate shall contain
3 language stating that if the construction contractor or other
4 entity who is issued the Exemption Certificate makes a
5 tax-exempt purchase, as described in this Section, that is not
6 eligible for exemption under this Section or allows another
7 person to make a tax-exempt purchase, as described in this
8 Section, that is not eligible for exemption under this Section,
9 then, in addition to any tax or other penalty imposed, the
10 construction contractor or other entity is subject to a penalty
11 equal to the tax that would have been paid by the retailer
12 under this Act as well as any applicable local retailers'
13 occupation tax on the purchase that is not eligible for the
14 exemption.

15 The Department, in its discretion, may require that the
16 request for Enterprise Zone Building Materials Exemption
17 Certificates be submitted electronically. The Department may,
18 in its discretion, issue the Exemption Certificates
19 electronically. The Enterprise Zone Building Materials
20 Exemption Certificate number shall be designed in such a way
21 that the Department can identify from the unique number on the
22 Exemption Certificate issued to a given construction
23 contractor or other entity, the name of the Enterprise Zone,
24 the project for which the Exemption Certificate is issued, and
25 the construction contractor or other entity to whom the
26 Exemption Certificate is issued. The Exemption Certificate

1 shall contain an expiration date, which shall be no more than 2
2 years after the date of issuance. At the request of the zone
3 administrator, the Department may renew an Exemption
4 Certificate. After the Department issues Exemption
5 Certificates for a given enterprise zone project, the
6 enterprise zone administrator may notify the Department of
7 additional construction contractors or other entities eligible
8 for an Enterprise Zone Building Materials Exemption
9 Certificate. Upon notification by the enterprise zone
10 administrator and subject to the other provisions of this
11 subsection (b), the Department shall issue an Enterprise Zone
12 Building Materials Exemption Certificate to each additional
13 construction contractor or other entity identified by the
14 enterprise zone administrator. An enterprise zone
15 administrator may notify the Department to rescind an
16 Enterprise Zone Building Materials Exemption Certificate
17 previously issued by the Department but that has not yet
18 expired. Upon notification by the enterprise zone
19 administrator and subject to the other provisions of this
20 subsection (b), the Department shall issue the rescission of
21 the Enterprise Zone Building Materials Exemption Certificate
22 to the construction contractor or other entity identified by
23 the enterprise zone administrator and provide a copy to the
24 enterprise zone administrator.

25 If the Department of Revenue determines that a construction
26 contractor or other entity that was issued an Exemption

1 Certificate under this subsection (b) made a tax-exempt
2 purchase, as described in this Section, that was not eligible
3 for exemption under this Section or allowed another person to
4 make a tax-exempt purchase, as described in this Section, that
5 was not eligible for exemption under this Section, then, in
6 addition to any tax or other penalty imposed, the construction
7 contractor or other entity is subject to a penalty equal to the
8 tax that would have been paid by the retailer under this Act as
9 well as any applicable local retailers' occupation tax on the
10 purchase that was not eligible for the exemption.

11 (c) In addition, the retailer must obtain certification
12 from the purchaser that contains:

13 (1) a statement that the building materials are being
14 purchased for incorporation into real estate located in an
15 Illinois enterprise zone;

16 (2) the location or address of the real estate into
17 which the building materials will be incorporated;

18 (3) the name of the enterprise zone in which that real
19 estate is located;

20 (4) a description of the building materials being
21 purchased;

22 (5) on and after July 1, 2013, the purchaser's
23 Enterprise Zone Building Materials Exemption Certificate
24 number issued by the Department; and

25 (6) the purchaser's signature and date of purchase.

26 (d) The deduction allowed by this Section for the sale of

1 building materials may be limited, to the extent authorized by
2 ordinance, adopted after the effective date of this amendatory
3 Act of 1992, by the municipality or county that created the
4 enterprise zone into which the building materials will be
5 incorporated. The ordinance, however, may neither require nor
6 prohibit the purchase of building materials from any retailer
7 or class of retailers in order to qualify for the exemption
8 allowed under this Section. The provisions of this Section are
9 exempt from Section 2-70.

10 (e) Notwithstanding anything to the contrary in this
11 Section, for enterprise zone projects already in existence and
12 for which construction contracts are already in place on July
13 1, 2013, the request for Enterprise Zone Building Materials
14 Exemption Certificates from the enterprise zone administrator
15 to the Department for these pre-existing construction
16 contractors and other entities must include the information
17 required under subsection (b), but not including the
18 information listed in items (4) and (5). For any new
19 construction contract entered into on or after July 1, 2013,
20 however, all of the information in subsection (b) must be
21 provided.

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

23 (35 ILCS 120/51) (from Ch. 120, par. 4441)

24 Sec. 51. Building materials exemption; High Impact
25 Business.

1 (a) Beginning January 1, 1995, each retailer who makes a
2 sale of building materials that will be incorporated into a
3 High Impact Business location as designated by the Department
4 of Commerce and Economic Opportunity under Section 5.5 of the
5 Illinois Enterprise Zone Act may deduct receipts from such
6 sales when calculating only the 6.25% State rate of tax imposed
7 by this Act. Beginning on the effective date of this amendatory
8 Act of 1995, a retailer may also deduct receipts from such
9 sales when calculating any applicable local taxes. However,
10 until the effective date of this amendatory Act of 1995, a
11 retailer may file claims for credit or refund to recover the
12 amount of any applicable local tax paid on such sales. No
13 retailer who is eligible for the deduction or credit under
14 Section 5k of this Act for making a sale of building materials
15 to be incorporated into real estate in an enterprise zone by
16 rehabilitation, remodeling or new construction shall be
17 eligible for the deduction or credit authorized under this
18 Section.

19 (b) On and after July 1, 2013, in ~~in~~ addition to any other
20 requirements to document the exemption allowed under this
21 Section, the retailer must obtain from the purchaser the
22 purchaser's High Impact Business Building Materials Exemption
23 Certificate number issued by the Department. A construction
24 contractor or other entity shall not make tax-free purchases
25 unless it has an active Exemption Certificate issued by the
26 Department at the time of purchase.

1 Upon request from the designated High Impact Business, the
2 Department shall issue a High Impact Business Building
3 Materials Exemption Certificate for each construction
4 contractor or other entity identified by the designated High
5 Impact Business. The Department shall make ~~issue~~ the Exemption
6 Certificates available ~~directly~~ to each construction
7 contractor or other entity and the designated High Impact
8 Business. ~~The Department shall also provide the designated High~~
9 ~~Impact Business with a copy of each Exemption Certificate~~
10 ~~issued.~~ The request for Building Materials Exemption
11 Certificates from the designated High Impact Business to the
12 Department must include the following information:

13 (1) the name and address of the construction contractor
14 or other entity;

15 (2) the name and location or address of the designated
16 High Impact Business;

17 (3) the estimated amount of the exemption for each
18 construction contractor or other entity for which a request
19 for Exemption Certificate is made, based on a stated
20 estimated average tax rate and the percentage of the
21 contract that consists of materials;

22 (4) the period of time over which supplies for the
23 project are expected to be purchased; and

24 (5) other reasonable information as the Department may
25 require, including but not limited to FEIN numbers, to
26 determine if the contractor or other entity, or any

1 partner, or a corporate officer, and in the case of a
2 limited liability company, any manager or member, of the
3 construction contractor or other entity, is or has been the
4 owner, a partner, a corporate officer, and in the case of a
5 limited liability company, a manager or member, of a person
6 that is in default for moneys due to the Department under
7 this Act or any other tax or fee Act administered by the
8 Department.

9 The Department shall issue the High Impact Business
10 Building Materials Exemption Certificates within 3 business
11 days after receipt of request from the designated High Impact
12 Business. This requirement does not apply in circumstances
13 where the Department, for reasonable cause, is unable to issue
14 the Exemption Certificate within 3 business days. The
15 Department may refuse to issue an Exemption Certificate if the
16 owner, any partner, or a corporate officer, and in the case of
17 a limited liability company, any manager or member, of the
18 construction contractor or other entity is or has been the
19 owner, a partner, a corporate officer, and in the case of a
20 limited liability company, a manager or member, of a person
21 that is in default for moneys due to the Department under this
22 Act or any other tax or fee Act administered by the Department.
23 The High Impact Business Building Materials Exemption
24 Certificate shall contain language stating that if the
25 construction contractor or other entity who is issued the
26 Exemption Certificate makes a tax-exempt purchase, as

1 described in this Section, that is not eligible for exemption
2 under this Section or allows another person to make a
3 tax-exempt purchase, as described in this Section, that is not
4 eligible for exemption under this Section, then, in addition to
5 any tax or other penalty imposed, the construction contractor
6 or other entity is subject to a penalty equal to the tax that
7 would have been paid by the retailer under this Act as well as
8 any applicable local retailers' occupation tax on the purchase
9 that is not eligible for the exemption.

10 The Department, in its discretion, may require that the
11 request for High Impact Business Building Materials Exemption
12 Certificates be submitted electronically. The Department may,
13 in its discretion, issue the Exemption Certificates
14 electronically. The High Impact Business Building Materials
15 Exemption Certificate number shall be designed in such a way
16 that the Department can identify from the unique number on the
17 Exemption Certificate issued to a given construction
18 contractor or other entity, the name of the designated High
19 Impact Business and the construction contractor or other entity
20 to whom the Exemption Certificate is issued. The Exemption
21 Certificate shall contain an expiration date, which shall be no
22 more than 2 years after the date of issuance. At the request of
23 the designated High Impact Business, the Department may renew
24 an Exemption Certificate. After the Department issues
25 Exemption Certificates for a given designated High Impact
26 Business, the designated High Impact Business may notify the

1 Department of additional construction contractors or other
2 entities eligible for a Building Materials Exemption
3 Certificate. Upon notification by the designated High Impact
4 Business and subject to the other provisions of this subsection
5 (b), the Department shall issue a High Impact Business Building
6 Materials Exemption Certificate to each additional
7 construction contractor or other entity identified by the
8 designated High Impact Business. A designated High Impact
9 Business may notify the Department to rescind a Building
10 Materials Exemption Certificate previously issued by the
11 Department but that has not yet expired. Upon notification by
12 the designated High Impact Business and subject to the other
13 provisions of this subsection (b), the Department shall issue
14 the rescission of the Building Materials Exemption Certificate
15 to the construction contractor or other entity identified by
16 the designated High Impact Business and provide a copy to the
17 designated High Impact Business.

18 If the Department of Revenue determines that a construction
19 contractor or other entity that was issued an Exemption
20 Certificate under this subsection (b) made a tax-exempt
21 purchase, as described in this Section, that was not eligible
22 for exemption under this Section or allowed another person to
23 make a tax-exempt purchase, as described in this Section, that
24 was not eligible for exemption under this Section, then, in
25 addition to any tax or other penalty imposed, the construction
26 contractor or other entity is subject to a penalty equal to the

1 tax that would have been paid by the retailer under this Act as
2 well as any applicable local retailers' occupation tax on the
3 purchase that was not eligible for the exemption.

4 (c) Notwithstanding anything to the contrary in this
5 Section, for High Impact Businesses for which projects are
6 already in existence and for which construction contracts are
7 already in place on July 1, 2013, the request for High Impact
8 Business Building Materials Exemption Certificates from the
9 High Impact Business to the Department for these pre-existing
10 construction contractors and other entities must include the
11 information required under subsection (b), but not including
12 the information listed in items (3) and (4). For any new
13 construction contract entered into on or after July 1, 2013,
14 however, all of the information in subsection (b) must be
15 provided.

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

17 Section 5-50. The Property Tax Code is amended by changing
18 Sections 10-115 and 18-165 as follows:

19 (35 ILCS 200/10-115)

20 Sec. 10-115. Department guidelines and valuations for
21 farmland. The Department shall issue guidelines and
22 recommendations for the valuation of farmland to achieve
23 equitable assessment within and between counties.

24 The Director of Revenue shall appoint a five-person

1 Farmland Assessment Technical Advisory Board, consisting of
2 technical experts from the colleges or schools of agriculture
3 of the State universities and State and federal agricultural
4 agencies, to advise in and provide data and technical
5 information needed for implementation of this Section.

6 By May 1 of each year, the Department shall certify to each
7 chief county assessment officer the following, calculated from
8 data provided by the Farmland Technical Advisory Board, on a
9 per acre basis by soil productivity index for harvested
10 cropland, using moving averages for the most recent 5-year
11 period for which data are available:

12 (a) gross income, estimated by using yields per acre as
13 assigned to soil productivity indices, the crop mix for
14 each soil productivity index as determined by the College
15 of Agriculture of the University of Illinois and average
16 prices received by farmers for principal crops as published
17 by the Illinois Crop Reporting Service;

18 (b) production costs, other than land costs, provided
19 by the College of Agriculture of the University of
20 Illinois;

21 (c) net return to land, which shall be the difference
22 between (a) and (b) above;

23 (d) a proposed agricultural economic value determined
24 by dividing the net return to land by the moving average of
25 the Federal Land Bank farmland mortgage interest rate as
26 calculated by the Department;

1 (e) the equalized assessed value per acre of farmland
2 for each soil productivity index, which shall be 33-1/3% of
3 the agricultural economic value, or the percentage as
4 provided under Section 17-5; but any increase or decrease
5 in the equalized assessed value per acre by soil
6 productivity index shall not exceed 10% from the immediate
7 preceding year's soil productivity index certified
8 assessed value of the median cropped soil; in tax year 2015
9 only, that 10% limitation shall be reduced by \$5 per acre;

10 (f) a proposed average equalized assessed value per
11 acre of cropland for each individual county, weighted by
12 the distribution of soils by productivity index in the
13 county; and

14 (g) a proposed average equalized assessed value per
15 acre for all farmland in each county, weighted (i) to
16 consider the proportions of all farmland acres in the
17 county which are cropland, permanent pasture, and other
18 farmland, and (ii) to reflect the valuations for those
19 types of land and debasements for slope and erosion as
20 required by Section 10-125.

21 (Source: P.A. 91-357, eff. 7-29-99.)

22 (35 ILCS 200/18-165)

23 Sec. 18-165. Abatement of taxes.

24 (a) Any taxing district, upon a majority vote of its
25 governing authority, may, after the determination of the

1 assessed valuation of its property, order the clerk of that
2 county to abate any portion of its taxes on the following types
3 of property:

4 (1) Commercial and industrial.

5 (A) The property of any commercial or industrial
6 firm, including but not limited to the property of (i)
7 any firm that is used for collecting, separating,
8 storing, or processing recyclable materials, locating
9 within the taxing district during the immediately
10 preceding year from another state, territory, or
11 country, or having been newly created within this State
12 during the immediately preceding year, or expanding an
13 existing facility, or (ii) any firm that is used for
14 the generation and transmission of electricity
15 locating within the taxing district during the
16 immediately preceding year or expanding its presence
17 within the taxing district during the immediately
18 preceding year by construction of a new electric
19 generating facility that uses natural gas as its fuel,
20 or any firm that is used for production operations at a
21 new, expanded, or reopened coal mine within the taxing
22 district, that has been certified as a High Impact
23 Business by the Illinois Department of Commerce and
24 Economic Opportunity. The property of any firm used for
25 the generation and transmission of electricity shall
26 include all property of the firm used for transmission

1 facilities as defined in Section 5.5 of the Illinois
2 Enterprise Zone Act. The abatement shall not exceed a
3 period of 10 years and the aggregate amount of abated
4 taxes for all taxing districts combined shall not
5 exceed \$4,000,000.

6 (A-5) Any property in the taxing district of a new
7 electric generating facility, as defined in Section
8 605-332 of the Department of Commerce and Economic
9 Opportunity Law of the Civil Administrative Code of
10 Illinois. The abatement shall not exceed a period of 10
11 years. The abatement shall be subject to the following
12 limitations:

13 (i) if the equalized assessed valuation of the
14 new electric generating facility is equal to or
15 greater than \$25,000,000 but less than
16 \$50,000,000, then the abatement may not exceed (i)
17 over the entire term of the abatement, 5% of the
18 taxing district's aggregate taxes from the new
19 electric generating facility and (ii) in any one
20 year of abatement, 20% of the taxing district's
21 taxes from the new electric generating facility;

22 (ii) if the equalized assessed valuation of
23 the new electric generating facility is equal to or
24 greater than \$50,000,000 but less than
25 \$75,000,000, then the abatement may not exceed (i)
26 over the entire term of the abatement, 10% of the

1 taxing district's aggregate taxes from the new
2 electric generating facility and (ii) in any one
3 year of abatement, 35% of the taxing district's
4 taxes from the new electric generating facility;

5 (iii) if the equalized assessed valuation of
6 the new electric generating facility is equal to or
7 greater than \$75,000,000 but less than
8 \$100,000,000, then the abatement may not exceed
9 (i) over the entire term of the abatement, 20% of
10 the taxing district's aggregate taxes from the new
11 electric generating facility and (ii) in any one
12 year of abatement, 50% of the taxing district's
13 taxes from the new electric generating facility;

14 (iv) if the equalized assessed valuation of
15 the new electric generating facility is equal to or
16 greater than \$100,000,000 but less than
17 \$125,000,000, then the abatement may not exceed
18 (i) over the entire term of the abatement, 30% of
19 the taxing district's aggregate taxes from the new
20 electric generating facility and (ii) in any one
21 year of abatement, 60% of the taxing district's
22 taxes from the new electric generating facility;

23 (v) if the equalized assessed valuation of the
24 new electric generating facility is equal to or
25 greater than \$125,000,000 but less than
26 \$150,000,000, then the abatement may not exceed

1 (i) over the entire term of the abatement, 40% of
2 the taxing district's aggregate taxes from the new
3 electric generating facility and (ii) in any one
4 year of abatement, 60% of the taxing district's
5 taxes from the new electric generating facility;

6 (vi) if the equalized assessed valuation of
7 the new electric generating facility is equal to or
8 greater than \$150,000,000, then the abatement may
9 not exceed (i) over the entire term of the
10 abatement, 50% of the taxing district's aggregate
11 taxes from the new electric generating facility
12 and (ii) in any one year of abatement, 60% of the
13 taxing district's taxes from the new electric
14 generating facility.

15 The abatement is not effective unless the owner of
16 the new electric generating facility agrees to repay to
17 the taxing district all amounts previously abated,
18 together with interest computed at the rate and in the
19 manner provided for delinquent taxes, in the event that
20 the owner of the new electric generating facility
21 closes the new electric generating facility before the
22 expiration of the entire term of the abatement.

23 The authorization of taxing districts to abate
24 taxes under this subdivision (a)(1)(A-5) expires on
25 January 1, 2010.

26 (B) The property of any commercial or industrial

1 development of at least (i) 500 acres or (ii) 225 acres
2 in the case of a commercial or industrial development
3 that applies for and is granted designation as a High
4 Impact Business under paragraph (F) of item (3) of
5 subsection (a) of Section 5.5 of the Illinois
6 Enterprise Zone Act, having been created within the
7 taxing district. The abatement shall not exceed a
8 period of 20 years and the aggregate amount of abated
9 taxes for all taxing districts combined shall not
10 exceed \$12,000,000.

11 (C) The property of any commercial or industrial
12 firm currently located in the taxing district that
13 expands a facility or its number of employees. The
14 abatement shall not exceed a period of 10 years and the
15 aggregate amount of abated taxes for all taxing
16 districts combined shall not exceed \$4,000,000. The
17 abatement period may be renewed at the option of the
18 taxing districts.

19 (2) Horse racing. Any property in the taxing district
20 which is used for the racing of horses and upon which
21 capital improvements consisting of expansion, improvement
22 or replacement of existing facilities have been made since
23 July 1, 1987. The combined abatements for such property
24 from all taxing districts in any county shall not exceed
25 \$5,000,000 annually and shall not exceed a period of 10
26 years.

1 (3) Auto racing. Any property designed exclusively for
2 the racing of motor vehicles. Such abatement shall not
3 exceed a period of 10 years.

4 (4) Academic or research institute. The property of any
5 academic or research institute in the taxing district that
6 (i) is an exempt organization under paragraph (3) of
7 Section 501(c) of the Internal Revenue Code, (ii) operates
8 for the benefit of the public by actually and exclusively
9 performing scientific research and making the results of
10 the research available to the interested public on a
11 non-discriminatory basis, and (iii) employs more than 100
12 employees. An abatement granted under this paragraph shall
13 be for at least 15 years and the aggregate amount of abated
14 taxes for all taxing districts combined shall not exceed
15 \$5,000,000.

16 (5) Housing for older persons. Any property in the
17 taxing district that is devoted exclusively to affordable
18 housing for older households. For purposes of this
19 paragraph, "older households" means those households (i)
20 living in housing provided under any State or federal
21 program that the Department of Human Rights determines is
22 specifically designed and operated to assist elderly
23 persons and is solely occupied by persons 55 years of age
24 or older and (ii) whose annual income does not exceed 80%
25 of the area gross median income, adjusted for family size,
26 as such gross income and median income are determined from

1 time to time by the United States Department of Housing and
2 Urban Development. The abatement shall not exceed a period
3 of 15 years, and the aggregate amount of abated taxes for
4 all taxing districts shall not exceed \$3,000,000.

5 (6) Historical society. For assessment years 1998
6 through 2018, the property of an historical society
7 qualifying as an exempt organization under Section
8 501(c)(3) of the federal Internal Revenue Code.

9 (7) Recreational facilities. Any property in the
10 taxing district (i) that is used for a municipal airport,
11 (ii) that is subject to a leasehold assessment under
12 Section 9-195 of this Code and (iii) which is sublet from a
13 park district that is leasing the property from a
14 municipality, but only if the property is used exclusively
15 for recreational facilities or for parking lots used
16 exclusively for those facilities. The abatement shall not
17 exceed a period of 10 years.

18 (8) Relocated corporate headquarters. If approval
19 occurs within 5 years after the effective date of this
20 amendatory Act of the 92nd General Assembly, any property
21 or a portion of any property in a taxing district that is
22 used by an eligible business for a corporate headquarters
23 as defined in the Corporate Headquarters Relocation Act.
24 Instead of an abatement under this paragraph (8), a taxing
25 district may enter into an agreement with an eligible
26 business to make annual payments to that eligible business

1 in an amount not to exceed the property taxes paid directly
2 or indirectly by that eligible business to the taxing
3 district and any other taxing districts for premises
4 occupied pursuant to a written lease and may make those
5 payments without the need for an annual appropriation. No
6 school district, however, may enter into an agreement with,
7 or abate taxes for, an eligible business unless the
8 municipality in which the corporate headquarters is
9 located agrees to provide funding to the school district in
10 an amount equal to the amount abated or paid by the school
11 district as provided in this paragraph (8). Any abatement
12 ordered or agreement entered into under this paragraph (8)
13 may be effective for the entire term specified by the
14 taxing district, except the term of the abatement or annual
15 payments may not exceed 20 years.

16 (9) United States Military Public/Private Residential
17 Developments. Each building, structure, or other
18 improvement designed, financed, constructed, renovated,
19 managed, operated, or maintained after January 1, 2006
20 under a "PPV Lease", as set forth under Division 14 of
21 Article 10, and any such PPV Lease.

22 (10) Property located in a business corridor that
23 qualifies for an abatement under Section 18-184.10.

24 (b) Upon a majority vote of its governing authority, any
25 municipality may, after the determination of the assessed
26 valuation of its property, order the county clerk to abate any

1 portion of its taxes on any property that is located within the
2 corporate limits of the municipality in accordance with Section
3 8-3-18 of the Illinois Municipal Code.

4 (Source: P.A. 96-1136, eff. 7-21-10; 97-577, eff. 1-1-12;
5 97-636, eff. 6-1-12.)

6 Section 5-55. The County Economic Development Project Area
7 Property Tax Allocation Act is amended by changing Section 3 as
8 follows:

9 (55 ILCS 85/3) (from Ch. 34, par. 7003)

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

13 (a) "Department" means the Department of Commerce and
14 Economic Opportunity.

15 (b) "Economic development plan" means the written plan of a
16 county which sets forth an economic development program for an
17 economic development project area. Each economic development
18 plan shall include but not be limited to (1) estimated economic
19 development project costs, (2) the sources of funds to pay such
20 costs, (3) the nature and term of any obligations to be issued
21 by the county to pay such costs, (4) the most recent equalized
22 assessed valuation of the economic development project area,
23 (5) an estimate of the equalized assessed valuation of the
24 economic development project area after completion of the

1 economic development plan, (6) the estimated date of completion
2 of any economic development project proposed to be undertaken,
3 (7) a general description of any proposed developer, user, or
4 tenant of any property to be located or improved within the
5 economic development project area, (8) a description of the
6 type, structure and general character of the facilities to be
7 developed or improved in the economic development project area,
8 (9) a description of the general land uses to apply in the
9 economic development project area, (10) a description of the
10 type, class and number of employees to be employed in the
11 operation of the facilities to be developed or improved in the
12 economic development project area and (11) a commitment by the
13 county to fair employment practices and an affirmative action
14 plan with respect to any economic development program to be
15 undertaken by the county. The economic development plan for an
16 economic development project area authorized by subsection
17 (a-15) of Section 4 of this Act must additionally include (1)
18 evidence indicating that the redevelopment project area on the
19 whole has not been subject to growth and development through
20 investment by private enterprise and is not reasonably expected
21 to be subject to such growth and development without the
22 assistance provided through the implementation of the economic
23 development plan and (2) evidence that portions of the economic
24 development project area have incurred Illinois Environmental
25 Protection Agency or United States Environmental Protection
26 Agency remediation costs for, or a study conducted by an

1 independent consultant recognized as having expertise in
2 environmental remediation has determined a need for, the
3 clean-up of hazardous waste, hazardous substances, or
4 underground storage tanks required by State or federal law,
5 provided that the remediation costs constitute a material
6 impediment to the development or redevelopment of the project
7 area.

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

10 (d) "Economic development project area" means any improved
11 or vacant area which is located within the corporate limits of
12 a county and which (1) is within the unincorporated area of
13 such county, or, with the consent of any affected municipality,
14 is located partially within the unincorporated area of such
15 county and partially within one or more municipalities, (2) is
16 contiguous, (3) is not less in the aggregate than 100 acres
17 and, for an economic development project area authorized by
18 subsection (a-15) of Section 4 of this Act, not more than 2,000
19 acres, (4) is suitable for siting by any commercial,
20 manufacturing, industrial, research or transportation
21 enterprise of facilities to include but not be limited to
22 commercial businesses, offices, factories, mills, processing
23 plants, assembly plants, packing plants, fabricating plants,
24 industrial or commercial distribution centers, warehouses,
25 repair overhaul or service facilities, freight terminals,
26 research facilities, test facilities or transportation

1 facilities, whether or not such area has been used at any time
2 for such facilities and whether or not the area has been used
3 or is suitable for such facilities and whether or not the area
4 has been used or is suitable for other uses, including
5 commercial agricultural purposes, and (5) which has been
6 certified by the Department pursuant to this Act.

7 (e) "Economic development project costs" means and
8 includes the sum total of all reasonable or necessary costs
9 incurred by a county incidental to an economic development
10 project, including, without limitation, the following:

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

19 (2) Property assembly costs within an economic
20 development project area, including but not limited to
21 acquisition of land and other real or personal property or
22 rights or interests therein, and specifically including
23 payments to developers or other non-governmental persons
24 as reimbursement for property assembly costs incurred by
25 such developer or other non-governmental person;

26 (3) Site preparation costs, including but not limited

1 to clearance of any area within an economic development
2 project area by demolition or removal of any existing
3 buildings, structures, fixtures, utilities and
4 improvements and clearing and grading; site improvement
5 addressing ground level or below ground environmental
6 contamination; and including installation, repair,
7 construction, reconstruction, or relocation of public
8 streets, public utilities, and other public site
9 improvements within or without an economic development
10 project area which are essential to the preparation of the
11 economic development project area for use in accordance
12 with an economic development plan; and specifically
13 including payments to developers or other non-governmental
14 persons as reimbursement for site preparation costs
15 incurred by such developer or non-governmental person;

16 (4) Costs of renovation, rehabilitation,
17 reconstruction, relocation, repair or remodeling of any
18 existing buildings, improvements, and fixtures within an
19 economic development project area, and specifically
20 including payments to developers or other non-governmental
21 persons as reimbursement for such costs incurred by such
22 developer or non-governmental person;

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

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

9 (7) All or a portion of a taxing district's capital
10 costs resulting from an economic development project
11 necessarily incurred or estimated to be incurred by a
12 taxing district in the furtherance of the objectives of an
13 economic development project, to the extent that the county
14 by written agreement accepts, approves and agrees to incur
15 or to reimburse such costs;

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

20 (9) The estimated tax revenues from real property in an
21 economic development project area acquired by a county
22 which, according to the economic development plan, is to be
23 used for a private use and which any taxing district would
24 have received had the county not adopted property tax
25 allocation financing for an economic development project
26 area and which would result from such taxing district's

1 levies made after the time of the adoption by the county of
2 property tax allocation financing to the time the current
3 equalized assessed value of real property in the economic
4 development project area exceeds the total initial
5 equalized value of real property in that area;

6 (10) Costs of rebating ad valorem taxes paid by any
7 developer or other nongovernmental person in whose name the
8 general taxes were paid for the last preceding year on any
9 lot, block, tract or parcel of land in the economic
10 development project area, provided that:

11 (i) such economic development project area is
12 located in an enterprise zone created pursuant to the
13 Illinois Enterprise Zone Act; beginning on the
14 effective date of this amendatory Act of the 98th
15 General Assembly and ending on the date occurring 3
16 years later, compliance with this provision (i) is not
17 required in Grundy County;

18 (ii) such ad valorem taxes shall be rebated only in
19 such amounts and for such tax year or years as the
20 county and any one or more affected taxing districts
21 shall have agreed by prior written agreement;
22 beginning on the effective date of this amendatory Act
23 of the 98th General Assembly and ending on the date
24 occurring 3 years later, compliance with this
25 provision (ii) is not required in Grundy County if the
26 county receives approval from 2/3 of the taxing

1 districts representing no less than 75% of the
2 aggregate tax levy for all of the affected taxing
3 districts for the levy year;

4 (iii) any amount of rebate of taxes shall not
5 exceed the portion, if any, of taxes levied by the
6 county or such taxing district or districts which is
7 attributable to the increase in the current equalized
8 assessed valuation of each taxable lot, block, tract or
9 parcel of real property in the economic development
10 project area over and above the initial equalized
11 assessed value of each property existing at the time
12 property tax allocation financing was adopted for said
13 economic development project area; and

14 (iv) costs of rebating ad valorem taxes shall be
15 paid by a county solely from the special tax allocation
16 fund established pursuant to this Act and shall be paid
17 from the proceeds of any obligations issued by a
18 county.

19
20 (11) Costs of job training, advanced vocational
21 education or career education programs, including but not
22 limited to courses in occupational, semi-technical or
23 technical fields leading directly to employment, incurred
24 by one or more taxing districts, provided that such costs
25 are related to the establishment and maintenance of
26 additional job training, advanced vocational education or

1 career education programs for persons employed or to be
2 employed by employers located in an economic development
3 project area, and further provided, that when such costs
4 are incurred by a taxing district or taxing districts other
5 than the county, they shall be set forth in a written
6 agreement by or among the county and the taxing district or
7 taxing districts, which agreement describes the program to
8 be undertaken, including, but not limited to, the number of
9 employees to be trained, a description of the training and
10 services to be provided, the number and type of positions
11 available or to be available, itemized costs of the program
12 and sources of funds to pay the same, and the term of the
13 agreement. Such costs include, specifically, the payment
14 by community college districts of costs pursuant to Section
15 3-37, 3-38, 3-40 and 3-40.1 of the Public Community College
16 Act and by school districts of costs pursuant to Sections
17 10-22.20 and 10-23.3a of the School Code;

18 (12) Private financing costs incurred by developers or
19 other non-governmental persons in connection with an
20 economic development project, and specifically including
21 payments to developers or other non-governmental persons
22 as reimbursement for such costs incurred by such developer
23 or other non-governmental persons provided that:

24 (A) private financing costs shall be paid or
25 reimbursed by a county only pursuant to the prior
26 official action of the county evidencing an intent to

1 pay such private financing costs;

2 (B) except as provided in subparagraph (D) of this
3 Section, the aggregate amount of such costs paid or
4 reimbursed by a county in any one year shall not exceed
5 30% of such costs paid or incurred by such developer or
6 other non-governmental person in that year;

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

12 (D) if there are not sufficient funds available in
13 the special tax allocation fund in any year to make
14 such payment or reimbursement in full, any amount of
15 such private financing costs remaining to be paid or
16 reimbursed by a county shall accrue and be payable when
17 funds are available in the special tax allocation fund
18 to make such payment; and

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

1 (f) "Obligations" means any instrument evidencing the
2 obligation of a county to pay money, including without
3 limitation, bonds, notes, installment or financing contracts,
4 certificates, tax anticipation warrants or notes, vouchers,
5 and any other evidence of indebtedness.

6 (g) "Taxing districts" means municipalities, townships,
7 counties, and school, road, park, sanitary, mosquito
8 abatement, forest preserve, public health, fire protection,
9 river conservancy, tuberculosis sanitarium and any other
10 county corporations or districts with the power to levy taxes
11 on real property.

12 (Source: P.A. 96-1262, eff. 7-26-10.)

13 Section 5-60. The Illinois Municipal Code is amended by
14 changing Sections 11-65-10 and 11-74.4-3.5 as follows:

15 (65 ILCS 5/11-65-10)

16 Sec. 11-65-10. Public-facilities corporations authorized.

17 (a) Each municipality referenced in Section 11-65-2 is
18 authorized to incorporate a public-facilities corporation to
19 exercise, as business agent of the municipality, the powers of
20 the municipality set forth in Section 11-65-2, Section 11-65-6,
21 and Section 11-65-7, and also the power of the municipality to
22 acquire by dedication, gift, lease, contract, or purchase all
23 property and rights, necessary or proper, within the corporate
24 limits of the municipality, for municipal convention hall

1 purposes.

2 (b) In this Division 65, unless the context otherwise
3 requires, a "public-facilities corporation" means an Illinois
4 not-for-profit corporation whose purpose is charitable and
5 civic, organized solely for the purpose of (i) acquiring a site
6 or sites appropriate for a municipal convention hall; (ii)
7 constructing, building, and equipping thereon a municipal
8 convention hall; and (iii) collecting the revenues therefrom,
9 entirely without profit to the public-facilities corporation,
10 its officers, or directors. A public-facilities corporation
11 shall assist the municipality it serves in the municipality's
12 essential governmental purposes.

13 (c) The municipality shall retain control of the
14 public-facilities corporation by means of the municipality's
15 expressed legal right, set forth in the articles of
16 incorporation of the public-facilities corporation, to
17 appoint, remove, and replace the members of the board of
18 directors of the public-facilities corporation. The directors
19 and officers of the public-facilities corporation shall serve
20 without compensation but may be reimbursed for their reasonable
21 expenses that are incurred on behalf of the public-facilities
22 corporation. Upon retirement or redemption of any bonds or
23 other debt instruments issued by the public-facilities
24 corporation in connection with the development of the municipal
25 convention hall, the legal title to the municipal convention
26 hall shall be transferred to the municipality without any

1 further consideration by or on behalf of the municipality.

2 (d) The municipality may designate a public-facilities
3 corporation to include a facility that operates for the benefit
4 of multiple units of local government through a management
5 board created by a duly executed intergovernmental cooperation
6 agreement and ratified by each duly elected board.

7 (Source: P.A. 95-672, eff. 10-11-07.)

8 (65 ILCS 5/11-74.4-3.5)

9 Sec. 11-74.4-3.5. Completion dates for redevelopment
10 projects.

11 (a) Unless otherwise stated in this Section, the estimated
12 dates of completion of the redevelopment project and retirement
13 of obligations issued to finance redevelopment project costs
14 (including refunding bonds under Section 11-74.4-7) may not be
15 later than December 31 of the year in which the payment to the
16 municipal treasurer, as provided in subsection (b) of Section
17 11-74.4-8 of this Act, is to be made with respect to ad valorem
18 taxes levied in the 23rd calendar year after the year in which
19 the ordinance approving the redevelopment project area was
20 adopted if the ordinance was adopted on or after January 15,
21 1981.

22 (b) The estimated dates of completion of the redevelopment
23 project and retirement of obligations issued to finance
24 redevelopment project costs (including refunding bonds under
25 Section 11-74.4-7) may not be later than December 31 of the

1 year in which the payment to the municipal treasurer as
2 provided in subsection (b) of Section 11-74.4-8 of this Act is
3 to be made with respect to ad valorem taxes levied in the 32nd
4 calendar year after the year in which the ordinance approving
5 the redevelopment project area was adopted, if the ordinance
6 was adopted on September 9, 1999 by the Village of Downs.

7 The estimated dates of completion of the redevelopment
8 project and retirement of obligations issued to finance
9 redevelopment project costs (including refunding bonds under
10 Section 11-74.4-7) may not be later than December 31 of the
11 year in which the payment to the municipal treasurer as
12 provided in subsection (b) of Section 11-74.4-8 of this Act is
13 to be made with respect to ad valorem taxes levied in the 33rd
14 calendar year after the year in which the ordinance approving
15 the redevelopment project area was adopted, if the ordinance
16 was adopted on May 20, 1985 by the Village of Wheeling.

17 The estimated dates of completion of the redevelopment
18 project and retirement of obligations issued to finance
19 redevelopment project costs (including refunding bonds under
20 Section 11-74.4-7) may not be later than December 31 of the
21 year in which the payment to the municipal treasurer as
22 provided in subsection (b) of Section 11-74.4-8 of this Act is
23 to be made with respect to ad valorem taxes levied in the 28th
24 calendar year after the year in which the ordinance approving
25 the redevelopment project area was adopted, if the ordinance
26 was adopted on October 12, 1989 by the City of Lawrenceville.

1 (c) The estimated dates of completion of the redevelopment
2 project and retirement of obligations issued to finance
3 redevelopment project costs (including refunding bonds under
4 Section 11-74.4-7) may not be later than December 31 of the
5 year in which the payment to the municipal treasurer as
6 provided in subsection (b) of Section 11-74.4-8 of this Act is
7 to be made with respect to ad valorem taxes levied in the 35th
8 calendar year after the year in which the ordinance approving
9 the redevelopment project area was adopted:

10 (1) if the ordinance was adopted before January 15,
11 1981;

12 (2) if the ordinance was adopted in December 1983,
13 April 1984, July 1985, or December 1989;

14 (3) if the ordinance was adopted in December 1987 and
15 the redevelopment project is located within one mile of
16 Midway Airport;

17 (4) if the ordinance was adopted before January 1, 1987
18 by a municipality in Mason County;

19 (5) if the municipality is subject to the Local
20 Government Financial Planning and Supervision Act or the
21 Financially Distressed City Law;

22 (6) if the ordinance was adopted in December 1984 by
23 the Village of Rosemont;

24 (7) if the ordinance was adopted on December 31, 1986
25 by a municipality located in Clinton County for which at
26 least \$250,000 of tax increment bonds were authorized on

1 June 17, 1997, or if the ordinance was adopted on December
2 31, 1986 by a municipality with a population in 1990 of
3 less than 3,600 that is located in a county with a
4 population in 1990 of less than 34,000 and for which at
5 least \$250,000 of tax increment bonds were authorized on
6 June 17, 1997;

7 (8) if the ordinance was adopted on October 5, 1982 by
8 the City of Kankakee, or if the ordinance was adopted on
9 December 29, 1986 by East St. Louis;

10 (9) if the ordinance was adopted on November 12, 1991
11 by the Village of Sauget;

12 (10) if the ordinance was adopted on February 11, 1985
13 by the City of Rock Island;

14 (11) if the ordinance was adopted before December 18,
15 1986 by the City of Moline;

16 (12) if the ordinance was adopted in September 1988 by
17 Sauk Village;

18 (13) if the ordinance was adopted in October 1993 by
19 Sauk Village;

20 (14) if the ordinance was adopted on December 29, 1986
21 by the City of Galva;

22 (15) if the ordinance was adopted in March 1991 by the
23 City of Centreville;

24 (16) if the ordinance was adopted on January 23, 1991
25 by the City of East St. Louis;

26 (17) if the ordinance was adopted on December 22, 1986

1 by the City of Aledo;

2 (18) if the ordinance was adopted on February 5, 1990
3 by the City of Clinton;

4 (19) if the ordinance was adopted on September 6, 1994
5 by the City of Freeport;

6 (20) if the ordinance was adopted on December 22, 1986
7 by the City of Tuscola;

8 (21) if the ordinance was adopted on December 23, 1986
9 by the City of Sparta;

10 (22) if the ordinance was adopted on December 23, 1986
11 by the City of Beardstown;

12 (23) if the ordinance was adopted on April 27, 1981,
13 October 21, 1985, or December 30, 1986 by the City of
14 Belleville;

15 (24) if the ordinance was adopted on December 29, 1986
16 by the City of Collinsville;

17 (25) if the ordinance was adopted on September 14, 1994
18 by the City of Alton;

19 (26) if the ordinance was adopted on November 11, 1996
20 by the City of Lexington;

21 (27) if the ordinance was adopted on November 5, 1984
22 by the City of LeRoy;

23 (28) if the ordinance was adopted on April 3, 1991 or
24 June 3, 1992 by the City of Markham;

25 (29) if the ordinance was adopted on November 11, 1986
26 by the City of Pekin;

1 (30) if the ordinance was adopted on December 15, 1981
2 by the City of Champaign;

3 (31) if the ordinance was adopted on December 15, 1986
4 by the City of Urbana;

5 (32) if the ordinance was adopted on December 15, 1986
6 by the Village of Heyworth;

7 (33) if the ordinance was adopted on February 24, 1992
8 by the Village of Heyworth;

9 (34) if the ordinance was adopted on March 16, 1995 by
10 the Village of Heyworth;

11 (35) if the ordinance was adopted on December 23, 1986
12 by the Town of Cicero;

13 (36) if the ordinance was adopted on December 30, 1986
14 by the City of Effingham;

15 (37) if the ordinance was adopted on May 9, 1991 by the
16 Village of Tilton;

17 (38) if the ordinance was adopted on October 20, 1986
18 by the City of Elmhurst;

19 (39) if the ordinance was adopted on January 19, 1988
20 by the City of Waukegan;

21 (40) if the ordinance was adopted on September 21, 1998
22 by the City of Waukegan;

23 (41) if the ordinance was adopted on December 31, 1986
24 by the City of Sullivan;

25 (42) if the ordinance was adopted on December 23, 1991
26 by the City of Sullivan;

1 (43) if the ordinance was adopted on December 31, 1986
2 by the City of Oglesby;

3 (44) if the ordinance was adopted on July 28, 1987 by
4 the City of Marion;

5 (45) if the ordinance was adopted on April 23, 1990 by
6 the City of Marion;

7 (46) if the ordinance was adopted on August 20, 1985 by
8 the Village of Mount Prospect;

9 (47) if the ordinance was adopted on February 2, 1998
10 by the Village of Woodhull;

11 (48) if the ordinance was adopted on April 20, 1993 by
12 the Village of Princeville;

13 (49) if the ordinance was adopted on July 1, 1986 by
14 the City of Granite City;

15 (50) if the ordinance was adopted on February 2, 1989
16 by the Village of Lombard;

17 (51) if the ordinance was adopted on December 29, 1986
18 by the Village of Gardner;

19 (52) if the ordinance was adopted on July 14, 1999 by
20 the Village of Paw Paw;

21 (53) if the ordinance was adopted on November 17, 1986
22 by the Village of Franklin Park;

23 (54) if the ordinance was adopted on November 20, 1989
24 by the Village of South Holland;

25 (55) if the ordinance was adopted on July 14, 1992 by
26 the Village of Riverdale;

1 (56) if the ordinance was adopted on December 29, 1986
2 by the City of Galesburg;

3 (57) if the ordinance was adopted on April 1, 1985 by
4 the City of Galesburg;

5 (58) if the ordinance was adopted on May 21, 1990 by
6 the City of West Chicago;

7 (59) if the ordinance was adopted on December 16, 1986
8 by the City of Oak Forest;

9 (60) if the ordinance was adopted in 1999 by the City
10 of Villa Grove;

11 (61) if the ordinance was adopted on January 13, 1987
12 by the Village of Mt. Zion;

13 (62) if the ordinance was adopted on December 30, 1986
14 by the Village of Manteno;

15 (63) if the ordinance was adopted on April 3, 1989 by
16 the City of Chicago Heights;

17 (64) if the ordinance was adopted on January 6, 1999 by
18 the Village of Rosemont;

19 (65) if the ordinance was adopted on December 19, 2000
20 by the Village of Stone Park;

21 (66) if the ordinance was adopted on December 22, 1986
22 by the City of DeKalb;

23 (67) if the ordinance was adopted on December 2, 1986
24 by the City of Aurora;

25 (68) if the ordinance was adopted on December 31, 1986
26 by the Village of Milan;

1 (69) if the ordinance was adopted on September 8, 1994
2 by the City of West Frankfort;

3 (70) if the ordinance was adopted on December 23, 1986
4 by the Village of Libertyville;

5 (71) if the ordinance was adopted on December 22, 1986
6 by the Village of Hoffman Estates;

7 (72) if the ordinance was adopted on September 17, 1986
8 by the Village of Sherman;

9 (73) if the ordinance was adopted on December 16, 1986
10 by the City of Macomb;

11 (74) if the ordinance was adopted on June 11, 2002 by
12 the City of East Peoria to create the West Washington
13 Street TIF;

14 (75) if the ordinance was adopted on June 11, 2002 by
15 the City of East Peoria to create the Camp Street TIF;

16 (76) if the ordinance was adopted on August 7, 2000 by
17 the City of Des Plaines;

18 (77) if the ordinance was adopted on December 22, 1986
19 by the City of Washington to create the Washington Square
20 TIF #2;

21 (78) if the ordinance was adopted on December 29, 1986
22 by the City of Morris;

23 (79) if the ordinance was adopted on July 6, 1998 by
24 the Village of Steeleville;

25 (80) if the ordinance was adopted on December 29, 1986
26 by the City of Pontiac to create TIF I (the Main St TIF);

1 (81) if the ordinance was adopted on December 29, 1986
2 by the City of Pontiac to create TIF II (the Interstate
3 TIF);

4 (82) if the ordinance was adopted on November 6, 2002
5 by the City of Chicago to create the Madden/Wells TIF
6 District;

7 (83) if the ordinance was adopted on November 4, 1998
8 by the City of Chicago to create the Roosevelt/Racine TIF
9 District;

10 (84) if the ordinance was adopted on June 10, 1998 by
11 the City of Chicago to create the Stony Island
12 Commercial/Burnside Industrial Corridors TIF District;

13 (85) if the ordinance was adopted on November 29, 1989
14 by the City of Chicago to create the Englewood Mall TIF
15 District;

16 (86) if the ordinance was adopted on December 27, 1986
17 by the City of Mendota;

18 (87) if the ordinance was adopted on December 31, 1986
19 by the Village of Cahokia;

20 (88) if the ordinance was adopted on September 20, 1999
21 by the City of Belleville;

22 (89) if the ordinance was adopted on December 30, 1986
23 by the Village of Bellevue to create the Bellevue TIF
24 District 1;

25 (90) if the ordinance was adopted on December 13, 1993
26 by the Village of Crete;

1 (91) if the ordinance was adopted on February 12, 2001
2 by the Village of Crete;

3 (92) if the ordinance was adopted on April 23, 2001 by
4 the Village of Crete;

5 (93) if the ordinance was adopted on December 16, 1986
6 by the City of Champaign;

7 (94) if the ordinance was adopted on December 20, 1986
8 by the City of Charleston;

9 (95) if the ordinance was adopted on June 6, 1989 by
10 the Village of Romeoville;

11 (96) if the ordinance was adopted on October 14, 1993
12 and amended on August 2, 2010 by the City of Venice;

13 (97) if the ordinance was adopted on June 1, 1994 by
14 the City of Markham;

15 (98) if the ordinance was adopted on May 19, 1998 by
16 the Village of Bensenville;

17 (99) if the ordinance was adopted on November 12, 1987
18 by the City of Dixon;

19 (100) if the ordinance was adopted on December 20, 1988
20 by the Village of Lansing;

21 (101) if the ordinance was adopted on October 27, 1998
22 by the City of Moline; ~~or~~

23 (102) if the ordinance was adopted on May 21, 1991 by
24 the Village of Glenwood; ~~or~~

25 (103) ~~(102)~~ if the ordinance was adopted on January 28,
26 1992 by the City of East Peoria; ~~or~~

1 (104) ~~(103)~~ if the ordinance was adopted on December
2 14, 1998 by the City of Carlyle;; ~~-~~

3 (105) if the ordinance was adopted on April 1, 2000, as
4 amended on May 17, 2000 and subsequently, by the City of
5 Chicago to create the Midwest Redevelopment TIF District;
6 or

7 (106) if the ordinance was adopted on September 13,
8 1989 by the City of Chicago to create the Michigan/Cermak
9 Area TIF District.

10 (d) For redevelopment project areas for which bonds were
11 issued before July 29, 1991, or for which contracts were
12 entered into before June 1, 1988, in connection with a
13 redevelopment project in the area within the State Sales Tax
14 Boundary, the estimated dates of completion of the
15 redevelopment project and retirement of obligations to finance
16 redevelopment project costs (including refunding bonds under
17 Section 11-74.4-7) may be extended by municipal ordinance to
18 December 31, 2013. The termination procedures of subsection (b)
19 of Section 11-74.4-8 are not required for these redevelopment
20 project areas in 2009 but are required in 2013. The extension
21 allowed by Public Act 87-1272 shall not apply to real property
22 tax increment allocation financing under Section 11-74.4-8.

23 (e) Those dates, for purposes of real property tax
24 increment allocation financing pursuant to Section 11-74.4-8
25 only, shall be not more than 35 years for redevelopment project
26 areas that were adopted on or after December 16, 1986 and for

1 which at least \$8 million worth of municipal bonds were
2 authorized on or after December 19, 1989 but before January 1,
3 1990; provided that the municipality elects to extend the life
4 of the redevelopment project area to 35 years by the adoption
5 of an ordinance after at least 14 but not more than 30 days'
6 written notice to the taxing bodies, that would otherwise
7 constitute the joint review board for the redevelopment project
8 area, before the adoption of the ordinance.

9 (f) Those dates, for purposes of real property tax
10 increment allocation financing pursuant to Section 11-74.4-8
11 only, shall be not more than 35 years for redevelopment project
12 areas that were established on or after December 1, 1981 but
13 before January 1, 1982 and for which at least \$1,500,000 worth
14 of tax increment revenue bonds were authorized on or after
15 September 30, 1990 but before July 1, 1991; provided that the
16 municipality elects to extend the life of the redevelopment
17 project area to 35 years by the adoption of an ordinance after
18 at least 14 but not more than 30 days' written notice to the
19 taxing bodies, that would otherwise constitute the joint review
20 board for the redevelopment project area, before the adoption
21 of the ordinance.

22 (g) In consolidating the material relating to completion
23 dates from Sections 11-74.4-3 and 11-74.4-7 into this Section,
24 it is not the intent of the General Assembly to make any
25 substantive change in the law, except for the extension of the
26 completion dates for the City of Aurora, the Village of Milan,

1 the City of West Frankfort, the Village of Libertyville, and
2 the Village of Hoffman Estates set forth under items (67),
3 (68), (69), (70), and (71) of subsection (c) of this Section.

4 (Source: P.A. 96-127, eff. 8-4-09; 96-182, eff. 8-10-09;
5 96-208, eff. 8-10-09; 96-209, eff. 1-1-10; 96-213, eff.
6 8-10-09; 96-264, eff. 8-11-09; 96-328, eff. 8-11-09; 96-439,
7 eff. 8-14-09; 96-454, eff. 8-14-09; 96-722, eff. 8-25-09;
8 96-773, eff. 8-28-09; 96-830, eff. 12-4-09; 96-837, eff.
9 12-16-09; 96-1000, eff. 7-2-10; 96-1359, eff. 7-28-10;
10 96-1494, eff. 12-30-10; 96-1514, eff. 2-4-11; 96-1552, eff.
11 3-10-11; 97-93, eff. 1-1-12; 97-372, eff. 8-15-11; 97-600, eff.
12 8-26-11; 97-633, eff. 12-16-11; 97-635, eff. 12-16-11; 97-807,
13 eff. 7-13-12; 97-1114, eff. 8-27-12; revised 9-20-12.)

14 Section 5-65. The River Edge Redevelopment Zone Act is
15 amended by by changing Section 10-10.2 and by adding Section
16 10-15 as follows:

17 (65 ILCS 115/10-10.2)

18 Sec. 10-10.2. Accounting.

19 (a) Any business receiving tax incentives due to its
20 location within a River Edge Redevelopment Zone must annually
21 report to the Department of Revenue information reasonably
22 required by the Department to enable the Department of Revenue
23 to verify and calculate the total tax benefits for property
24 taxes and taxes imposed by the State that are received by the

1 business, broken down by incentive category, ~~annually to the~~
2 ~~Department of Revenue.~~ To the extent that a business receiving
3 tax incentives has obtained a River Edge Building Materials
4 Exemption Certificate, that business is required to report
5 those building materials exemption benefits only under
6 subsection (a-5) of this Section. No additional reporting for
7 those building materials exemption benefits is required under
8 this subsection (a). Reports will be due no later than May 31
9 ~~March 30~~ of each year and shall cover the previous calendar
10 year. The first report will be for the 2012 calendar year and
11 will be due no later than May 31 ~~March 30~~, 2013. Failure to
12 report data may ~~shall~~ result in ineligibility to receive
13 incentives. The Department, in consultation with the
14 Department of Revenue, is authorized to adopt rules governing
15 ineligibility to receive exemptions, including the length of
16 ineligibility. Factors to be considered in determining whether
17 a business is ineligible shall include, but are not limited to,
18 prior compliance with the reporting requirements, cooperation
19 in discontinuing and correcting violations, the extent of the
20 violation, and whether the violation was willful or inadvertent
21 ~~For the first offense, a business shall be given 60 days to~~
22 ~~comply.~~

23 (a-5) Each contractor or other entity that has been issued
24 a River Edge Building Materials Exemption Certificate under
25 Section 2-54 of the Retailers' Occupation Tax Act shall
26 annually report to the Department of Revenue the total tax

1 benefits for taxes imposed by the State that are received under
2 River Edge building materials exemption. Reports shall contain
3 information reasonably required by the Department of Revenue to
4 enable it to verify and calculate the total tax benefits for
5 taxes imposed by the State, and shall be broken down by River
6 Edge Redevelopment Zone. Reports are due no later than May 31
7 of each year and shall cover the previous calendar year. The
8 first report will be for the 2013 calendar year and will be due
9 no later than May 31, 2014. Failure to report data may result
10 in revocation of the River Edge Building Materials Exemption
11 Certificate issued to the contractor or other entity. The
12 Department of Revenue is authorized to adopt rules governing
13 revocation determinations, including the length of
14 revocations. Factors to be considered in revocations shall
15 include, but are not limited to, prior compliance with the
16 reporting requirements, cooperation in discontinuing and
17 correcting violations, and whether the certificate was used
18 unlawfully during the preceding year.

19 (b) Each person required to file a return under the Gas
20 Revenue Tax Act, the Gas Use Tax Act, the Electricity Excise
21 Tax Act, or the Telecommunications Excise Tax Act shall file,
22 on or before May 31 ~~March 30~~ of each year, a report with the
23 Department of Revenue, in the manner and form required by the
24 Department of Revenue, containing information reasonably
25 required by the Department of Revenue to enable the Department
26 of Revenue to verify and calculate ~~itemizing~~ the amount of the

1 deduction for taxes imposed by the State that is taken under
2 each Act, respectively, due to the location of a business in a
3 River Edge Redevelopment Zone. The report shall be itemized by
4 business and the business location address.

5 (c) Employers shall report their job creation, retention,
6 and capital investment numbers within the River Edge
7 Redevelopment Zone annually to the ~~administrator which will~~
8 ~~compile the information and report it to the~~ Department of
9 Revenue no later than May 31 ~~March 30~~ of each calendar year.

10 (d) The Department of Revenue will aggregate and collect
11 the tax, job, and capital investment data by River Edge
12 Redevelopment Zone and report this information, formatted to
13 exclude company-specific proprietary information, to the
14 Department by August ~~May~~ 1, 2013, and by August ~~May~~ 1 of every
15 calendar year thereafter. The Department will include this
16 information in their required reports under Section 6 of this
17 Act.

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

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

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

1 Sec. 10-15. Riverfront Development Fund.

2 (a) Purpose. The General Assembly has determined that it is
3 in the interest of the State of Illinois to promote development
4 that will protect, promote, and improve the riverfront areas of
5 a financially distressed city designated under the Financially
6 Distressed City Law.

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

8 "Agreement" means the agreement between an eligible
9 employer and the Department under the provisions of
10 subsection (f) of this Section.

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

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

15 "Eligible developer" means an individual, partnership,
16 corporation, or other entity that develops within a river
17 edge redevelopment zone that is located within a
18 municipality designated as a financially distressed city.

19 "Eligible employer" means an individual, partnership,
20 corporation, or other entity that employs full-time
21 employees within a river edge redevelopment zone that is
22 located within a municipality designated as a financially
23 distressed city.

24 "Full-time employee" means an individual who is
25 employed for consideration for at least 35 hours each week
26 or who renders any other standard of service generally

1 accepted by industry custom or practice as full-time
2 employment. An individual for whom a W-2 is issued by a
3 Professional Employer Organization (PEO) is a full-time
4 employee if employed in the service of the eligible
5 employer for consideration for at least 35 hours each week
6 or who renders any other standard of service generally
7 accepted by industry custom or practice as full-time
8 employment.

9 "Incremental income tax" means the total amount
10 withheld from the compensation of new employees under
11 Article 7 of the Illinois Income Tax Act arising from
12 employment by an eligible employer.

13 "Infrastructure" means roads, access roads, streets,
14 bridges, sidewalks, water and sewer line extensions, water
15 distribution and purification facilities, waste disposal
16 systems, sewage treatment facilities, stormwater drainage
17 and retention facilities, gas and electric utility line
18 extensions, or other improvements that are essential to the
19 development of the project that is the subject of an
20 agreement.

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

26 (1) an employee of the eligible employer who

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

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

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

14 Notwithstanding item (2) of this definition, an
15 employee may be considered a new employee under the
16 agreement if the employee performs a job that was
17 previously performed by an employee who was:

18 (A) treated under the agreement as a new employee;

19 and

20 (B) promoted by the eligible employer to another
21 job.

22 "Professional Employer Organization" (PEO) means an
23 employee leasing company, as defined in Section
24 206.1(A) (2) of the Illinois Unemployment Insurance Act.

25 "Related member" means a person or entity that, with
26 respect to the eligible employer during any portion of the

1 taxable year, is any one of the following:

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

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

14 (3) a corporation, and any party related to the
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 taxpayer owns directly,
20 indirectly, beneficially, or constructively at least
21 50% of the value of the corporation's outstanding
22 stock;

23 (4) a corporation and any party related to that
24 corporation in a manner that would require an
25 attribution of stock from the corporation to the party
26 or from the party to the corporation under the

1 attribution rules of Section 318 of the Internal
2 Revenue Code, if the corporation and all such related
3 parties own in the aggregate at least 50% of the
4 profits, capital, stock, or value of the eligible
5 employer; or

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

13 (c) The Riverfront Development Fund. The Riverfront
14 Development Fund is created as a special fund in the State
15 treasury. As soon as possible after the first day of each
16 month, upon certification of the Department of Revenue, the
17 Comptroller shall order transferred and the Treasurer shall
18 transfer from the General Revenue Fund to the Riverfront
19 Development Fund an amount equal to the incremental income tax
20 for the previous month attributable to a project that is the
21 subject of an agreement. The total amount transferred under
22 this subsection may not exceed \$3,000,000 in any State fiscal
23 year.

24 (d) Grants from the Riverfront Development Fund. In State
25 fiscal years 2015 through 2021, all moneys in the Riverfront
26 Development Fund, held solely for the benefit of eligible

1 developers, shall be appropriated to the Department to make
2 infrastructure grants to eligible developers pursuant to
3 agreements.

4 (e) Limitation on grant amounts. The total aggregate amount
5 of grants awarded to all eligible developers shall not exceed
6 \$3,000,000 in each State fiscal year. The total amount of a
7 grant awarded to an eligible developer shall not exceed the
8 total amount of infrastructure costs incurred by that eligible
9 developer with respect to a project that is the subject of an
10 agreement. No eligible developer shall receive moneys that are
11 attributable to a project that is not the subject of the
12 developer's agreement with the Department.

13 (f) Agreements with applicants. The Department shall enter
14 into an agreement with an eligible developer who is entitled to
15 grants under this Section. The agreement must include 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 number of jobs created by the project, and
20 project costs. For purposes of this subsection, "project
21 costs" includes the costs of the project incurred or to be
22 incurred by the eligible developer, including
23 infrastructure costs, but excludes the value of State or
24 local incentives, including tax increment financing and
25 deductions, credits, or exemptions afforded to an employer
26 located in an enterprise zone.

1 (2) A requirement that the eligible developer shall
2 maintain operations at the project location, stated as a
3 minimum number of years not to exceed 10 years.

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

6 (4) A requirement that the eligible developer shall
7 report monthly to 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 requirement that the Department is authorized to
11 verify with the Department of Revenue the amounts reported
12 under paragraph (4).

13 Section 5-67. The Metropolitan Pier and Exposition
14 Authority Act is amended by changing Sections 5, 5.4, and 13.2
15 as follows:

16 (70 ILCS 210/5) (from Ch. 85, par. 1225)

17 Sec. 5. The Metropolitan Pier and Exposition Authority
18 shall also have the following rights and powers:

19 (a) To accept from Chicago Park Fair, a corporation, an
20 assignment of whatever sums of money it may have received
21 from the Fair and Exposition Fund, allocated by the
22 Department of Agriculture of the State of Illinois, and
23 Chicago Park Fair is hereby authorized to assign, set over
24 and transfer any of those funds to the Metropolitan Pier

1 and Exposition Authority. The Authority has the right and
2 power hereafter to receive sums as may be distributed to it
3 by the Department of Agriculture of the State of Illinois
4 from the Fair and Exposition Fund pursuant to the
5 provisions of Sections 5, 6i, and 28 of the State Finance
6 Act. All sums received by the Authority shall be held in
7 the sole custody of the secretary-treasurer of the
8 Metropolitan Pier and Exposition Board.

9 (b) To accept the assignment of, assume and execute any
10 contracts heretofore entered into by Chicago Park Fair.

11 (c) To acquire, own, construct, equip, lease, operate
12 and maintain grounds, buildings and facilities to carry out
13 its corporate purposes and duties, and to carry out or
14 otherwise provide for the recreational, cultural,
15 commercial or residential development of Navy Pier, and to
16 fix and collect just, reasonable and nondiscriminatory
17 charges for the use thereof. The charges so collected shall
18 be made available to defray the reasonable expenses of the
19 Authority and to pay the principal of and the interest upon
20 any revenue bonds issued by the Authority. The Authority
21 shall be subject to and comply with the Lake Michigan and
22 Chicago Lakefront Protection Ordinance, the Chicago
23 Building Code, the Chicago Zoning Ordinance, and all
24 ordinances and regulations of the City of Chicago contained
25 in the following Titles of the Municipal Code of Chicago:
26 Businesses, Occupations and Consumer Protection; Health

1 and Safety; Fire Prevention; Public Peace, Morals and
2 Welfare; Utilities and Environmental Protection; Streets,
3 Public Ways, Parks, Airports and Harbors; Electrical
4 Equipment and Installation; Housing and Economic
5 Development (only Chapter 5-4 thereof); and Revenue and
6 Finance (only so far as such Title pertains to the
7 Authority's duty to collect taxes on behalf of the City of
8 Chicago).

9 (d) To enter into contracts treating in any manner with
10 the objects and purposes of this Act.

11 (e) To lease any buildings to the Adjutant General of
12 the State of Illinois for the use of the Illinois National
13 Guard or the Illinois Naval Militia.

14 (f) To exercise the right of eminent domain by
15 condemnation proceedings in the manner provided by the
16 Eminent Domain Act, including, with respect to Site B only,
17 the authority to exercise quick take condemnation by
18 immediate vesting of title under Article 20 of the Eminent
19 Domain Act, to acquire any privately owned real or personal
20 property and, with respect to Site B only, public property
21 used for rail transportation purposes (but no such taking
22 of such public property shall, in the reasonable judgment
23 of the owner, interfere with such rail transportation) for
24 the lawful purposes of the Authority in Site A, at Navy
25 Pier, and at Site B. Just compensation for property taken
26 or acquired under this paragraph shall be paid in money or,

1 notwithstanding any other provision of this Act and with
2 the agreement of the owner of the property to be taken or
3 acquired, the Authority may convey substitute property or
4 interests in property or enter into agreements with the
5 property owner, including leases, licenses, or
6 concessions, with respect to any property owned by the
7 Authority, or may provide for other lawful forms of just
8 compensation to the owner. Any property acquired in
9 condemnation proceedings shall be used only as provided in
10 this Act. Except as otherwise provided by law, the City of
11 Chicago shall have a right of first refusal prior to any
12 sale of any such property by the Authority to a third party
13 other than substitute property. The Authority shall
14 develop and implement a relocation plan for businesses
15 displaced as a result of the Authority's acquisition of
16 property. The relocation plan shall be substantially
17 similar to provisions of the Uniform Relocation Assistance
18 and Real Property Acquisition Act and regulations
19 promulgated under that Act relating to assistance to
20 displaced businesses. To implement the relocation plan the
21 Authority may acquire property by purchase or gift or may
22 exercise the powers authorized in this subsection (f),
23 except the immediate vesting of title under Article 20 of
24 the Eminent Domain Act, to acquire substitute private
25 property within one mile of Site B for the benefit of
26 displaced businesses located on property being acquired by

1 the Authority. However, no such substitute property may be
2 acquired by the Authority unless the mayor of the
3 municipality in which the property is located certifies in
4 writing that the acquisition is consistent with the
5 municipality's land use and economic development policies
6 and goals. The acquisition of substitute property is
7 declared to be for public use. In exercising the powers
8 authorized in this subsection (f), the Authority shall use
9 its best efforts to relocate businesses within the area of
10 McCormick Place or, failing that, within the City of
11 Chicago.

12 (g) To enter into contracts relating to construction
13 projects which provide for the delivery by the contractor
14 of a completed project, structure, improvement, or
15 specific portion thereof, for a fixed maximum price, which
16 contract may provide that the delivery of the project,
17 structure, improvement, or specific portion thereof, for
18 the fixed maximum price is insured or guaranteed by a third
19 party capable of completing the construction.

20 (h) To enter into agreements with any person with
21 respect to the use and occupancy of the grounds, buildings,
22 and facilities of the Authority, including concession,
23 license, and lease agreements on terms and conditions as
24 the Authority determines. Notwithstanding Section 24,
25 agreements with respect to the use and occupancy of the
26 grounds, buildings, and facilities of the Authority for a

1 term of more than one year shall be entered into in
2 accordance with the procurement process provided for in
3 Section 25.1.

4 (i) To enter into agreements with any person with
5 respect to the operation and management of the grounds,
6 buildings, and facilities of the Authority or the provision
7 of goods and services on terms and conditions as the
8 Authority determines.

9 (j) After conducting the procurement process provided
10 for in Section 25.1, to enter into one or more contracts to
11 provide for the design and construction of all or part of
12 the Authority's Expansion Project grounds, buildings, and
13 facilities. Any contract for design and construction of the
14 Expansion Project shall be in the form authorized by
15 subsection (g), shall be for a fixed maximum price not in
16 excess of the funds that are authorized to be made
17 available for those purposes during the term of the
18 contract, and shall be entered into before commencement of
19 construction.

20 (k) To enter into agreements, including project
21 agreements with labor unions, that the Authority deems
22 necessary to complete the Expansion Project or any other
23 construction or improvement project in the most timely and
24 efficient manner and without strikes, picketing, or other
25 actions that might cause disruption or delay and thereby
26 add to the cost of the project.

1 (1) To provide incentives to organizations and
2 entities that agree to make use of the grounds, buildings,
3 and facilities of the Authority for conventions, meetings,
4 or trade shows. The incentives may take the form of
5 discounts from regular fees charged by the Authority,
6 subsidies for or assumption of the costs incurred with
7 respect to the convention, meeting, or trade show, or other
8 inducements. The Authority shall award incentives to
9 attract large conventions, meetings, and trade shows to its
10 facilities under the terms set forth in this subsection (1)
11 from amounts appropriated to the Authority from the
12 Metropolitan Pier and Exposition Authority Incentive Fund
13 for this purpose.

14 No later than May 15 of each year, the Chief Executive
15 Officer of the Metropolitan Pier and Exposition Authority
16 shall certify to the State Comptroller and the State
17 Treasurer the amounts of incentive grant funds used during
18 the current fiscal year to provide incentives for
19 conventions, meetings, or trade shows that (i) have been
20 approved by the Authority, in consultation with an
21 organization meeting the qualifications set out in Section
22 5.6 of this Act, provided the Authority has entered into a
23 marketing agreement with such an organization, (ii)
24 demonstrate registered attendance in excess of 5,000
25 individuals or in excess of 10,000 individuals, as
26 appropriate, and (iii) but for the incentive, would not

1 have used the facilities of the Authority for the
2 convention, meeting, or trade show. The State Comptroller
3 may request that the Auditor General conduct an audit of
4 the accuracy of the certification. If the State Comptroller
5 determines by this process of certification that incentive
6 funds, in whole or in part, were disbursed by the Authority
7 by means other than in accordance with the standards of
8 this subsection (1), then any amount transferred to the
9 Metropolitan Pier and Exposition Authority Incentive Fund
10 shall be reduced during the next subsequent transfer in
11 direct proportion to that amount determined to be in
12 violation of the terms set forth in this subsection (1).

13 On July 15, 2012, the Comptroller shall order
14 transferred, and the Treasurer shall transfer, into the
15 Metropolitan Pier and Exposition Authority Incentive Fund
16 from the General Revenue Fund the sum of \$7,500,000 plus an
17 amount equal to the incentive grant funds certified by the
18 Chief Executive Officer as having been lawfully paid under
19 the provisions of this Section in the previous 2 fiscal
20 years that have not otherwise been transferred into the
21 Metropolitan Pier and Exposition Authority Incentive Fund,
22 provided that transfers in excess of \$15,000,000 shall not
23 be made in any fiscal year.

24 On July 15, 2013, the Comptroller shall order
25 transferred, and the Treasurer shall transfer, into the
26 Metropolitan Pier and Exposition Authority Incentive Fund

1 from the General Revenue Fund the sum of \$7,500,000 plus an
2 amount equal to the incentive grant funds certified by the
3 Chief Executive Officer as having been lawfully paid under
4 the provisions of this Section in the previous fiscal year
5 that have not otherwise been transferred into the
6 Metropolitan Pier and Exposition Authority Incentive Fund,
7 provided that transfers in excess of \$15,000,000 shall not
8 be made in any fiscal year.

9 On July 15, 2014, and every year thereafter, the
10 Comptroller shall order transferred, and the Treasurer
11 shall transfer, into the Metropolitan Pier and Exposition
12 Authority Incentive Fund from the General Revenue Fund an
13 amount equal to the incentive grant funds certified by the
14 Chief Executive Officer as having been lawfully paid under
15 the provisions of this Section in the previous fiscal year
16 that have not otherwise been transferred into the
17 Metropolitan Pier and Exposition Authority Incentive Fund,
18 provided that transfers in excess of \$15,000,000 shall not
19 be made in any fiscal year.

20 After a transfer has been made under this subsection
21 (1), the Chief Executive Officer shall file a request for
22 payment with the Comptroller evidencing that the incentive
23 grants have been made and the Comptroller shall thereafter
24 order paid, and the Treasurer shall pay, the requested
25 amounts to the Metropolitan Pier and Exposition Authority.

26 In no case shall more than \$5,000,000 be used in any

1 one year by the Authority for incentives granted
2 conventions, meetings, or trade shows with a registered
3 attendance of more than 5,000 and less than 10,000. Amounts
4 in the Metropolitan Pier and Exposition Authority
5 Incentive Fund shall only be used by the Authority for
6 incentives paid to attract large conventions, meetings,
7 and trade shows to its facilities as provided in this
8 subsection (1).

9 (1-5) The Village of Rosemont shall provide incentives
10 from amounts transferred into the Convention Center
11 Support Fund to retain and attract conventions, meetings,
12 or trade shows to the Donald E. Stephens Convention Center
13 under the terms set forth in this subsection (1-5).

14 No later than May 15 of each year, the Mayor of the
15 Village of Rosemont or his or her designee shall certify to
16 the State Comptroller and the State Treasurer the amounts
17 of incentive grant funds used during the previous fiscal
18 year to provide incentives for conventions, meetings, or
19 trade shows that (1) have been approved by the Village, (2)
20 demonstrate registered attendance in excess of 5,000
21 individuals, and (3) but for the incentive, would not have
22 used the Donald E. Stephens Convention Center facilities
23 for the convention, meeting, or trade show. The State
24 Comptroller may request that the Auditor General conduct an
25 audit of the accuracy of the certification.

26 If the State Comptroller determines by this process of

1 certification that incentive funds, in whole or in part,
2 were disbursed by the Village by means other than in
3 accordance with the standards of this subsection (1-5),
4 then the amount transferred to the Convention Center
5 Support Fund shall be reduced during the next subsequent
6 transfer in direct proportion to that amount determined to
7 be in violation of the terms set forth in this subsection
8 (1-5).

9 On July 15, 2012, and each year thereafter, the
10 Comptroller shall order transferred, and the Treasurer
11 shall transfer, into the Convention Center Support Fund
12 from the General Revenue Fund the amount of \$5,000,000 for
13 (i) incentives to attract large conventions, meetings, and
14 trade shows to the Donald E. Stephens Convention Center,
15 and (ii) to be used by the Village of Rosemont for the
16 repair, maintenance, and improvement of the Donald E.
17 Stephens Convention Center and for debt service on debt
18 instruments issued for those purposes by the village. No
19 later than 30 days after the transfer, the Comptroller
20 shall order paid, and the Treasurer shall pay, to the
21 Village of Rosemont the amounts transferred.

22 (m) To enter into contracts with any person conveying
23 the naming rights or other intellectual property rights
24 with respect to the grounds, buildings, and facilities of
25 the Authority.

26 (n) To enter into grant agreements with the Chicago

1 Convention and Tourism Bureau providing for the marketing
2 of the convention facilities to large and small
3 conventions, meetings, and trade shows and the promotion of
4 the travel industry in the City of Chicago, provided such
5 agreements meet the requirements of Section 5.6 of this
6 Act. Receipts of the Authority from the increase in the
7 airport departure tax authorized by Section 13(f) of this
8 amendatory Act of the 96th General Assembly and, subject to
9 appropriation to the Authority, funds deposited in the
10 Chicago Travel Industry Promotion Fund pursuant to Section
11 6 of the Hotel Operators' Occupation Tax Act shall be
12 granted to the Bureau for such purposes.

13 Nothing in this Act shall be construed to authorize the
14 Authority to spend the proceeds of any bonds or notes issued
15 under Section 13.2 or any taxes levied under Section 13 to
16 construct a stadium to be leased to or used by professional
17 sports teams.

18 (Source: P.A. 96-739, eff. 1-1-10; 96-898, eff. 5-27-10;
19 97-617, eff. 10-26-11.)

20 (70 ILCS 210/5.4)

21 Sec. 5.4. Exhibitor rights and work rule reforms.

22 (a) Legislative findings.

23 (1) The Authority is a political subdivision of the
24 State of Illinois subject to the plenary authority of the

1 General Assembly and was created for the benefit of the
2 general public to promote business, industry, commerce,
3 and tourism within the City of Chicago and the State of
4 Illinois.

5 (2) The Authority owns and operates McCormick Place and
6 Navy Pier, which have collectively 2.8 million square feet
7 of exhibit hall space, 700,000 square feet of meeting room
8 space.

9 (3) The Authority is a vital economic engine that
10 annually generates 65,000 jobs and \$8 billion of economic
11 activity for the State of Illinois through the trade shows,
12 conventions, and other meetings held and attended at
13 McCormick Place and Navy Pier.

14 (4) The Authority supports the operation of McCormick
15 Place and Navy Pier through not only fees on the rental of
16 exhibit and meeting room space, electrical and utility
17 service, food and beverage services, and parking, but also
18 hotel room rates paid by persons staying at the
19 Authority-owned hotel.

20 (5) The Authority has a compelling and proprietary
21 interest in the success, competitiveness, and continued
22 viability of McCormick Place and Navy Pier as the owner and
23 operator of the convention facilities and its obligation to
24 ensure that these facilities produce sufficient operating
25 revenues.

26 (6) The Authority's convention facilities were

1 constructed and renovated through the issuance of public
2 bonds that are directly repaid by State hotel, auto rental,
3 food and beverage, and airport and departure taxes paid
4 principally by persons who attend, work at, exhibit, and
5 provide goods and services to conventions, shows,
6 exhibitions, and meetings at McCormick Place and Navy Pier.

7 (7) State law also dedicates State occupation and use
8 tax revenues to fulfill debt service obligations on these
9 bonds should State hotel, auto rental, food and beverage,
10 and airport and departure taxes fail to generate sufficient
11 revenue.

12 (8) Through fiscal year 2010, \$55 million in State
13 occupation and use taxes will have been allocated to make
14 debt service payments on the Authority's bonds due to
15 shortfalls in State hotel, auto rental, food and beverage,
16 and airport and departure taxes. These shortfalls are
17 expected to continue in future fiscal years and would
18 require the annual dedication of approximately \$40 million
19 in State occupation and use taxes to fulfill debt service
20 payments.

21 (9) In 2009, managers of the International Plastics
22 Showcase announced that 2009 was the last year they would
23 host their exhibition at McCormick Place, as they had since
24 1971, because union labor work rules and electric and food
25 service costs make it uneconomical for the show managers
26 and exhibitors to use McCormick Place as a convention venue

1 as compared to convention facilities in Orlando, Florida
2 and Las Vegas, Nevada. The exhibition used over 740,000
3 square feet of exhibit space, attracted over 43,000
4 attendees, generated \$4.8 million of revenues to McCormick
5 Place, and raised over \$200,000 in taxes to pay debt
6 service on convention facility bonds.

7 (10) After the International Plastics Showcase
8 exhibition announced its departure, other conventions and
9 exhibitions managers and exhibitors also stated that they
10 would not return to McCormick Place and Navy Pier for the
11 same reasons cited by the International Plastics Showcase
12 exhibition. In addition, still other managers and
13 exhibitors stated that they would not select McCormick
14 Place as a convention venue unless the union labor work
15 rules and electrical and food service costs were made
16 competitive with those in Orlando and Las Vegas.

17 (11) The General Assembly created the Joint Committee
18 on the Metropolitan Pier and Exposition Authority to
19 conduct hearings and obtain facts to determine how union
20 labor work rules and electrical and food service costs make
21 McCormick Place and Navy Pier uneconomical as a convention
22 venue.

23 (12) Witness testimony and fact-gathering revealed
24 that while the skilled labor provided by trade unions at
25 McCormick Place and Navy Pier is second to none and is
26 actually "exported" to work on conventions and exhibitions

1 held in Orlando and Las Vegas, restrictive work rules on
2 the activities show exhibitors may perform present
3 exhibitors and show managers with an uninviting atmosphere
4 and result in significantly higher costs than competing
5 convention facilities.

6 (13) Witness testimony and fact-gathering also
7 revealed that the mark-up on electrical and food service
8 imposed by the Authority to generate operating revenue for
9 McCormick Place and Navy Pier also substantially increased
10 exhibitor and show organizer costs to the point of excess
11 when compared to competing convention facilities.

12 (14) Witness testimony and fact-gathering further
13 revealed that the additional departure of conventions,
14 exhibitions, and trade shows from Authority facilities
15 threatens the continued economic viability of these
16 facilities and the stability of sufficient tax revenues
17 necessary to support debt service.

18 (15) In order to safeguard the Authority's and State of
19 Illinois' shared compelling and proprietary interests in
20 McCormick Place and Navy Pier and in response to local
21 economic needs, the provisions contained in this Section
22 set forth mandated changes and reforms to restore and
23 ensure that (i) the Authority's facilities remain
24 economically competitive with other convention venues and
25 (ii) conventions, exhibitions, trade shows, and other
26 meetings are attracted to and retained at Authority

1 facilities by producing an exhibitor-friendly environment
2 and by reducing costs for exhibitors and show managers.

3 (16) The provisions set forth in this Section are
4 reasonable, necessary, and narrowly tailored to safeguard
5 the Authority's and State of Illinois' shared and
6 compelling proprietary interests and respond to local
7 economic needs as compared to the available alternative set
8 forth in House Bill 4900 of the 96th General Assembly and
9 proposals submitted to the Joint Committee on the
10 Metropolitan Pier and Exposition Authority. Action by the
11 State offers the only comprehensive means to remedy the
12 circumstances set forth in these findings, despite the
13 concerted and laudable voluntary efforts of the Authority,
14 labor unions, show contractors, show managers, and
15 exhibitors.

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

17 "Booth" means the demarcated exhibit space of an
18 exhibitor on Authority premises.

19 "Contractor" or "show contractor" means any person who
20 contracts with the Authority, an exhibitor, or with the
21 manager of a show to provide any services related to
22 drayage, rigging, carpentry, decorating, electrical,
23 maintenance, mechanical, and food and beverage services or
24 related trades and duties for shows on Authority premises.

25 "Exhibitor" or "show exhibitor" means any person who

1 contracts with the Authority or with a manager or
2 contractor of a show held or to be held on Authority
3 premises.

4 "Exhibitor employee" means any person who has been
5 employed by the exhibitor as a full-time employee for a
6 minimum of 6 months before the show's opening date.

7 "Hand tools" means cordless tools, power tools, and
8 other tools as determined by the Authority.

9 "Licensee" means any entity that uses the Authority's
10 premises.

11 "Manager" or "show manager" means any person that owns
12 or manages a show held or to be held on Authority premises.

13 "Personally owned vehicles" means the vehicles owned
14 by show exhibitors or the show management, excluding
15 commercially registered trucks, vans, and other vehicles
16 as determined by the Authority.

17 "Premises" means grounds, buildings, and facilities of
18 the Authority.

19 "Show" means a convention, exposition, trade show,
20 event, or meeting held on Authority premises by a show
21 manager or show contractor on behalf of a show manager.

22 "2011 Settlement Agreement" means the agreement that
23 the Authority made and entered into with the Chicago
24 Regional Council of Carpenters, not including any
25 revisions or amendments, and filed with the Illinois
26 Secretary of State Index Department and designated as

1 97-GA-A01.

2 "Union employees" means workers represented by a labor
3 organization, as defined in the National Labor Relations
4 Act, providing skilled labor services to exhibitors, a show
5 manager, or a show contractor on Authority premises.

6 (c) Exhibitor rights.

7 In order to control costs, increase the
8 competitiveness, and promote and provide for the economic
9 stability of Authority premises, all Authority contracts
10 with exhibitors, contractors, and managers shall include
11 the following minimum terms and conditions:

12 (1) Consistent with safety and the skills and training
13 necessary to perform the task, as determined by the
14 Authority, an exhibitor and exhibitor employees are
15 permitted in a booth of any size with the use of the
16 exhibitor's ladders and hand tools to:

17 (i) set-up and dismantle exhibits displayed on
18 Authority premises;

19 (ii) assemble and disassemble materials,
20 machinery, or equipment on Authority premises; and

21 (iii) install all signs, graphics, props,
22 balloons, other decorative items, and the exhibitor's
23 own drapery, including the skirting of exhibitor
24 tables, on the Authority's premises.

25 (2) An exhibitor and exhibitor employees are permitted

1 in a booth of any size to deliver, set-up, plug in,
2 interconnect, and operate an exhibitor's electrical
3 equipment, computers, audio-visual devices, and other
4 equipment.

5 (3) An exhibitor and exhibitor employees are permitted
6 in a booth of any size to skid, position, and re-skid all
7 exhibitor material, machinery, and equipment on Authority
8 premises.

9 (4) An exhibitor and exhibitor employees are
10 prohibited at any time from using scooters, forklifts,
11 pallet jacks, condors, scissors lifts, motorized dollies,
12 or similar motorized or hydraulic equipment on Authority
13 premises.

14 (5) The Authority shall designate areas, in its
15 discretion, where exhibitors may unload and load exhibitor
16 materials from privately owned vehicles at Authority
17 premises with the use of non-motorized hand trucks and
18 dollies.

19 (6) On Monday through Friday for any consecutive 8-hour
20 period during the hours of 6:00 a.m. and 10:00 p.m., union
21 employees on Authority premises shall be paid
22 straight-time hourly wages plus fringe benefits. Union
23 employees shall be paid straight-time and a half hourly
24 wages plus fringe benefits for labor services provided
25 after any consecutive 8-hour period; provided, however,
26 that between the hours of midnight and 6:00 a.m. union

1 employees shall be paid double straight-time wages plus
2 fringe benefits for labor services.

3 (7) On Monday through Friday for any consecutive 8-hour
4 period during the hours of 6:00 a.m. and 10:00 p.m., a show
5 manager or contractor shall charge an exhibitor only for
6 labor services provided by union employees on Authority
7 premises based on straight-time hourly wages plus fringe
8 benefits along with a reasonable mark-up. After any
9 consecutive 8-hour period, a show manager or contractor
10 shall charge an exhibitor only for labor services provided
11 by union employees based on straight-time and a half hourly
12 wages plus fringe benefits along with a reasonable mark-up;
13 provided, however, that between the hours of midnight and
14 6:00 a.m. a show manager or contractor shall charge an
15 exhibitor only for labor services provided by union
16 employees based on double straight-time wages plus fringe
17 benefits along with a reasonable mark-up.

18 (8) (Blank).

19 (9) (Blank).

20 (10) (Blank).

21 (11) (Blank).

22 (12) The Authority has the power to determine, after
23 consultation with the Advisory Council, the work
24 jurisdiction and scope of work of union employees on
25 Authority premises during the move-in, move-out, and run of
26 a show, provided that any affected labor organization may

1 contest the Authority's determination through a binding
2 decision of an independent, third-party arbitrator. When
3 making the determination, the Authority or arbitrator, as
4 the case may be, shall consider the training and skills
5 required to perform the task, past practices on Authority
6 premises, safety, and the need for efficiency and exhibitor
7 satisfaction. These factors shall be considered in their
8 totality and not in isolation. The Authority's
9 determination must be made in writing, set forth an
10 explanation and statement of the reason or reasons
11 supporting the determination, and be provided to each
12 affected labor organization. The changes in this item (12)
13 by this amendatory Act of the 97th General Assembly are
14 declarative of existing law and shall not be construed as a
15 new enactment. Nothing in this item permits the Authority
16 to eliminate any labor organization representing union
17 employees that provide labor services on the move-in,
18 move-out, and run of the show as of the effective date of
19 this amendatory Act of the 96th General Assembly.

20 (13) (Blank).

21 (14) An exhibitor or show manager may request by name
22 specific union employees to provide labor services on
23 Authority premises consistent with all State and federal
24 laws. Union employees requested by an exhibitor shall take
25 priority over union employees requested by a show manager.

26 (15) A show manager or show contractor on behalf of a

1 show manager may retain an electrical contractor approved
2 by the Authority or Authority-provisioned electrical
3 services to provide electrical services on the premises. If
4 a show manager or show contractor on behalf of a show
5 manager retains Authority-provisioned electrical services,
6 then the Authority shall offer these services at a rate not
7 to exceed the cost of providing those services.

8 (16) Crew sizes for any task or operation shall not
9 exceed 2 persons unless, after consultation with the
10 Advisory Council, the Authority determines otherwise based
11 on the task, skills, and training required to perform the
12 task and on safety.

13 (17) An exhibitor may bring food and beverages on the
14 premises of the Authority for personal consumption.

15 (18) Show managers and contractors shall comply with
16 any audit performed under subsection (e) of this Section.

17 (19) A show manager or contractor shall charge an
18 exhibitor only for labor services provided by union
19 employees on Authority premises on a minimum half-hour
20 basis.

21 The Authority has the power to implement, enforce, and
22 administer the exhibitor rights set forth in this subsection,
23 including the promulgation of rules. The Authority also has the
24 power to determine violations of this subsection and implement
25 appropriate remedies, including, but not limited to, barring
26 violators from Authority premises. The provisions set forth in

1 this Section are binding and equally applicable to any show
2 conducted at Navy Pier, and this statement of the law is
3 declarative of existing law and shall not be construed as a new
4 enactment. The Authority may waive the applicability of only
5 item (6) of this subsection (c) to the extent necessary and
6 required to comply with paragraph 1 of Section F of the 2011
7 Settlement Agreement, as set forth on Page 12 of that
8 Agreement.

9 (d) Advisory Council.

10 (1) An Advisory Council is hereby established to ensure
11 an active and productive dialogue between all affected
12 stakeholders to ensure exhibitor satisfaction for
13 conventions, exhibitions, trade shows, and meetings held
14 on Authority premises.

15 (2) The composition of the Council shall be determined
16 by the Authority consistent with its existing practice for
17 labor-management relations.

18 (3) The Council shall hold meetings no less than once
19 every 90 days.

20 (e) Audit of exhibitor rights.

21 The Authority shall retain the services of a person to
22 complete, at least once ~~twice~~ per calendar year, a financial
23 statement audit and compliance attestation engagement that may
24 consist of an examination or an agreed-upon procedures

1 engagement that, in the opinion of the licensed public
2 accounting firm selected by the Authority in accordance with
3 the provisions of this Act and with the concurrence of the
4 Authority, is better suited to determine and verify compliance
5 with the exhibitor rights set forth in this Section, and that
6 cost reductions or other efficiencies resulting from the
7 exhibitor rights have been fairly passed along to exhibitors.
8 In the event an agreed-upon procedures engagement is performed,
9 the Authority shall first consult with the Advisory Committee
10 and solicit its suggestions and advice with respect to the
11 specific procedures to be agreed upon in the engagement.
12 Thereafter, the public accounting firm and the Authority shall
13 agree upon the specific procedures to be followed in the
14 engagement. It is intended that the design of the engagement
15 and the procedures to be followed shall allow for flexibility
16 in targeting specific areas for examination and to revise the
17 procedures where appropriate for achieving the purpose of the
18 engagement ~~examination to determine and verify that the~~
19 ~~exhibitor rights set forth in this Section have produced cost~~
20 ~~reductions for exhibitors and those cost reductions have been~~
21 ~~fairly passed along to exhibitors.~~ The financial statement
22 audit shall be performed in accordance with generally accepted
23 auditing standards. The compliance attestation engagement
24 ~~examination~~ shall be (i) performed in accordance with
25 attestation standards established by the American Institute of
26 Certified Public Accountants and shall examine the compliance

1 with the requirements set forth in this Section and (ii)
2 conducted by a licensed public accounting firm, selected by the
3 Authority from a list of firms prequalified to do business with
4 the Illinois Auditor General. Upon request, a show contractor
5 or manager shall provide the Authority or person retained to
6 provide attestation ~~auditing~~ services with any information and
7 other documentation reasonably necessary to perform the
8 obligations set forth in this subsection. Upon completion, the
9 report shall be submitted to the Authority and made publicly
10 available on the Authority's website.

11 Within 30 days of the next regularly scheduled meeting of
12 the Advisory Committee following the effective date of this
13 amendatory Act of the 98th General Assembly, the Authority, in
14 conjunction with the Advisory Committee, shall adopt a uniform
15 set of procedures to expeditiously investigate and address
16 exhibitor complaints and concerns. The procedures shall
17 require full disclosure and cooperation among the Authority,
18 show managers, show contractors, exhibitor-appointed
19 contractors, professional service providers, and labor unions.

20 (f) Exhibitor service reforms. The Authority shall make every
21 effort to substantially reduce exhibitor's costs for
22 participating in shows.

23 (1) Any contract to provide food or beverage services
24 in the buildings and facilities of the Authority, except
25 Navy Pier, shall be provided at a rate not to exceed the

1 cost established in the contract. The Board shall
2 periodically review all food and beverage contracts.

3 (2) A department or unit of the Authority shall not
4 serve as the exclusive provider of electrical services.

5 (3) Exhibitors shall receive a detailed statement of
6 all costs associated with utility services, including the
7 cost of labor, equipment, and materials.

8 (g) Severability. If any provision of this Section or its
9 application to any person or circumstance is held invalid, the
10 invalidity of that provision or application does not affect
11 other provisions or applications of this Section that can be
12 given effect without the invalid provision or application.

13 (Source: P.A. 96-898, eff. 5-27-10; 96-899, eff. 5-28-10;
14 97-629, eff. 11-30-11.)

15 (70 ILCS 210/13.2) (from Ch. 85, par. 1233.2)

16 Sec. 13.2. The McCormick Place Expansion Project Fund is
17 created in the State Treasury. All moneys in the McCormick
18 Place Expansion Project Fund are allocated to and shall be
19 appropriated and used only for the purposes authorized by and
20 subject to the limitations and conditions of this Section.
21 Those amounts may be appropriated by law to the Authority for
22 the purposes of paying the debt service requirements on all
23 bonds and notes, including bonds and notes issued to refund or
24 advance refund bonds and notes issued under this Section,

1 Section 13.1, or issued to refund or advance refund bonds and
2 notes otherwise issued under this Act, (collectively referred
3 to as "bonds") to be issued by the Authority under this Section
4 in an aggregate original principal amount (excluding the amount
5 of any bonds and notes issued to refund or advance refund bonds
6 or notes issued under this Section and Section 13.1) not to
7 exceed \$2,557,000,000 for the purposes of carrying out and
8 performing its duties and exercising its powers under this Act.
9 The increased debt authorization provided by this amendatory
10 Act of the 96th General Assembly shall be used solely for the
11 purpose of: (i) hotel construction and related necessary
12 capital improvements; (ii) ~~and~~ other needed capital
13 improvements to existing facilities; and (iii) land
14 acquisition for and construction of one multi-use facility on
15 property bounded by East Cermak Road on the south, East 21st
16 Street on the north, South Indiana Avenue on the west, and
17 South Prairie Avenue on the east in the City of Chicago, Cook
18 County, Illinois. No bonds issued to refund or advance refund
19 bonds issued under this Section may mature later than 40 years
20 from the date of issuance of the refunding or advance refunding
21 bonds. After the aggregate original principal amount of bonds
22 authorized in this Section has been issued, the payment of any
23 principal amount of such bonds does not authorize the issuance
24 of additional bonds (except refunding bonds). Any bonds and
25 notes issued under this Section in any year in which there is
26 an outstanding "post-2010 deficiency amount" as that term is

1 defined in Section 13 (g) (3) of this Act shall provide for the
2 payment to the State Treasurer of the amount of that
3 deficiency.

4 On the first day of each month commencing after July 1,
5 1993, amounts, if any, on deposit in the McCormick Place
6 Expansion Project Fund shall, subject to appropriation, be paid
7 in full to the Authority or, upon its direction, to the trustee
8 or trustees for bondholders of bonds that by their terms are
9 payable from the moneys received from the McCormick Place
10 Expansion Project Fund, until an amount equal to 100% of the
11 aggregate amount of the principal and interest in the fiscal
12 year, including that pursuant to sinking fund requirements, has
13 been so paid and deficiencies in reserves shall have been
14 remedied.

15 The State of Illinois pledges to and agrees with the
16 holders of the bonds of the Metropolitan Pier and Exposition
17 Authority issued under this Section that the State will not
18 limit or alter the rights and powers vested in the Authority by
19 this Act so as to impair the terms of any contract made by the
20 Authority with those holders or in any way impair the rights
21 and remedies of those holders until the bonds, together with
22 interest thereon, interest on any unpaid installments of
23 interest, and all costs and expenses in connection with any
24 action or proceedings by or on behalf of those holders are
25 fully met and discharged; provided that any increase in the Tax
26 Act Amounts specified in Section 3 of the Retailers' Occupation

1 Tax Act, Section 9 of the Use Tax Act, Section 9 of the Service
2 Use Tax Act, and Section 9 of the Service Occupation Tax Act
3 required to be deposited into the Build Illinois Bond Account
4 in the Build Illinois Fund pursuant to any law hereafter
5 enacted shall not be deemed to impair the rights of such
6 holders so long as the increase does not result in the
7 aggregate debt service payable in the current or any future
8 fiscal year of the State on all bonds issued pursuant to the
9 Build Illinois Bond Act and the Metropolitan Pier and
10 Exposition Authority Act and payable from tax revenues
11 specified in Section 3 of the Retailers' Occupation Tax Act,
12 Section 9 of the Use Tax Act, Section 9 of the Service Use Tax
13 Act, and Section 9 of the Service Occupation Tax Act exceeding
14 33 1/3% of such tax revenues for the most recently completed
15 fiscal year of the State at the time of such increase. In
16 addition, the State pledges to and agrees with the holders of
17 the bonds of the Authority issued under this Section that the
18 State will not limit or alter the basis on which State funds
19 are to be paid to the Authority as provided in this Act or the
20 use of those funds so as to impair the terms of any such
21 contract; provided that any increase in the Tax Act Amounts
22 specified in Section 3 of the Retailers' Occupation Tax Act,
23 Section 9 of the Use Tax Act, Section 9 of the Service Use Tax
24 Act, and Section 9 of the Service Occupation Tax Act required
25 to be deposited into the Build Illinois Bond Account in the
26 Build Illinois Fund pursuant to any law hereafter enacted shall

1 not be deemed to impair the terms of any such contract so long
2 as the increase does not result in the aggregate debt service
3 payable in the current or any future fiscal year of the State
4 on all bonds issued pursuant to the Build Illinois Bond Act and
5 the Metropolitan Pier and Exposition Authority Act and payable
6 from tax revenues specified in Section 3 of the Retailers'
7 Occupation Tax Act, Section 9 of the Use Tax Act, Section 9 of
8 the Service Use Tax Act, and Section 9 of the Service
9 Occupation Tax Act exceeding 33 1/3% of such tax revenues for
10 the most recently completed fiscal year of the State at the
11 time of such increase. The Authority is authorized to include
12 these pledges and agreements with the State in any contract
13 with the holders of bonds issued under this Section.

14 The State shall not be liable on bonds of the Authority
15 issued under this Section those bonds shall not be a debt of
16 the State, and this Act shall not be construed as a guarantee
17 by the State of the debts of the Authority. The bonds shall
18 contain a statement to this effect on the face of the bonds.

19 (Source: P.A. 96-898, eff. 5-27-10.)

20 Section 5-70. The Public Utilities Act is amended by
21 changing Section 9-222.1A as follows:

22 (220 ILCS 5/9-222.1A)

23 Sec. 9-222.1A. High impact business. Beginning on August 1,
24 1998 and thereafter, a business enterprise that is certified as

1 a High Impact Business by the Department of Commerce and
2 Economic Opportunity (formerly Department of Commerce and
3 Community Affairs) is exempt from the tax imposed by Section
4 2-4 of the Electricity Excise Tax Law, if the High Impact
5 Business is registered to self-assess that tax, and is exempt
6 from any additional charges added to the business enterprise's
7 utility bills as a pass-on of State utility taxes under Section
8 9-222 of this Act, to the extent the tax or charges are
9 exempted by the percentage specified by the Department of
10 Commerce and Economic Opportunity for State utility taxes,
11 provided the business enterprise meets the following criteria:

12 (1) (A) it intends either (i) to make a minimum
13 eligible investment of \$12,000,000 that will be placed
14 in service in qualified property in Illinois and is
15 intended to create at least 500 full-time equivalent
16 jobs at a designated location in Illinois; or (ii) to
17 make a minimum eligible investment of \$30,000,000 that
18 will be placed in service in qualified property in
19 Illinois and is intended to retain at least 1,500
20 full-time equivalent jobs at a designated location in
21 Illinois; or

22 (B) it meets the criteria of subdivision
23 (a) (3) (B), (a) (3) (C), ~~or~~ (a) (3) (D), or (a) (3) (F) of
24 Section 5.5 of the Illinois Enterprise Zone Act;

25 (2) it is designated as a High Impact Business by the
26 Department of Commerce and Economic Opportunity; and

1 (3) it is certified by the Department of Commerce and
2 Economic Opportunity as complying with the requirements
3 specified in clauses (1) and (2) of this Section.

4 The Department of Commerce and Economic Opportunity shall
5 determine the period during which the exemption from the
6 Electricity Excise Tax Law and the charges imposed under
7 Section 9-222 are in effect, which shall not exceed 20 years
8 from the date of initial certification, and shall specify the
9 percentage of the exemption from those taxes or additional
10 charges.

11 The Department of Commerce and Economic Opportunity is
12 authorized to promulgate rules and regulations to carry out the
13 provisions of this Section, including procedures for complying
14 with the requirements specified in clauses (1) and (2) of this
15 Section and procedures for applying for the exemptions
16 authorized under this Section; to define the amounts and types
17 of eligible investments that business enterprises must make in
18 order to receive State utility tax exemptions or exemptions
19 from the additional charges imposed under Section 9-222 and
20 this Section; to approve such utility tax exemptions for
21 business enterprises whose investments are not yet placed in
22 service; and to require that business enterprises granted tax
23 exemptions or exemptions from additional charges under Section
24 9-222 repay the exempted amount if the business enterprise
25 fails to comply with the terms and conditions of the
26 certification.

1 Upon certification of the business enterprises by the
2 Department of Commerce and Economic Opportunity, the
3 Department of Commerce and Economic Opportunity shall notify
4 the Department of Revenue of the certification. The Department
5 of Revenue shall notify the public utilities of the exemption
6 status of business enterprises from the tax or pass-on charges
7 of State utility taxes. The exemption status shall take effect
8 within 3 months after certification of the business enterprise.
9 (Source: P.A. 94-793, eff. 5-19-06.)

10 Section 5-73. The Environmental Protection Act is amended
11 by changing Sections 57.7, 57.8, and 57.11 as follows:

12 (415 ILCS 5/57.7)

13 Sec. 57.7. Leaking underground storage tanks; site
14 investigation and corrective action.

15 (a) Site investigation.

16 (1) For any site investigation activities required by
17 statute or rule, the owner or operator shall submit to the
18 Agency for approval a site investigation plan designed to
19 determine the nature, concentration, direction of
20 movement, rate of movement, and extent of the contamination
21 as well as the significant physical features of the site
22 and surrounding area that may affect contaminant transport
23 and risk to human health and safety and the environment.

24 (2) Any owner or operator intending to seek payment

1 from the Fund shall submit to the Agency for approval a
2 site investigation budget that includes, but is not limited
3 to, an accounting of all costs associated with the
4 implementation and completion of the site investigation
5 plan.

6 (3) Remediation objectives for the applicable
7 indicator contaminants shall be determined using the
8 tiered approach to corrective action objectives rules
9 adopted by the Board pursuant to this Title and Title XVII
10 of this Act. For the purposes of this Title, "Contaminant
11 of Concern" or "Regulated Substance of Concern" in the
12 rules means the applicable indicator contaminants set
13 forth in subsection (d) of this Section and the rules
14 adopted thereunder.

15 (4) Upon the Agency's approval of a site investigation
16 plan, or as otherwise directed by the Agency, the owner or
17 operator shall conduct a site investigation in accordance
18 with the plan.

19 (5) Within 30 days after completing the site
20 investigation, the owner or operator shall submit to the
21 Agency for approval a site investigation completion
22 report. At a minimum the report shall include all of the
23 following:

24 (A) Executive summary.

25 (B) Site history.

26 (C) Site-specific sampling methods and results.

1 (D) Documentation of all field activities,
2 including quality assurance.

3 (E) Documentation regarding the development of
4 proposed remediation objectives.

5 (F) Interpretation of results.

6 (G) Conclusions.

7 (b) Corrective action.

8 (1) If the site investigation confirms none of the
9 applicable indicator contaminants exceed the proposed
10 remediation objectives, within 30 days after completing
11 the site investigation the owner or operator shall submit
12 to the Agency for approval a corrective action completion
13 report in accordance with this Section.

14 (2) If any of the applicable indicator contaminants
15 exceed the remediation objectives approved for the site,
16 within 30 days after the Agency approves the site
17 investigation completion report the owner or operator
18 shall submit to the Agency for approval a corrective action
19 plan designed to mitigate any threat to human health, human
20 safety, or the environment resulting from the underground
21 storage tank release. The plan shall describe the selected
22 remedy and evaluate its ability and effectiveness to
23 achieve the remediation objectives approved for the site.
24 At a minimum, the report shall include all of the
25 following:

26 (A) Executive summary.

1 (B) Statement of remediation objectives.

2 (C) Remedial technologies selected.

3 (D) Confirmation sampling plan.

4 (E) Current and projected future use of the
5 property.

6 (F) Applicable preventive, engineering, and
7 institutional controls including long-term
8 reliability, operating, and maintenance plans, and
9 monitoring procedures.

10 (G) A schedule for implementation and completion
11 of the plan.

12 (3) Any owner or operator intending to seek payment
13 from the Fund shall submit to the Agency for approval a
14 corrective action budget that includes, but is not limited
15 to, an accounting of all costs associated with the
16 implementation and completion of the corrective action
17 plan.

18 (4) Upon the Agency's approval of a corrective action
19 plan, or as otherwise directed by the Agency, the owner or
20 operator shall proceed with corrective action in
21 accordance with the plan.

22 (5) Within 30 days after the completion of a corrective
23 action plan that achieves applicable remediation
24 objectives the owner or operator shall submit to the Agency
25 for approval a corrective action completion report. The
26 report shall demonstrate whether corrective action was

1 completed in accordance with the approved corrective
2 action plan and whether the remediation objectives
3 approved for the site, as well as any other requirements of
4 the plan, have been achieved.

5 (6) If within 4 years after the approval of any
6 corrective action plan the applicable remediation
7 objectives have not been achieved and the owner or operator
8 has not submitted a corrective action completion report,
9 the owner or operator must submit a status report for
10 Agency review. The status report must include, but is not
11 limited to, a description of the remediation activities
12 taken to date, the effectiveness of the method of
13 remediation being used, the likelihood of meeting the
14 applicable remediation objectives using the current method
15 of remediation, and the date the applicable remediation
16 objectives are expected to be achieved.

17 (7) If the Agency determines any approved corrective
18 action plan will not achieve applicable remediation
19 objectives within a reasonable time, based upon the method
20 of remediation and site specific circumstances, the Agency
21 may require the owner or operator to submit to the Agency
22 for approval a revised corrective action plan. If the owner
23 or operator intends to seek payment from the Fund, the
24 owner or operator must also submit a revised budget.

25 (c) Agency review and approval.

26 (1) Agency approval of any plan and associated budget,

1 as described in this subsection (c), shall be considered
2 final approval for purposes of seeking and obtaining
3 payment from the Underground Storage Tank Fund if the costs
4 associated with the completion of any such plan are less
5 than or equal to the amounts approved in such budget.

6 (2) In the event the Agency fails to approve,
7 disapprove, or modify any plan or report submitted pursuant
8 to this Title in writing within 120 days of the receipt by
9 the Agency, the plan or report shall be considered to be
10 rejected by operation of law for purposes of this Title and
11 rejected for purposes of payment from the Underground
12 Storage Tank Fund.

13 (A) For purposes of those plans as identified in
14 paragraph (5) of this subsection (c), the Agency's
15 review may be an audit procedure. Such review or audit
16 shall be consistent with the procedure for such review
17 or audit as promulgated by the Board under Section
18 57.14. The Agency has the authority to establish an
19 auditing program to verify compliance of such plans
20 with the provisions of this Title.

21 (B) For purposes of corrective action plans
22 submitted pursuant to subsection (b) of this Section
23 for which payment from the Fund is not being sought,
24 the Agency need not take action on such plan until 120
25 days after it receives the corrective action
26 completion report required under subsection (b) of

1 this Section. In the event the Agency approved the
2 plan, it shall proceed under the provisions of this
3 subsection (c).

4 (3) In approving any plan submitted pursuant to
5 subsection (a) or (b) of this Section, the Agency shall
6 determine, by a procedure promulgated by the Board under
7 Section 57.14, that the costs associated with the plan are
8 reasonable, will be incurred in the performance of site
9 investigation or corrective action, and will not be used
10 for site investigation or corrective action activities in
11 excess of those required to meet the minimum requirements
12 of this Title. The Agency shall also determine, pursuant to
13 the Project Labor Agreements Act, whether the corrective
14 action shall include a project labor agreement if payment
15 from the Underground Storage Tank Fund is to be requested.

16 (A) For purposes of payment from the Fund,
17 corrective action activities required to meet the
18 minimum requirements of this Title shall include, but
19 not be limited to, the following use of the Board's
20 Tiered Approach to Corrective Action Objectives rules
21 adopted under Title XVII of this Act:

22 (i) For the site where the release occurred,
23 the use of Tier 2 remediation objectives that are
24 no more stringent than Tier 1 remediation
25 objectives.

26 (ii) The use of industrial/commercial property

1 remediation objectives, unless the owner or
2 operator demonstrates that the property being
3 remediated is residential property or being
4 developed into residential property.

5 (iii) The use of groundwater ordinances as
6 institutional controls in accordance with Board
7 rules.

8 (iv) The use of on-site groundwater use
9 restrictions as institutional controls in
10 accordance with Board rules.

11 (B) Any bidding process adopted under Board rules
12 to determine the reasonableness of costs of corrective
13 action must provide for a publicly-noticed,
14 competitive, and sealed bidding process that includes,
15 at a minimum, the following:

16 (i) The owner or operator must issue
17 invitations for bids that include, at a minimum, a
18 description of the work being bid and applicable
19 contractual terms and conditions. The criteria on
20 which the bids will be evaluated must be set forth
21 in the invitation for bids. The criteria may
22 include, but shall not be limited to, criteria for
23 determining acceptability, such as inspection,
24 testing, quality, workmanship, delivery, and
25 suitability for a particular purpose. Criteria
26 that will affect the bid price and be considered in

1 the evaluation of a bid, such as discounts, shall
2 be objectively measurable.

3 (ii) At least 14 days prior to the date set in
4 the invitation for the opening of bids, public
5 notice of the invitation for bids must be published
6 in a local paper of general circulation for the
7 area in which the site is located.

8 (iii) Bids must be opened publicly in the
9 presence of one or more witnesses at the time and
10 place designated in the invitation for bids. The
11 name of each bidder, the amount of each bid, and
12 other relevant information as specified in Board
13 rules must be recorded and submitted to the Agency
14 in the applicable budget. After selection of the
15 winning bid, the winning bid and the record of each
16 unsuccessful bid shall be open to public
17 inspection.

18 (iv) Bids must be unconditionally accepted
19 without alteration or correction. Bids must be
20 evaluated based on the requirements set forth in
21 the invitation for bids, which may include
22 criteria for determining acceptability, such as
23 inspection, testing, quality, workmanship,
24 delivery, and suitability for a particular
25 purpose. Criteria that will affect the bid price
26 and be considered in the evaluation of a bid, such

1 as discounts, shall be objectively measurable. The
2 invitation for bids shall set forth the evaluation
3 criteria to be used.

4 (v) Correction or withdrawal of inadvertently
5 erroneous bids before or after selection of the
6 winning bid, or cancellation of winning bids based
7 on bid mistakes, shall be allowed in accordance
8 with Board rules. After bid opening, no changes in
9 bid prices or other provisions of bids prejudicial
10 to the owner or operator or fair competition shall
11 be allowed. All decisions to allow the correction
12 or withdrawal of bids based on bid mistakes shall
13 be supported by a written determination made by the
14 owner or operator.

15 (vi) The owner or operator shall select the
16 winning bid with reasonable promptness by written
17 notice to the lowest responsible and responsive
18 bidder whose bid meets the requirements and
19 criteria set forth in the invitation for bids. The
20 winning bid and other relevant information as
21 specified in Board rules must be recorded and
22 submitted to the Agency in the applicable budget.

23 (vii) All bidding documentation must be
24 retained by the owner or operator for a minimum of
25 3 years after the costs bid are submitted in an
26 application for payment, except that documentation

1 relating to an appeal, litigation, or other
2 disputed claim must be maintained until at least 3
3 years after the date of the final disposition of
4 the appeal, litigation, or other disputed claim.
5 All bidding documentation must be made available
6 to the Agency for inspection and copying during
7 normal business hours.

8 (C) Any bidding process adopted under Board rules
9 to determine the reasonableness of costs of corrective
10 action shall (i) be optional and (ii) allow bidding
11 only if the owner or operator demonstrates that
12 corrective action cannot be performed for amounts less
13 than or equal to maximum payment amounts adopted by the
14 Board.

15 (4) For any plan or report received after June 24,
16 2002, any action by the Agency to disapprove or modify a
17 plan submitted pursuant to this Title shall be provided to
18 the owner or operator in writing within 120 days of the
19 receipt by the Agency or, in the case of a site
20 investigation plan or corrective action plan for which
21 payment is not being sought, within 120 days of receipt of
22 the site investigation completion report or corrective
23 action completion report, respectively, and shall be
24 accompanied by:

25 (A) an explanation of the Sections of this Act
26 which may be violated if the plans were approved;

1 (B) an explanation of the provisions of the
2 regulations, promulgated under this Act, which may be
3 violated if the plan were approved;

4 (C) an explanation of the specific type of
5 information, if any, which the Agency deems the
6 applicant did not provide the Agency; and

7 (D) a statement of specific reasons why the Act and
8 the regulations might not be met if the plan were
9 approved.

10 Any action by the Agency to disapprove or modify a plan
11 or report or the rejection of any plan or report by
12 operation of law shall be subject to appeal to the Board in
13 accordance with the procedures of Section 40. If the owner
14 or operator elects to incorporate modifications required
15 by the Agency rather than appeal, an amended plan shall be
16 submitted to the Agency within 35 days of receipt of the
17 Agency's written notification.

18 (5) For purposes of this Title, the term "plan" shall
19 include:

20 (A) Any site investigation plan submitted pursuant
21 to subsection (a) of this Section;

22 (B) Any site investigation budget submitted
23 pursuant to subsection (a) of this Section;

24 (C) Any corrective action plan submitted pursuant
25 to subsection (b) of this Section; or

26 (D) Any corrective action plan budget submitted

1 pursuant to subsection (b) of this Section.

2 (d) For purposes of this Title, the term "indicator
3 contaminant" shall mean, unless and until the Board promulgates
4 regulations to the contrary, the following: (i) if an
5 underground storage tank contains gasoline, the indicator
6 parameter shall be BTEX and Benzene; (ii) if the tank contained
7 petroleum products consisting of middle distillate or heavy
8 ends, then the indicator parameter shall be determined by a
9 scan of PNA's taken from the location where contamination is
10 most likely to be present; and (iii) if the tank contained used
11 oil, then the indicator contaminant shall be those chemical
12 constituents which indicate the type of petroleum stored in an
13 underground storage tank. All references in this Title to
14 groundwater objectives shall mean Class I groundwater
15 standards or objectives as applicable.

16 (e) (1) Notwithstanding the provisions of this Section, an
17 owner or operator may proceed to conduct site investigation
18 or corrective action prior to the submittal or approval of
19 an otherwise required plan. If the owner or operator elects
20 to so proceed, an applicable plan shall be filed with the
21 Agency at any time. Such plan shall detail the steps taken
22 to determine the type of site investigation or corrective
23 action which was necessary at the site along with the site
24 investigation or corrective action taken or to be taken, in
25 addition to costs associated with activities to date and
26 anticipated costs.

1 (2) Upon receipt of a plan submitted after activities
2 have commenced at a site, the Agency shall proceed to
3 review in the same manner as required under this Title. In
4 the event the Agency disapproves all or part of the costs,
5 the owner or operator may appeal such decision to the
6 Board. The owner or operator shall not be eligible to be
7 reimbursed for such disapproved costs unless and until the
8 Board determines that such costs were eligible for payment.

9 (f) All investigations, plans, and reports conducted or
10 prepared under this Section shall be conducted or prepared
11 under the supervision of a licensed professional engineer and
12 in accordance with the requirements of this Title.

13 (Source: P.A. 95-331, eff. 8-21-07; 96-908, eff. 6-8-10.)

14 (415 ILCS 5/57.8)

15 Sec. 57.8. Underground Storage Tank Fund; payment; options
16 for State payment; deferred correction election to commence
17 corrective action upon availability of funds. If an owner or
18 operator is eligible to access the Underground Storage Tank
19 Fund pursuant to an Office of State Fire Marshal
20 eligibility/deductible final determination letter issued in
21 accordance with Section 57.9, the owner or operator may submit
22 a complete application for final or partial payment to the
23 Agency for activities taken in response to a confirmed release.
24 An owner or operator may submit a request for partial or final
25 payment regarding a site no more frequently than once every 90

1 days.

2 (a) Payment after completion of corrective action
3 measures. The owner or operator may submit an application for
4 payment for activities performed at a site after completion of
5 the requirements of Sections 57.6 and 57.7, or after completion
6 of any other required activities at the underground storage
7 tank site.

8 (1) In the case of any approved plan and budget for
9 which payment is being sought, the Agency shall make a
10 payment determination within 120 days of receipt of the
11 application. Such determination shall be considered a
12 final decision. The Agency's review shall be limited to
13 generally accepted auditing and accounting practices. In
14 no case shall the Agency conduct additional review of any
15 plan which was completed within the budget, beyond auditing
16 for adherence to the corrective action measures in the
17 proposal. If the Agency fails to approve the payment
18 application within 120 days, such application shall be
19 deemed approved by operation of law and the Agency shall
20 proceed to reimburse the owner or operator the amount
21 requested in the payment application. However, in no event
22 shall the Agency reimburse the owner or operator an amount
23 greater than the amount approved in the plan.

24 (2) If sufficient funds are available in the
25 Underground Storage Tank Fund, the Agency shall, within 60
26 days, forward to the Office of the State Comptroller a

1 voucher in the amount approved under the payment
2 application.

3 (3) In the case of insufficient funds, the Agency shall
4 form a priority list for payment and shall notify persons
5 in such priority list monthly of the availability of funds
6 and when payment shall be made. Payment shall be made to
7 the owner or operator at such time as sufficient funds
8 become available for the costs associated with site
9 investigation and corrective action and costs expended for
10 activities performed where no proposal is required, if
11 applicable. Such priority list shall be available to any
12 owner or operator upon request. Priority for payment shall
13 be determined by the date the Agency receives a complete
14 request for partial or final payment. Upon receipt of
15 notification from the Agency that the requirements of this
16 Title have been met, the Comptroller shall make payment to
17 the owner or operator of the amount approved by the Agency,
18 if sufficient money exists in the Fund. If there is
19 insufficient money in the Fund, then payment shall not be
20 made. If the owner or operator appeals a final Agency
21 payment determination and it is determined that the owner
22 or operator is eligible for payment or additional payment,
23 the priority date for the payment or additional payment
24 shall be the same as the priority date assigned to the
25 original request for partial or final payment.

26 (4) Any deductible, as determined pursuant to the

1 Office of the State Fire Marshal's eligibility and
2 deductibility final determination in accordance with
3 Section 57.9, shall be subtracted from any payment invoice
4 paid to an eligible owner or operator. Only one deductible
5 shall apply per underground storage tank site.

6 (5) In the event that costs are or will be incurred in
7 addition to those approved by the Agency, or after payment,
8 the owner or operator may submit successive plans
9 containing amended budgets. The requirements of Section
10 57.7 shall apply to any amended plans.

11 (6) For purposes of this Section, a complete
12 application shall consist of:

13 (A) A certification from a Licensed Professional
14 Engineer or Licensed Professional Geologist as
15 required under this Title and acknowledged by the owner
16 or operator.

17 (B) A statement of the amounts approved in the
18 budget and the amounts actually sought for payment
19 along with a certified statement by the owner or
20 operator that the amounts so sought were expended in
21 conformance with the approved budget.

22 (C) A copy of the Office of the State Fire
23 Marshal's eligibility and deductibility determination.

24 (D) Proof that approval of the payment requested
25 will not result in the limitations set forth in
26 subsection (g) of this Section being exceeded.

1 (E) A federal taxpayer identification number and
2 legal status disclosure certification on a form
3 prescribed and provided by the Agency.

4 (F) If the Agency determined under subsection
5 (c)(3) of Section 57.7 of this Act that corrective
6 action must include a project labor agreement, a
7 certification from the owner or operator that the
8 corrective action was (i) performed under a project
9 labor agreement that meets the requirements of Section
10 25 of the Project Labor Agreements Act and (ii)
11 implemented in a manner consistent with the terms and
12 conditions of the Project Labor Agreements Act and in
13 full compliance with all statutes, regulations, and
14 Executive Orders as required under that Act and the
15 Prevailing Wage Act.

16 (b) Commencement of site investigation or corrective
17 action upon availability of funds. The Board shall adopt
18 regulations setting forth procedures based on risk to human
19 health or the environment under which the owner or operator who
20 has received approval for any budget plan submitted pursuant to
21 Section 57.7, and who is eligible for payment from the
22 Underground Storage Tank Fund pursuant to an Office of the
23 State Fire Marshal eligibility and deductibility
24 determination, may elect to defer site investigation or
25 corrective action activities until funds are available in an
26 amount equal to the amount approved in the budget. The

1 regulations shall establish criteria based on risk to human
2 health or the environment to be used for determining on a
3 site-by-site basis whether deferral is appropriate. The
4 regulations also shall establish the minimum investigatory
5 requirements for determining whether the risk based criteria
6 are present at a site considering deferral and procedures for
7 the notification of owners or operators of insufficient funds,
8 Agency review of request for deferral, notification of Agency
9 final decisions, returning deferred sites to active status, and
10 earmarking of funds for payment.

11 (c) When the owner or operator requests indemnification for
12 payment of costs incurred as a result of a release of petroleum
13 from an underground storage tank, if the owner or operator has
14 satisfied the requirements of subsection (a) of this Section,
15 the Agency shall forward a copy of the request to the Attorney
16 General. The Attorney General shall review and approve the
17 request for indemnification if:

18 (1) there is a legally enforceable judgment entered
19 against the owner or operator and such judgment was entered
20 due to harm caused by a release of petroleum from an
21 underground storage tank and such judgment was not entered
22 as a result of fraud; or

23 (2) a settlement with a third party due to a release of
24 petroleum from an underground storage tank is reasonable.

25 (d) Notwithstanding any other provision of this Title, the
26 Agency shall not approve payment to an owner or operator from

1 the Fund for costs of corrective action or indemnification
 2 incurred during a calendar year in excess of the following
 3 aggregate amounts based on the number of petroleum underground
 4 storage tanks owned or operated by such owner or operator in
 5 Illinois.

6 Amount	Number of Tanks
7 \$2,000,000	fewer than 101
8 \$3,000,000	101 or more

9 (1) Costs incurred in excess of the aggregate amounts
 10 set forth in paragraph (1) of this subsection shall not be
 11 eligible for payment in subsequent years.

12 (2) For purposes of this subsection, requests
 13 submitted by any of the agencies, departments, boards,
 14 committees or commissions of the State of Illinois shall be
 15 acted upon as claims from a single owner or operator.

16 (3) For purposes of this subsection, owner or operator
 17 includes (i) any subsidiary, parent, or joint stock company
 18 of the owner or operator and (ii) any company owned by any
 19 parent, subsidiary, or joint stock company of the owner or
 20 operator.

21 (e) Costs of corrective action or indemnification incurred
 22 by an owner or operator which have been paid to an owner or
 23 operator under a policy of insurance, another written
 24 agreement, or a court order are not eligible for payment under
 25 this Section. An owner or operator who receives payment under a
 26 policy of insurance, another written agreement, or a court

1 order shall reimburse the State to the extent such payment
2 covers costs for which payment was received from the Fund. Any
3 monies received by the State under this subsection (e) shall be
4 deposited into the Fund.

5 (f) (Blank.)

6 (g) The Agency shall not approve any payment from the Fund
7 to pay an owner or operator:

8 (1) for costs of corrective action incurred by such
9 owner or operator in an amount in excess of \$1,500,000 per
10 occurrence; and

11 (2) for costs of indemnification of such owner or
12 operator in an amount in excess of \$1,500,000 per
13 occurrence.

14 (h) Payment of any amount from the Fund for corrective
15 action or indemnification shall be subject to the State
16 acquiring by subrogation the rights of any owner, operator, or
17 other person to recover the costs of corrective action or
18 indemnification for which the Fund has compensated such owner,
19 operator, or person from the person responsible or liable for
20 the release.

21 (i) If the Agency refuses to pay or authorizes only a
22 partial payment, the affected owner or operator may petition
23 the Board for a hearing in the manner provided for the review
24 of permit decisions in Section 40 of this Act.

25 (j) Costs of corrective action or indemnification incurred
26 by an owner or operator prior to July 28, 1989, shall not be

1 eligible for payment or reimbursement under this Section.

2 (k) The Agency shall not pay costs of corrective action or
3 indemnification incurred before providing notification of the
4 release of petroleum in accordance with the provisions of this
5 Title.

6 (l) Corrective action does not include legal defense costs.
7 Legal defense costs include legal costs for seeking payment
8 under this Title unless the owner or operator prevails before
9 the Board in which case the Board may authorize payment of
10 legal fees.

11 (m) The Agency may apportion payment of costs for plans
12 submitted under Section 57.7 if:

13 (1) the owner or operator was deemed eligible to access
14 the Fund for payment of corrective action costs for some,
15 but not all, of the underground storage tanks at the site;
16 and

17 (2) the owner or operator failed to justify all costs
18 attributable to each underground storage tank at the site.

19 (n) The Agency shall not pay costs associated with a
20 corrective action plan incurred after the Agency provides
21 notification to the owner or operator pursuant to item (7) of
22 subsection (b) of Section 57.7 that a revised corrective action
23 plan is required. Costs associated with any subsequently
24 approved corrective action plan shall be eligible for
25 reimbursement if they meet the requirements of this Title.

26 (Source: P.A. 95-331, eff. 8-21-07.)

1 (415 ILCS 5/57.11)

2 Sec. 57.11. Underground Storage Tank Fund; creation.

3 (a) There is hereby created in the State Treasury a special
4 fund to be known as the Underground Storage Tank Fund. There
5 shall be deposited into the Underground Storage Tank Fund all
6 monies received by the Office of the State Fire Marshal as fees
7 for underground storage tanks under Sections 4 and 5 of the
8 Gasoline Storage Act, ~~and as~~ fees pursuant to the Motor Fuel
9 Tax Law, and beginning July 1, 2013, payments pursuant to the
10 Use Tax Act, the Service Use Tax Act, the Service Occupation
11 Tax Act, and the Retailers' Occupation Tax Act. All amounts
12 held in the Underground Storage Tank Fund shall be invested at
13 interest by the State Treasurer. All income earned from the
14 investments shall be deposited into the Underground Storage
15 Tank Fund no less frequently than quarterly. Moneys in the
16 Underground Storage Tank Fund, pursuant to appropriation, may
17 be used by the Agency and the Office of the State Fire Marshal
18 for the following purposes:

19 (1) To take action authorized under Section 57.12 to
20 recover costs under Section 57.12.

21 (2) To assist in the reduction and mitigation of damage
22 caused by leaks from underground storage tanks, including
23 but not limited to, providing alternative water supplies to
24 persons whose drinking water has become contaminated as a
25 result of those leaks.

1 (3) To be used as a matching amount towards federal
2 assistance relative to the release of petroleum from
3 underground storage tanks.

4 (4) For the costs of administering activities of the
5 Agency and the Office of the State Fire Marshal relative to
6 the Underground Storage Tank Fund.

7 (5) For payment of costs of corrective action incurred
8 by and indemnification to operators of underground storage
9 tanks as provided in this Title.

10 (6) For a total of 2 demonstration projects in amounts
11 in excess of a \$10,000 deductible charge designed to assess
12 the viability of corrective action projects at sites which
13 have experienced contamination from petroleum releases.
14 Such demonstration projects shall be conducted in
15 accordance with the provision of this Title.

16 (7) Subject to appropriation, moneys in the
17 Underground Storage Tank Fund may also be used by the
18 Department of Revenue for the costs of administering its
19 activities relative to the Fund and for refunds provided
20 for in Section 13a.8 of the Motor Fuel Tax Act.

21 (b) Moneys in the Underground Storage Tank Fund may,
22 pursuant to appropriation, be used by the Office of the State
23 Fire Marshal or the Agency to take whatever emergency action is
24 necessary or appropriate to assure that the public health or
25 safety is not threatened whenever there is a release or
26 substantial threat of a release of petroleum from an

1 underground storage tank and for the costs of administering its
2 activities relative to the Underground Storage Tank Fund.

3 (c) Beginning July 1, 1993, the Governor shall certify to
4 the State Comptroller and State Treasurer the monthly amount
5 necessary to pay debt service on State obligations issued
6 pursuant to Section 6 of the General Obligation Bond Act. On
7 the last day of each month, the Comptroller shall order
8 transferred and the Treasurer shall transfer from the
9 Underground Storage Tank Fund to the General Obligation Bond
10 Retirement and Interest Fund the amount certified by the
11 Governor, plus any cumulative deficiency in those transfers for
12 prior months.

13 (d) Except as provided in subsection (c) of this Section,
14 the Underground Storage Tank Fund is not subject to
15 administrative charges authorized under Section 8h of the State
16 Finance Act that would in any way transfer any funds from the
17 Underground Storage Tank Fund into any other fund of the State.

18 (e) Each fiscal year, subject to appropriation, the Agency
19 may commit up to \$10,000,000 of the moneys in the Underground
20 Storage Tank Fund to the payment of corrective action costs for
21 legacy sites that meet one or more of the following criteria as
22 a result of the underground storage tank release: (i) the
23 presence of free product, (ii) contamination within a regulated
24 recharge area, a wellhead protection area, or the setback zone
25 of a potable water supply well, (iii) contamination extending
26 beyond the boundaries of the site where the release occurred,

1 or (iv) such other criteria as may be adopted in Agency rules.

2 (1) Fund moneys committed under this subsection (e)
3 shall be held in the Fund for payment of the corrective
4 action costs for which the moneys were committed.

5 (2) The Agency may adopt rules governing the commitment
6 of Fund moneys under this subsection (e).

7 (3) This subsection (e) does not limit the use of Fund
8 moneys at legacy sites as otherwise provided under this
9 Title.

10 (4) For the purposes of this subsection (e), the term
11 "legacy site" means a site for which (i) an underground
12 storage tank release was reported prior to January 1, 2005,
13 (ii) the owner or operator has been determined eligible to
14 receive payment from the Fund for corrective action costs,
15 and (iii) the Agency did not receive any applications for
16 payment prior to January 1, 2010.

17 (f) Beginning July 1, 2013, if the amounts deposited into
18 the Fund from moneys received by the Office of the State Fire
19 Marshal as fees for underground storage tanks under Sections 4
20 and 5 of the Gasoline Storage Act and as fees pursuant to the
21 Motor Fuel Tax Law during a State fiscal year are sufficient to
22 pay all claims for payment by the fund received during that
23 State fiscal year, then the amount of any payments into the
24 fund pursuant to the Use Tax Act, the Service Use Tax Act, the
25 Service Occupation Tax Act, and the Retailers' Occupation Tax
26 Act during that State fiscal year shall be deposited as

1 follows: 75% thereof shall be paid into the State Treasury and
2 25% shall be reserved in a special account and used only for
3 the transfer to the Common School Fund as part of the monthly
4 transfer from the General Revenue Fund in accordance with
5 Section 8a of the State Finance Act.

6 (Source: P.A. 96-34, eff. 7-13-09; 96-908, eff. 6-8-10.)

7 Section 5-75. The Prevailing Wage Act is amended by
8 changing Section 2 as follows:

9 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

10 Sec. 2. This Act applies to the wages of laborers,
11 mechanics and other workers employed in any public works, as
12 hereinafter defined, by any public body and to anyone under
13 contracts for public works. This includes any maintenance,
14 repair, assembly, or disassembly work performed on equipment
15 whether owned, leased, or rented.

16 As used in this Act, unless the context indicates
17 otherwise:

18 "Public works" means all fixed works constructed or
19 demolished by any public body, or paid for wholly or in part
20 out of public funds. "Public works" as defined herein includes
21 all projects financed in whole or in part with bonds, grants,
22 loans, or other funds made available by or through the State or
23 any of its political subdivisions, including but not limited
24 to: bonds issued under the Industrial Project Revenue Bond Act

1 (Article 11, Division 74 of the Illinois Municipal Code), the
2 Industrial Building Revenue Bond Act, the Illinois Finance
3 Authority Act, the Illinois Sports Facilities Authority Act, or
4 the Build Illinois Bond Act; loans or other funds made
5 available pursuant to the Build Illinois Act; loans or other
6 funds made available pursuant to the Riverfront Development
7 Fund under Section 10-15 of the River Edge Redevelopment Zone
8 Act; or funds from the Fund for Illinois' Future under Section
9 6z-47 of the State Finance Act, funds for school construction
10 under Section 5 of the General Obligation Bond Act, funds
11 authorized under Section 3 of the School Construction Bond Act,
12 funds for school infrastructure under Section 6z-45 of the
13 State Finance Act, and funds for transportation purposes under
14 Section 4 of the General Obligation Bond Act. "Public works"
15 also includes (i) all projects financed in whole or in part
16 with funds from the Department of Commerce and Economic
17 Opportunity under the Illinois Renewable Fuels Development
18 Program Act for which there is no project labor agreement; (ii)
19 all work performed pursuant to a public private agreement under
20 the Public Private Agreements for the Illiana Expressway Act or
21 the Public-Private Agreements for the South Suburban Airport
22 Act; and (iii) all projects undertaken under a public-private
23 agreement under the Public-Private Partnerships for
24 Transportation Act. "Public works" also includes all projects
25 at leased facility property used for airport purposes under
26 Section 35 of the Local Government Facility Lease Act. "Public

1 works" also includes the construction of a new wind power
2 facility by a business designated as a High Impact Business
3 under Section 5.5(a)(3)(E) of the Illinois Enterprise Zone Act.
4 "Public works" does not include work done directly by any
5 public utility company, whether or not done under public
6 supervision or direction, or paid for wholly or in part out of
7 public funds. "Public works" also includes any corrective
8 action performed pursuant to Title XVI of the Environmental
9 Protection Act for which payment from the Underground Storage
10 Tank Fund is requested. "Public works" does not include
11 projects undertaken by the owner at an owner-occupied
12 single-family residence or at an owner-occupied unit of a
13 multi-family residence.

14 "Construction" means all work on public works involving
15 laborers, workers or mechanics. This includes any maintenance,
16 repair, assembly, or disassembly work performed on equipment
17 whether owned, leased, or rented.

18 "Locality" means the county where the physical work upon
19 public works is performed, except (1) that if there is not
20 available in the county a sufficient number of competent
21 skilled laborers, workers and mechanics to construct the public
22 works efficiently and properly, "locality" includes any other
23 county nearest the one in which the work or construction is to
24 be performed and from which such persons may be obtained in
25 sufficient numbers to perform the work and (2) that, with
26 respect to contracts for highway work with the Department of

1 Transportation of this State, "locality" may at the discretion
2 of the Secretary of the Department of Transportation be
3 construed to include two or more adjacent counties from which
4 workers may be accessible for work on such construction.

5 "Public body" means the State or any officer, board or
6 commission of the State or any political subdivision or
7 department thereof, or any institution supported in whole or in
8 part by public funds, and includes every county, city, town,
9 village, township, school district, irrigation, utility,
10 reclamation improvement or other district and every other
11 political subdivision, district or municipality of the state
12 whether such political subdivision, municipality or district
13 operates under a special charter or not.

14 The terms "general prevailing rate of hourly wages",
15 "general prevailing rate of wages" or "prevailing rate of
16 wages" when used in this Act mean the hourly cash wages plus
17 fringe benefits for training and apprenticeship programs
18 approved by the U.S. Department of Labor, Bureau of
19 Apprenticeship and Training, health and welfare, insurance,
20 vacations and pensions paid generally, in the locality in which
21 the work is being performed, to employees engaged in work of a
22 similar character on public works.

23 (Source: P.A. 96-28, eff. 7-1-09; 96-58, eff. 1-1-10; 96-186,
24 eff. 1-1-10; 96-913, eff. 6-9-10; 96-1000, eff. 7-2-10; 97-502,
25 eff. 8-23-11.)

1

ARTICLE 99.

2

EFFECTIVE DATE AND SEVERABILITY

3

Section 99-97. Severability. The provisions of this Act are
4 severable under Section 1.31 of the Statute on Statutes.

5

Section 99-99. Effective date. This Act takes effect upon
6 becoming law.".