

1 AN ACT in relation to the local governments.

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

4 Section 5. The State Finance Act is amended by changing
5 Section 8.25f and adding Sections 5.545 and 6z-51 as follows:

6 (30 ILCS 105/5.545 new)

7 Sec. 5.545. The Statewide Economic Development Fund.

8 (30 ILCS 105/6z-51 new)

9 Sec. 6z-51. Statewide Economic Development Fund.

10 (a) The Statewide Economic Development Fund is created
11 as a special fund in the State treasury. Moneys in the Fund
12 shall be used, subject to appropriation, for the purpose of
13 statewide economic development activities.

14 (30 ILCS 105/8.25f) (from Ch. 127, par. 144.25f)

15 Sec. 8.25f. McCormick Place Expansion Project Fund.

16 (a) Deposits. The following amounts shall be deposited
17 into the McCormick Place Expansion Project Fund in the State
18 Treasury: (i) the moneys required to be deposited into the
19 Fund under Section 9 of the Use Tax Act, Section 9 of the
20 Service Occupation Tax Act, Section 9 of the Service Use Tax
21 Act, and Section 3 of the Retailers' Occupation Tax Act and
22 (ii) the moneys required to be deposited into the Fund under
23 Section 13 of the Metropolitan Pier and Exposition Authority
24 Act. Notwithstanding the foregoing, the maximum amount that
25 may be deposited into the McCormick Place Expansion Project
26 Fund from item (i) shall not exceed the following amounts
27 with respect to the following fiscal years:

28	Fiscal Year	Total Deposit
29	1993	\$0

1	1994		53,000,000
2	1995		58,000,000
3	1996		61,000,000
4	1997		64,000,000
5	1998		68,000,000
6	1999		71,000,000
7	2000		75,000,000
8	2001		80,000,000
9	2002	<u>93,000,000</u>	84,000,000
10	2003	<u>99,000,000</u>	89,000,000
11	2004	<u>103,000,000</u>	93,000,000
12	2005	<u>108,000,000</u>	97,000,000
13	2006	<u>113,000,000</u>	102,000,000
14	2007	<u>119,000,000</u>	108,000,000
15	2008	<u>126,000,000</u>	115,000,000
16	2009	<u>132,000,000</u>	120,000,000
17	2010	<u>139,000,000</u>	126,000,000
18	2011	<u>146,000,000</u>	132,000,000
19	2012	<u>153,000,000</u>	138,000,000
20	2013		<u>161,000,000</u>
21	<u>2014</u>		<u>170,000,000</u>
22	<u>2015</u>		<u>179,000,000</u>
23	<u>2016</u>		<u>189,000,000</u>
24	<u>2017</u>		<u>199,000,000</u>
25	<u>2018</u>		<u>210,000,000</u>
26	<u>2019</u>		<u>221,000,000</u>
27	<u>2020</u>		<u>233,000,000</u>
28	<u>2021</u>		<u>246,000,000</u>
29	<u>2022</u>		<u>260,000,000</u>
30	<u>2023</u> and		<u>275,000,000</u>
31			145,000,000

32 each fiscal year thereafter
33 that bonds are outstanding
34 under Section 13.2 of the

1 Metropolitan Pier and Exposition
2 Authority Act, but not after
3 fiscal year ~~2042~~ 2029.

4 Provided that all amounts deposited in the Fund and
5 requested in the Authority's certificate have been paid to
6 the Authority, all amounts remaining in the McCormick Place
7 Expansion Project Fund on the last day of any month shall be
8 transferred to the General Revenue Fund.

9 (b) Authority certificate. Beginning with fiscal year
10 1994 and continuing for each fiscal year thereafter, the
11 Chairman of the Metropolitan Pier and Exposition Authority
12 shall annually certify to the State Comptroller and the State
13 Treasurer the amount necessary and required, during the
14 fiscal year with respect to which the certification is made,
15 to pay the debt service requirements (including amounts to be
16 paid with respect to arrangements to provide additional
17 security or liquidity) on all outstanding bonds and notes,
18 including refunding bonds, (collectively referred to as
19 "bonds") in an amount issued by the Authority pursuant to
20 Section 13.2 of the Metropolitan Pier and Exposition
21 Authority Act. The certificate may be amended from time to
22 time as necessary.

23 (Source: P.A. 90-612, eff. 7-8-98; 91-101, eff. 7-12-99.)

24 Section 15. The Use Tax Act is amended by changing
25 Section 9 as follows:

26 (35 ILCS 105/9) (from Ch. 120, par. 439.9)

27 Sec. 9. Except as to motor vehicles, watercraft,
28 aircraft, and trailers that are required to be registered
29 with an agency of this State, each retailer required or
30 authorized to collect the tax imposed by this Act shall pay
31 to the Department the amount of such tax (except as otherwise
32 provided) at the time when he is required to file his return

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

16 Where such tangible personal property is sold under a
17 conditional sales contract, or under any other form of sale
18 wherein the payment of the principal sum, or a part thereof,
19 is extended beyond the close of the period for which the
20 return is filed, the retailer, in collecting the tax (except
21 as to motor vehicles, watercraft, aircraft, and trailers that
22 are required to be registered with an agency of this State),
23 may collect for each tax return period, only the tax
24 applicable to that part of the selling price actually
25 received during such tax return period.

26 Except as provided in this Section, on or before the
27 twentieth day of each calendar month, such retailer shall
28 file a return for the preceding calendar month. Such return
29 shall be filed on forms prescribed by the Department and
30 shall furnish such information as the Department may
31 reasonably require.

32 The Department may require returns to be filed on a
33 quarterly basis. If so required, a return for each calendar
34 quarter shall be filed on or before the twentieth day of the

1 calendar month following the end of such calendar quarter.
2 The taxpayer shall also file a return with the Department for
3 each of the first two months of each calendar quarter, on or
4 before the twentieth day of the following calendar month,
5 stating:

6 1. The name of the seller;

7 2. The address of the principal place of business
8 from which he engages in the business of selling tangible
9 personal property at retail in this State;

10 3. The total amount of taxable receipts received by
11 him during the preceding calendar month from sales of
12 tangible personal property by him during such preceding
13 calendar month, including receipts from charge and time
14 sales, but less all deductions allowed by law;

15 4. The amount of credit provided in Section 2d of
16 this Act;

17 5. The amount of tax due;

18 5-5. The signature of the taxpayer; and

19 6. Such other reasonable information as the
20 Department may require.

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

25 Beginning October 1, 1993, a taxpayer who has an average
26 monthly tax liability of \$150,000 or more shall make all
27 payments required by rules of the Department by electronic
28 funds transfer. Beginning October 1, 1994, a taxpayer who has
29 an average monthly tax liability of \$100,000 or more shall
30 make all payments required by rules of the Department by
31 electronic funds transfer. Beginning October 1, 1995, a
32 taxpayer who has an average monthly tax liability of \$50,000
33 or more shall make all payments required by rules of the
34 Department by electronic funds transfer. Beginning October 1,

1 2000, a taxpayer who has an annual tax liability of \$200,000
2 or more shall make all payments required by rules of the
3 Department by electronic funds transfer. The term "annual
4 tax liability" shall be the sum of the taxpayer's liabilities
5 under this Act, and under all other State and local
6 occupation and use tax laws administered by the Department,
7 for the immediately preceding calendar year. The term
8 "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
11 the Department, for the immediately preceding calendar year
12 divided by 12.

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

19 Any taxpayer not required to make payments by electronic
20 funds transfer may make payments by electronic funds transfer
21 with the permission of the Department.

22 All taxpayers required to make payment by electronic
23 funds transfer and any taxpayers authorized to voluntarily
24 make payments by electronic funds transfer shall make those
25 payments in the manner authorized by the Department.

26 The Department shall adopt such rules as are necessary to
27 effectuate a program of electronic funds transfer and the
28 requirements of this Section.

29 Before October 1, 2000, if the taxpayer's average monthly
30 tax liability to the Department under this Act, the
31 Retailers' Occupation Tax Act, the Service Occupation Tax
32 Act, the Service Use Tax Act was \$10,000 or more during the
33 preceding 4 complete calendar quarters, he shall file a
34 return with the Department each month by the 20th day of the

1 month next following the month during which such tax
2 liability is incurred and shall make payments to the
3 Department on or before the 7th, 15th, 22nd and last day of
4 the month during which such liability is incurred. On and
5 after October 1, 2000, if the taxpayer's average monthly tax
6 liability to the Department under this Act, the Retailers'
7 Occupation Tax Act, the Service Occupation Tax Act, and the
8 Service Use Tax Act was \$20,000 or more during the preceding
9 4 complete calendar quarters, he shall file a return with the
10 Department each month by the 20th day of the month next
11 following the month during which such tax liability is
12 incurred and shall make payment to the Department on or
13 before the 7th, 15th, 22nd and last day of the month during
14 which such liability is incurred. If the month during which
15 such tax liability is incurred began prior to January 1,
16 1985, each payment shall be in an amount equal to 1/4 of the
17 taxpayer's actual liability for the month or an amount set by
18 the Department not to exceed 1/4 of the average monthly
19 liability of the taxpayer to the Department for the preceding
20 4 complete calendar quarters (excluding the month of highest
21 liability and the month of lowest liability in such 4 quarter
22 period). If the month during which such tax liability is
23 incurred begins on or after January 1, 1985, and prior to
24 January 1, 1987, each payment shall be in an amount equal to
25 22.5% of the taxpayer's actual liability for the month or
26 27.5% of the taxpayer's liability for the same calendar month
27 of the preceding year. If the month during which such tax
28 liability is incurred begins on or after January 1, 1987, and
29 prior to January 1, 1988, each payment shall be in an amount
30 equal to 22.5% of the taxpayer's actual liability for the
31 month or 26.25% of the taxpayer's liability for the same
32 calendar month of the preceding year. If the month during
33 which such tax liability is incurred begins on or after
34 January 1, 1988, and prior to January 1, 1989, or begins on

1 or after January 1, 1996, each payment shall be in an amount
2 equal to 22.5% of the taxpayer's actual liability for the
3 month or 25% of the taxpayer's liability for the same
4 calendar month of the preceding year. If the month during
5 which such tax liability is incurred begins on or after
6 January 1, 1989, and prior to January 1, 1996, each payment
7 shall be in an amount equal to 22.5% of the taxpayer's actual
8 liability for the month or 25% of the taxpayer's liability
9 for the same calendar month of the preceding year or 100% of
10 the taxpayer's actual liability for the quarter monthly
11 reporting period. The amount of such quarter monthly
12 payments shall be credited against the final tax liability of
13 the taxpayer's return for that month. Before October 1,
14 2000, once applicable, the requirement of the making of
15 quarter monthly payments to the Department shall continue
16 until such taxpayer's average monthly liability to the
17 Department during the preceding 4 complete calendar quarters
18 (excluding the month of highest liability and the month of
19 lowest liability) is less than \$9,000, or until such
20 taxpayer's average monthly liability to the Department as
21 computed for each calendar quarter of the 4 preceding
22 complete calendar quarter period is less than \$10,000.
23 However, if a taxpayer can show the Department that a
24 substantial change in the taxpayer's business has occurred
25 which causes the taxpayer to anticipate that his average
26 monthly tax liability for the reasonably foreseeable future
27 will fall below the \$10,000 threshold stated above, then such
28 taxpayer may petition the Department for change in such
29 taxpayer's reporting status. On and after October 1, 2000,
30 once applicable, the requirement of the making of quarter
31 monthly payments to the Department shall continue until such
32 taxpayer's average monthly liability to the Department during
33 the preceding 4 complete calendar quarters (excluding the
34 month of highest liability and the month of lowest liability)

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

25 If any such payment provided for in this Section exceeds
26 the taxpayer's liabilities under this Act, the Retailers'
27 Occupation Tax Act, the Service Occupation Tax Act and the
28 Service Use Tax Act, as shown by an original monthly return,
29 the Department shall issue to the taxpayer a credit
30 memorandum no later than 30 days after the date of payment,
31 which memorandum may be submitted by the taxpayer to the
32 Department in payment of tax liability subsequently to be
33 remitted by the taxpayer to the Department or be assigned by
34 the taxpayer to a similar taxpayer under this Act, the

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

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

30 If the retailer is otherwise required to file a monthly
31 or quarterly return and if the retailer's average monthly tax
32 liability to the Department does not exceed \$50, the
33 Department may authorize his returns to be filed on an annual
34 basis, with the return for a given year being due by January

1 20 of the following year.

2 Such quarter annual and annual returns, as to form and
3 substance, shall be subject to the same requirements as
4 monthly returns.

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

12 In addition, with respect to motor vehicles, watercraft,
13 aircraft, and trailers that are required to be registered
14 with an agency of this State, every retailer selling this
15 kind of tangible personal property shall file, with the
16 Department, upon a form to be prescribed and supplied by the
17 Department, a separate return for each such item of tangible
18 personal property which the retailer sells, except that if,
19 in the same transaction, (i) a retailer of aircraft,
20 watercraft, motor vehicles or trailers transfers more than
21 one aircraft, watercraft, motor vehicle or trailer to another
22 aircraft, watercraft, motor vehicle or trailer retailer for
23 the purpose of resale or (ii) a retailer of aircraft,
24 watercraft, motor vehicles, or trailers transfers more than
25 one aircraft, watercraft, motor vehicle, or trailer to a
26 purchaser for use as a qualifying rolling stock as provided
27 in Section 3-55 of this Act, then that seller may report the
28 transfer of all the aircraft, watercraft, motor vehicles or
29 trailers involved in that transaction to the Department on
30 the same uniform invoice-transaction reporting return form.
31 For purposes of this Section, "watercraft" means a Class 2,
32 Class 3, or Class 4 watercraft as defined in Section 3-2 of
33 the Boat Registration and Safety Act, a personal watercraft,
34 or any boat equipped with an inboard motor.

1 The transaction reporting return in the case of motor
2 vehicles or trailers that are required to be registered with
3 an agency of this State, shall be the same document as the
4 Uniform Invoice referred to in Section 5-402 of the Illinois
5 Vehicle Code and must show the name and address of the
6 seller; the name and address of the purchaser; the amount of
7 the selling price including the amount allowed by the
8 retailer for traded-in property, if any; the amount allowed
9 by the retailer for the traded-in tangible personal property,
10 if any, to the extent to which Section 2 of this Act allows
11 an exemption for the value of traded-in property; the balance
12 payable after deducting such trade-in allowance from the
13 total selling price; the amount of tax due from the retailer
14 with respect to such transaction; the amount of tax collected
15 from the purchaser by the retailer on such transaction (or
16 satisfactory evidence that such tax is not due in that
17 particular instance, if that is claimed to be the fact); the
18 place and date of the sale; a sufficient identification of
19 the property sold; such other information as is required in
20 Section 5-402 of the Illinois Vehicle Code, and such other
21 information as the Department may reasonably require.

22 The transaction reporting return in the case of
23 watercraft and aircraft must show the name and address of the
24 seller; the name and address of the purchaser; the amount of
25 the selling price including the amount allowed by the
26 retailer for traded-in property, if any; the amount allowed
27 by the retailer for the traded-in tangible personal property,
28 if any, to the extent to which Section 2 of this Act allows
29 an exemption for the value of traded-in property; the balance
30 payable after deducting such trade-in allowance from the
31 total selling price; the amount of tax due from the retailer
32 with respect to such transaction; the amount of tax collected
33 from the purchaser by the retailer on such transaction (or
34 satisfactory evidence that such tax is not due in that

1 particular instance, if that is claimed to be the fact); the
2 place and date of the sale, a sufficient identification of
3 the property sold, and such other information as the
4 Department may reasonably require.

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

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

30 No retailer's failure or refusal to remit tax under this
31 Act precludes a user, who has paid the proper tax to the
32 retailer, from obtaining his certificate of title or other
33 evidence of title or registration (if titling or registration
34 is required) upon satisfying the Department that such user

1 has paid the proper tax (if tax is due) to the retailer. The
2 Department shall adopt appropriate rules to carry out the
3 mandate of this paragraph.

4 If the user who would otherwise pay tax to the retailer
5 wants the transaction reporting return filed and the payment
6 of tax or proof of exemption made to the Department before
7 the retailer is willing to take these actions and such user
8 has not paid the tax to the retailer, such user may certify
9 to the fact of such delay by the retailer, and may (upon the
10 Department being satisfied of the truth of such
11 certification) transmit the information required by the
12 transaction reporting return and the remittance for tax or
13 proof of exemption directly to the Department and obtain his
14 tax receipt or exemption determination, in which event the
15 transaction reporting return and tax remittance (if a tax
16 payment was required) shall be credited by the Department to
17 the proper retailer's account with the Department, but
18 without the 2.1% or 1.75% discount provided for in this
19 Section being allowed. When the user pays the tax directly
20 to the Department, he shall pay the tax in the same amount
21 and in the same form in which it would be remitted if the tax
22 had been remitted to the Department by the retailer.

23 Where a retailer collects the tax with respect to the
24 selling price of tangible personal property which he sells
25 and the purchaser thereafter returns such tangible personal
26 property and the retailer refunds the selling price thereof
27 to the purchaser, such retailer shall also refund, to the
28 purchaser, the tax so collected from the purchaser. When
29 filing his return for the period in which he refunds such tax
30 to the purchaser, the retailer may deduct the amount of the
31 tax so refunded by him to the purchaser from any other use
32 tax which such retailer may be required to pay or remit to
33 the Department, as shown by such return, if the amount of the
34 tax to be deducted was previously remitted to the Department

1 by such retailer. If the retailer has not previously
2 remitted the amount of such tax to the Department, he is
3 entitled to no deduction under this Act upon refunding such
4 tax to the purchaser.

5 Any retailer filing a return under this Section shall
6 also include (for the purpose of paying tax thereon) the
7 total tax covered by such return upon the selling price of
8 tangible personal property purchased by him at retail from a
9 retailer, but as to which the tax imposed by this Act was not
10 collected from the retailer filing such return, and such
11 retailer shall remit the amount of such tax to the Department
12 when filing such return.

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

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

25 Beginning January 1, 1990, each month the Department
26 shall pay into the State and Local Sales Tax Reform Fund, a
27 special fund in the State Treasury which is hereby created,
28 the net revenue realized for the preceding month from the 1%
29 tax on sales of food for human consumption which is to be
30 consumed off the premises where it is sold (other than
31 alcoholic beverages, soft drinks and food which has been
32 prepared for immediate consumption) and prescription and
33 nonprescription medicines, drugs, medical appliances and
34 insulin, urine testing materials, syringes and needles used

1 by diabetics.

2 Beginning January 1, 1990, each month the Department
3 shall pay into the County and Mass Transit District Fund 4%
4 of the net revenue realized for the preceding month from the
5 6.25% general rate on the selling price of tangible personal
6 property which is purchased outside Illinois at retail from a
7 retailer and which is titled or registered by an agency of
8 this State's government.

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

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

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

28 Of the remainder of the moneys received by the Department
29 pursuant to this Act, (a) 1.75% thereof shall be paid into
30 the Build Illinois Fund and (b) prior to July 1, 1989, 2.2%
31 and on and after July 1, 1989, 3.8% thereof shall be paid
32 into the Build Illinois Fund; provided, however, that if in
33 any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%,
34 as the case may be, of the moneys received by the Department

1 and required to be paid into the Build Illinois Fund pursuant
2 to Section 3 of the Retailers' Occupation Tax Act, Section 9
3 of the Use Tax Act, Section 9 of the Service Use Tax Act, and
4 Section 9 of the Service Occupation Tax Act, such Acts being
5 hereinafter called the "Tax Acts" and such aggregate of 2.2%
6 or 3.8%, as the case may be, of moneys being hereinafter
7 called the "Tax Act Amount", and (2) the amount transferred
8 to the Build Illinois Fund from the State and Local Sales Tax
9 Reform Fund shall be less than the Annual Specified Amount
10 (as defined in Section 3 of the Retailers' Occupation Tax
11 Act), an amount equal to the difference shall be immediately
12 paid into the Build Illinois Fund from other moneys received
13 by the Department pursuant to the Tax Acts; and further
14 provided, that if on the last business day of any month the
15 sum of (1) the Tax Act Amount required to be deposited into
16 the Build Illinois Bond Account in the Build Illinois Fund
17 during such month and (2) the amount transferred during such
18 month to the Build Illinois Fund from the State and Local
19 Sales Tax Reform Fund shall have been less than 1/12 of the
20 Annual Specified Amount, an amount equal to the difference
21 shall be immediately paid into the Build Illinois Fund from
22 other moneys received by the Department pursuant to the Tax
23 Acts; and, further provided, that in no event shall the
24 payments required under the preceding proviso result in
25 aggregate payments into the Build Illinois Fund pursuant to
26 this clause (b) for any fiscal year in excess of the greater
27 of (i) the Tax Act Amount or (ii) the Annual Specified Amount
28 for such fiscal year; and, further provided, that the amounts
29 payable into the Build Illinois Fund under this clause (b)
30 shall be payable only until such time as the aggregate amount
31 on deposit under each trust indenture securing Bonds issued
32 and outstanding pursuant to the Build Illinois Bond Act is
33 sufficient, taking into account any future investment income,
34 to fully provide, in accordance with such indenture, for the

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

26 Subject to payment of amounts into the Build Illinois
27 Fund as provided in the preceding paragraph or in any
28 amendment thereto hereafter enacted, the following specified
29 monthly installment of the amount requested in the
30 certificate of the Chairman of the Metropolitan Pier and
31 Exposition Authority provided under Section 8.25f of the
32 State Finance Act, but not in excess of the sums designated
33 as "Total Deposit", shall be deposited in the aggregate from
34 collections under Section 9 of the Use Tax Act, Section 9 of

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

5	Fiscal Year	Total Deposit
6	1993	\$0
7	1994	53,000,000
8	1995	58,000,000
9	1996	61,000,000
10	1997	64,000,000
11	1998	68,000,000
12	1999	71,000,000
13	2000	75,000,000
14	2001	80,000,000
15	2002	<u>93,000,000</u> 84,000,000
16	2003	<u>99,000,000</u> 89,000,000
17	2004	<u>103,000,000</u> 93,000,000
18	2005	<u>108,000,000</u> 97,000,000
19	2006	<u>113,000,000</u> 102,000,000
20	2007	<u>119,000,000</u> 108,000,000
21	2008	<u>126,000,000</u> 115,000,000
22	2009	<u>132,000,000</u> 120,000,000
23	2010	<u>139,000,000</u> 126,000,000
24	2011	<u>146,000,000</u> 132,000,000
25	2012	<u>153,000,000</u> 138,000,000
26	2013	<u>161,000,000</u>
27	<u>2014</u>	<u>170,000,000</u>
28	<u>2015</u>	<u>179,000,000</u>
29	<u>2016</u>	<u>189,000,000</u>
30	<u>2017</u>	<u>199,000,000</u>
31	<u>2018</u>	<u>210,000,000</u>
32	<u>2019</u>	<u>221,000,000</u>
33	<u>2020</u>	<u>233,000,000</u>
34	<u>2021</u>	<u>246,000,000</u>

1	<u>2022</u>	<u>260,000,000</u>
2	<u>2023</u> and	<u>275,000,000</u>
3		<u>145,000,000</u>

4 each fiscal year
5 thereafter that bonds
6 are outstanding under
7 Section 13.2 of the
8 Metropolitan Pier and
9 Exposition Authority
10 Act, but not after fiscal year 2042 2029.

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

24 Subject to payment of amounts into the Build Illinois
25 Fund and the McCormick Place Expansion Project Fund pursuant
26 to the preceding paragraphs or in any amendment thereto
27 hereafter enacted, each month the Department shall pay into
28 the Local Government Distributive Fund .4% of the net revenue
29 realized for the preceding month from the 5% general rate, or
30 .4% of 80% of the net revenue realized for the preceding
31 month from the 6.25% general rate, as the case may be, on the
32 selling price of tangible personal property which amount
33 shall, subject to appropriation, be distributed as provided
34 in Section 2 of the State Revenue Sharing Act. No payments or

1 distributions pursuant to this paragraph shall be made if the
2 tax imposed by this Act on photoprocessing products is
3 declared unconstitutional, or if the proceeds from such tax
4 are unavailable for distribution because of litigation.

5 Subject to payment of amounts into the Build Illinois
6 Fund, the McCormick Place Expansion Project Fund, and the
7 Local Government Distributive Fund pursuant to the preceding
8 paragraphs or in any amendments thereto hereafter enacted,
9 beginning July 1, 1993, the Department shall each month pay
10 into the Illinois Tax Increment Fund 0.27% of 80% of the net
11 revenue realized for the preceding month from the 6.25%
12 general rate on the selling price of tangible personal
13 property.

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

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

28 Net revenue realized for a month shall be the revenue
29 collected by the State pursuant to this Act, less the amount
30 paid out during that month as refunds to taxpayers for
31 overpayment of liability.

32 For greater simplicity of administration, manufacturers,
33 importers and wholesalers whose products are sold at retail
34 in Illinois by numerous retailers, and who wish to do so, may

1 assume the responsibility for accounting and paying to the
2 Department all tax accruing under this Act with respect to
3 such sales, if the retailers who are affected do not make
4 written objection to the Department to this arrangement.

5 (Source: P.A. 90-491, eff. 1-1-99; 90-612, eff. 7-8-98;
6 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; 91-101, eff.
7 7-12-99; 91-541, eff. 8-13-99; 91-872, eff. 7-1-00; 91-901,
8 eff. 1-1-01; revised 8-30-00.)

9 Section 20. The Service Use Tax Act is amended by
10 changing Section 9 as follows:

11 (35 ILCS 110/9) (from Ch. 120, par. 439.39)

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

27 Except as provided hereinafter in this Section, on or
28 before the twentieth day of each calendar month, such
29 serviceman shall file a return for the preceding calendar
30 month in accordance with reasonable Rules and Regulations to
31 be promulgated by the Department. Such return shall be filed
32 on a form prescribed by the Department and shall contain such

1 information as the Department may reasonably require.

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

- 10 1. The name of the seller;
- 11 2. The address of the principal place of business
12 from which he engages in business as a serviceman in this
13 State;
- 14 3. The total amount of taxable receipts received by
15 him during the preceding calendar month, including
16 receipts from charge and time sales, but less all
17 deductions allowed by law;
- 18 4. The amount of credit provided in Section 2d of
19 this Act;
- 20 5. The amount of tax due;
- 21 5-5. The signature of the taxpayer; and
- 22 6. Such other reasonable information as the
23 Department may require.

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

28 Beginning October 1, 1993, a taxpayer who has an average
29 monthly tax liability of \$150,000 or more shall make all
30 payments required by rules of the Department by electronic
31 funds transfer. Beginning October 1, 1994, a taxpayer who
32 has an average monthly tax liability of \$100,000 or more
33 shall make all payments required by rules of the Department
34 by electronic funds transfer. Beginning October 1, 1995, a

1 taxpayer who has an average monthly tax liability of \$50,000
2 or more shall make all payments required by rules of the
3 Department by electronic funds transfer. Beginning October 1,
4 2000, a taxpayer who has an annual tax liability of \$200,000
5 or more shall make all payments required by rules of the
6 Department by electronic funds transfer. The term "annual
7 tax liability" shall be the sum of the taxpayer's liabilities
8 under this Act, and under all other State and local
9 occupation and use tax laws administered by the Department,
10 for the immediately preceding calendar year. The term
11 "average monthly tax liability" means the sum of the
12 taxpayer's liabilities under this Act, and under all other
13 State and local occupation and use tax laws administered by
14 the Department, for the immediately preceding calendar year
15 divided by 12.

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

29 The Department shall adopt such rules as are necessary to
30 effectuate a program of electronic funds transfer and the
31 requirements of this Section.

32 If the serviceman is otherwise required to file a monthly
33 return and if the serviceman's average monthly tax liability
34 to 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
3 year being due by April 20 of such year; with the return for
4 April, May and June of a given year being due by July 20 of
5 such year; with the return for July, August and September of
6 a given year being due by October 20 of such year, and with
7 the return for October, November and December of a given year
8 being due by 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
11 tax liability to 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
14 20 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
17 monthly returns.

18 Notwithstanding any other provision in this Act
19 concerning the time within which a serviceman may file his
20 return, in the case of any serviceman who ceases to engage in
21 a kind of business which makes him responsible for filing
22 returns under this Act, such serviceman shall file a final
23 return under this Act with the Department not more than 1
24 month after 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
27 thereafter returns such property and the serviceman refunds
28 the selling price thereof to the purchaser, such serviceman
29 shall also refund, to the purchaser, the tax so collected
30 from the purchaser. When filing his return for the period in
31 which he refunds such tax to the purchaser, the serviceman
32 may deduct the amount of the tax so refunded by him to the
33 purchaser from any other Service Use Tax, Service Occupation
34 Tax, retailers' occupation tax or use tax which such

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

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

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

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

25 Beginning January 1, 1990, each month the Department
26 shall pay into the State and Local Tax Reform Fund, a special
27 fund in the State Treasury, the net revenue realized for the
28 preceding month from the 1% tax on sales of food for human
29 consumption which is to be consumed off the premises where it
30 is sold (other than alcoholic beverages, soft drinks and food
31 which has been prepared for immediate consumption) and
32 prescription and nonprescription medicines, drugs, medical
33 appliances and insulin, urine testing materials, syringes and
34 needles used by diabetics.

1 Beginning January 1, 1990, each month the Department
2 shall pay into the State and Local Sales Tax Reform Fund 20%
3 of the net revenue realized for the preceding month from the
4 6.25% general rate on transfers of tangible personal
5 property, other than tangible personal property which is
6 purchased outside Illinois at retail from a retailer and
7 which is titled or registered by an agency of this State's
8 government.

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

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

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

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

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

24	Fiscal Year	Total Deposit
25	1993	\$0
26	1994	53,000,000
27	1995	58,000,000
28	1996	61,000,000
29	1997	64,000,000
30	1998	68,000,000
31	1999	71,000,000
32	2000	75,000,000
33	2001	80,000,000
34	2002	<u>93,000,000</u> 84,000,000

1	2003	<u>99,000,000</u>	89,000,000
2	2004	<u>103,000,000</u>	93,000,000
3	2005	<u>108,000,000</u>	97,000,000
4	2006	<u>113,000,000</u>	102,000,000
5	2007	<u>119,000,000</u>	108,000,000
6	2008	<u>126,000,000</u>	115,000,000
7	2009	<u>132,000,000</u>	120,000,000
8	2010	<u>139,000,000</u>	126,000,000
9	2011	<u>146,000,000</u>	132,000,000
10	2012	<u>153,000,000</u>	138,000,000
11	2013		<u>161,000,000</u>
12	<u>2014</u>		<u>170,000,000</u>
13	<u>2015</u>		<u>179,000,000</u>
14	<u>2016</u>		<u>189,000,000</u>
15	<u>2017</u>		<u>199,000,000</u>
16	<u>2018</u>		<u>210,000,000</u>
17	<u>2019</u>		<u>221,000,000</u>
18	<u>2020</u>		<u>233,000,000</u>
19	<u>2021</u>		<u>246,000,000</u>
20	<u>2022</u>		<u>260,000,000</u>
21	<u>2023</u> and		<u>275,000,000</u>
22			145,000,000

23 each fiscal year
 24 thereafter that bonds
 25 are outstanding under
 26 Section 13.2 of the
 27 Metropolitan Pier and
 28 Exposition Authority Act,
 29 but not after fiscal year 2042 2029.

30 Beginning July 20, 1993 and in each month of each fiscal
 31 year thereafter, one-eighth of the amount requested in the
 32 certificate of the Chairman of the Metropolitan Pier and
 33 Exposition Authority for that fiscal year, less the amount
 34 deposited into the McCormick Place Expansion Project Fund by

1 the State Treasurer in the respective month under subsection
2 (g) of Section 13 of the Metropolitan Pier and Exposition
3 Authority Act, plus cumulative deficiencies in the deposits
4 required under this Section for previous months and years,
5 shall be deposited into the McCormick Place Expansion Project
6 Fund, until the full amount requested for the fiscal year,
7 but not in excess of the amount specified above as "Total
8 Deposit", has been deposited.

9 Subject to payment of amounts into the Build Illinois
10 Fund and the McCormick Place Expansion Project Fund pursuant
11 to the preceding paragraphs or in any amendment thereto
12 hereafter enacted, each month the Department shall pay into
13 the Local Government Distributive Fund 0.4% of the net
14 revenue realized for the preceding month from the 5% general
15 rate or 0.4% of 80% of the net revenue realized for the
16 preceding month from the 6.25% general rate, as the case may
17 be, on the selling price of tangible personal property which
18 amount shall, subject to appropriation, be distributed as
19 provided in Section 2 of the State Revenue Sharing Act. No
20 payments or distributions pursuant to this paragraph shall be
21 made if the tax imposed by this Act on photo processing
22 products is declared unconstitutional, or if the proceeds
23 from such tax are unavailable for distribution because of
24 litigation.

25 Subject to payment of amounts into the Build Illinois
26 Fund, the McCormick Place Expansion Project Fund, and the
27 Local Government Distributive Fund pursuant to the preceding
28 paragraphs or in any amendments thereto hereafter enacted,
29 beginning July 1, 1993, the Department shall each month pay
30 into the Illinois Tax Increment Fund 0.27% of 80% of the net
31 revenue realized for the preceding month from the 6.25%
32 general rate on the selling price of tangible personal
33 property.

34 All remaining moneys received by the Department pursuant

1 to this Act shall be paid into the General Revenue Fund of
2 the State Treasury.

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

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

15 (Source: P.A. 90-612, eff. 7-8-98; 91-37, eff. 7-1-99; 91-51,
16 eff. 6-30-99; 91-101, eff. 7-12-99; 91-541, eff. 8-13-99;
17 91-872, eff. 7-1-00.)

18 Section 25. 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
22 collect the tax herein imposed shall pay to the Department
23 the amount of such tax at the time when he is required to
24 file his return for the period during which such tax was
25 collectible, less a discount of 2.1% prior to January 1,
26 1990, and 1.75% on and after January 1, 1990, or \$5 per
27 calendar year, whichever is greater, which is allowed to
28 reimburse the serviceman for expenses incurred in collecting
29 the tax, keeping records, preparing and filing returns,
30 remitting the tax and supplying data to the Department on
31 request.

32 Where such tangible personal property is sold under a

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

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

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

- 24 1. The name of the seller;
- 25 2. The address of the principal place of business
26 from which he engages in business as a serviceman in this
27 State;
- 28 3. The total amount of taxable receipts received by
29 him during the preceding calendar month, including
30 receipts from charge and time sales, but less all
31 deductions allowed by law;
- 32 4. The amount of credit provided in Section 2d of
33 this Act;
- 34 5. The amount of tax due;

1 5-5. The signature of the taxpayer; and
2 6. Such other reasonable information as the
3 Department may require.

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

8 A serviceman may accept a Manufacturer's Purchase Credit
9 certification from a purchaser in satisfaction of Service Use
10 Tax as provided in Section 3-70 of the Service Use Tax Act if
11 the purchaser provides the appropriate documentation as
12 required by Section 3-70 of the Service Use Tax Act. A
13 Manufacturer's Purchase Credit certification, accepted by a
14 serviceman as provided in Section 3-70 of the Service Use Tax
15 Act, may be used by that serviceman to satisfy Service
16 Occupation Tax liability in the amount claimed in the
17 certification, not to exceed 6.25% of the receipts subject to
18 tax from a qualifying purchase.

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

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

34 Such quarter annual and annual returns, as to form and

1 substance, shall be subject to the same requirements as
2 monthly returns.

3 Notwithstanding any other provision in this Act
4 concerning the time within which a serviceman may file his
5 return, in the case of any serviceman who ceases to engage in
6 a kind of business which makes him responsible for filing
7 returns under this Act, such serviceman shall file a final
8 return under this Act with the Department not more than 1
9 month after discontinuing such business.

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

32 Before August 1 of each year beginning in 1993, the
33 Department shall notify all taxpayers required to make
34 payments by electronic funds transfer. All taxpayers

1 required to make payments by electronic funds transfer shall
2 make those payments for a minimum of one year beginning on
3 October 1.

4 Any taxpayer not required to make payments by electronic
5 funds transfer may make payments by electronic funds transfer
6 with the permission of the Department.

7 All taxpayers required to make payment by electronic
8 funds transfer and any taxpayers authorized to voluntarily
9 make payments by electronic funds transfer shall make those
10 payments in the manner authorized by the Department.

11 The Department shall adopt such rules as are necessary to
12 effectuate a program of electronic funds transfer and the
13 requirements of this Section.

14 Where a serviceman collects the tax with respect to the
15 selling price of tangible personal property which he sells
16 and the purchaser thereafter returns such tangible personal
17 property and the serviceman refunds the selling price thereof
18 to the purchaser, such serviceman shall also refund, to the
19 purchaser, the tax so collected from the purchaser. When
20 filing his return for the period in which he refunds such tax
21 to the purchaser, the serviceman may deduct the amount of the
22 tax so refunded by him to the purchaser from any other
23 Service Occupation Tax, Service Use Tax, Retailers'
24 Occupation Tax or Use Tax which such serviceman may be
25 required to pay or remit to the Department, as shown by such
26 return, provided that the amount of the tax to be deducted
27 shall previously have been remitted to the Department by such
28 serviceman. If the serviceman shall not previously have
29 remitted the amount of such tax to the Department, he shall
30 be entitled to no deduction hereunder upon refunding such tax
31 to the purchaser.

32 If experience indicates such action to be practicable,
33 the Department may prescribe and furnish a combination or
34 joint return which will enable servicemen, who are required

1 to file returns hereunder and also under the Retailers'
2 Occupation Tax Act, the Use Tax Act or the Service Use Tax
3 Act, to furnish all the return information required by all
4 said Acts on the one form.

5 Where the serviceman has more than one business
6 registered with the Department under separate registrations
7 hereunder, such serviceman shall file separate returns for
8 each registered business.

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

18 Beginning January 1, 1990, each month the Department
19 shall pay into the County and Mass Transit District Fund 4%
20 of the revenue realized for the preceding month from the
21 6.25% general rate.

22 Beginning August 1, 2000, each month the Department shall
23 pay into the County and Mass Transit District Fund 20% of the
24 net revenue realized for the preceding month from the 1.25%
25 rate on the selling price of motor fuel and gasohol.

26 Beginning January 1, 1990, each month the Department
27 shall pay into the Local Government Tax Fund 16% of the
28 revenue realized for the preceding month from the 6.25%
29 general rate on transfers of tangible personal property.

30 Beginning August 1, 2000, each month the Department shall
31 pay into the Local Government Tax Fund 80% of the net revenue
32 realized for the preceding month from the 1.25% rate on the
33 selling price of motor fuel and gasohol.

34 Of the remainder of the moneys received by the Department

1 pursuant to this Act, (a) 1.75% thereof shall be paid into
2 the Build Illinois Fund and (b) prior to July 1, 1989, 2.2%
3 and on and after July 1, 1989, 3.8% thereof shall be paid
4 into the Build Illinois Fund; provided, however, that if in
5 any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%,
6 as the case may be, of the moneys received by the Department
7 and required to be paid into the Build Illinois Fund pursuant
8 to Section 3 of the Retailers' Occupation Tax Act, Section 9
9 of the Use Tax Act, Section 9 of the Service Use Tax Act, and
10 Section 9 of the Service Occupation Tax Act, such Acts being
11 hereinafter called the "Tax Acts" and such aggregate of 2.2%
12 or 3.8%, as the case may be, of moneys being hereinafter
13 called the "Tax Act Amount", and (2) the amount transferred
14 to the Build Illinois Fund from the State and Local Sales Tax
15 Reform Fund shall be less than the Annual Specified Amount
16 (as defined in Section 3 of the Retailers' Occupation Tax
17 Act), an amount equal to the difference shall be immediately
18 paid into the Build Illinois Fund from other moneys received
19 by the Department pursuant to the Tax Acts; and further
20 provided, that if on the last business day of any month the
21 sum of (1) the Tax Act Amount required to be deposited into
22 the Build Illinois Account in the Build Illinois Fund during
23 such month and (2) the amount transferred during such month
24 to the Build Illinois Fund from the State and Local Sales Tax
25 Reform Fund shall have been less than 1/12 of the Annual
26 Specified Amount, an amount equal to the difference shall be
27 immediately paid into the Build Illinois Fund from other
28 moneys received by the Department pursuant to the Tax Acts;
29 and, further provided, that in no event shall the payments
30 required under the preceding proviso result in aggregate
31 payments into the Build Illinois Fund pursuant to this clause
32 (b) for any fiscal year in excess of the greater of (i) the
33 Tax Act Amount or (ii) the Annual Specified Amount for such
34 fiscal year; and, further provided, that the amounts payable

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

32 Subject to payment of amounts into the Build Illinois
33 Fund as provided in the preceding paragraph or in any
34 amendment thereto hereafter enacted, the following specified

1 monthly installment of the amount requested in the
 2 certificate of the Chairman of the Metropolitan Pier and
 3 Exposition Authority provided under Section 8.25f of the
 4 State Finance Act, but not in excess of the sums designated
 5 as "Total Deposit", shall be deposited in the aggregate from
 6 collections under Section 9 of the Use Tax Act, Section 9 of
 7 the Service Use Tax Act, Section 9 of the Service Occupation
 8 Tax Act, and Section 3 of the Retailers' Occupation Tax Act
 9 into the McCormick Place Expansion Project Fund in the
 10 specified fiscal years.

11	Fiscal Year	Total Deposit
12	1993	\$0
13	1994	53,000,000
14	1995	58,000,000
15	1996	61,000,000
16	1997	64,000,000
17	1998	68,000,000
18	1999	71,000,000
19	2000	75,000,000
20	2001	80,000,000
21	2002	<u>93,000,000</u> 84,000,000
22	2003	<u>99,000,000</u> 89,000,000
23	2004	<u>103,000,000</u> 93,000,000
24	2005	<u>108,000,000</u> 97,000,000
25	2006	<u>113,000,000</u> 102,000,000
26	2007	<u>119,000,000</u> 108,000,000
27	2008	<u>126,000,000</u> 115,000,000
28	2009	<u>132,000,000</u> 120,000,000
29	2010	<u>139,000,000</u> 126,000,000
30	2011	<u>146,000,000</u> 132,000,000
31	2012	<u>153,000,000</u> 138,000,000
32	2013	<u>161,000,000</u>
33	<u>2014</u>	<u>170,000,000</u>
34	<u>2015</u>	<u>179,000,000</u>

1	<u>2016</u>	<u>189,000,000</u>
2	<u>2017</u>	<u>199,000,000</u>
3	<u>2018</u>	<u>210,000,000</u>
4	<u>2019</u>	<u>221,000,000</u>
5	<u>2020</u>	<u>233,000,000</u>
6	<u>2021</u>	<u>246,000,000</u>
7	<u>2022</u>	<u>260,000,000</u>
8	<u>2023</u> and	<u>275,000,000</u>
9		<u>145,000,000</u>

10 each fiscal year
 11 thereafter that bonds
 12 are outstanding under
 13 Section 13.2 of the
 14 Metropolitan Pier and
 15 Exposition Authority
 16 Act, but not after fiscal year 2042 ~~2029~~.

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

30 Subject to payment of amounts into the Build Illinois
 31 Fund and the McCormick Place Expansion Project Fund pursuant
 32 to the preceding paragraphs or in any amendment thereto
 33 hereafter enacted, each month the Department shall pay into
 34 the Local Government Distributive Fund 0.4% of the net

1 revenue realized for the preceding month from the 5% general
2 rate or 0.4% of 80% of the net revenue realized for the
3 preceding month from the 6.25% general rate, as the case may
4 be, on the selling price of tangible personal property which
5 amount shall, subject to appropriation, be distributed as
6 provided in Section 2 of the State Revenue Sharing Act. No
7 payments or distributions pursuant to this paragraph shall be
8 made if the tax imposed by this Act on photoprocessing
9 products is declared unconstitutional, or if the proceeds
10 from such tax are unavailable for distribution because of
11 litigation.

12 Subject to payment of amounts into the Build Illinois
13 Fund, the McCormick Place Expansion Project Fund, and the
14 Local Government Distributive Fund pursuant to the preceding
15 paragraphs or in any amendments thereto hereafter enacted,
16 beginning July 1, 1993, the Department shall each month pay
17 into the Illinois Tax Increment Fund 0.27% of 80% of the net
18 revenue realized for the preceding month from the 6.25%
19 general rate on the selling price of tangible personal
20 property.

21 Remaining moneys received by the Department pursuant to
22 this Act shall be paid into the General Revenue Fund of the
23 State Treasury.

24 The Department may, upon separate written notice to a
25 taxpayer, require the taxpayer to prepare and file with the
26 Department on a form prescribed by the Department within not
27 less than 60 days after receipt of the notice an annual
28 information return for the tax year specified in the notice.
29 Such annual return to the Department shall include a
30 statement of gross receipts as shown by the taxpayer's last
31 Federal income tax return. If the total receipts of the
32 business as reported in the Federal income tax return do not
33 agree with the gross receipts reported to the Department of
34 Revenue for the same period, the taxpayer shall attach to his

1 annual return a schedule showing a reconciliation of the 2
2 amounts and the reasons for the difference. The taxpayer's
3 annual return to the Department shall also disclose the cost
4 of goods sold by the taxpayer during the year covered by such
5 return, opening and closing inventories of such goods for
6 such year, cost of goods used from stock or taken from stock
7 and given away by the taxpayer during such year, pay roll
8 information of the taxpayer's business during such year and
9 any additional reasonable information which the Department
10 deems would be helpful in determining the accuracy of the
11 monthly, quarterly or annual returns filed by such taxpayer
12 as hereinbefore provided for in this Section.

13 If the annual information return required by this Section
14 is not filed when and as required, the taxpayer shall be
15 liable as follows:

16 (i) Until January 1, 1994, the taxpayer shall be
17 liable for a penalty equal to 1/6 of 1% of the tax due
18 from such taxpayer under this Act during the period to be
19 covered by the annual return for each month or fraction
20 of a month until such return is filed as required, the
21 penalty to be assessed and collected in the same manner
22 as any other penalty provided for in this Act.

23 (ii) On and after January 1, 1994, the taxpayer
24 shall be liable for a penalty as described in Section 3-4
25 of the Uniform Penalty and Interest Act.

26 The chief executive officer, proprietor, owner or highest
27 ranking manager shall sign the annual return to certify the
28 accuracy of the information contained therein. Any person
29 who willfully signs the annual return containing false or
30 inaccurate information shall be guilty of perjury and
31 punished accordingly. The annual return form prescribed by
32 the Department shall include a warning that the person
33 signing the return may be liable for perjury.

34 The foregoing portion of this Section concerning the

1 filing of an annual information return shall not apply to a
2 serviceman who is not required to file an income tax return
3 with the United States Government.

4 As soon as possible after the first day of each month,
5 upon certification of the Department of Revenue, the
6 Comptroller shall order transferred and the Treasurer shall
7 transfer from the General Revenue Fund to the Motor Fuel Tax
8 Fund an amount equal to 1.7% of 80% of the net revenue
9 realized under this Act for the second preceding month.
10 Beginning April 1, 2000, this transfer is no longer required
11 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 For greater simplicity of administration, it shall be
17 permissible for manufacturers, importers and wholesalers
18 whose products are sold by numerous servicemen in Illinois,
19 and who wish to do so, to assume the responsibility for
20 accounting and paying to the Department all tax accruing
21 under this Act with respect to such sales, if the servicemen
22 who are affected do not make written objection to the
23 Department to this arrangement.

24 (Source: P.A. 90-612, eff. 7-8-98; 91-37, eff. 7-1-99; 91-51,
25 eff. 6-30-99; 91-101, eff. 7-12-99; 91-541, eff. 8-13-99;
26 91-872, eff. 7-1-00.)

27 Section 30. The Retailers' Occupation Tax Act is amended
28 by changing Section 3 as follows:

29 (35 ILCS 120/3) (from Ch. 120, par. 442)

30 Sec. 3. Except as provided in this Section, on or before
31 the twentieth day of each calendar month, every person
32 engaged in the business of selling tangible personal property

1 at retail in this State during the preceding calendar month
2 shall file a return with the Department, stating:

- 3 1. The name of the seller;
- 4 2. His residence address and the address of his
5 principal place of business and the address of the
6 principal place of business (if that is a different
7 address) from which he engages in the business of selling
8 tangible personal property at retail in this State;
- 9 3. Total amount of receipts received by him during
10 the preceding calendar month or quarter, as the case may
11 be, from sales of tangible personal property, and from
12 services furnished, by him during such preceding calendar
13 month or quarter;
- 14 4. Total amount received by him during the
15 preceding calendar month or quarter on charge and time
16 sales of tangible personal property, and from services
17 furnished, by him prior to the month or quarter for which
18 the return is filed;
- 19 5. Deductions allowed by law;
- 20 6. Gross receipts which were received by him during
21 the preceding calendar month or quarter and upon the
22 basis of which the tax is imposed;
- 23 7. The amount of credit provided in Section 2d of
24 this Act;
- 25 8. The amount of tax due;
- 26 9. The signature of the taxpayer; and
- 27 10. Such other reasonable information as the
28 Department may require.

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

33 Each return shall be accompanied by the statement of
34 prepaid tax issued pursuant to Section 2e for which credit is

1 claimed.

2 A retailer may accept a Manufacturer's Purchase Credit
 3 certification from a purchaser in satisfaction of Use Tax as
 4 provided in Section 3-85 of the Use Tax Act if the purchaser
 5 provides the appropriate documentation as required by Section
 6 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit
 7 certification, accepted by a retailer as provided in Section
 8 3-85 of the Use Tax Act, may be used by that retailer to
 9 satisfy Retailers' Occupation Tax liability in the amount
 10 claimed in the certification, not to exceed 6.25% of the
 11 receipts subject to tax from a qualifying purchase.

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.
 16 The taxpayer shall also file a return with the Department for
 17 each of the first two months of each calendar quarter, on or
 18 before the twentieth day of the following calendar month,
 19 stating:

- 20 1. The name of the seller;
- 21 2. The address of the principal place of business
 22 from which he engages in the business of selling tangible
 23 personal property at retail in this State;
- 24 3. The total amount of taxable receipts received by
 25 him during the preceding calendar month from sales of
 26 tangible personal property by him during such preceding
 27 calendar month, including receipts from charge and time
 28 sales, but less all deductions allowed by law;
- 29 4. The amount of credit provided in Section 2d of
 30 this Act;
- 31 5. The amount of tax due; and
- 32 6. Such other reasonable information as the
 33 Department may require.

34 If a total amount of less than \$1 is payable, refundable

1 or creditable, such amount shall be disregarded if it is less
2 than 50 cents and shall be increased to \$1 if it is 50 cents
3 or more.

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

26 Before August 1 of each year beginning in 1993, the
27 Department shall notify all taxpayers required to make
28 payments by electronic funds transfer. All taxpayers
29 required to make payments by electronic funds transfer shall
30 make those payments for a minimum of one year beginning on
31 October 1.

32 Any taxpayer not required to make payments by electronic
33 funds transfer may make payments by electronic funds transfer
34 with the permission of the Department.

1 All taxpayers required to make payment by electronic
2 funds transfer and any taxpayers authorized to voluntarily
3 make payments by electronic funds transfer shall make those
4 payments in the manner authorized by the Department.

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

8 Any amount which is required to be shown or reported on
9 any return or other document under this Act shall, if such
10 amount is not a whole-dollar amount, be increased to the
11 nearest whole-dollar amount in any case where the fractional
12 part of a dollar is 50 cents or more, and decreased to the
13 nearest whole-dollar amount where the fractional part of a
14 dollar is less than 50 cents.

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

26 If the retailer is otherwise required to file a monthly
27 or quarterly return and if the retailer's average monthly tax
28 liability with the Department does not exceed \$50, the
29 Department may authorize his returns to be filed on an annual
30 basis, with the return for a given year being due by January
31 20 of the following year.

32 Such quarter annual and annual returns, as to form and
33 substance, shall be subject to the same requirements as
34 monthly returns.

1 Notwithstanding any other provision in this Act
2 concerning the time within which a retailer may file his
3 return, in the case of any retailer who ceases to engage in a
4 kind of business which makes him responsible for filing
5 returns under this Act, such retailer shall file a final
6 return under this Act with the Department not more than one
7 month after discontinuing such business.

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

14 In addition, with respect to motor vehicles, watercraft,
15 aircraft, and trailers that are required to be registered
16 with an agency of this State, every retailer selling this
17 kind of tangible personal property shall file, with the
18 Department, upon a form to be prescribed and supplied by the
19 Department, a separate return for each such item of tangible
20 personal property which the retailer sells, except that if,
21 in the same transaction, (i) a retailer of aircraft,
22 watercraft, motor vehicles or trailers transfers more than
23 one aircraft, watercraft, motor vehicle or trailer to another
24 aircraft, watercraft, motor vehicle retailer or trailer
25 retailer for the purpose of resale or (ii) a retailer of
26 aircraft, watercraft, motor vehicles, or trailers transfers
27 more than one aircraft, watercraft, motor vehicle, or trailer
28 to a purchaser for use as a qualifying rolling stock as
29 provided in Section 2-5 of this Act, then that seller may
30 report the transfer of all aircraft, watercraft, motor
31 vehicles or trailers involved in that transaction to the
32 Department on the same uniform invoice-transaction reporting
33 return form. For purposes of this Section, "watercraft"
34 means a Class 2, Class 3, or Class 4 watercraft as defined in

1 Section 3-2 of the Boat Registration and Safety Act, a
2 personal watercraft, or any boat equipped with an inboard
3 motor.

4 Any retailer who sells only motor vehicles, watercraft,
5 aircraft, or trailers that are required to be registered with
6 an agency of this State, so that all retailers' occupation
7 tax liability is required to be reported, and is reported, on
8 such transaction reporting returns and who is not otherwise
9 required to file monthly or quarterly returns, need not file
10 monthly or quarterly returns. However, those retailers shall
11 be required to file returns on an annual basis.

12 The transaction reporting return, in the case of motor
13 vehicles or trailers that are required to be registered with
14 an agency of this State, shall be the same document as the
15 Uniform Invoice referred to in Section 5-402 of The Illinois
16 Vehicle Code and must show the name and address of the
17 seller; the name and address of the purchaser; the amount of
18 the selling price including the amount allowed by the
19 retailer for traded-in property, if any; the amount allowed
20 by the retailer for the traded-in tangible personal property,
21 if any, to the extent to which Section 1 of this Act allows
22 an exemption for the value of traded-in property; the balance
23 payable after deducting such trade-in allowance from the
24 total selling price; the amount of tax due from the retailer
25 with respect to such transaction; the amount of tax collected
26 from the purchaser by the retailer on such transaction (or
27 satisfactory evidence that such tax is not due in that
28 particular instance, if that is claimed to be the fact); the
29 place and date of the sale; a sufficient identification of
30 the property sold; such other information as is required in
31 Section 5-402 of The Illinois Vehicle Code, and such other
32 information as the Department may reasonably require.

33 The transaction reporting return in the case of
34 watercraft or aircraft must show the name and address of the

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

16 Such transaction reporting return shall be filed not
17 later than 20 days after the day of delivery of the item that
18 is being sold, but may be filed by the retailer at any time
19 sooner than that if he chooses to do so. The transaction
20 reporting return and tax remittance or proof of exemption
21 from the Illinois use tax may be transmitted to the
22 Department by way of the State agency with which, or State
23 officer with whom the tangible personal property must be
24 titled or registered (if titling or registration is required)
25 if the Department and such agency or State officer determine
26 that this procedure will expedite the processing of
27 applications for title or registration.

28 With each such transaction reporting return, the retailer
29 shall remit the proper amount of tax due (or shall submit
30 satisfactory evidence that the sale is not taxable if that is
31 the case), to the Department or its agents, whereupon the
32 Department shall issue, in the purchaser's name, a use tax
33 receipt (or a certificate of exemption if the Department is
34 satisfied that the particular sale is tax exempt) which such

1 purchaser may submit to the agency with which, or State
2 officer with whom, he must title or register the tangible
3 personal property that is involved (if titling or
4 registration is required) in support of such purchaser's
5 application for an Illinois certificate or other evidence of
6 title or registration to such tangible personal property.

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

15 If the user who would otherwise pay tax to the retailer
16 wants the transaction reporting return filed and the payment
17 of the tax or proof of exemption made to the Department
18 before the retailer is willing to take these actions and such
19 user has not paid the tax to the retailer, such user may
20 certify to the fact of such delay by the retailer and may
21 (upon the Department being satisfied of the truth of such
22 certification) transmit the information required by the
23 transaction reporting return and the remittance for tax or
24 proof of exemption directly to the Department and obtain his
25 tax receipt or exemption determination, in which event the
26 transaction reporting return and tax remittance (if a tax
27 payment was required) shall be credited by the Department to
28 the proper retailer's account with the Department, but
29 without the 2.1% or 1.75% discount provided for in this
30 Section being allowed. When the user pays the tax directly
31 to the Department, he shall pay the tax in the same amount
32 and in the same form in which it would be remitted if the tax
33 had been remitted to the Department by the retailer.

34 Refunds made by the seller during the preceding return

1 period to purchasers, on account of tangible personal
2 property returned to the seller, shall be allowed as a
3 deduction under subdivision 5 of his monthly or quarterly
4 return, as the case may be, in case the seller had
5 theretofore included the receipts from the sale of such
6 tangible personal property in a return filed by him and had
7 paid the tax imposed by this Act with respect to such
8 receipts.

9 Where the seller is a corporation, the return filed on
10 behalf of such corporation shall be signed by the president,
11 vice-president, secretary or treasurer or by the properly
12 accredited agent of such corporation.

13 Where the seller is a limited liability company, the
14 return filed on behalf of the limited liability company shall
15 be signed by a manager, member, or properly accredited agent
16 of the limited liability company.

17 Except as provided in this Section, the retailer filing
18 the return under this Section shall, at the time of filing
19 such return, pay to the Department the amount of tax imposed
20 by this Act less a discount of 2.1% prior to January 1, 1990
21 and 1.75% on and after January 1, 1990, or \$5 per calendar
22 year, whichever is greater, which is allowed to reimburse the
23 retailer for the expenses incurred in keeping records,
24 preparing and filing returns, remitting the tax and supplying
25 data to the Department on request. Any prepayment made
26 pursuant to Section 2d of this Act shall be included in the
27 amount on which such 2.1% or 1.75% discount is computed. In
28 the case of retailers who report and pay the tax on a
29 transaction by transaction basis, as provided in this
30 Section, such discount shall be taken with each such tax
31 remittance instead of when such retailer files his periodic
32 return.

33 Before October 1, 2000, if the taxpayer's average monthly
34 tax liability to the Department under this Act, the Use Tax

1 Act, the Service Occupation Tax Act, and the Service Use Tax
2 Act, excluding any liability for prepaid sales tax to be
3 remitted in accordance with Section 2d of this Act, was
4 \$10,000 or more during the preceding 4 complete calendar
5 quarters, he shall file a return with the Department each
6 month by the 20th day of the month next following the month
7 during which such tax liability is incurred and shall make
8 payments to the Department on or before the 7th, 15th, 22nd
9 and last day of the month during which such liability is
10 incurred. On and after October 1, 2000, if the taxpayer's
11 average monthly tax liability to the Department under this
12 Act, the Use Tax Act, the Service Occupation Tax Act, and the
13 Service Use Tax Act, excluding any liability for prepaid
14 sales tax to be remitted in accordance with Section 2d of
15 this Act, was \$20,000 or more during the preceding 4 complete
16 calendar quarters, he shall file a return with the Department
17 each month by the 20th day of the month next following the
18 month during which such tax liability is incurred and shall
19 make payment to the Department on or before the 7th, 15th,
20 22nd and last day of the month during which such liability is
21 incurred. If the month during which such tax liability is
22 incurred began prior to January 1, 1985, each payment shall
23 be in an amount equal to 1/4 of the taxpayer's actual
24 liability for the month or an amount set by the Department
25 not to exceed 1/4 of the average monthly liability of the
26 taxpayer to the Department for the preceding 4 complete
27 calendar quarters (excluding the month of highest liability
28 and the month of lowest liability in such 4 quarter period).
29 If the month during which such tax liability is incurred
30 begins on or after January 1, 1985 and prior to January 1,
31 1987, each payment shall be in an amount equal to 22.5% of
32 the taxpayer's actual liability for the month or 27.5% of the
33 taxpayer's liability for the same calendar month of the
34 preceding year. If the month during which such tax liability

1 is incurred begins on or after January 1, 1987 and prior to
2 January 1, 1988, each payment shall be in an amount equal to
3 22.5% of the taxpayer's actual liability for the month or
4 26.25% of the taxpayer's liability for the same calendar
5 month of the preceding year. If the month during which such
6 tax liability is incurred begins on or after January 1, 1988,
7 and prior to January 1, 1989, or begins on or after January
8 1, 1996, each payment shall be in an amount equal to 22.5% of
9 the taxpayer's actual liability for the month or 25% of the
10 taxpayer's liability for the same calendar month of the
11 preceding year. If the month during which such tax liability
12 is incurred begins on or after January 1, 1989, and prior to
13 January 1, 1996, each payment shall be in an amount equal to
14 22.5% of the taxpayer's actual liability for the month or 25%
15 of the taxpayer's liability for the same calendar month of
16 the preceding year or 100% of the taxpayer's actual liability
17 for the quarter monthly reporting period. The amount of such
18 quarter monthly payments shall be credited against the final
19 tax liability of the taxpayer's return for that month.
20 Before October 1, 2000, once applicable, the requirement of
21 the making of quarter monthly payments to the Department by
22 taxpayers having an average monthly tax liability of \$10,000
23 or more as determined in the manner provided above shall
24 continue until such taxpayer's average monthly liability to
25 the Department during the preceding 4 complete calendar
26 quarters (excluding the month of highest liability and the
27 month of lowest liability) is less than \$9,000, or until such
28 taxpayer's average monthly liability to the Department as
29 computed for each calendar quarter of the 4 preceding
30 complete calendar quarter period is less than \$10,000.
31 However, if a taxpayer can show the Department that a
32 substantial change in the taxpayer's business has occurred
33 which causes the taxpayer to anticipate that his average
34 monthly tax liability for the reasonably foreseeable future

1 will fall below the \$10,000 threshold stated above, then such
2 taxpayer may petition the Department for a change in such
3 taxpayer's reporting status. On and after October 1, 2000,
4 once applicable, the requirement of the making of quarter
5 monthly payments to the Department by taxpayers having an
6 average monthly tax liability of \$20,000 or more as
7 determined in the manner provided above shall continue until
8 such taxpayer's average monthly liability to the Department
9 during the preceding 4 complete calendar quarters (excluding
10 the month of highest liability and the month of lowest
11 liability) is less than \$19,000 or until such taxpayer's
12 average monthly liability to the Department as computed for
13 each calendar quarter of the 4 preceding complete calendar
14 quarter period is less than \$20,000. However, if a taxpayer
15 can show the Department that a substantial change in the
16 taxpayer's business has occurred which causes the taxpayer to
17 anticipate that his average monthly tax liability for the
18 reasonably foreseeable future will fall below the \$20,000
19 threshold stated above, then such taxpayer may petition the
20 Department for a change in such taxpayer's reporting status.
21 The Department shall change such taxpayer's reporting status
22 unless it finds that such change is seasonal in nature and
23 not likely to be long term. If any such quarter monthly
24 payment is not paid at the time or in the amount required by
25 this Section, then the taxpayer shall be liable for penalties
26 and interest on the difference between the minimum amount due
27 as a payment and the amount of such quarter monthly payment
28 actually and timely paid, except insofar as the taxpayer has
29 previously made payments for that month to the Department in
30 excess of the minimum payments previously due as provided in
31 this Section. The Department shall make reasonable rules and
32 regulations to govern the quarter monthly payment amount and
33 quarter monthly payment dates for taxpayers who file on other
34 than a calendar monthly basis.

1 Without regard to whether a taxpayer is required to make
2 quarter monthly payments as specified above, any taxpayer who
3 is required by Section 2d of this Act to collect and remit
4 prepaid taxes and has collected prepaid taxes which average
5 in excess of \$25,000 per month during the preceding 2
6 complete calendar quarters, shall file a return with the
7 Department as required by Section 2f and shall make payments
8 to the Department on or before the 7th, 15th, 22nd and last
9 day of the month during which such liability is incurred. If
10 the month during which such tax liability is incurred began
11 prior to the effective date of this amendatory Act of 1985,
12 each payment shall be in an amount not less than 22.5% of the
13 taxpayer's actual liability under Section 2d. If the month
14 during which such tax liability is incurred begins on or
15 after January 1, 1986, each payment shall be in an amount
16 equal to 22.5% of the taxpayer's actual liability for the
17 month or 27.5% of the taxpayer's liability for the same
18 calendar month of the preceding calendar year. If the month
19 during which such tax liability is incurred begins on or
20 after January 1, 1987, each payment shall be in an amount
21 equal to 22.5% of the taxpayer's actual liability for the
22 month or 26.25% of the taxpayer's liability for the same
23 calendar month of the preceding year. The amount of such
24 quarter monthly payments shall be credited against the final
25 tax liability of the taxpayer's return for that month filed
26 under this Section or Section 2f, as the case may be. Once
27 applicable, the requirement of the making of quarter monthly
28 payments to the Department pursuant to this paragraph shall
29 continue until such taxpayer's average monthly prepaid tax
30 collections during the preceding 2 complete calendar quarters
31 is \$25,000 or less. If any such quarter monthly payment is
32 not paid at the time or in the amount required, the taxpayer
33 shall be liable for penalties and interest on such
34 difference, except insofar as the taxpayer has previously

1 made payments for that month in excess of the minimum
2 payments previously due.

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

26 If a retailer of motor fuel is entitled to a credit under
27 Section 2d of this Act which exceeds the taxpayer's liability
28 to the Department under this Act for the month which the
29 taxpayer is filing a return, the Department shall issue the
30 taxpayer a credit memorandum for the excess.

31 Beginning January 1, 1990, each month the Department
32 shall pay into the Local Government Tax Fund, a special fund
33 in the State treasury which is hereby created, the net
34 revenue realized for the preceding month from the 1% tax on

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

7 Beginning January 1, 1990, each month the Department
8 shall pay into the County and Mass Transit District Fund, a
9 special fund in the State treasury which is hereby created,
10 4% of the net revenue realized for the preceding month from
11 the 6.25% general rate.

12 Beginning August 1, 2000, each month the Department shall
13 pay into the County and Mass Transit District Fund 20% of the
14 net revenue realized for the preceding month from the 1.25%
15 rate on the selling price of motor fuel and gasohol.

16 Beginning January 1, 1990, each month the Department
17 shall pay into the Local Government Tax Fund 16% of the net
18 revenue realized for the preceding month from the 6.25%
19 general rate on the selling price of tangible personal
20 property.

21 Beginning August 1, 2000, each month the Department shall
22 pay into the Local Government Tax Fund 80% of the net revenue
23 realized for the preceding month from the 1.25% rate on the
24 selling price of motor fuel and gasohol.

25 Of the remainder of the moneys received by the Department
26 pursuant to this Act, (a) 1.75% thereof shall be paid into
27 the Build Illinois Fund and (b) prior to July 1, 1989, 2.2%
28 and on and after July 1, 1989, 3.8% thereof shall be paid
29 into the Build Illinois Fund; provided, however, that if in
30 any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%,
31 as the case may be, of the moneys received by the Department
32 and required to be paid into the Build Illinois Fund pursuant
33 to this Act, Section 9 of the Use Tax Act, Section 9 of the
34 Service Use Tax Act, and Section 9 of the Service Occupation

1 Tax Act, such Acts being hereinafter called the "Tax Acts"
 2 and such aggregate of 2.2% or 3.8%, as the case may be, of
 3 moneys being hereinafter called the "Tax Act Amount", and (2)
 4 the amount transferred to the Build Illinois Fund from the
 5 State and Local Sales Tax Reform Fund shall be less than the
 6 Annual Specified Amount (as hereinafter defined), an amount
 7 equal to the difference shall be immediately paid into the
 8 Build Illinois Fund from other moneys received by the
 9 Department pursuant to the Tax Acts; the "Annual Specified
 10 Amount" means the amounts specified below for fiscal years
 11 1986 through 1993:

12	Fiscal Year	Annual Specified Amount
13	1986	\$54,800,000
14	1987	\$76,650,000
15	1988	\$80,480,000
16	1989	\$88,510,000
17	1990	\$115,330,000
18	1991	\$145,470,000
19	1992	\$182,730,000
20	1993	\$206,520,000;

21 and means the Certified Annual Debt Service Requirement (as
 22 defined in Section 13 of the Build Illinois Bond Act) or the
 23 Tax Act Amount, whichever is greater, for fiscal year 1994
 24 and each fiscal year thereafter; and further provided, that
 25 if on the last business day of any month the sum of (1) the
 26 Tax Act Amount required to be deposited into the Build
 27 Illinois Bond Account in the Build Illinois Fund during such
 28 month and (2) the amount transferred to the Build Illinois
 29 Fund from the State and Local Sales Tax Reform Fund shall
 30 have been less than 1/12 of the Annual Specified Amount, an
 31 amount equal to the difference shall be immediately paid into
 32 the Build Illinois Fund from other moneys received by the
 33 Department pursuant to the Tax Acts; and, further provided,
 34 that in no event shall the payments required under the

1 preceding proviso result in aggregate payments into the Build
2 Illinois Fund pursuant to this clause (b) for any fiscal year
3 in excess of the greater of (i) the Tax Act Amount or (ii)
4 the Annual Specified Amount for such fiscal year. The
5 amounts payable into the Build Illinois Fund under clause (b)
6 of the first sentence in this paragraph shall be payable only
7 until such time as the aggregate amount on deposit under each
8 trust indenture securing Bonds issued and outstanding
9 pursuant to the Build Illinois Bond Act is sufficient, taking
10 into account any future investment income, to fully provide,
11 in accordance with such indenture, for the defeasance of or
12 the payment of the principal of, premium, if any, and
13 interest on the Bonds secured by such indenture and on any
14 Bonds expected to be issued thereafter and all fees and costs
15 payable with respect thereto, all as certified by the
16 Director of the Bureau of the Budget. If on the last
17 business day of any month in which Bonds are outstanding
18 pursuant to the Build Illinois Bond Act, the aggregate of
19 moneys deposited in the Build Illinois Bond Account in the
20 Build Illinois Fund in such month shall be less than the
21 amount required to be transferred in such month from the
22 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
27 Fund; provided, however, that any amounts paid to the Build
28 Illinois Fund in any fiscal year pursuant to this sentence
29 shall be deemed to constitute payments pursuant to clause (b)
30 of the first sentence of this paragraph and shall reduce the
31 amount otherwise payable for such fiscal year pursuant to
32 that clause (b). The moneys received by the Department
33 pursuant to this Act and required to be deposited into the
34 Build Illinois Fund are subject to the pledge, claim and

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

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

16	Fiscal Year	Total Deposit
17	1993	\$0
18	1994	53,000,000
19	1995	58,000,000
20	1996	61,000,000
21	1997	64,000,000
22	1998	68,000,000
23	1999	71,000,000
24	2000	75,000,000
25	2001	80,000,000
26	2002	<u>93,000,000</u> 84,000,000
27	2003	<u>99,000,000</u> 89,000,000
28	2004	<u>103,000,000</u> 93,000,000
29	2005	<u>108,000,000</u> 97,000,000
30	2006	<u>113,000,000</u> 102,000,000
31	2007	<u>119,000,000</u> 108,000,000
32	2008	<u>126,000,000</u> 115,000,000
33	2009	<u>132,000,000</u> 120,000,000
34	2010	<u>139,000,000</u> 126,000,000

1	2011	<u>146,000,000</u>	132,000,000
2	2012	<u>153,000,000</u>	138,000,000
3	2013		<u>161,000,000</u>
4	<u>2014</u>		<u>170,000,000</u>
5	<u>2015</u>		<u>179,000,000</u>
6	<u>2016</u>		<u>189,000,000</u>
7	<u>2017</u>		<u>199,000,000</u>
8	<u>2018</u>		<u>210,000,000</u>
9	<u>2019</u>		<u>221,000,000</u>
10	<u>2020</u>		<u>233,000,000</u>
11	<u>2021</u>		<u>246,000,000</u>
12	<u>2022</u>		<u>260,000,000</u>
13	<u>2023</u> and		<u>275,000,000</u>
14			145,000,000

15 each fiscal year
 16 thereafter that bonds
 17 are outstanding under
 18 Section 13.2 of the
 19 Metropolitan Pier and
 20 Exposition Authority
 21 Act, but not after fiscal year ~~2042~~ 2029.

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

1 Subject to payment of amounts into the Build Illinois
2 Fund and the McCormick Place Expansion Project Fund pursuant
3 to the preceding paragraphs or in any amendment thereto
4 hereafter enacted, each month the Department shall pay into
5 the Local Government Distributive Fund 0.4% of the net
6 revenue realized for the preceding month from the 5% general
7 rate or 0.4% of 80% of the net revenue realized for the
8 preceding month from the 6.25% general rate, as the case may
9 be, on the selling price of tangible personal property which
10 amount shall, subject to appropriation, be distributed as
11 provided in Section 2 of the State Revenue Sharing Act. No
12 payments or distributions pursuant to this paragraph shall be
13 made if the tax imposed by this Act on photoprocessing
14 products is declared unconstitutional, or if the proceeds
15 from such tax are unavailable for distribution because of
16 litigation.

17 Subject to payment of amounts into the Build Illinois
18 Fund and, the McCormick Place Expansion Project Fund pursuant
19 to the preceding paragraphs or in any amendments thereto
20 hereafter enacted, beginning July 1, 1993, the Department
21 shall each month pay into the Illinois Tax Increment Fund
22 0.27% of 80% of the net revenue realized for the preceding
23 month from the 6.25% general rate on the selling price of
24 tangible personal property.

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

31 The Department may, upon separate written notice to a
32 taxpayer, require the taxpayer to prepare and file with the
33 Department on a form prescribed by the Department within not
34 less than 60 days after receipt of the notice an annual

1 information return for the tax year specified in the notice.
2 Such annual return to the Department shall include a
3 statement of gross receipts as shown by the retailer's last
4 Federal income tax return. If the total receipts of the
5 business as reported in the Federal income tax return do not
6 agree with the gross receipts reported to the Department of
7 Revenue for the same period, the retailer shall attach to his
8 annual return a schedule showing a reconciliation of the 2
9 amounts and the reasons for the difference. The retailer's
10 annual return to the Department shall also disclose the cost
11 of goods sold by the retailer during the year covered by such
12 return, opening and closing inventories of such goods for
13 such year, costs of goods used from stock or taken from stock
14 and given away by the retailer during such year, payroll
15 information of the retailer's business during such year and
16 any additional reasonable information which the Department
17 deems would be helpful in determining the accuracy of the
18 monthly, quarterly or annual returns filed by such retailer
19 as provided for in this Section.

20 If the annual information return required by this Section
21 is not filed when and as required, the taxpayer shall be
22 liable as follows:

23 (i) Until January 1, 1994, the taxpayer shall be
24 liable for a penalty equal to 1/6 of 1% of the tax due
25 from such taxpayer under this Act during the period to be
26 covered by the annual return for each month or fraction
27 of a month until such return is filed as required, the
28 penalty to be assessed and collected in the same manner
29 as any other penalty provided for in this Act.

30 (ii) On and after January 1, 1994, the taxpayer
31 shall be liable for a penalty as described in Section 3-4
32 of the Uniform Penalty and Interest Act.

33 The chief executive officer, proprietor, owner or highest
34 ranking manager shall sign the annual return to certify the

1 accuracy of the information contained therein. Any person
2 who willfully signs the annual return containing false or
3 inaccurate information shall be guilty of perjury and
4 punished accordingly. The annual return form prescribed by
5 the Department shall include a warning that the person
6 signing the return may be liable for perjury.

7 The provisions of this Section concerning the filing of
8 an annual information return do not apply to a retailer who
9 is not required to file an income tax return with the United
10 States Government.

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

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

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

30 Any person who promotes, organizes, provides retail
31 selling space for concessionaires or other types of sellers
32 at the Illinois State Fair, DuQuoin State Fair, county fairs,
33 local fairs, art shows, flea markets and similar exhibitions
34 or events, including any transient merchant as defined by

1 Section 2 of the Transient Merchant Act of 1987, is required
2 to file a report with the Department providing the name of
3 the merchant's business, the name of the person or persons
4 engaged in merchant's business, the permanent address and
5 Illinois Retailers Occupation Tax Registration Number of the
6 merchant, the dates and location of the event and other
7 reasonable information that the Department may require. The
8 report must be filed not later than the 20th day of the month
9 next following the month during which the event with retail
10 sales was held. Any person who fails to file a report
11 required by this Section commits a business offense and is
12 subject to a fine not to exceed \$250.

13 Any person engaged in the business of selling tangible
14 personal property at retail as a concessionaire or other type
15 of seller at the Illinois State Fair, county fairs, art
16 shows, flea markets and similar exhibitions or events, or any
17 transient merchants, as defined by Section 2 of the Transient
18 Merchant Act of 1987, may be required to make a daily report
19 of the amount of such sales to the Department and to make a
20 daily payment of the full amount of tax due. The Department
21 shall impose this requirement when it finds that there is a
22 significant risk of loss of revenue to the State at such an
23 exhibition or event. Such a finding shall be based on
24 evidence that a substantial number of concessionaires or
25 other sellers who are not residents of Illinois will be
26 engaging in the business of selling tangible personal
27 property at retail at the exhibition or event, or other
28 evidence of a significant risk of loss of revenue to the
29 State. The Department shall notify concessionaires and other
30 sellers affected by the imposition of this requirement. In
31 the absence of notification by the Department, the
32 concessionaires and other sellers shall file their returns as
33 otherwise required in this Section.

34 (Source: P.A. 90-491, eff. 1-1-99; 90-612, eff. 7-8-98;

1 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; 91-101, eff.
2 7-12-99; 91-541, eff. 8-13-99; 91-872, eff. 7-1-00; 91-901,
3 eff. 1-1-01; revised.)

4 Section 35. The Cigarette Tax Act is amended by changing
5 Section 29 as follows:

6 (35 ILCS 130/29) (from Ch. 120, par. 453.29)

7 Sec. 29. All moneys received by the Department from the
8 one-half mill tax imposed by the Sixty-fourth General
9 Assembly and all interest and penalties, received in
10 connection therewith under the provisions of this Act shall
11 be paid into the Metropolitan Fair and Exposition Authority
12 Reconstruction Fund. All other moneys received by the
13 Department under this Act shall be paid into the General
14 Revenue Fund in the State treasury. After there has been paid
15 into the Metropolitan Fair and Exposition Authority
16 Reconstruction Fund sufficient money to pay in full both
17 principal and interest, all of the outstanding bonds issued
18 pursuant to the "Fair and Exposition Authority Reconstruction
19 Act", the State Treasurer and Comptroller shall transfer to
20 the General Revenue Fund the balance of moneys remaining in
21 the Metropolitan Fair and Exposition Authority Reconstruction
22 Fund except for \$2,500,000 which shall remain in the
23 Metropolitan Fair and Exposition Authority Reconstruction
24 Fund and which may be appropriated by the General Assembly
25 for the corporate purposes of the Metropolitan Pier and
26 Exposition Authority. All monies received by the Department
27 in fiscal year 1978 and thereafter from the one-half mill tax
28 imposed by the Sixty-fourth General Assembly, and all
29 interest and penalties received in connection therewith under
30 the provisions of this Act, shall be paid into the General
31 Revenue Fund, except that the Department shall pay the first
32 \$4,800,000 received in fiscal years year 1979 through 2001

1 ~~and--each--fiscal-year-thereafter~~ from that one-half mill tax
 2 into the Metropolitan Fair and Exposition Authority
 3 Reconstruction Fund which monies may be appropriated by the
 4 General Assembly for the corporate purposes of the
 5 Metropolitan Pier and Exposition Authority.

6 In fiscal year 2002 and each fiscal year thereafter, the
 7 first \$4,800,000 from the one-half mill tax shall be paid
 8 into the Statewide Economic Development Fund.

9 (Source: P.A. 87-895.)

10 Section 40. The Metropolitan Pier and Exposition
 11 Authority Act is amended by changing Sections 5, 10, 13.2,
 12 and 23.1 as follows:

13 (70 ILCS 210/5) (from Ch. 85, par. 1225)

14 Sec. 5. The Metropolitan Pier and Exposition Authority
 15 shall also have the following rights and powers:

16 (a) To accept from Chicago Park Fair, a
 17 corporation, an assignment of whatever sums of money it
 18 may have received from the Fair and Exposition Fund,
 19 allocated by the Department of Agriculture of the State
 20 of Illinois, and Chicago Park Fair is hereby authorized
 21 to assign, set over and transfer any of those funds to
 22 the Metropolitan Pier and Exposition Authority. The
 23 Authority has the right and power hereafter to receive
 24 sums as may be distributed to it by the Department of
 25 Agriculture of the State of Illinois from the Fair and
 26 Exposition Fund pursuant to the provisions of Sections 5,
 27 6i, and 28 of the State Finance Act. All sums received
 28 by the Authority shall be held in the sole custody of the
 29 secretary-treasurer of the Metropolitan Pier and
 30 Exposition Board.

31 (b) To accept the assignment of, assume and execute
 32 any contracts heretofore entered into by Chicago Park

1 Fair.

2 (c) To acquire, own, construct, equip, lease,
3 operate and maintain grounds, buildings and facilities to
4 carry out its corporate purposes and duties, and to carry
5 out or otherwise provide for the recreational, cultural,
6 commercial or residential development of Navy Pier, and
7 to fix and collect just, reasonable and nondiscriminatory
8 charges for the use thereof. The charges so collected
9 shall be made available to defray the reasonable expenses
10 of the Authority and to pay the principal of and the
11 interest upon any revenue bonds issued by the Authority.
12 The Authority shall be subject to and comply with the
13 Lake Michigan and Chicago Lakefront Protection Ordinance,
14 the Chicago Building Code, the Chicago Zoning Ordinance,
15 and all ordinances and regulations of the City of Chicago
16 contained in the following Titles of the Municipal Code
17 of Chicago: Businesses, Occupations and Consumer
18 Protection; Health and Safety; Fire Prevention; Public
19 Peace, Morals and Welfare; Utilities and Environmental
20 Protection; Streets, Public Ways, Parks, Airports and
21 Harbors; Electrical Equipment and Installation; Housing
22 and Economic Development (only Chapter 5-4 thereof); and
23 Revenue and Finance (only so far as such Title pertains
24 to the Authority's duty to collect taxes on behalf of the
25 City of Chicago).

26 (d) To enter into contracts treating in any manner
27 with the objects and purposes of this Act.

28 (e) To lease any buildings to the Adjutant General
29 of the State of Illinois for the use of the Illinois
30 National Guard or the Illinois Naval Militia.

31 (f) To exercise the right of eminent domain by
32 condemnation proceedings in the manner provided by
33 Article VII of the Code of Civil Procedure, including,
34 with respect to Site B only, the authority to exercise

1 quick take condemnation by immediate vesting of title
2 under Sections 7-103 through 7-112 of the Code of Civil
3 Procedure, to acquire any privately owned real or
4 personal property and, with respect to Site B only,
5 public property used for rail transportation purposes
6 (but no such taking of such public property shall, in the
7 reasonable judgment of the owner, interfere with such
8 rail transportation) for the lawful purposes of the
9 Authority in Site A, at Navy Pier, and at Site B. Just
10 compensation for property taken or acquired under this
11 paragraph shall be paid in money or, notwithstanding any
12 other provision of this Act and with the agreement of the
13 owner of the property to be taken or acquired, the
14 Authority may convey substitute property or interests in
15 property or enter into agreements with the property
16 owner, including leases, licenses, or concessions, with
17 respect to any property owned by the Authority, or may
18 provide for other lawful forms of just compensation to
19 the owner. Any property acquired in condemnation
20 proceedings shall be used only as provided in this Act.
21 Except as otherwise provided by law, the City of Chicago
22 shall have a right of first refusal prior to any sale of
23 any such property by the Authority to a third party other
24 than substitute property. The Authority shall develop and
25 implement a relocation plan for businesses displaced as a
26 result of the Authority's acquisition of property. The
27 relocation plan shall be substantially similar to
28 provisions of the Uniform Relocation Assistance and Real
29 Property Acquisition Act and regulations promulgated
30 under that Act relating to assistance to displaced
31 businesses. To implement the relocation plan the
32 Authority may acquire property by purchase or gift or may
33 exercise the powers authorized in this subsection (f),
34 except the immediate vesting of title under Sections

1 7-103 through 7-112 of the Code of Civil Procedure, to
2 acquire substitute private property within one mile of
3 Site B for the benefit of displaced businesses located on
4 property being acquired by the Authority. However, no
5 such substitute property may be acquired by the Authority
6 unless the mayor of the municipality in which the
7 property is located certifies in writing that the
8 acquisition is consistent with the municipality's land
9 use and economic development policies and goals. The
10 acquisition of substitute property is declared to be for
11 public use. In exercising the powers authorized in this
12 subsection (f), the Authority shall use its best efforts
13 to relocate businesses within the area of McCormick Place
14 or, failing that, within the City of Chicago.

15 (g) To enter into contracts relating to
16 construction projects which provide for the delivery by
17 the contractor of a completed project, structure,
18 improvement, or specific portion thereof, for a fixed
19 maximum price, which contract may provide that the
20 delivery of the project, structure, improvement, or
21 specific portion thereof, for the fixed maximum price is
22 insured or guaranteed by a third party capable of
23 completing the construction.

24 (h) To enter into agreements with any person with
25 respect to the use and occupancy of the grounds,
26 buildings, and facilities of the Authority, including
27 concession, license, and lease agreements on terms and
28 conditions as the Authority determines. Notwithstanding
29 Section 24, agreements with respect to the use and
30 occupancy of the grounds, buildings, and facilities of
31 the Authority for a term of more than one year shall be
32 entered into in accordance with the procurement process
33 provided for in Section 25.1.

34 (i) To enter into agreements with any person with

1 respect to the operation and management of the grounds,
2 buildings, and facilities of the Authority or the
3 provision of goods and services on terms and conditions
4 as the Authority determines.

5 (j) After conducting the procurement process
6 provided for in Section 25.1, to enter into one or more
7 contracts to provide for the design and construction of
8 all or part of the Authority's Expansion Project grounds,
9 buildings, and facilities. Any contract for design and
10 construction of the Expansion Project shall be in the
11 form authorized by subsection (g), shall be for a fixed
12 maximum price not in excess of the funds that are
13 authorized to be made available ~~under the provisions of~~
14 ~~this amendatory Act of 1991~~ for those purposes during the
15 term of the contract, and shall be entered into before
16 commencement of construction.

17 (k) To enter into agreements, including project
18 agreements with labor unions, that the Authority deems
19 necessary to complete the Expansion Project or any other
20 construction or improvement project in the most timely
21 and efficient manner and without strikes, picketing, or
22 other actions that might cause disruption or delay and
23 thereby add to the cost of the project.

24 Nothing in this Act shall be construed to authorize the
25 Authority to spend the proceeds of any bonds or notes issued
26 under Section 13.2 or any taxes levied under Section 13 to
27 construct a stadium to be leased to or used by professional
28 sports teams.

29 (Source: P.A. 91-101, eff. 7-12-99; 91-357, eff. 7-29-99.)

30 (70 ILCS 210/10) (from Ch. 85, par. 1230)

31 Sec. 10. The Authority shall have the continuing power
32 to borrow money for the purpose of carrying out and
33 performing its duties and exercising its powers under this

1 Act.

2 For the purpose of evidencing the obligation of the
3 Authority to repay any money borrowed as aforesaid, the
4 Authority may, pursuant to ordinance adopted by the Board,
5 from time to time issue and dispose of its revenue bonds and
6 notes (herein collectively referred to as bonds), and may
7 also from time to time issue and dispose of its revenue bonds
8 to refund any bonds at maturity or pursuant to redemption
9 provisions or at any time before maturity as provided for in
10 Section 10.1. All such bonds shall be payable solely from any
11 one or more of the following sources: the revenues or income
12 to be derived from the fairs, expositions, meetings, and
13 conventions and other authorized activities of the Authority;
14 funds, if any, received and to be received by the Authority
15 from the Fair and Exposition Fund, as allocated by the
16 Department of Agriculture of this State; from the
17 Metropolitan Fair and Exposition Authority Reconstruction
18 Fund; from the Metropolitan Fair and Exposition Authority
19 Improvement Bond Fund pursuant to appropriation by the
20 General Assembly; from the McCormick Place Expansion Project
21 Fund pursuant to appropriation by the General Assembly; from
22 any revenues or funds pledged or provided for such purposes
23 by any governmental agency; from any revenues of the
24 Authority from taxes it is authorized to impose; from the
25 proceeds of refunding bonds issued for that purpose; or from
26 any other lawful source derived. Such bonds may bear such
27 date or dates, may mature at such time or times not exceeding
28 40 35 years from their respective dates, may bear interest at
29 such rate or rates payable at such times, may be in such
30 form, may carry such registration privileges, may be executed
31 in such manner, may be payable at such place or places, may
32 be made subject to redemption in such manner and upon such
33 terms, with or without premium as is stated on the face
34 thereof, may be executed in such manner and may contain such

1 terms and covenants, all as may be provided in the ordinance
2 adopted by the Board providing for such bonds. In case any
3 officer whose signature appears on any bond ceases (after
4 attaching his signature) to hold office, his signature shall
5 nevertheless be valid and effective for all purposes. The
6 holder or holders of any bonds or interest coupons
7 appertaining thereto issued by the Authority or any trustee
8 on behalf of the holders may bring civil actions to compel
9 the performance and observance by the Authority or any of its
10 officers, agents or employees of any contract or covenant
11 made by the Authority with the holders of such bonds or
12 interest coupons and to compel the Authority and any of its
13 officers, agents or employees to perform any duties required
14 to be performed for the benefit of the holders of any such
15 bonds or interest coupons by the provisions of the ordinance
16 authorizing their issuance and to enjoin the Authority and
17 any of its officers, agents or employees from taking any
18 action in conflict with any such contract or covenant.

19 Notwithstanding the form and tenor of any such bonds and
20 in the absence of any express recital on the face thereof
21 that it is non-negotiable, all such bonds shall be negotiable
22 instruments under the Uniform Commercial Code.

23 The bonds shall be sold by the corporate authorities of
24 the Authority in such manner as the corporate authorities
25 shall determine.

26 From and after the issuance of any bonds as herein
27 provided it shall be the duty of the corporate authorities of
28 the Authority to fix and establish rates, charges, rents and
29 fees for the use of its grounds, buildings, and facilities
30 that will be sufficient at all times, together with other
31 revenues of the Authority available for that purpose, to pay:

32 (a) The cost of maintaining, repairing, regulating
33 and operating the grounds, buildings, and facilities; and

34 (b) The bonds and interest thereon as they shall

1 become due, and all sinking fund requirements and other
2 requirements provided by the ordinance authorizing the
3 issuance of the bonds or as provided by any trust
4 agreement executed to secure payment thereof.

5 The Authority may provide that bonds issued under this
6 Act shall be payable from and secured by an assignment and
7 pledge of and grant of a lien on and a security interest in
8 unexpended bond proceeds, the proceeds of any refunding
9 bonds, reserves or sinking funds and earnings thereon, or all
10 or any part of the moneys, funds, income and revenues of the
11 Authority from any source derived, including, without
12 limitation, any revenues of the Authority from taxes it is
13 authorized to impose, the net revenues of the Authority from
14 its operations, payments from the Metropolitan Fair and
15 Exposition Authority Improvement Bond Fund or from the
16 McCormick Place Expansion Project Fund to the Authority or
17 upon its direction to any trustee or trustees under any trust
18 agreement securing such bonds, payments from any governmental
19 agency, or any combination of the foregoing. In no event
20 shall a lien or security interest upon the physical
21 facilities of the Authority be created by any such lien,
22 pledge or security interest. The Authority may execute and
23 deliver a trust agreement or agreements to secure the payment
24 of such bonds and for the purpose of setting forth covenants
25 and undertakings of the Authority in connection with issuance
26 thereof. Such pledge, assignment and grant of a lien and
27 security interest shall be effective immediately without any
28 further filing or action and shall be effective with respect
29 to all persons regardless of whether any such person shall
30 have notice of such pledge, assignment, lien or security
31 interest.

32 In connection with the issuance of its bonds, the
33 Authority may enter into arrangements to provide additional
34 security and liquidity for the bonds. These may include,

1 without limitation, municipal bond insurance, letters of
2 credit, lines of credit by which the Authority may borrow
3 funds to pay or redeem its bonds and purchase or remarketing
4 arrangements for assuring the ability of owners of the
5 Authority's bonds to sell or to have redeemed their bonds.
6 The Authority may enter into contracts and may agree to pay
7 fees to persons providing such arrangements, including from
8 bond proceeds. No such arrangement or contract shall be
9 considered a bond or note for purposes of any limitation on
10 the issuance of bonds or notes by the Authority.

11 The ordinance of the Board authorizing the issuance of
12 its bonds may provide that interest rates may vary from time
13 to time depending upon criteria established by the Board,
14 which may include, without limitation, a variation in
15 interest rates as may be necessary to cause bonds to be
16 remarketable from time to time at a price equal to their
17 principal amount, and may provide for appointment of a
18 national banking association, bank, trust company, investment
19 banker or other financial institution to serve as a
20 remarketing agent in that connection. The ordinance of the
21 board authorizing the issuance of its bonds may provide that
22 alternative interest rates or provisions will apply during
23 such times as the bonds are held by a person providing a
24 letter of credit or other credit enhancement arrangement for
25 those bonds.

26 To secure the payment of any or all of such bonds and for
27 the purpose of setting forth the covenants and undertakings
28 of the Authority in connection with the issuance thereof and
29 the issuance of any additional bonds payable from moneys,
30 funds, revenue and income of the Authority to be derived from
31 any source, the Authority may execute and deliver a trust
32 agreement or agreements; provided that no lien upon any real
33 property of the Authority shall be created thereby.

34 A remedy for any breach or default of the terms of any

1 such trust agreement by the Authority may be by mandamus
2 proceedings in the circuit court to compel performance and
3 compliance therewith, but the trust agreement may prescribe
4 by whom or on whose behalf such action may be instituted.

5 In connection with the issuance of its bonds under this
6 Act, the Authority may enter into contracts that it
7 determines necessary or appropriate to permit it to manage
8 payment or interest rate risk. These contracts may include,
9 but are not limited to, interest rate exchange agreements;
10 contracts providing for payment or receipt of funds based on
11 levels of or changes in interest rates; contracts to exchange
12 cash flows or series of payments; and contracts incorporating
13 interest rate caps, collars, floors, or locks.

14 (Source: P.A. 87-733.)

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
24 or advance refund bonds and notes issued under this Section
25 or issued to refund or advance refund bonds and notes
26 otherwise issued under this Act, (collectively referred to as
27 "bonds") to be issued by the Authority under this Section in
28 an aggregate original principal amount (excluding the amount
29 of any bonds and notes issued to refund or advance refund
30 bonds or notes issued under this Section) not to exceed
31 \$2,107,000,000 ~~\$1,307,000,000~~ for the purposes of carrying
32 out and performing its duties and exercising its powers under
33 this Act. No bonds issued to refund or advance refund bonds

1 issued under this Section may mature later than the longest
2 maturity date of the series of bonds being refunded. After
3 the aggregate original principal amount of bonds authorized
4 in this Section has been issued, the payment of any principal
5 amount of such bonds does not authorize the issuance of
6 additional bonds (except refunding bonds).

7 On the first day of each month commencing after July 1,
8 1993, amounts, if any, on deposit in the McCormick Place
9 Expansion Project Fund shall, subject to appropriation, be
10 paid in full to the Authority or, upon its direction, to the
11 trustee or trustees for bondholders of bonds that by their
12 terms are payable from the moneys received from the McCormick
13 Place Expansion Project Fund, until an amount equal to 100%
14 of the aggregate amount of the principal and interest in the
15 fiscal year, including that pursuant to sinking fund
16 requirements, has been so paid and deficiencies in reserves
17 shall have been remedied.

18 The State of Illinois pledges to and agrees with the
19 holders of the bonds of the Metropolitan Pier and Exposition
20 Authority issued under this Section that the State will not
21 limit or alter the rights and powers vested in the Authority
22 by this Act so as to impair the terms of any contract made by
23 the Authority with those holders or in any way impair the
24 rights and remedies of those holders until the bonds,
25 together with interest thereon, interest on any unpaid
26 installments of interest, and all costs and expenses in
27 connection with any action or proceedings by or on behalf of
28 those holders are fully met and discharged; provided that any
29 increase in the Tax Act Amounts specified in Section 3 of the
30 Retailers' Occupation Tax Act, Section 9 of the Use Tax Act,
31 Section 9 of the Service Use Tax Act, and Section 9 of the
32 Service Occupation Tax Act required to be deposited into the
33 Build Illinois Bond Account in the Build Illinois Fund
34 pursuant to any law hereafter enacted shall not be deemed to

1 impair the rights of such holders so long as the increase
2 does not result in the aggregate debt service payable in the
3 current or any future fiscal year of the State on all bonds
4 issued pursuant to the Build Illinois Bond Act and the
5 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
8 of 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. In addition, the State pledges to and
12 agrees with the holders of the bonds of the Authority issued
13 under this Section that the State will not limit or alter the
14 basis on which State funds are to be paid to the Authority as
15 provided in this Act or the use of those funds so as to
16 impair the terms of any such contract; provided that any
17 increase in the Tax Act Amounts specified in Section 3 of the
18 Retailers' Occupation Tax Act, Section 9 of the Use Tax Act,
19 Section 9 of the Service Use Tax Act, and Section 9 of the
20 Service Occupation Tax Act required to be deposited into the
21 Build Illinois Bond Account in the Build Illinois Fund
22 pursuant to any law hereafter enacted shall not be deemed to
23 impair the terms of any such contract so long as the increase
24 does not result in the aggregate debt service payable in the
25 current or any future fiscal year of the State on all bonds
26 issued pursuant to the Build Illinois Bond Act and the
27 Metropolitan Pier and Exposition Authority Act and payable
28 from tax revenues specified in Section 3 of the Retailers'
29 Occupation Tax Act, Section 9 of the Use Tax Act, Section 9
30 of the Service Use Tax Act, and Section 9 of the Service
31 Occupation Tax Act exceeding 33 1/3% of such tax revenues for
32 the most recently completed fiscal year of the State at the
33 time of such increase. The Authority is authorized to include
34 these pledges and agreements with the State in any contract

1 with the holders of bonds issued under this Section.

2 The State shall not be liable on bonds of the Authority
3 issued under this Section those bonds shall not be a debt of
4 the State, and this Act shall not be construed as a guarantee
5 by the State of the debts of the Authority. The bonds shall
6 contain a statement to this effect on the face of the bonds.

7 (Source: P.A. 90-612, eff. 7-8-98; 91-101, eff. 7-12-99.)

8 (70 ILCS 210/23.1) (from Ch. 85, par. 1243.1)

9 Sec. 23.1. Affirmative action.

10 (a) The Authority shall, within 90 days after the
11 effective date of this amendatory Act of 1984, establish and
12 maintain an affirmative action program designed to promote
13 equal employment opportunity and eliminate the effects of
14 past discrimination. Such program shall include a plan,
15 including timetables where appropriate, which shall specify
16 goals and methods for increasing participation by women and
17 minorities in employment by the Authority and by parties
18 which contract with the Authority. The Authority shall
19 submit a detailed plan with the General Assembly prior to
20 September 1 of each year. Such program shall also establish
21 procedures and sanctions (including debarment), which the
22 Authority shall enforce to ensure compliance with the plan
23 established pursuant to this Section and with State and
24 federal laws and regulations relating to the employment of
25 women and minorities. A determination by the Authority as to
26 whether a party to a contract with the Authority has achieved
27 the goals or employed the methods for increasing
28 participation by women and minorities shall be determined in
29 accordance with the terms of such contracts or the applicable
30 provisions of rules and regulations of the Authority existing
31 at the time such contract was executed, including any
32 provisions for consideration of good faith efforts at
33 compliance which the Authority may reasonably adopt.

1 (b) The Authority shall adopt and maintain minority and
2 female owned business enterprise procurement programs under
3 the affirmative action program described in subsection (a)
4 for any and all work undertaken by the Authority. That work
5 shall include, but is not limited to, the purchase of
6 professional services, construction services, supplies,
7 materials, and equipment. The programs shall establish goals
8 of awarding not less than 25% of the annual dollar value of
9 all contracts, purchase orders, or other agreements
10 (collectively referred to as "contracts") to minority owned
11 businesses and 5% of the annual dollar value of all contracts
12 to female owned businesses. Without limiting the generality
13 of the foregoing, the programs shall require in connection
14 with the prequalification or consideration of vendors for
15 professional service contracts, construction contracts, and
16 contracts for supplies, materials, equipment, and services
17 that each proposer or bidder submit as part of his or her
18 proposal or bid a commitment detailing how he or she will
19 expend 25% or more of the dollar value of his or her
20 contracts with one or more minority owned businesses and 5%
21 or more of the dollar value with one or more female owned
22 businesses. Bids or proposals that do not include such
23 detailed commitments are not responsive and shall be rejected
24 unless the Authority deems it appropriate to grant a waiver
25 of these requirements. In addition the Authority may, in
26 connection with the selection of providers of professional
27 services, reserve the right to select a minority or female
28 owned business or businesses to fulfill the commitment to
29 minority and female business participation. The commitment
30 to minority and female business participation may be met by
31 the contractor or professional service provider's status as a
32 minority or female owned business, by joint venture or by
33 subcontracting a portion of the work with or purchasing
34 materials for the work from one or more such businesses, or

1 by any combination thereof. Each contract shall require the
2 contractor or provider to submit a certified monthly report
3 detailing the status of that contractor or provider's
4 compliance with the Authority's minority and female owned
5 business enterprise procurement program. The Authority,
6 after reviewing the monthly reports of the contractors and
7 providers, shall compile a comprehensive report regarding
8 compliance with this procurement program and file it
9 quarterly with the General Assembly. If, in connection with
10 a particular contract, the Authority determines that it is
11 impracticable or excessively costly to obtain minority or
12 female owned businesses to perform sufficient work to fulfill
13 the commitment required by this subsection, the Authority
14 shall reduce or waive the commitment in the contract, as may
15 be appropriate. The Authority shall establish rules and
16 regulations setting forth the standards to be used in
17 determining whether or not a reduction or waiver is
18 appropriate. The terms "minority owned business" and "female
19 owned business" have the meanings given to those terms in the
20 Minority--and--Female Business Enterprise for Minorities,
21 Females, and Persons with Disabilities Act.

22 (c) The Authority shall adopt and maintain an
23 affirmative action program in connection with the hiring of
24 minorities and women on the Expansion Project and on any and
25 all construction projects undertaken by the Authority. The
26 program shall be designed to promote equal employment
27 opportunity and shall specify the goals and methods for
28 increasing the participation of minorities and women in a
29 representative mix of job classifications required to perform
30 the respective contracts awarded by the Authority.

31 (d) In connection with the Expansion Project, the
32 Authority shall incorporate the following elements into its
33 minority and female owned business procurement programs to
34 the extent feasible: (1) a major contractors program that

1 permits minority owned businesses and female owned businesses
2 to bear significant responsibility and risk for a portion of
3 the project; (2) a mentor/protege program that provides
4 financial, technical, managerial, equipment, and personnel
5 support to minority owned businesses and female owned
6 businesses; (3) an emerging firms program that includes
7 minority owned businesses and female owned businesses that
8 would not otherwise qualify for the project due to
9 inexperience or limited resources; (4) a small projects
10 program that includes participation by smaller minority owned
11 businesses and female owned businesses on jobs where the
12 total dollar value is \$5,000,000 or less; and (5) a set-aside
13 program that will identify contracts requiring the
14 expenditure of funds less than \$50,000 for bids to be
15 submitted solely by minority owned businesses and female
16 owned businesses.

17 (e) The Authority is authorized to enter into agreements
18 with contractors' associations, labor unions, and the
19 contractors working on the Expansion Project to establish an
20 Apprenticeship Preparedness Training Program to provide for
21 an increase in the number of minority and female journeymen
22 and apprentices in the building trades and to enter into
23 agreements with Community College District 508 to provide
24 readiness training. The Authority is further authorized to
25 enter into contracts with public and private educational
26 institutions and persons in the hospitality industry to
27 provide training for employment in the hospitality industry.

28 (f) McCormick Place Advisory Board. There is created a
29 McCormick Place Advisory Board composed as follows: 2 members
30 shall be appointed by the Mayor of Chicago; 2 members shall
31 be appointed by the Governor; 2 members shall be State
32 Senators appointed by the President of the Senate; 2 members
33 shall be State Senators appointed by the Minority Leader of
34 the Senate; 2 members shall be State Representatives

1 appointed by the Speaker of the House of Representatives; and
 2 2 members shall be State Representatives appointed by the
 3 Minority Leader of the House of Representatives 7--members
 4 shall-be-named-by-the-Authority-who-are-residents-of-the-area
 5 surrounding--the--McCormick--Place--Expansion-Project-and-are
 6 either-minorities,-as-defined-in-this-subsection,-or-women;-7
 7 members-shall-be-State-Senators-named-by-the-President-of-the
 8 Senate-who-are-residents-of--the--City--of--Chicago--and--are
 9 either--members--of--minority--groups-or-women;-and-7-members
 10 shall-be-State-Representatives-named-by-the--Speaker--of--the
 11 House-who-are-residents-of-the-City-of-Chicago-and-are-either
 12 members--of--minority--groups--or--women. The terms of all
 13 previously appointed members of the Advisory Board expire on
 14 the effective date of this amendatory Act of the 92nd General
 15 Assembly. A State Senator or State Representative member may
 16 appoint a designee to serve on the McCormick Place Advisory
 17 Board in his or her absence.

18 A "member of a minority group" shall mean a person who is
 19 a citizen or lawful permanent resident of the United States
 20 and who is

- 21 (1) Black (a person having origins in any of the
- 22 black racial groups in Africa);
- 23 (2) Hispanic (a person of Spanish or Portuguese
- 24 culture with origins in Mexico, South or Central America,
- 25 or the Caribbean Islands, regardless of race);
- 26 (3) Asian American (a person having origins in any
- 27 of the original peoples of the Far East, Southeast Asia,
- 28 the Indian Subcontinent, or the Pacific Islands); or
- 29 (4) American Indian or Alaskan Native (a person
- 30 having origins in any of the original peoples of North
- 31 America).

32 Members of the McCormick Place Advisory Board shall serve
 33 2-year terms and until their successors are appointed, except
 34 members who serve as a result of their elected position whose

1 terms shall continue as long as they hold their designated
2 elected positions. Vacancies shall be filled by appointment
3 for the unexpired term in the same manner as original
4 appointments are made. The McCormick Place Advisory Board
5 shall elect its own chairperson.

6 Members of the McCormick Place Advisory Board shall serve
7 without compensation but, at the Authority's discretion,
8 shall be reimbursed for necessary expenses in connection with
9 the performance of their duties.

10 The McCormick Place Advisory Board shall meet quarterly,
11 or as needed, shall produce any reports it deems necessary,
12 and shall:

13 (1) Work with the Authority on ways to improve the
14 area physically and economically;

15 (2) Work with the Authority regarding potential
16 means for providing increased economic opportunities to
17 minorities and women produced indirectly or directly from
18 the construction and operation of the Expansion Project;

19 (3) Work with the Authority to minimize any
20 potential impact on the area surrounding the McCormick
21 Place Expansion Project, including any impact on minority
22 or female owned businesses, resulting from the
23 construction and operation of the Expansion Project;

24 (4) Work with the Authority to find candidates for
25 building trades apprenticeships, for employment in the
26 hospitality industry, and to identify job training
27 programs;

28 (5) Work with the Authority to implement the
29 provisions of subsections (a) through (e) of this Section
30 in the construction of the Expansion Project, including
31 the Authority's goal of awarding not less than 25% and 5%
32 of the annual dollar value of contracts to minority and
33 female owned businesses, the outreach program for
34 minorities and women, and the mentor/protege program for

1 providing assistance to minority and female owned
2 businesses.

3 (Source: P.A. 91-422, eff. 1-1-00; revised 8-23-99.)

4 Section 90. Inseverability. The provisions of this Act
5 are mutually dependent and inseverable. If any provision or
6 its application to any person or circumstance is held
7 invalid, than this entire Act is invalid.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.