



LEGISLATIVE SUB-COMMITTEE AGENDA
Room 400, Government Center

Monday, January 22, 2007
3:00 P.M.

1. Call to Order.
2. Roll Call.
3. Items Presented for Action:
 - A. Proposed 2007 Legislative Program 1-2
 - 1) Amend the Enterprise Zone Act to Allow more than one Enterprise Zone in a County (20 ILCS 655) 3-27
 - 2) Support Legislation to Authorize County Boards to pass a Cigarette Tax of up to \$2.00 per pack (SB 716) 28-33
 - 3) Pass Legislation to Authorize County Boards to Assess a \$5.00 Fee on Civil Court Cases to Support Child Advocacy Centers 34-35
 - 4) Pass Legislation to Restore the Election Levy (SB 512) 36-50
 - 5) Support Legislation to Enact a Statewide Smoking Ban (HB 246) 51-63
 - B. Request Approval of Resolution of the McLean County Board Adopting the 2007 Legislative Program for McLean County 64-65
4. Items Presented for Information:
 - A. Amendment to Airport Authorities Act (HB 4) 66-71
 - B. Other
4. Adjournment.

McLean County 2007 Legislative Program

1. Amend the Enterprise Zone Act to allow more than one enterprise zone in a County.

The Enterprise Zone Act (20 ILCS 655/) allows a County to establish only one Enterprise Zone and limits the size of the zone to 13 square miles. This law should be amended to allow Counties to create more than one enterprise zone and to provide some flexibility as to the size of the zone.

The 13 mile limit means that the smallest County, at 160 square miles, could designate 7.5% of its area as an Enterprise Zone, while McLean County, with a size of 1,186 square miles, is limited to only 1% of its area.

The limitation to only one Enterprise Zone per County can also result in inefficient "gerrymandering" when more than one area of a County qualifies for Enterprise Zone status and those areas are separated by considerable distance.

2. Support SB 716 to Authorize County Boards to pass a Cigarette Tax of up to \$2.00 per pack.

SB 716 passed the House in the Fall 2006 Special Session and is scheduled to be considered by the Senate in January of 2007. It would enable a County Board to enact a tax of up to \$2.00 per pack on cigarettes and use the proceeds for public health or safety purposes.

We estimate a tax equal to 50 cents per pack would provide \$1,000,000 in new revenue and a tax of \$1.00 per pack would provide almost \$2,000,000 in new annual revenue for County health and safety programs.

3. Pass Legislation to Authorize County Boards to Assess a \$5.00 Fee on Civil Court Cases to Support Child Advocacy Centers.

Allow County Boards to add a fee of up to \$5.00 to Civil Cases in the Divorce, Family and Adoption categories in order to provide additional financial support to operate the Child Advocacy Center programs.

This fee would provide a needed annual revenue stream for Child Advocacy Center programs.

4. Pass Legislation to Restore the Election Levy.

For several years we have shared our concern about funding the Bloomington Election Commission based on an archaic formula that is based on changes in property valuation instead of the actual needs of the Commission. During the 2005 Legislative Session, **SB 512** was introduced, but did not get out of Committee. It would have restored the separate Election Levy that existed until the mid-1980's.

During 2005, we have been working with the nine City Election Commissions and other Counties to try to develop an agreed approach to improving the funding mechanism for the election process. There is general agreement that the best approach would be to seek local option authority to restore the separate Election Levy that existed in the early 1980's, and use it to fund city commissions and that portion of the County Clerk's office that deals with elections.

A separate election Levy would also provide necessary fiscal capacity for local election authorities to fund new voting requirements being imposed by State and federal law; these are frequently in the form of unfunded mandates.

5. Support Legislation to Enact a Statewide Smoking Ban

McLean County and our two largest municipalities have passed smoking bans in slightly different forms. Other incorporated municipalities in the County have not acted at this point. We support a statewide smoking ban to level the playing field for businesses and minimize confusion for the citizens.

Illinois Compiled Statutes

EXECUTIVE BRANCH

(20 ILCS 655/) Illinois Enterprise Zone Act.

(20 ILCS 655/1) (from Ch. 67 1/2, par. 601)

Sec. 1. This Act shall be known and may be cited as the "Illinois Enterprise Zone Act".

(Source: P.A. 82-1019.)

(20 ILCS 655/2) (from Ch. 67 1/2, par. 602)

Sec. 2. The General Assembly finds and declares that the health, safety and welfare of the people of this State are dependent upon a healthy economy and vibrant communities; that the continual encouragement, development, growth and expansion of the private sector within the State requires a cooperative and continuous partnership between government and the private sector; and that there are certain depressed areas in this State that need the particular attention of government, business, labor and the citizens of Illinois to help attract private sector investment into these areas and directly aid the local community and its residents. Therefore, it is declared to be the purpose of this Act to explore ways and means of stimulating business and industrial growth and retention in depressed areas and stimulating neighborhood revitalization of depressed areas of the State by means of relaxed government controls and tax incentives in those areas.

(Source: P.A. 82-1019.)

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

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

(a) "Department" means the Department of Commerce and Economic Opportunity.

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

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

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

(e) "Agency" means each officer, board, commission and agency created by the Constitution, in the executive branch of State government, other than the State Board of Elections; each officer, department, board, commission, agency, institution, authority, university, body politic and corporate of the State; and each administrative unit or corporate

outgrowth of the State government which is created by or pursuant to statute, other than units of local government and their officers, school districts and boards of election commissioners; each administrative unit or corporate outgrowth of the above and as may be created by executive order of the Governor. No entity shall be considered an "agency" for the purposes of this Act unless authorized by law to make rules or regulations.

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

(Source: P.A. 94-793, eff. 5-19-06.)

(20 ILCS 655/4) (from Ch. 67 1/2, par. 604)

Sec. 4. Qualifications for Enterprise Zones. (1) An area is qualified to become an enterprise zone which:

(a) is a contiguous area, provided that a zone area may exclude wholly surrounded territory within its boundaries;

(b) comprises a minimum of one-half square mile and not more than 12 square miles, or 15 square miles if the zone is located within the jurisdiction of 4 or more counties or municipalities, in total area, exclusive of lakes and waterways; however, in such cases where the enterprise zone is a joint effort of three or more units of government, or two or more units of government if situated in a township which is divided by a municipality of 1,000,000 or more inhabitants, and where the certification has been in effect at least one year, the total area shall comprise a minimum of one-half square mile and not more than thirteen square miles in total area exclusive of lakes and waterways;

(c) is a depressed area;

(d) satisfies any additional criteria established by regulation of the Department consistent with the purposes of this Act; and

(e) is (1) entirely within a municipality or (2) entirely within the unincorporated areas of a county, except where reasonable need is established for such zone to cover portions of more than one municipality or county or (3) both comprises (i) all or part of a municipality and (ii) an unincorporated area of a county.

(2) Any criteria established by the Department or by law which utilize the rate of unemployment for a particular area shall provide that all persons who are not presently employed and have exhausted all unemployment benefits shall be considered unemployed, whether or not such persons are actively seeking employment.

(Source: P.A. 86-803.)

(20 ILCS 655/5) (from Ch. 67 1/2, par. 605)

Sec. 5. Initiation of Enterprise Zones by Municipality or County. (a) No area may be designated as an enterprise zone except pursuant to an initiating ordinance adopted in accordance with this Section.

(b) A county or municipality may by ordinance designate an area within its jurisdiction as an enterprise zone, subject to the certification of the Department in accordance with this Act, if:

(i) the area is qualified in accordance with Section 4; and

(ii) the county or municipality has conducted at least one public hearing within the proposed zone area on the question of whether to create the zone, what local plans, tax incentives and other programs should be established in connection with the zone, and what the boundaries of the zone should be; public notice of such hearing shall be published in at least one newspaper of general circulation within the zone area, not more than 20 days nor less than 5 days before the hearing.

(c) An ordinance designating an area as an enterprise zone shall set forth:

(i) a precise description of the area comprising the zone, either in the form of a legal description or by reference to roadways, lakes and waterways, and township, county boundaries;

(ii) a finding that the zone area meets the qualifications of Section 4;

(iii) provisions for any tax incentives or reimbursement for taxes, which pursuant to state and federal law apply to business enterprises within the zone at the election of the designating county or municipality, and which are not applicable throughout the county or municipality;

(iv) a designation of the area as an enterprise zone, subject to the approval of the Department in accordance with this Act;

(v) the duration or term of the enterprise zone.

(d) This Section does not prohibit a municipality or county from extending additional tax incentives or reimbursement for business enterprises in Enterprise Zones or throughout their territory by separate ordinance.

(e) No county or municipality located within the Metro East Mass Transit District which adopts an ordinance designating an area within the District as an Enterprise Zone shall provide for any exemption, deduction, credit, refund or abatement of any taxes imposed by the Metro East Mass Transit District Board of Trustees under Section 5.01 of the "Local Mass Transit District Act", approved July 21, 1959, as amended.

(f) The Department shall encourage applications from all areas of the State and shall actively solicit applications from those counties with populations of less than 300,000.

(Source: P.A. 85-870.)

(20 ILCS 655/5.1) (from Ch. 67 1/2, par. 606)

Sec. 5.1. Application to Department. A county or municipality which has adopted an ordinance designating an area as an enterprise zone shall make written application to the Department to have such proposed enterprise zone certified by the Department as an Enterprise Zone. The application shall include:

(i) a certified copy of the ordinance designating the proposed zone;

(ii) a map of the proposed enterprise zone, showing

existing streets and highways;

(iii) an analysis, and any appropriate supporting documents and statistics, demonstrating that the proposed zone area is qualified in accordance with Section 4;

(iv) a statement detailing any tax, grant, and other financial incentives or benefits, and any programs, to be provided by the municipality or county to business enterprises within the zone, other than those provided in the designating ordinance, which are not to be provided throughout the municipality or county;

(v) a statement setting forth the economic development and planning objectives for the zone;

(vi) a statement describing the functions, programs, and services to be performed by designated zone organizations within the zone;

(vii) an estimate of the economic impact of the zone, considering all of the tax incentives, financial benefits and programs contemplated, upon the revenues of the municipality or county;

(viii) a transcript of all public hearings on the zone;

(ix) in the case of a joint application, a statement detailing the need for a zone covering portions of more than one municipality or county and a description of the agreement between joint applicants; and

(x) such additional information as the Department by regulation may require.

(Source: P.A. 82-1019.)

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

Sec. 5.2. Department Review of Enterprise Zone Applications. (a) All applications which are to be considered and acted upon by the Department during a calendar year must be received by the Department no later than December 31 of the preceding calendar year.

Any application received on or after January 1 of any calendar year shall be held by the Department for consideration and action during the following calendar year.

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

(c) No later than May 1, the Department shall notify all applicant municipalities and counties of the Department's determination of the qualification of their respective designated enterprise zone areas.

(d) If any such designated area is found to be qualified to be an enterprise zone, the Department shall, no later than May 15, publish a notice in at least one newspaper of general circulation within the proposed zone area to notify the general public of the application and their opportunity to comment. Such notice shall include a description of the area and a brief summary of the application and shall indicate locations where the applicant has provided copies of the application for public inspection. The notice shall also indicate appropriate procedures for the filing of written comments from zone residents, business, civic and other organizations and property owners to the Department.

(e) By July 1 of each calendar year, the Department shall either approve or deny all applications filed by December 31

of the preceding calendar year. If approval of an application filed by December 31 of any calendar year is not received by July 1 of the following calendar year, the application shall be considered denied. If an application is denied, the Department shall inform the county or municipality of the specific reasons for the denial.

(f) Preference in Designation. In determining which designated areas shall be approved and certified as Enterprise Zones, the Department shall give preference to:

(1) Areas with high levels of poverty, unemployment, job and population loss, and general distress; and

(2) Areas which have evidenced with widest support from the county or municipality seeking to have such areas designated as Enterprise Zones, community residents, local business, labor and neighborhood organizations and where there are plans for the disposal of publicly owned real property as described in Section 10; and

(3) Areas for which a specific plan has been submitted to effect economic growth and expansion and neighborhood revitalization for the benefit of Zone residents and existing business through efforts which may include but need not be limited to a reduction of tax rates or fees, an increase in the level and efficiency of local services, and a simplification or streamlining of governmental requirements applicable to employers or employees, taking into account the resources available to the county or municipality seeking to have an area designated as an Enterprise Zone to make such efforts; and

(4) Areas for which there is evidence of prior consultation between the county or municipality seeking designation of an area as an Enterprise Zone and business, labor and neighborhood organizations within the proposed Zone;

(5) Areas for which a specific plan has been submitted which will or may be expected to benefit zone residents and workers by increasing their ownership opportunities and participation in enterprise zone development;

(6) Areas in which specific governmental functions are to be performed by designated neighborhood organizations in partnership with the county or municipality seeking designation of an area as an Enterprise Zone.

(g) At least 2/5 of all new enterprise zones approved and certified by the Department during any calendar year shall be located wholly or partially within counties with unemployment rates of or above 8% for at least one month during the 12-month calendar year preceding the calendar year in which the applications are to be considered and acted upon by the Department.

(h) The Department's determination of whether to certify an enterprise zone shall be based on the purposes of this Act, the criteria set forth in Section 4 and subsections (f) and (g) of Section 5.2, and any additional criteria adopted by regulation of the Department under paragraph (d) of Section 4.

(Source: P.A. 85-870.)

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

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

(a) Approval of designated Enterprise Zones shall be made by the Department by certification of the designating

ordinance. The Department shall promptly issue a certificate for each Enterprise Zone upon its approval. The certificate shall be signed by the Director of the Department, shall make specific reference to the designating ordinance, which shall be attached thereto, and shall be filed in the office of the Secretary of State. A certified copy of the Enterprise Zone Certificate, or a duplicate original thereof, shall be recorded in the office of recorder of deeds of the county in which the Enterprise Zone lies.

(b) An Enterprise Zone shall be effective upon its certification. The Department shall transmit a copy of the certification to the Department of Revenue, and to the designating municipality or county.

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

(c) An Enterprise Zone shall be in effect for 30 calendar years, or for a lesser number of years specified in the certified designating ordinance. Enterprise Zones shall terminate at midnight of December 31 of the final calendar year of the certified term, except as provided in Section 5.4.

(d) No more than 12 Enterprise Zones may be certified by the Department in calendar year 1984, no more than 12 Enterprise Zones may be certified by the Department in calendar year 1985, no more than 13 Enterprise Zones may be certified by the Department in calendar year 1986, no more than 15 Enterprise Zones may be certified by the Department in calendar year 1987, and no more than 20 Enterprise Zones may be certified by the Department in calendar year 1990. In other calendar years, no more than 13 Enterprise Zones may be certified by the Department. The Department may also designate up to 8 additional Enterprise Zones outside the regular application cycle if warranted by the extreme economic circumstances as determined by the Department. The Department may also designate one additional Enterprise Zone outside the regular application cycle if an aircraft manufacturer agrees to locate an aircraft manufacturing facility in the proposed Enterprise Zone. Notwithstanding any other provision of this Act, no more than 89 Enterprise Zones may be certified by the Department for the 10 calendar years commencing with 1983. The 7 additional Enterprise Zones authorized by Public Act 86-15 shall not lie within municipalities or unincorporated areas of counties that abut or are contiguous to Enterprise Zones certified pursuant to this Section prior to June 30, 1989. The 7 additional Enterprise Zones (excluding the additional Enterprise Zone which may be designated outside the regular application cycle) authorized by Public Act 86-1030 shall not lie within municipalities or unincorporated areas of counties that abut or are contiguous to Enterprise Zones certified pursuant to this Section prior to February 28, 1990. Beginning in calendar year 2004 and until December 31, 2008, one additional enterprise zone may be certified by the Department. In any calendar year, the Department may not certify more than 3 Zones located within the same municipality. The Department may certify Enterprise Zones in each of the 10 calendar years commencing with 1983. The Department may not certify more than a total of 18 Enterprise Zones located within the same county (whether within municipalities or within unincorporated

territory) for the 10 calendar years commencing with 1983. Thereafter, the Department may not certify any additional Enterprise Zones, but may amend and rescind certifications of existing Enterprise Zones in accordance with Section 5.4.

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

(Source: P.A. 92-16, eff. 6-28-01; 92-777, eff. 1-1-03; 93-436, eff. 1-1-04.)

(20 ILCS 655/5.4) (from Ch. 67 1/2, par. 609)

Sec. 5.4. Amendment and Decertification of Enterprise Zones.

(a) The terms of a certified enterprise zone designating ordinance may be amended to

(i) alter the boundaries of the Enterprise Zone, or

(ii) expand, limit or repeal tax incentives or

benefits provided in the ordinance, or

(iii) alter the termination date of the zone, or

(iv) make technical corrections in the enterprise

zone designating ordinance; but such amendment shall not be effective unless the Department issues an amended certificate for the Enterprise Zone, approving the amended designating ordinance. Upon the adoption of any ordinance amending or repealing the terms of a certified enterprise zone designating ordinance, the municipality or county shall promptly file with the Department an application for approval thereof, containing substantially the same information as required for an application under Section 5.1 insofar as material to the proposed changes. The municipality or county must hold a public hearing on the proposed changes as specified in Section 5 and, if the amendment is to effectuate the limitation of tax abatements under Section 5.4.1, then the public notice of the hearing shall state that property that is in both the enterprise zone and a redevelopment project area may not receive tax abatements unless within 60 days after the adoption of the amendment to the designating ordinance the municipality has determined that eligibility for tax abatements has been established,

(v) include an area within another municipality or county as part of the designated enterprise zone provided the requirements of Section 4 are complied with, or

(vi) effectuate the limitation of tax abatements under Section 5.4.1.

(b) The Department shall approve or disapprove a proposed amendment to a certified enterprise zone within 90 days of its receipt of the application from the municipality or county. The Department may not approve changes in a Zone which are not in conformity with this Act, as now or hereafter amended, or with other applicable laws. If the Department issues an

amended certificate for an Enterprise Zone, the amended certificate, together with the amended zone designating ordinance, shall be filed, recorded and transmitted as provided in Section 5.3.

(c) An Enterprise Zone may be decertified by joint action of the Department and the designating county or municipality in accordance with this Section. The designating county or municipality shall conduct at least one public hearing within the zone prior to its adoption of an ordinance of de-designation. The mayor of the designating municipality or the chairman of the county board of the designating county shall execute a joint decertification agreement with the Department. A decertification of an Enterprise Zone shall not become effective until at least 6 months after the execution of the decertification agreement, which shall be filed in the office of the Secretary of State.

(d) An Enterprise Zone may be decertified for cause by the Department in accordance with this Section. Prior to decertification: (1) the Department shall notify the chief elected official of the designating county or municipality in writing of the specific deficiencies which provide cause for decertification; (2) the Department shall place the designating county or municipality on probationary status for at least 6 months during which time corrective action may be achieved in the enterprise zone by the designating county or municipality; and, (3) the Department shall conduct at least one public hearing within the zone. If such corrective action is not achieved during the probationary period, the Department shall issue an amended certificate signed by the Director of the Department decertifying the enterprise zone, which certificate shall be filed in the office of the Secretary of State. A certified copy of the amended enterprise zone certificate, or a duplicate original thereof, shall be recorded in the office of recorder of the county in which the enterprise zone lies, and shall be provided to the chief elected official of the designating county or municipality. Decertification of an Enterprise Zone shall not become effective until 60 days after the date of filing.

(e) In the event of a decertification, or an amendment reducing the length of the term or the area of an Enterprise Zone or the adoption of an ordinance reducing or eliminating tax benefits in an Enterprise Zone, all benefits previously extended within the Zone pursuant to this Act or pursuant to any other Illinois law providing benefits specifically to or within Enterprise Zones shall remain in effect for the original stated term of the Enterprise Zone, with respect to business enterprises within the Zone on the effective date of such decertification or amendment, and with respect to individuals participating in urban homestead programs under this Act.

(f) Except as otherwise provided in Section 5.4.1, with respect to business enterprises (or expansions thereof) which are proposed or under development within a Zone at the time of a decertification or an amendment reducing the length of the term of the Zone, or excluding from the Zone area the site of the proposed enterprise, or an ordinance reducing or eliminating tax benefits in a Zone, such business enterprise shall be entitled to the benefits previously applicable within the Zone for the original stated term of the Zone, if the

business enterprise establishes:

(i) that the proposed business enterprise or expansion has been committed to be located within the Zone;

(ii) that substantial and binding financial obligations have been made towards the development of such enterprise; and

(iii) that such commitments have been made in reasonable reliance on the benefits and programs which were to have been applicable to the enterprise by reason of the Zone, including in the case of a reduction in term of a zone, the original length of the term.

In declaratory judgment actions under this paragraph, the Department and the designating municipality or county shall be necessary parties defendant.

(Source: P.A. 90-258, eff. 7-30-97.)

(20 ILCS 655/5.4.1)

Sec. 5.4.1. Adoption of Tax Increment Financing.

(a) If (i) a redevelopment project area is, will be, or has been created by a municipality under Division 74.4 of the Illinois Municipal Code, (ii) the redevelopment project area contains property that is located in an enterprise zone, (iii) the municipality adopts an amendment to the enterprise zone designating ordinance pursuant to Section 5.4 of this Act specifically concerning the abatement of taxes on property located within a redevelopment project area created pursuant to Division 74.4 of the Illinois Municipal Code, and (iv) the Department certifies the ordinance amendment, then the property that is located in both the enterprise zone and the redevelopment project area shall not be eligible for the abatement of taxes under Section 18-170 of the Property Tax Code.

No business enterprise or expansion or individual, however, that has constructed a new improvement or renovated or rehabilitated an existing improvement and has received an abatement on the improvement under Section 18-170 of the Property Tax Code shall be denied any benefit previously extended within the zone pursuant to this Act or pursuant to any other Illinois law providing benefits specifically to or within enterprise zones. Moreover, if the business enterprise or individual presents evidence to the municipality within 30 days after the adoption by the municipality of an amendment to the designating ordinance the sufficiency of which shall be determined by findings of the corporate authorities made within 30 days of the receipt of such evidence by the municipality, that before the date of the notice of the public hearing provided by the municipality regarding the amendment to the designating ordinance (i) the business enterprise or expansion or individual was committed to locate within the enterprise zone, (ii) substantial and binding financial obligations were made towards the development of the enterprise, and (iii) those commitments were made in reasonable reliance on the benefits and programs that were applicable to the enterprise or individual by reason of the enterprise zone, then the enterprise or expansion or individual shall not be denied any benefit previously extended within the zone pursuant to this Act or pursuant to any other

Illinois law providing benefits specifically to or within enterprise zones.

(b) This Section applies to all property located within both a redevelopment project area adopted under Division 74.4 of the Illinois Municipal Code and an enterprise zone even if the redevelopment project area or the enterprise zone was adopted before the effective date of this amendatory Act of 1997.

(c) After July 1, 1997, if (i) a redevelopment project area is created by a municipality under Division 74.4 of the Illinois Municipal Code and (ii) the redevelopment project area contains property that is located in an enterprise zone, the municipality must adopt an amendment to the certified enterprise zone designating ordinance under Section 5.4 that property that is located in both the enterprise zone and the redevelopment project area shall not be eligible for any abatement of taxes under Section 18-170 of the Property Tax Code for new improvements or the renovation or rehabilitation of existing improvements.

(d) In declaratory judgment actions under this Section, the Department and the designating municipality shall be necessary parties defendant.

(Source: P.A. 90-258, eff. 7-30-97.)

(20 ILCS 655/5.5) (from Ch. 67 1/2, par. 609.1)
Sec. 5.5. High Impact Business.

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

- (1) such applications may be submitted at any time during the year;
- (2) such business is not located, at the time of designation, in an enterprise zone designated pursuant to this Act;
- (3) the business intends to do one or more of the following:

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

(B) the business intends to establish a new electric generating facility at a designated location

in Illinois. "New electric generating facility", for purposes of this Section, means a newly-constructed electric generation plant or a newly-constructed generation capacity expansion at an existing electric generation plant, including the transmission lines and associated equipment that transfers electricity from points of supply to points of delivery, and for which such new foundation construction commenced not sooner than July 1, 2001. Such facility shall be designed to provide baseload electric generation and shall operate on a continuous basis throughout the year; and (i) shall have an aggregate rated generating capacity of at least 1,000 megawatts for all new units at one site if it uses natural gas as its primary fuel and foundation construction of the facility is commenced on or before December 31, 2004, or shall have an aggregate rated generating capacity of at least 400 megawatts for all new units at one site if it uses coal or gases derived from coal as its primary fuel and shall support the creation of at least 150 new Illinois coal mining jobs, or (ii) shall be funded through a federal Department of Energy grant before July 1, 2006 and shall support the creation of Illinois coal-mining jobs, or (iii) shall use coal gasification or integrated gasification-combined cycle units that generate electricity or chemicals, or both, and shall support the creation of Illinois coal-mining jobs. The business must certify in writing that the investments necessary to establish a new electric generating facility would not be placed in service and the job creation in the case of a coal-fueled plant would not occur without the tax credits and exemptions set forth in subsection (b-5) of this Section. The term "placed in service" has the same meaning as described in subsection (h) of Section 201 of the Illinois Income Tax Act; or

(B-5) the business intends to establish a new gasification facility at a designated location in Illinois. As used in this Section, "new gasification facility" means a newly constructed coal gasification facility that generates chemical feedstocks or transportation fuels derived from coal (which may include, but are not limited to, methane, methanol, and nitrogen fertilizer), that supports the creation or retention of Illinois coal-mining jobs, and that qualifies for financial assistance from the Department before December 31, 2006. A new gasification facility does not include a pilot project located within Jefferson County or within a county adjacent to Jefferson County for synthetic natural gas from coal; or

(C) the business intends to establish production operations at a new coal mine, re-establish production operations at a closed coal mine, or expand production at an existing coal mine at a designated location in Illinois not sooner than July 1, 2001; provided that

the production operations result in the creation of 150 new Illinois coal mining jobs as described in subdivision (a)(3)(B) of this Section, and further provided that the coal extracted from such mine is utilized as the predominant source for a new electric generating facility. The business must certify in writing that the investments necessary to establish a new, expanded, or reopened coal mine would not be placed in service and the job creation would not occur without the tax credits and exemptions set forth in subsection (b-5) of this Section. The term "placed in service" has the same meaning as described in subsection (h) of Section 201 of the Illinois Income Tax Act; or

(D) the business intends to construct new transmission facilities or upgrade existing transmission facilities at designated locations in Illinois, for which construction commenced not sooner than July 1, 2001. For the purposes of this Section, "transmission facilities" means transmission lines with a voltage rating of 115 kilovolts or above, including associated equipment, that transfer electricity from points of supply to points of delivery and that transmit a majority of the electricity generated by a new electric generating facility designated as a High Impact Business in accordance with this Section. The business must certify in writing that the investments necessary to construct new transmission facilities or upgrade existing transmission facilities would not be placed in service without the tax credits and exemptions set forth in subsection (b-5) of this Section. The term "placed in service" has the same meaning as described in subsection (h) of Section 201 of the Illinois Income Tax Act; and

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

(b) Businesses designated as High Impact Businesses pursuant to subdivision (a)(3)(A) of this Section shall qualify for the credits and exemptions described in the following Acts: Section 9-222 and Section 9-222.1A of the Public Utilities Act, subsection (h) of Section 201 of the Illinois Income Tax Act, and Section 1d of the Retailers' Occupation Tax Act; provided that these credits and exemptions described in these Acts shall not be authorized until the minimum investments set forth in subdivision (a)(3)(A) of this Section have been placed in service in qualified properties and, in the case of the exemptions described in the Public Utilities Act and Section 1d of the Retailers' Occupation Tax Act, the minimum full-time equivalent jobs or full-time jobs set forth in subdivision (a)(3)(A) of this Section have been created or retained. Businesses designated as High Impact Businesses under this Section shall also qualify for the exemption described in Section 5l of the Retailers' Occupation Tax Act. The credit provided in subsection (h) of Section 201 of the Illinois Income Tax Act shall be applicable to

investments in qualified property as set forth in subdivision (a) (3) (A) of this Section.

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

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

(d) Existing Illinois businesses which apply for designation as a High Impact Business must provide the Department with the prospective plan for which 1,500 full-time jobs would be eliminated in the event that the business is not designated.

(e) New proposed facilities which apply for designation as High Impact Business must provide the Department with proof of alternative non-Illinois sites which would receive the proposed investment and job creation in the event that the business is not designated as a High Impact Business.

(f) In the event that a business is designated a High Impact Business and it is later determined after reasonable notice and an opportunity for a hearing as provided under the Illinois Administrative Procedure Act, that the business would have placed in service in qualified property the investments and created or retained the requisite number of jobs without the benefits of the High Impact Business designation, the Department shall be required to immediately revoke the designation and notify the Director of the Department of Revenue who shall begin proceedings to recover all wrongfully exempted State taxes with interest. The business shall also be ineligible for all State funded Department programs for a period of 10 years.

(g) The Department shall revoke a High Impact Business designation if the participating business fails to comply with the terms and conditions of the designation.

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

(Source: P.A. 93-1064, eff. 1-13-05; 93-1067, eff. 1-15-05; 94-65, eff. 6-21-05.)

(20 ILCS 655/6) (from Ch. 67 1/2, par. 610)

Sec. 6. Powers and Duties of Department.

(A) General Powers. The Department shall administer this Act and shall have the following powers and duties:

(1) To monitor the implementation of this Act and submit reports evaluating the effectiveness of the program and any suggestions for legislation to the Governor and General Assembly by October 1 of every year preceding a regular Session of the General Assembly and to annually report to the General Assembly initial and current population, employment, per capita income, number of business establishments and dollar value of new construction and improvements for each Enterprise Zone.

(2) To promulgate all necessary rules and regulations to carry out the purposes of this Act in accordance with The Illinois Administrative Procedure Act.

(3) To assist municipalities and counties in obtaining Federal status as an Enterprise Zone.

(B) Specific Duties:

(1) The Department shall provide information and appropriate assistance to persons desiring to locate and engage in business in an enterprise zone, to persons engaged in business in an enterprise zone and to designated zone organizations operating there.

(2) The Department shall, in cooperation with appropriate units of local government and State agencies, coordinate and streamline existing State business assistance programs and permit and license application procedures for Enterprise Zone businesses.

(3) The Department shall publicize existing tax incentives and economic development programs within the Zone and upon request, offer technical assistance in abatement and alternative revenue source development to local units of government which have enterprise Zones within their jurisdiction.

(4) The Department shall work together with the responsible State and Federal agencies to promote the coordination of other relevant programs, including but not limited to housing, community and economic development, small business, banking, financial assistance, and employment training programs which are carried on in an Enterprise Zone.

(5) In order to stimulate employment opportunities for Zone residents, the Department, in cooperation with the Department of Human Services and the Department of Employment Security, is to initiate a test of the following 2 programs within the 12 month period following designation and approval by the Department of the first enterprise zones: (i) the use of aid to families with dependent children benefits payable under Article IV of the Illinois Public Aid Code, General Assistance benefits payable under Article VI of the Illinois Public Aid Code, the unemployment insurance benefits payable under the Unemployment Insurance Act as training or employment subsidies leading to unsubsidized employment; and (ii) a program for voucher reimbursement of the cost of training

zone residents eligible under the Targeted Jobs Tax Credit provisions of the Internal Revenue Code for employment in private industry. These programs shall not be designed to subsidize businesses, but are intended to open up job and training opportunities not otherwise available. Nothing in this paragraph (5) shall be deemed to require zone businesses to utilize these programs. These programs should be designed (i) for those individuals whose opportunities for job-finding are minimal without program participation, (ii) to minimize the period of benefit collection by such individuals, and (iii) to accelerate the transition of those individuals to unsubsidized employment. The Department is to seek agreement with business, organized labor and the appropriate State Department and agencies on the design, operation and evaluation of the test programs.

A report with recommendations including representative comments of these groups shall be submitted by the Department to the county or municipality which designated the area as an Enterprise Zone, Governor and General Assembly not later than 12 months after such test programs have commenced, or not later than 3 months following the termination of such test programs, whichever first occurs.

(Source: P.A. 89-507, eff. 7-1-97.)

(20 ILCS 655/7) (from Ch. 67 1/2, par. 611)

Sec. 7. State Incentives Regarding Public Services and Physical Infrastructure.

(a) This Act does not restrict tax incentive financing pursuant to the "Tax Increment Allocation Redevelopment Act".

(b) Industrial development bonds. Priority in the use of industrial development bonds issued by the Illinois Finance Authority shall be given to businesses located in an Enterprise Zone.

(c) Deposit of State funds by the State Treasurer. The State Treasurer is authorized and encouraged to place deposits of State funds with financial institutions doing business in an Enterprise Zone.

(Source: P.A. 93-205, eff. 1-1-04.)

(20 ILCS 655/8) (from Ch. 67 1/2, par. 612)

Sec. 8. Zone Administration. The administration of an Enterprise Zone shall be under the jurisdiction of the designating municipality or county. Each designating municipality or county shall, by ordinance, designate a Zone Administrator for the certified zones within its jurisdiction. A Zone Administrator must be an officer or employee of the municipality or county. The Zone Administrator shall be the liaison between the designating municipality or county, the Department, and any designated zone organizations within zones under his jurisdiction.

A designating municipality or county may designate one or more organizations qualified under paragraph (d) of Section 3 to be designated zone organizations for purposes of this Act. The municipality or county, may, by ordinance, delegate functions within an Enterprise Zone to one or more designated zone organizations in such zones.

Subject to the necessary governmental authorizations,

designated zone organizations may provide the following services or perform the following functions in coordination with the municipality or county:

(a) Provide or contract for provision of public services including, but not limited to:

- (1) establishment of crime watch patrols within zone neighborhoods;
- (2) establishment of volunteer day care centers;
- (3) organization of recreational activities for zone area youth;
- (4) garbage collection;
- (5) street maintenance and improvements;
- (6) bridge maintenance and improvements;
- (7) maintenance and improvement of water and sewer lines;
- (8) energy conservation projects;
- (9) health and clinic services;
- (10) drug abuse programs;
- (11) senior citizen assistance programs;
- (12) park maintenance;
- (13) rehabilitation, renovation, and operation and maintenance of low and moderate income housing; and
- (14) other types of public services as provided by law or regulation.

(b) Exercise authority for the enforcement of any code, permit, or licensing procedure within an Enterprise Zone.

(c) Provide a forum for business, labor and government action on zone innovations.

(d) Apply for regulatory relief as provided in Section 8 of this Act.

(e) Receive title to publicly owned land.

(f) Perform such other functions as the responsible government entity may deem appropriate, including offerings and contracts for insurance with businesses within the Zone.

(g) Agree with local governments to provide such public services within the zones by contracting with private firms and organizations, where feasible and prudent.

(h) Solicit and receive contributions to improve the quality of life in the Enterprise Zone.

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

(20 ILCS 655/9) (from Ch. 67 1/2, par. 613)

Sec. 9. State Regulatory Exemptions In Enterprise Zones.

(a) The Department shall conduct an ongoing review of such agency rules and regulations that may be identified by the department or representatives of designating municipalities and counties as business enterprises and preliminarily appearing to the Department to:

- (i) affect the conduct of business, industry and commerce;
- (ii) impose excessive costs on either the creation or conduct of such enterprises; and
- (iii) inhibit the development and expansions of enterprises within Enterprise Zones.

The Department shall conduct hearings, pursuant to public notice, to solicit public comment on such identified rules and regulations as part of this review process.

(b) No later than August 1 of each calendar year, the Department shall publish in the Illinois Register a list of such rules and regulations identified pursuant to paragraph

(a). The Department shall transmit a copy of the list to each agency which has promulgated rules or regulations on the list.

(c) Within 90 days of the publication of the list by the Department, each agency which promulgated rules or regulations identified therein shall file a written report with the Department detailing for each identified rule or regulation:

- (i) the need or justification;
- (ii) whether the rule or regulation is mandated by state or federal law, or is discretionary, and to what extent;
- (iii) a synopsis of the history of the rule, including any internal agency review after its original promulgation; and
- (iv) any appropriate explanation of its relationship to other regulatory requirements.

The promulgating agency shall also include any available data, analysis and studies concerning the economic impact of the identified rules and regulations. The agency responses shall be public records.

(d) No later than January 1 of the following calendar year, the Department shall file proposed rules exempting business enterprises within Enterprise Zones from those agency rules and regulations contained in the published list, for which the Department finds that the job creation or business development incentives for Enterprise Zone development engendered by the exemption outweigh the need and justification for the rule or regulation. In making its findings, the Department shall consider all information, data, and opinions submitted to it by the public, as well as by promulgating agencies, as well as information otherwise available to it.

(e) The proposed rules and regulations promulgated by the Department shall be in the form of amendments to the existing rules and regulations to be affected, and shall be subject to the Illinois Administrative Procedure Act.

(f) Upon its effective date, any exempting rule or regulation of the Department shall supersede the exempted agency rule or regulation in accordance with the terms of the exemption. Such exemptions may apply only to business enterprises within Enterprise Zones during the effective term of the respective Zones. Agencies may not promulgate emergency rules to circumvent an exemption effected by a Department exemption rule; any such emergency rules shall not be effective within Enterprise Zones to the extent inconsistent with the terms of such an exemption.

(Source: P.A. 83-1114.)

(20 ILCS 655/9.1) (from Ch. 67 1/2, par. 614)

Sec. 9.1. State and Local Regulatory Alternatives. (a) Agencies may provide in their rules and regulations for

- (i) the exemption of business enterprises within Enterprise Zones or,
- (ii) modifications or alternatives specifically applicable to business enterprises within Enterprise Zones, which impose less stringent standards or alternative standards for compliance (including performance-based standards as a substitute for specific mandates of methods, procedures or equipment).

Such exemptions, modifications or alternatives shall be effected by rule or regulation promulgated in accordance with the Illinois Administrative Procedure Act. The Agency

promulgating such exemptions, modifications or alternatives shall file with its proposed rule or regulation its findings that the proposed rule or regulation provides economic incentives within Enterprise Zones which promote the purposes of this Act, and which, to the extent they include any exemptions or reductions in regulatory standards or requirements, outweigh the need or justification for the existing rule or regulation.

(b) If any agency promulgates a rule or regulation pursuant to paragraph (a) affecting a rule or regulation contained on the list published by the Department pursuant to Section 9, prior to the completion of the rule making process for the Department's rules under that Section, the agency shall immediately transmit a copy of its proposed rule or regulation to the Department, together with a statement of reasons as to why the Department should defer to the agency's proposed rule or regulation. Agency rules promulgated under paragraph (a) shall, however, be subject to the exemption rules and regulations of the Department promulgated under Section 9.

(c) Within Enterprise Zones, the designating county or municipality may modify all local ordinances and regulations regarding (1) zoning; (2) licensing; (3) building codes, excluding however, any regulations treating building defects; (4) rent control and price controls (except for the minimum wage). Notwithstanding any shorter statute of limitation to the contrary, actions against any contractor or architect who designs, constructs or rehabilitates a building or structure in an Enterprise Zone in accordance with local standards specifically applicable within Zones which have been relaxed may be commenced within 10 years from the time of beneficial occupancy of the building or use of the structure.

(Source: P.A. 82-1019.)

(20 ILCS 655/9.2) (from Ch. 67 1/2, par. 615)

Sec. 9.2. Exemptions from Regulatory Relaxation. (a) Section 9 and subsection (a) of Section 9.1 do not apply to rules and regulations promulgated pursuant to:

- (i) the "Environmental Protection Act";
- (ii) the "Illinois Historic Preservation Act";
- (iii) the "Illinois Human Rights Act";
- (iv) any successor acts to any of the foregoing; or
- (v) any other acts whose purpose is the protection of the environment, the preservation of historic places and landmarks, or the protection of persons against discrimination on the basis of race, color, religion, sex, marital status, national origin or handicap.

(b) No exemption, modification or alternative to any agency rule or regulation promulgated under Section 9 or 9.1 shall be effective which

- (i) presents a significant risk to the health or safety of persons resident in or employed within an Enterprise Zone;
- (ii) would conflict with federal law or regulation such that the state, or any unit of local government or school district, or any area of the state other than Enterprise Zones, or any business enterprise located outside of an Enterprise Zone would be disqualified from a federal program or from federal tax or other benefits;
- (iii) would suspend or modify an agency rule or regulation

mandated by law; or

(iv) would eliminate or reduce benefits to individuals who are residents of or employed within a Zone.

(Source: P.A. 82-1019.)

(20 ILCS 655/10) (from Ch. 67 1/2, par. 616)

Sec. 10. Sale of Publicly-Owned Real Property in an Enterprise Zone.

Once an area becomes an Enterprise Zone, pursuant to provisions contained in the Enterprise Zone agreement, the State and any county or municipality that owns any unused structures or vacant land within the Enterprise Zone may dispose of such structure or vacant land in one of the following ways:

(A) sell such structures or vacant land at public auction or by other methods available to dispose of such property; or

(B) establish an urban homestead program that provides:

(1) that the State or county or municipality will sell an individual a residence or portion thereof it owns for a sum not to exceed \$100.

(2) that the individual agrees to live in the residence for a period of seven years.

(3) that the individual agrees to renovate or remodel the property to meet the level of maintenance stated in the agreement between the individual and the State or county or municipality.

(4) that the State, county or municipality shall assign the property to the individual at the end of the seven year residency requirement when satisfactory improvements to the property have been made; or

(C) establish an urban shopstead program that provides:

(1) that the State or county or municipality will sell to a designated Zone organization a structure or portion thereof it owns for a sum not to exceed \$100.

(2) that the designated Zone organization agrees to renovate or remodel the property to meet the level of maintenance stated in the agreement between the individual and the State or county or municipality.

(3) that the State, county or municipality shall assign the property to the designated Zone organization when satisfactory improvements to the property have been made.

(4) that the designated Zone organization may sell or lease such structure to commercial or industrial businesses pursuant to procedures which shall be contracted in the agreement between the Zone organization and the State or county or municipality. The Zone organization may also retain such structure in whole or part for its own use. Any proceeds derived from the use, lease, or sale of such property shall be used for cost recovery and for activities entered into pursuant to Section 8 of this Act, as agreed to between the State, County, or Municipality and the designated Zone organization.

Such disposal of real property by the methods described above shall give preference to a proposed enterprise zone in the selection process by the Department as set forth in Section 4.

(Source: P.A. 82-1019.)

(20 ILCS 655/11) (from Ch. 67 1/2, par. 617)

Sec. 11. (a) A business entity may receive a deduction against income subject to state taxes for a contribution to a designated zone organization if the project for which the contribution is made has been specifically approved by the designating municipality or county, and by the Department.

(b) Any designated zone organization seeking to have a project approved for contribution must submit an application to the Department describing the nature and benefit of the project and its potential contributors.

The application must address how the following criteria will be met:

(1) The project must contribute to the self help efforts of the residents of the area involved.

(2) The project must involve the residents of the area in planning and implement the project.

(3) The project's lack of sufficient resources.

(4) The designated zone organization must be fiscally responsible for the project.

(c) The project must enhance the Enterprise Zone in one of the following ways:

(1) by creating permanent jobs;

(2) by physically improving the housing stock;

(3) stimulating neighborhood business activity; or

(4) by preventing crime.

(d) If the designated zone organization demonstrates its ability to meet the criteria in subsection (b), and will enhance the neighborhood in one of the ways listed in subsection (c), the Department shall approve the organization's proposed projects and specify the amount of contributions it is eligible to receive for such project. Comments from state elected officials, and county and municipal officials in which all or part of the Enterprise Zone are located, or in which the project is proposed to be located, shall be solicited by the Department in making such decision.

(e) Within 45 days of the receipt of an application, the Department shall give notice to the applicant as to whether the application has been approved or disapproved. If the Department disapproves the application, it shall specify the reasons for this decision and allow 60 days for the applicant to amend and resubmit its application. The Department shall provide assistance upon request to applicants. Resubmitted applications shall receive the Department's approval or disapproval within 30 days of submission. Those resubmitted applications satisfying initial Department objectives shall be approved unless reasonable circumstances warrant disapproval.

(f) On an annual basis, the designated zone organization shall furnish a statement to the Department on the programmatic and financial status of any approved project and an audited financial statement of the project.

(g) For any project which is approved and for which there is a specified amount of contributions which the designated Zone Organization may receive for such project as provided in subsection (d) of this Section, the designated Zone Organization shall provide to the Department any information necessary to determine the eligibility of a contribution to the project for a deduction pursuant to subsection (b)(2)(N) of Section 203 of the "Illinois Income Tax Act". The

Department shall certify to the Department of Revenue the taxpayers eligible for and the amounts of contributions which those taxpayers may claim as a deduction pursuant to subsection (b)(2)(N) of Section 203 of the "Illinois Income Tax Act". The total of all actual contributions approved by the Department for deductions pursuant to subsection (b)(2)(N) of Section 203 of the "Illinois Income Tax Act" shall not exceed \$15,400,000 in any one calendar year.

(Source: P.A. 83-1539.)

(20 ILCS 655/11.1) (from Ch. 67 1/2, par. 617.1)

Sec. 11.1. Any business located within the Enterprise Zone which has received tax credits or exemptions, regulatory relief or any other benefits under this Act shall notify the Department and the county and municipal officials in which the Enterprise Zone is located within 60 days of the cessation of any business operations conducted within the Enterprise Zone. The Department shall promulgate rules to effect this Section.

(Source: P.A. 87-981.)

(20 ILCS 655/12-1) (from Ch. 67 1/2, par. 618)

Sec. 12-1. Sections 12-1 through 12-10 of this Act shall be known and may be cited as the "Enterprise Zone Loan Act".

(Source: P.A. 84-165.)

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

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

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

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

(c) "Department" means the Illinois Department of Commerce and Economic Opportunity.

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

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

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

refinancing current debt.

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

(Source: P.A. 94-793, eff. 5-19-06.)

(20 ILCS 655/12-3) (from Ch. 67 1/2, par. 620)

Sec. 12-3. Powers and Duties. The Department has the power to:

(a) Provide loans from the funds appropriated to a business undertaking a project and accept mortgages or other evidences of indebtedness or security of such business.

(b) Enter into agreements, accept funds or grants and cooperate with agencies of the federal government, local units of government and local regional economic development corporations or organizations for the purposes of carrying out this Act.

(c) Enter into contracts, letters of credit or any other agreements or contracts with financial institutions necessary or desirable to carry out the purposes of this Act. Any such agreement or contract may include, without limitation, terms and provisions relating to a specific project such as loan documentation, review and approval procedures, organization and servicing rights, default conditions and other program aspects.

(d) Fix, determine, charge and collect any premiums, fees, charges, costs and expenses, including application fees, commitment fees, program fees, financing charges or publication fees in connection with its activities under this Act.

(e) Establish application, notification, contract and other procedures, rules or regulations deemed necessary and appropriate.

(f) Subject to the provisions of any contract with another person and consent to the modification or restructuring of any loan agreement to which the Department is a party.

(g) Take any actions which are necessary or appropriate to protect the State's interest in the event of bankruptcy, default, foreclosure or noncompliance with the terms and conditions of financial assistance or participation provided under this Act, including the power to sell, dispose, lease or rent, upon terms and conditions determined by the Director to be appropriate, real or personal property which the Department may receive as a result thereof.

(h) Acquire and accept by gift, grant, purchase or otherwise, but not by condemnation, fee simple title, or such lesser interest as may be desired, in land, and to improve or arrange for the improvement of such land for industrial or commercial site development purposes, and to lease or convey such land, or interest in land, so acquired and so improved, including sale and conveyance subject to a mortgage, for such price, upon such terms and at such time as the Department may determine, provided that prior to exercising its authority under this subsection, the Director shall find that other means of financing and developing any such project are not reasonably available and that such action is consistent with the purposes and policies of this Act.

(i) Exercise such other powers as are necessary or incidental to the foregoing.

(Source: P.A. 84-165.)

(20 ILCS 655/12-4) (from Ch. 67 1/2, par. 621)

Sec. 12-4. Loans. Any loan made under this Act shall:

(a) Be made only if a participating lender, or other funding source including the applicant, also provides a portion of the financing with respect to the project, and only if the Department determines, on the basis of all the information available to it, that the project would not be undertaken in Illinois unless the loan is provided. Such other risk assumption may be in the form of a loan, letter of credit, guarantee, loan participation, bond purchase, direct cash payment or other form approved by the Department.

(b) Finance no more than 25% of the total amount of any single project and be approved for amounts from the Fund not to exceed \$2,000,000 for any single project, unless waived by the Director upon a finding that such waiver is appropriate to accomplish the purposes of this Act.

(c) Be protected by adequate security satisfactory to the Department to secure payment of the loan agreement.

(d) Be in such principal amount and form and contain such terms and provisions with respect to property insurance, repairs, alterations, payment of taxes and assessments, delinquency charges, default remedies, additional security and other matters as the Department shall determine adequate to protect the public interest.

(e) Include provisions to call the loan agreement as due and payable if the project is not completed, if the project fails to generate anticipated employment opportunities or if the business ceases to operate the project.

(f) Be made only after the Department has determined that the loan will cause a project to be undertaken which has the potential to create substantial employment in relation to the principal amount of the loan.

(g) Be made with a business that has certified the project is a new plant start-up or expansion and is not a relocation of an existing business from another site in Illinois unless that relocation results in substantial employment growth.

(Source: P.A. 84-165.)

(20 ILCS 655/12-5) (from Ch. 67 1/2, par. 622)

Sec. 12-5. Loan Applications. Applications for loans shall be submitted to the Department on forms and subject to filing fees prescribed by the Department. The Department shall not be prohibited from soliciting such applications. The Department shall conduct such investigation and obtain such information concerning the business as is necessary and diligent to complete a loan agreement. The Department's investigation shall include facts about the company's history, job opportunities, stability of employment, past and present condition and structure, actual and pro-forma income statements, present and future market prospects and management qualifications and any other aspects material to the financing request.

After consideration of such data and after such other action as is deemed appropriate, the Department shall approve or deny the application. If the Department approves the

application, its approval shall specify the amount of funds to be provided and the loan agreement provisions. The business shall be promptly notified of such action by the Department.

(Source: P.A. 84-165.)

(20 ILCS 655/12-6) (from Ch. 67 1/2, par. 623)

Sec. 12-6. Enterprise Zone Loan Fund. (a) There is hereby created the Enterprise Zone Loan Fund to be held as part of the State Treasury. The Department is authorized to make loans from the Fund for the purposes established under this Act. The State Treasurer shall have custody of the Fund and may invest in securities constituting direct obligations of the United States Government, or in obligations the principal of and interest on which are guaranteed by the United States Government, or in certificates of deposit of any State or national bank which are fully secured by obligations guaranteed as to principal and interest by the United States Government. The purpose of the Fund is to offer loans to finance firms considering the location of a proposed plant in a certified Enterprise Zone and to provide financing to carry out the purposes and provisions of paragraph (h) of Section 12-3 of this Act. Such financing shall be in the form of a loan, mortgage or other debt instrument. All loans shall be conditioned on the project receiving financing from participating lenders or other sources. Loan proceeds shall be available for project costs associated with an expansion of business capacity and employment, except for debt refinancing. Targeted companies for the program shall primarily consist of established industrial and service companies with proven records of earnings which will sell their product to markets beyond Illinois and which have proven multistate location options. New ventures shall be considered only if the entity is protected with adequate security with regard to its financing and operation. The limitations and conditions with respect to the use of this Fund shall not apply in carrying out the purposes and provisions of paragraph (h) of Section 12-3 of this Act.

(b) Deposits in the Fund shall include, but are not limited to:

(1) All receipts, including principal and interest payments, royalties or other payments, from any loan made by the Department under this Act.

(2) All proceeds of assets of whatever nature received by the Department as a result of default and delinquency with respect to loans made under this Act, including proceeds from the sale, disposal, lease or rental of real or personal property which the Department may receive as a result thereof.

(3) Any appropriations, grants or gifts made to the Fund.

(4) Any income received from interest on investments of amounts from the Fund not currently needed to meet the obligations of the Fund.

(Source: P.A. 84-165.)

(20 ILCS 655/12-7) (from Ch. 67 1/2, par. 624)

Sec. 12-7. Construction. Nothing in this Act shall be construed as creating any rights of a competitor of an approved borrower or any applicant whose application is denied

by the Department to challenge any application which is accepted by the Department and any loan or other agreement executed in connection therewith.

(Source: P.A. 84-165.)

(20 ILCS 655/12-8) (from Ch. 67 1/2, par. 625)

Sec. 12-8. Confidentiality. Any documentary materials or data made or received by any member, agent or employee of the Department shall be deemed to be confidential and shall not be deemed public records to the extent that such materials or data consist of trade secrets, commercial or financial information regarding the operation of any business conducted by an applicant for or recipient of any form of assistance under this Act or information regarding the competitive position of such business in a particular field of endeavor.

(Source: P.A. 84-165.)

(20 ILCS 655/12-9) (from Ch. 67 1/2, par. 626)

Sec. 12-9. Report. On January 1 of each year, the Department shall report on its operation of the Fund for the preceding fiscal year to the Governor and the General Assembly.

(Source: P.A. 84-165.)

(20 ILCS 655/12-10) (from Ch. 67 1/2, par. 627)

Sec. 12-10. Federal Programs. The Department is authorized to accept and expend federal monies pursuant to this Act except that terms and conditions hereunder which are inconsistent with or prohibited by the federal authorization under which such monies are made available shall not apply with respect to the expenditure of such monies.

(Source: P.A. 84-165.)

Top

Bill Status of SB0716 94th General Assembly**Short Description:** REVENUE-TECH**Senate Sponsors**Sen. Don Harmon - Emil Jones Jr.**House Sponsors**(Rep. Barbara Flynn Currie - Jim Durkin - Bob Biggins - Eddie Washington)**Last Action**

Date	Chamber	Action
1/9/2007	Senate	Session Sine Die

Statutes Amended In Order of Appearance35 ILCS 110/3a from Ch. 120, par. 439.33a**Synopsis As Introduced**

Amends the Service Use Tax Act. Makes a technical change concerning stating the tax as a distinct item.

Senate Floor Amendment No. 1*Deletes reference to:*35 ILCS 110/3a*Adds reference to:*35 ILCS 105/2a

from Ch. 120, par. 439.2a

35 ILCS 110/2a

from Ch. 120, par. 439.32a

35 ILCS 115/2a

from Ch. 120, par. 439.102a

35 ILCS 120/5k

from Ch. 120, par. 444k

35 ILCS 120/1a

from Ch. 120, par. 440a

Deletes everything after the enacting clause. Amends the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act. Provides that, beginning July 1, 2005, tangible personal property that is certified by the Pollution Control Board as a "pollution control facility" is exempt from the tax imposed by the Acts if the property is used as part of a livestock management facility or a livestock waste handling facility (i) that has been approved by the Department of Agriculture under the provisions of the Livestock Management Facilities Act and (ii) that is located within an agricultural area established by a county under the Agricultural Areas Conservation and Protection Act. Sets forth certification requirements. In the Retailers' Occupation Tax Act, provides that, beginning July 1, 2005, each retailer who makes a qualified sale of building materials to be incorporated into real estate as part of a livestock management facility, livestock pasture operation, or livestock waste handling facility located in an agricultural area established by a county under the Agricultural Areas Conservation and Protection Act by new construction, may deduct receipts from the sales when calculating the tax imposed by the Act. Provides that the exemptions under the Acts are exempt from the sunset provisions of the Acts. Effective immediately.

House Amendment No. 1*Deletes reference to:*35 ILCS 105/2a35 ILCS 110/2a35 ILCS 115/2a35 ILCS 120/1a35 ILCS 120/5k

Adds reference to:

70 ILCS 210/13

from Ch. 85, par. 1233

625 ILCS 5/6-305

Deletes everything after the enacting clause. Amends the Metropolitan Pier and Exposition Authority Act. Exempts car-sharing organizations from the taxes imposed under the Act with respect to automobile rentals. Defines "car-sharing organization". Amends the Illinois Vehicle Code. Exempts car-sharing organizations from certain requirements concerning motor-vehicle rentals. Effective immediately.

House Amendment No. 2

Deletes reference to:

70 ILCS 210/13

625 ILCS 5/6-305

Adds reference to:

55 ILCS 5/5-1008.7 new

Deletes everything after the enacting clause. Amends the Counties Code. Authorizes counties to impose a county cigarette tax upon any person engaged in business as a retailer of cigarettes in a county located in this State. Provides that the tax rate may not exceed 100 mills per cigarette. Provides that the tax shall be administered by the county imposing that tax. Requires distributors to collect the tax from retailers and remit the tax to the county. Requires that the collection of the tax be evidenced by a stamp or stamps affixed to each original package of cigarettes. Provides that the proceeds collected from the tax may be used by the county only for the purpose of public health and safety. Sets forth other requirements concerning the imposition and administration of the tax.

Actions

Date	Chamber	Action
2/18/2005	Senate	Filed with Secretary by <u>Sen. Don Harmon</u>
2/18/2005	Senate	Chief Co-Sponsor <u>Sen. Emil Jones, Jr.</u>
2/18/2005	Senate	First Reading
2/18/2005	Senate	Referred to <u>Rules</u>
2/24/2005	Senate	Assigned to <u>Revenue</u>
3/10/2005	Senate	Do Pass <u>Revenue</u> ; 006-003-000
3/10/2005	Senate	Placed on Calendar Order of 2nd Reading March 15, 2005
3/15/2005	Senate	Second Reading
3/15/2005	Senate	Placed on Calendar Order of 3rd Reading March 16, 2005
4/11/2005	Senate	Senate Floor Amendment No. 1 Filed with Secretary by <u>Sen. Don Harmon</u>
4/11/2005	Senate	Senate Floor Amendment No. 1 Referred to <u>Rules</u>
4/12/2005	Senate	Senate Floor Amendment No. 1 Rules Refers to <u>Revenue</u>
4/12/2005	Senate	Senate Floor Amendment No. 1 Be Adopted <u>Revenue</u> ; 009-001-000
4/15/2005	Senate	Recalled to Second Reading
4/15/2005	Senate	Senate Floor Amendment No. 1 Adopted; Harmon
4/15/2005	Senate	Placed on Calendar Order of 3rd Reading
4/15/2005	Senate	Third Reading - Passed; 055-000-000
4/19/2005	House	Arrived in House
4/19/2005	House	Placed on Calendar Order of First Reading
4/26/2005	House	Chief House Sponsor <u>Rep. Dan Reitz</u>
4/26/2005	House	First Reading
4/26/2005	House	Referred to <u>Rules Committee</u>

4/27/2005	House	Assigned to <u>Executive Committee</u>
5/13/2005	House	Rule 19(a) / Re-referred to <u>Rules Committee</u>
3/13/2006	House	Final Action Deadline Extended-9(b) April 7, 2006
3/13/2006	House	Assigned to <u>Revenue Committee</u>
3/16/2006	House	Alternate Chief Sponsor Changed to <u>Rep. Barbara Flynn Currie</u>
3/28/2006	House	House Amendment No. 1 Filed with Clerk by <u>Revenue Committee</u>
3/28/2006	House	House Amendment No. 1 Adopted in <u>Revenue Committee</u> ; by Voice Vote
3/28/2006	House	Remains in <u>Revenue Committee</u>
4/7/2006	House	Final Action Deadline Extended-9(b) April 13, 2006
4/13/2006	House	Final Action Deadline Extended-9(b) April 30, 2006
4/30/2006	House	Final Action Deadline Extended-9(b) May 5, 2006
5/5/2006	House	Rule 19(a) / Re-referred to <u>Rules Committee</u>
11/6/2006	House	Final Action Deadline Extended-9(b) January 9, 2007
11/6/2006	House	Assigned to <u>Revenue Committee</u>
11/14/2006	House	House Amendment No. 2 Filed with Clerk by <u>Revenue Committee</u>
11/14/2006	House	House Amendment No. 2 Adopted in <u>Revenue Committee</u> ; by Voice Vote
11/14/2006	House	Do Pass as Amended / Short Debate <u>Revenue Committee</u> ; 009-003-000
11/14/2006	House	Placed on Calendar 2nd Reading - Short Debate
11/14/2006	House	Second Reading - Short Debate
11/14/2006	House	Placed on Calendar Order of 3rd Reading - Short Debate
11/29/2006	House	Added Alternate Chief Co-Sponsor <u>Rep. Jim Durkin</u>
11/29/2006	House	Added Alternate Chief Co-Sponsor <u>Rep. Bob Biggins</u>
11/29/2006	House	Added Alternate Chief Co-Sponsor <u>Rep. Eddie Washington</u>
11/29/2006	House	Third Reading - Short Debate - Passed 061-055-001
11/29/2006	Senate	Secretary's Desk - Concurrence House Amendment(s) 01,02
11/29/2006	Senate	Placed on Calendar Order of Concurrence House Amendment(s) 01, 02- November 30, 2006
12/31/2006	Senate	Pursuant to Senate Rule 3-9(b) / Referred to <u>Rules</u>
1/9/2007	Senate	Session Sine Die

Revenue Committee

Adopted in House Comm. on Nov 14, 2006

09400SB0716ham002

LRB094 08554 BDD 60436 a

1 AMENDMENT TO SENATE BILL 716

2 AMENDMENT NO. _____. Amend Senate Bill 716, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Counties Code is amended by adding Section
6 5-1008.7 as follows:

7 (55 ILCS 5/5-1008.7 new)

8 Sec. 5-1008.7. County cigarette tax.

9 (a) The definitions as used in the Cigarette Tax Act (35
10 ILCS 130/) are hereby expressly adopted as if fully set forth
11 in this Section and apply to all provisions of this Section.

12 (b) The county board of any county may, by ordinance or
13 resolution, impose a county cigarette tax upon any person
14 engaged in business as a retailer of cigarettes in a county
15 located in this State. If imposed, the tax may not exceed the
16 rate of 100 mills per cigarette sold or otherwise disposed of
17 in the course of such business in this State. The tax shall be
18 administered by the county imposing that tax. The payment of
19 the taxes must be evidenced by a stamp affixed to each original
20 package of cigarettes, or an authorized substitute for such a
21 stamp, imprinted on each original package of the cigarettes
22 underneath the sealed transparent outside wrapper or on the
23 exterior of the outside wrapper of the original package.

24 The tax under this Section, however, is not imposed upon

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1 any activity in any business in interstate commerce or
2 otherwise that may not, under the Constitution and statutes of
3 the United States, be made the subject of taxation by this
4 State.

5 The impact of the tax levied by this Act is imposed upon
6 the retailer and must be prepaid or precollected by the
7 distributor for the purpose of convenience and facility only,
8 and the amount of the tax must be added to the price of the
9 cigarettes sold by the distributor. The collection of the tax
10 must be evidenced by a stamp or stamps affixed to each original
11 package of cigarettes.

12 Each distributor must collect the tax from the retailer at
13 or before the time of the sale, must affix the stamps, and must
14 remit, to the county, the tax collected from the retailer. Any
15 distributor who fails to properly collect and pay the tax
16 imposed by this Section is liable for the tax.

17 The amount of the tax imposed under this Section must be
18 separately stated, apart from the price of the goods, by both
19 distributors and retailers, in all advertisements, bills, and
20 sales invoices.

21 (c) The taxes imposed under this Section are in addition to
22 all other occupation or privilege taxes imposed by the State of
23 Illinois, or by any political subdivision thereof, or by any
24 municipal corporation.

25 (d) Any proceeds collected from the tax imposed under this
26 Section may be used by the county only for the purpose of
27 public health and safety.

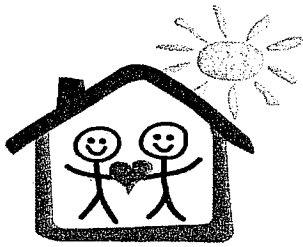
28 (e) An ordinance or resolution imposing or discontinuing
29 the tax under this Section or changing the rate of the tax must
30 be adopted by the county board and a certified copy of the
31 ordinance or resolution be filed with the county clerk on or
32 before the first day of the month following the adoption of the
33 ordinance or resolution, whereupon the county shall proceed to
34 administer and enforce this Section no sooner than 60 days

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1 after the adoption and filing.
2 (f) All of the provisions of the Cigarette Tax Act (35 ILCS
3 130/) that are not inconsistent with this Section apply, as far
4 as practical, to the subject matter of this Section to the same
5 extent as if the provisions were included in this Section."



McLean County Child Protection Network

200 W. Front, Suite 500B
Bloomington, Illinois 61701

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http://www.protectachild.org

Children's Advocacy Center
with offices in
Livingston and DeWitt Counties
CASA of McLean County
and Livingston County

November 20, 2006

- Joe Gibson
Chairperson
- William Yoder
- Dr. Kathy Widerborg
- Daniel Norris
- Esaw Peterson
- Lynn Fewkes
- John Elliott
- Dr. Shaheena Hossain
- Bruce Patterson
- Barb Nunemaker
- Amy Calhoun
- John Rexroad
- Mike Emery
- Mark Dabbs
- Staff:
- Billie Larkin
Executive Director
- Mary Whitaker
- Laura Beavers
Associate Directors
- Jaylene Taubert
- Liz Barnhart
- CASA Case Managers
- Kathy Patterson
Family-Child Advocate
- Jo Sipes
Multi-County Coordinator
- Susan Thomas
Multi-County Advocate
- Linda Patterson
Administrative Assistant
- Sharon Klingman
Crisis Interventionist
- Michelle Brooks
Assistant States Attorney

TO: Executive Committee McLean County Board
FR: Billie Larkin, Director Children's Advocacy Center
RE: Change in law

Year after year it seems the number of children we see at Children's Advocacy Centers across the State of Illinois continues to rise. In 2006 the Children's Advocacy Center of McLean County had an increase of 27% of children compared to same time last year. By August of this year, McLean County had already exceeded the number of children seen in all of 2005. At the same time of escalating numbers, Children's Advocacy Centers around the State of Illinois have seen no increase in state funding, in McLean County it has been 8 years. Every year it is a battle keeping services and staff in place for the children who are most at risk in our community.

Children's Advocacy Centers of Illinois and the 11 Metro Counties are seeking different funding alternatives. We have met together as a group and the CACs representing the Metro Counties have talked with their county board representatives or County Administrators regarding the need for additional funding. We are proposing change in the State Law that would benefit Children's Advocacy Centers through a fee/fine proposal. It is as follows:

CRIMINAL FEE TO BE ASSESSED

55 ILCS 5/5-1101

The Counties Code is amended by changing Section 5-1101 as follows:

In each County in which a Children's Advocacy Center provides services, the County Board may adopt a mandatory, minimum fee of \$5.00, up to a fee designated by county government, to be assessed as provided in this subsection. Assessments collected by the Clerk of the Circuit Court pursuant to this subsection must be deposited into an account specifically for the operation and administration of the Children's Advocacy Center. The Clerk of the Circuit Court shall collect the fees established in this subsection and must remit the fees to the Children's Advocacy Center.



The fees are to be paid as follows:

- (1) a \$5.00 minimum fee, up to a fee designated by county government, paid by the defendant on a judgment of guilty or a grant of supervision under Section 5-9-1 of the Unified Code of Corrections for a felony, for a Class A, Class B, or Class C misdemeanor; for a petty offense; and for a business offense.

CIVIL FILING FEE TO BE ASSESSED

55 ILCS 5/5-1101

The Counties Code is amended by changing Section 5-1101 as follows:

In each County in which a Children's Advocacy Center provides services, the County Board may adopt a mandatory \$5.00 filing fee, up to a fee designated by county government, to be assessed as provided in this subsection. Assessments collected by the Clerk of the Circuit Court pursuant to this subsection must be deposited into an account specifically for the operation and administration of the Children's Advocacy Center. The Clerk of the Circuit Court shall collect the fees established in this subsection and must remit the fees to the Children's Advocacy Center.

The fees are to be paid as follows:

- (1) a filing fee of \$5.00, up to a fee designated by county government, to be paid by the plaintiff upon filing a civil case in any of the following categories: Dissolution of Marriage, Family, and Adoption. Assessments collected by the Clerk of the Circuit Court pursuant to this subsection must be deposited into an account specifically for the operation and administration of the Children's Advocacy Center. The Clerk of the Circuit Court shall collect the fees established in this subsection and must remit the fees to the Children's Advocacy Center.

While some of the CACs already have fees and fines in place, most in the state do not. We adapted this kind of plan to give as much leverage and discretion to the County Boards as possible without infringing on the Children's Advocacy Centers who already receive fees and fines to offset costs. As Director of the Children's Advocacy Center of McLean County, I thank the executive committee of the McLean County Board for their due diligence in this matter.

94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB0512

Introduced 2/17/2005, by Sen. James F. Clayborne, Jr.

SYNOPSIS AS INTRODUCED:

35 ILCS 200/18-185
55 ILCS 5/5-1025

from Ch. 34, par. 5-1025

Amends the Counties Code. Provides that in counties of less than 1,000,000 inhabitants, a county board may levy and collect, annually, a tax of not to exceed 0.05% of the value of all taxable property in the county, for the expense of conducting elections and maintaining a system of permanent registration of voters. Provides for the end, in the calendar year that this new tax is collected and disbursed, of the requirement that the county board pay over to any municipal board of election commissioners in the county, for the expense of conducting elections and maintaining a system of permanent registration of voters, general taxes collected by the county. Amends the Property Tax Extension Limitation Law in the Property Tax Code. Exempts the extension for taxes for the expense of conducting elections and maintaining a system of permanent registration of voters from the limitation on property tax extensions. Effective immediately.

LRB094 07314 JAM 37472 b

FISCAL NOTE ACT MAY
APPLY

A BILL FOR

SB0512

LRB094 07314 JAM 37472 b

1 AN ACT concerning taxes.

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

4 Section 5. The Property Tax Code is amended by changing
5 Section 18-185 as follows:

6 (35 ILCS 200/18-185)

7 Sec. 18-185. Short title; definitions. This Division 5 may
8 be cited as the Property Tax Extension Limitation Law. As used
9 in this Division 5:

10 "Consumer Price Index" means the Consumer Price Index for
11 All Urban Consumers for all items published by the United
12 States Department of Labor.

13 "Extension limitation" means (a) the lesser of 5% or the
14 percentage increase in the Consumer Price Index during the
15 12-month calendar year preceding the levy year or (b) the rate
16 of increase approved by voters under Section 18-205.

17 "Affected county" means a county of 3,000,000 or more
18 inhabitants or a county contiguous to a county of 3,000,000 or
19 more inhabitants.

20 "Taxing district" has the same meaning provided in Section
21 1-150, except as otherwise provided in this Section. For the
22 1991 through 1994 levy years only, "taxing district" includes
23 only each non-home rule taxing district having the majority of
24 its 1990 equalized assessed value within any county or counties
25 contiguous to a county with 3,000,000 or more inhabitants.
26 Beginning with the 1995 levy year, "taxing district" includes
27 only each non-home rule taxing district subject to this Law
28 before the 1995 levy year and each non-home rule taxing
29 district not subject to this Law before the 1995 levy year
30 having the majority of its 1994 equalized assessed value in an
31 affected county or counties. Beginning with the levy year in
32 which this Law becomes applicable to a taxing district as

1 provided in Section 18-213, "taxing district" also includes
2 those taxing districts made subject to this Law as provided in
3 Section 18-213.

4 "Aggregate extension" for taxing districts to which this
5 Law applied before the 1995 levy year means the annual
6 corporate extension for the taxing district and those special
7 purpose extensions that are made annually for the taxing
8 district, excluding special purpose extensions: (a) made for
9 the taxing district to pay interest or principal on general
10 obligation bonds that were approved by referendum; (b) made for
11 any taxing district to pay interest or principal on general
12 obligation bonds issued before October 1, 1991; (c) made for
13 any taxing district to pay interest or principal on bonds
14 issued to refund or continue to refund those bonds issued
15 before October 1, 1991; (d) made for any taxing district to pay
16 interest or principal on bonds issued to refund or continue to
17 refund bonds issued after October 1, 1991 that were approved by
18 referendum; (e) made for any taxing district to pay interest or
19 principal on revenue bonds issued before October 1, 1991 for
20 payment of which a property tax levy or the full faith and
21 credit of the unit of local government is pledged; however, a
22 tax for the payment of interest or principal on those bonds
23 shall be made only after the governing body of the unit of
24 local government finds that all other sources for payment are
25 insufficient to make those payments; (f) made for payments
26 under a building commission lease when the lease payments are
27 for the retirement of bonds issued by the commission before
28 October 1, 1991, to pay for the building project; (g) made for
29 payments due under installment contracts entered into before
30 October 1, 1991; (h) made for payments of principal and
31 interest on bonds issued under the Metropolitan Water
32 Reclamation District Act to finance construction projects
33 initiated before October 1, 1991; (i) made for payments of
34 principal and interest on limited bonds, as defined in Section
35 3 of the Local Government Debt Reform Act, in an amount not to
36 exceed the debt service extension base less the amount in items

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1 (b), (c), (e), and (h) of this definition for non-referendum
2 obligations, except obligations initially issued pursuant to
3 referendum; (j) made for payments of principal and interest on
4 bonds issued under Section 15 of the Local Government Debt
5 Reform Act; (k) made by a school district that participates in
6 the Special Education District of Lake County, created by
7 special education joint agreement under Section 10-22.31 of the
8 School Code, for payment of the school district's share of the
9 amounts required to be contributed by the Special Education
10 District of Lake County to the Illinois Municipal Retirement
11 Fund under Article 7 of the Illinois Pension Code; the amount
12 of any extension under this item (k) shall be certified by the
13 school district to the county clerk; (l) made to fund expenses
14 of providing joint recreational programs for the handicapped
15 under Section 5-8 of the Park District Code or Section 11-95-14
16 of the Illinois Municipal Code; (m) made for temporary
17 relocation loan repayment purposes pursuant to Sections 2-3.77
18 and 17-2.2d of the School Code; ~~and~~ (n) made for payment of
19 principal and interest on any bonds issued under the authority
20 of Section 17-2.2d of the School Code; ~~and~~ (o) ~~(m)~~ made for
21 contributions to a firefighter's pension fund created under
22 Article 4 of the Illinois Pension Code, to the extent of the
23 amount certified under item (5) of Section 4-134 of the
24 Illinois Pension Code; and (p) made for the expense of
25 conducting elections and maintaining a system of permanent
26 registration of voters under Section 5-1025 of the Counties
27 Code.

28 "Aggregate extension" for the taxing districts to which
29 this Law did not apply before the 1995 levy year (except taxing
30 districts subject to this Law in accordance with Section
31 18-213) means the annual corporate extension for the taxing
32 district and those special purpose extensions that are made
33 annually for the taxing district, excluding special purpose
34 extensions: (a) made for the taxing district to pay interest or
35 principal on general obligation bonds that were approved by
36 referendum; (b) made for any taxing district to pay interest or

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1 principal on general obligation bonds issued before March 1,
2 1995; (c) made for any taxing district to pay interest or
3 principal on bonds issued to refund or continue to refund those
4 bonds issued before March 1, 1995; (d) made for any taxing
5 district to pay interest or principal on bonds issued to refund
6 or continue to refund bonds issued after March 1, 1995 that
7 were approved by referendum; (e) made for any taxing district
8 to pay interest or principal on revenue bonds issued before
9 March 1, 1995 for payment of which a property tax levy or the
10 full faith and credit of the unit of local government is
11 pledged; however, a tax for the payment of interest or
12 principal on those bonds shall be made only after the governing
13 body of the unit of local government finds that all other
14 sources for payment are insufficient to make those payments;
15 (f) made for payments under a building commission lease when
16 the lease payments are for the retirement of bonds issued by
17 the commission before March 1, 1995 to pay for the building
18 project; (g) made for payments due under installment contracts
19 entered into before March 1, 1995; (h) made for payments of
20 principal and interest on bonds issued under the Metropolitan
21 Water Reclamation District Act to finance construction
22 projects initiated before October 1, 1991; (h-4) made for
23 stormwater management purposes by the Metropolitan Water
24 Reclamation District of Greater Chicago under Section 12 of the
25 Metropolitan Water Reclamation District Act; (i) made for
26 payments of principal and interest on limited bonds, as defined
27 in Section 3 of the Local Government Debt Reform Act, in an
28 amount not to exceed the debt service extension base less the
29 amount in items (b), (c), and (e) of this definition for
30 non-referendum obligations, except obligations initially
31 issued pursuant to referendum and bonds described in subsection
32 (h) of this definition; (j) made for payments of principal and
33 interest on bonds issued under Section 15 of the Local
34 Government Debt Reform Act; (k) made for payments of principal
35 and interest on bonds authorized by Public Act 88-503 and
36 issued under Section 20a of the Chicago Park District Act for

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1 aquarium or museum projects; (l) made for payments of principal
2 and interest on bonds authorized by Public Act 87-1191 or
3 93-601 and (i) issued pursuant to Section 21.2 of the Cook
4 County Forest Preserve District Act, (ii) issued under Section
5 42 of the Cook County Forest Preserve District Act for
6 zoological park projects, or (iii) issued under Section 44.1 of
7 the Cook County Forest Preserve District Act for botanical
8 gardens projects; (m) made pursuant to Section 34-53.5 of the
9 School Code, whether levied annually or not; (n) made to fund
10 expenses of providing joint recreational programs for the
11 handicapped under Section 5-8 of the Park District Code or
12 Section 11-95-14 of the Illinois Municipal Code; (o) made by
13 the Chicago Park District for recreational programs for the
14 handicapped under subsection (c) of Section 7.06 of the Chicago
15 Park District Act; ~~and~~ (p) made for contributions to a
16 firefighter's pension fund created under Article 4 of the
17 Illinois Pension Code, to the extent of the amount certified
18 under item (5) of Section 4-134 of the Illinois Pension Code;
19 and (q) made for the expense of conducting elections and
20 maintaining a system of permanent registration of voters under
21 Section 5-1025 of the Counties Code.

22 "Aggregate extension" for all taxing districts to which
23 this Law applies in accordance with Section 18-213, except for
24 those taxing districts subject to paragraph (2) of subsection
25 (e) of Section 18-213, means the annual corporate extension for
26 the taxing district and those special purpose extensions that
27 are made annually for the taxing district, excluding special
28 purpose extensions: (a) made for the taxing district to pay
29 interest or principal on general obligation bonds that were
30 approved by referendum; (b) made for any taxing district to pay
31 interest or principal on general obligation bonds issued before
32 the date on which the referendum making this Law applicable to
33 the taxing district is held; (c) made for any taxing district
34 to pay interest or principal on bonds issued to refund or
35

36 continue to refund those bonds issued before the date on which
the referendum making this Law applicable to the taxing

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1 district is held; (d) made for any taxing district to pay
2 interest or principal on bonds issued to refund or continue to
3 refund bonds issued after the date on which the referendum
4 making this Law applicable to the taxing district is held if
5 the bonds were approved by referendum after the date on which
6 the referendum making this Law applicable to the taxing
7 district is held; (e) made for any taxing district to pay
8 interest or principal on revenue bonds issued before the date
9 on which the referendum making this Law applicable to the
10 taxing district is held for payment of which a property tax
11 levy or the full faith and credit of the unit of local
12 government is pledged; however, a tax for the payment of
13 interest or principal on those bonds shall be made only after
14 the governing body of the unit of local government finds that
15 all other sources for payment are insufficient to make those
16 payments; (f) made for payments under a building commission
17 lease when the lease payments are for the retirement of bonds
18 issued by the commission before the date on which the
19 referendum making this Law applicable to the taxing district is
20 held to pay for the building project; (g) made for payments due
21 under installment contracts entered into before the date on
22 which the referendum making this Law applicable to the taxing
23 district is held; (h) made for payments of principal and
24 interest on limited bonds, as defined in Section 3 of the Local
25 Government Debt Reform Act, in an amount not to exceed the debt
26 service extension base less the amount in items (b), (c), and
27 (e) of this definition for non-referendum obligations, except
28 obligations initially issued pursuant to referendum; (i) made
29 for payments of principal and interest on bonds issued under
30 Section 15 of the Local Government Debt Reform Act; (j) made
31 for a qualified airport authority to pay interest or principal
32 on general obligation bonds issued for the purpose of paying
33

obligations due under, or financing airport facilities
34 required to be acquired, constructed, installed or equipped
35 pursuant to, contracts entered into before March 1, 1996 (but
36 not including any amendments to such a contract taking effect

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1 on or after that date); (k) made to fund expenses of providing
2 joint recreational programs for the handicapped under Section
3 5-8 of the Park District Code or Section 11-95-14 of the
4 Illinois Municipal Code; and (l) made for contributions to a
5 firefighter's pension fund created under Article 4 of the
6 Illinois Pension Code, to the extent of the amount certified
7 under item (5) of Section 4-134 of the Illinois Pension Code.
8 "Aggregate extension" for all taxing districts to which
9 this Law applies in accordance with paragraph (2) of subsection
10 (e) of Section 18-213 means the annual corporate extension for
11 the taxing district and those special purpose extensions that
12 are made annually for the taxing district, excluding special
13 purpose extensions: (a) made for the taxing district to pay
14 interest or principal on general obligation bonds that were
15 approved by referendum; (b) made for any taxing district to pay
16 interest or principal on general obligation bonds issued before
17 the effective date of this amendatory Act of 1997; (c) made for
18 any taxing district to pay interest or principal on bonds
19 issued to refund or continue to refund those bonds issued
20 before the effective date of this amendatory Act of 1997; (d)
21 made for any taxing district to pay interest or principal on
22 bonds issued to refund or continue to refund bonds issued after
23 the effective date of this amendatory Act of 1997 if the bonds
24 were approved by referendum after the effective date of this
25 amendatory Act of 1997; (e) made for any taxing district to pay
26 interest or principal on revenue bonds issued before the
27 effective date of this amendatory Act of 1997 for payment of
28 which a property tax levy or the full faith and credit of the
29 unit of local government is pledged; however, a tax for the
30 payment of interest or principal on those bonds shall be made
31

only after the governing body of the unit of local government
32 finds that all other sources for payment are insufficient to
33 make those payments; (f) made for payments under a building
34 commission lease when the lease payments are for the retirement
35 of bonds issued by the commission before the effective date of
36 this amendatory Act of 1997 to pay for the building project;

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1 (g) made for payments due under installment contracts entered
2 into before the effective date of this amendatory Act of 1997;
3 (h) made for payments of principal and interest on limited
4 bonds, as defined in Section 3 of the Local Government Debt
5 Reform Act, in an amount not to exceed the debt service
6 extension base less the amount in items (b), (c), and (e) of
7 this definition for non-referendum obligations, except
8 obligations initially issued pursuant to referendum; (i) made
9 for payments of principal and interest on bonds issued under
10 Section 15 of the Local Government Debt Reform Act; (j) made
11 for a qualified airport authority to pay interest or principal
12 on general obligation bonds issued for the purpose of paying
13 obligations due under, or financing airport facilities
14 required to be acquired, constructed, installed or equipped
15 pursuant to, contracts entered into before March 1, 1996 (but
16 not including any amendments to such a contract taking effect
17 on or after that date); (k) made to fund expenses of providing
18 joint recreational programs for the handicapped under Section
19 5-8 of the Park District Code or Section 11-95-14 of the
20 Illinois Municipal Code; ~~and~~ (l) made for contributions to a
21 firefighter's pension fund created under Article 4 of the
22 Illinois Pension Code, to the extent of the amount certified
23 under item (5) of Section 4-134 of the Illinois Pension Code;
24 and (m) made for the expense of conducting elections and
25 maintaining a system of permanent registration of voters under
26 Section 5-1025 of the Counties Code.

27 "Debt service extension base" means an amount equal to that
28 portion of the extension for a taxing district for the 1994
29

30 levy year, or for those taxing districts subject to this Law in
31 accordance with Section 18-213, except for those subject to
32 paragraph (2) of subsection (e) of Section 18-213, for the levy
33 year in which the referendum making this Law applicable to the
34 taxing district is held, or for those taxing districts subject
35 to this Law in accordance with paragraph (2) of subsection (e)
36 of Section 18-213 for the 1996 levy year, constituting an
extension for payment of principal and interest on bonds issued

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1 by the taxing district without referendum, but not including
2 excluded non-referendum bonds. For park districts (i) that were
3 first subject to this Law in 1991 or 1995 and (ii) whose
4 extension for the 1994 levy year for the payment of principal
5 and interest on bonds issued by the park district without
6 referendum (but not including excluded non-referendum bonds)
7 was less than 51% of the amount for the 1991 levy year
8 constituting an extension for payment of principal and interest
9 on bonds issued by the park district without referendum (but
10 not including excluded non-referendum bonds), "debt service
11 extension base" means an amount equal to that portion of the
12 extension for the 1991 levy year constituting an extension for
13 payment of principal and interest on bonds issued by the park
14 district without referendum (but not including excluded
15 non-referendum bonds). The debt service extension base may be
16 established or increased as provided under Section 18-212.
17 "Excluded non-referendum bonds" means (i) bonds authorized by
18 Public Act 88-503 and issued under Section 20a of the Chicago
19 Park District Act for aquarium and museum projects; (ii) bonds
20 issued under Section 15 of the Local Government Debt Reform
21 Act; or (iii) refunding obligations issued to refund or to
22 continue to refund obligations initially issued pursuant to
23 referendum.

24 "Special purpose extensions" include, but are not limited
25 to, extensions for levies made on an annual basis for
26 unemployment and workers' compensation, self-insurance,
27

28 contributions to pension plans, and extensions made pursuant to
29 Section 6-601 of the Illinois Highway Code for a road
30 district's permanent road fund whether levied annually or not.
31 The extension for a special service area is not included in the
32 aggregate extension.

33 "Aggregate extension base" means the taxing district's
34 last preceding aggregate extension as adjusted under Sections
35 18-215 through 18-230.

36 "Levy year" has the same meaning as "year" under Section
1-155.

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1 "New property" means (i) the assessed value, after final
2 board of review or board of appeals action, of new improvements
3 or additions to existing improvements on any parcel of real
4 property that increase the assessed value of that real property
5 during the levy year multiplied by the equalization factor
6 issued by the Department under Section 17-30, (ii) the assessed
7 value, after final board of review or board of appeals action,
8 of real property not exempt from real estate taxation, which
9 real property was exempt from real estate taxation for any
10 portion of the immediately preceding levy year, multiplied by
11 the equalization factor issued by the Department under Section
12 17-30, and (iii) in counties that classify in accordance with
13 Section 4 of Article IX of the Illinois Constitution, an
14 incentive property's additional assessed value resulting from
15 a scheduled increase in the level of assessment as applied to
16 the first year final board of review market value. In addition,
17 the county clerk in a county containing a population of
18 3,000,000 or more shall include in the 1997 recovered tax
19 increment value for any school district, any recovered tax
20 increment value that was applicable to the 1995 tax year
21 calculations.

22 "Qualified airport authority" means an airport authority
23 organized under the Airport Authorities Act and located in a
24 county bordering on the State of Wisconsin and having a
25

population in excess of 200,000 and not greater than 500,000.

26 "Recovered tax increment value" means, except as otherwise
27 provided in this paragraph, the amount of the current year's
28 equalized assessed value, in the first year after a
29 municipality terminates the designation of an area as a
30 redevelopment project area previously established under the
31 Tax Increment Allocation Development Act in the Illinois
32 Municipal Code, previously established under the Industrial
33 Jobs Recovery Law in the Illinois Municipal Code, or previously
34 established under the Economic Development Area Tax Increment
35 Allocation Act, of each taxable lot, block, tract, or parcel of
36 real property in the redevelopment project area over and above

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1 the initial equalized assessed value of each property in the
2 redevelopment project area. For the taxes which are extended
3 for the 1997 levy year, the recovered tax increment value for a
4 non-home rule taxing district that first became subject to this
5 Law for the 1995 levy year because a majority of its 1994
6 equalized assessed value was in an affected county or counties
7 shall be increased if a municipality terminated the designation
8 of an area in 1993 as a redevelopment project area previously
9 established under the Tax Increment Allocation Development Act
10 in the Illinois Municipal Code, previously established under
11 the Industrial Jobs Recovery Law in the Illinois Municipal
12 Code, or previously established under the Economic Development
13 Area Tax Increment Allocation Act, by an amount equal to the
14 1994 equalized assessed value of each taxable lot, block,
15 tract, or parcel of real property in the redevelopment project
16 area over and above the initial equalized assessed value of
17 each property in the redevelopment project area. In the first
18 year after a municipality removes a taxable lot, block, tract,
19 or parcel of real property from a redevelopment project area
20 established under the Tax Increment Allocation Development Act
21 in the Illinois Municipal Code, the Industrial Jobs Recovery
22 Law in the Illinois Municipal Code, or the Economic Development
23

Area Tax Increment Allocation Act, "recovered tax increment
24 value" means the amount of the current year's equalized
25 assessed value of each taxable lot, block, tract, or parcel of
26 real property removed from the redevelopment project area over
27 and above the initial equalized assessed value of that real
28 property before removal from the redevelopment project area.

29 Except as otherwise provided in this Section, "limiting
30 rate" means a fraction the numerator of which is the last
31 preceding aggregate extension base times an amount equal to one
32 plus the extension limitation defined in this Section and the
33 denominator of which is the current year's equalized assessed
34 value of all real property in the territory under the
35 jurisdiction of the taxing district during the prior levy year.
36 For those taxing districts that reduced their aggregate

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1 extension for the last preceding levy year, the highest
2 aggregate extension in any of the last 3 preceding levy years
3 shall be used for the purpose of computing the limiting rate.
4 The denominator shall not include new property. The denominator
5 shall not include the recovered tax increment value.
6 (Source: P.A. 92-547, eff. 6-13-02; 93-601, eff. 1-1-04;
7 93-606, eff. 11-18-03; 93-612, eff. 11-18-03; 93-689, eff.
8 7-1-04; 93-690, eff. 7-1-04; 93-1049, eff. 11-17-04; revised
9 12-14-04.)

10 Section 10. The Counties Code is amended by changing
11 Section 5-1025 as follows:

12 (55 ILCS 5/5-1025) (from Ch. 34, par. 5-1025)

13 Sec. 5-1025. Tax for expense of conducting elections and
14 maintaining system of permanent registration of voters.

15 (a) In counties of more than 1,000,000 inhabitants, a
16 county board may levy and collect, in odd numbered years, a tax
17 of not to exceed .05% of the value, as equalized or assessed by
18 the Department of Revenue, of all the taxable property in the
19 county, for the expense of conducting elections and maintaining

20 a system of permanent registration of voters. Such tax shall
21 not be included within any statutory limitation of rate or
22 amount for other county purposes, but shall be excluded
23 therefrom and be in addition thereto and in excess thereof;
24 provided that this tax shall not be levied or collected on
25 property situated within the jurisdiction of any municipal
26 board of election commissioners.

27 (b) In counties of 1,000,000 or fewer inhabitants, a county
28 board may levy and collect, annually, a tax of not to exceed
29 0.05% of the value, as equalized or assessed by the Department
30 of Revenue, of all taxable property in the county, for the
31 expense of conducting elections and maintaining a system of
32 permanent registration of voters, provided that the county
33 shall pay over to any municipal board of election commissioners
34 in the county, for the expense of conducting elections and

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1 maintaining a system of permanent registration of voters, the
2 proceeds of the tax collected on property situated within the
3 jurisdiction of that board.

4 The tax imposed under this subsection (b) shall not be
5 included within any statutory limitation of rate or amount for
6 other county purposes, but shall be excluded therefrom and be
7 in addition thereto and in excess thereof.

8 Proceeds of taxes paid over by counties to municipal boards
9 of election commissioners under this subsection (b) shall be in
10 addition to such sums as may be required to be paid by counties
11 under Section 6-70 of the Election Code.

12 (c) Beginning with calendar year 1986 and annually
13 thereafter, until the calendar year that taxes collected under
14 subsection (b) are collected and disbursed, any county with
15 less than 1,000,000 inhabitants shall pay over to any municipal
16 board of election commissioners in the county, for the expense
17 of conducting elections and maintaining a system of permanent
18 registration of voters, an amount at least equal to the
19 proceeds of the tax collected on property situated within the
20

jurisdiction of that board under this Section during calendar
21 year 1985; provided, however, such amount shall be increased or
22 decreased annually in proportion to any increase or decrease in
23 the equalized assessed valuation of such municipality. Such
24 amount shall be payable from the tax levied and collected under
25 Section 5-1024.
26 (Source: P.A. 86-962.)

27 Section 99. Effective date. This Act takes effect upon
28 becoming law.

95TH GENERAL ASSEMBLY
State of Illinois
2007 and 2008
HB0246

Introduced , by Rep. Karen A. Yarbrough

SYNOPSIS AS INTRODUCED:

See Index

Creates the Smoke Free Illinois Act. Sets forth the findings of the General Assembly. Creates several definitions. Prohibits smoking in public places, places of employment, and governmental vehicles. Requires "No Smoking" signs to be posted in each public place and place of employment where smoking is prohibited. Requires ashtrays to be removed from any area where smoking is prohibited. Prohibits smoking in student dormitories, including, but not limited to, sleeping rooms, dining areas, restrooms, laundry areas, lobbies, and hallways, of a building used in whole or in part as a student dormitory that is owned and operated or otherwise utilized by a public or private institution of higher education. Provides that the Department of Public Health, State-certified local public health departments, and local law enforcement agencies shall enforce the provisions of the Act. Sets forth fines for violations of the Act. Provides that the Department, a State-certified local public health department, local law enforcement agency, or any individual personally affected by repeated violations may institute, in a circuit court, an action to enjoin violations of the Act. Prohibits discrimination against individuals who exercise their rights afforded by the Act. Provides that a home rule unit may regulate smoking in public places, but that regulation must be no less restrictive than the provisions in the Act. Prohibits smoking within a minimum distance of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited. Amends the State Mandates Act to require implementation without reimbursement. Repeals the Illinois Clean Indoor Air Act.

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FISCAL NOTE ACT MAY
APPLY

HOME RULE NOTE ACT
MAY APPLY

STATE MANDATES ACT
MAY REQUIRE

REIMBURSEMENT

A BILL FOR

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1 AN ACT concerning public health.

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

4 Section 1. Short title. This Act may be cited as the Smoke
5 Free Illinois Act.

6 Section 5. Findings. The General Assembly finds that
7 tobacco smoke is a harmful and dangerous carcinogen to human
8 beings and a hazard to public health. Secondhand tobacco smoke
9 causes at least 65,000 deaths each year from heart disease and
10 lung cancer according to the National Cancer Institute.
11 Secondhand tobacco smoke causes heart disease, stroke, cancer,
12 sudden infant death syndrome, low-birth-weight in infants,
13 asthma and exacerbation of asthma, bronchitis and pneumonia in
14 children and adults. Secondhand tobacco smoke is the third
15 leading cause of preventable death in the United States.
16 Illinois workers exposed to secondhand tobacco smoke are at
17 increased risk of premature death. An estimated 2,900 Illinois
18 citizens die each year from exposure to secondhand tobacco
19 smoke.

20 The General Assembly also finds that the United States
21 Surgeon General's 2006 report has determined that there is no
22 risk-free level of exposure to secondhand smoke; the scientific
23 evidence that secondhand smoke causes serious diseases,

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1 including lung cancer, heart disease, and respiratory
2 illnesses such as bronchitis and asthma, is massive and
3 conclusive; separating smokers from nonsmokers, cleaning the
4 air, and ventilating buildings cannot eliminate secondhand
5 smoke exposure; smoke-free workplace policies are effective in
6 reducing secondhand smoke exposure; and smoke-free workplace
7 policies do not have an adverse economic impact on the
8 hospitality industry.

9 The General Assembly also finds that the Environmental
10 Protection Agency has determined that secondhand smoke cannot
11 be reduced to safe levels in businesses by high rates of
12 ventilation. Air cleaners, which are capable only of filtering
13 the particulate matter and odors in smoke, do not eliminate the
14 known toxins in secondhand smoke. The American Society of
15 Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE)
16 bases its ventilation standards on totally smoke-free
17 environments because it cannot determine a safe level of
18 exposure to secondhand smoke, which contains cancer-causing
19 chemicals, and ASHRAE acknowledges that technology does not
20 exist that can remove chemicals that cause cancer from the air.
21 A June 30, 2005 ASHRAE position document on secondhand smoke
22 concludes that, at present, the only means of eliminating
23 health risks associated with indoor exposure is to eliminate
24 all smoking activity indoors.

25 Section 10. Definitions. In this Act:

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1 "Bar" means an establishment that is devoted to the serving
2 of alcoholic beverages for consumption by guests on the
3 premises and that derives no more than 10% of its gross revenue
4 from the sale of food consumed on the premises. "Bar" includes,
5 but is not limited to, taverns, nightclubs, cocktail lounges,
6 adult entertainment facilities, and cabarets.

7 "Department" means the Department of Public Health.

8 "Employee" means a person who is employed by an employer in
9 consideration for direct or indirect monetary wages or profits

10 or a person who volunteers his or her services for a non-profit
11 entity.

12 "Employer" means a person, business, partnership,
13 association, or corporation, including a municipal
14 corporation, trust, or non-profit entity, that employs the
15 services of one or more individual persons.

16 "Enclosed area" means all space between a floor and a
17 ceiling that is enclosed or partially enclosed with (i) solid
18 walls or windows, exclusive of doorways, or (ii) solid walls
19 with partitions and no windows, exclusive of doorways, that
20 extend from the floor to the ceiling, including, without
21 limitation, lobbies and corridors.

22 "Enclosed or partially enclosed sports arena" means any
23 sports pavilion, stadium, gymnasium, health spa, boxing arena,
24 swimming pool, roller rink, ice rink, bowling alley, or other
25 similar place where members of the general public assemble to
26 engage in physical exercise or participate in athletic

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1 competitions or recreational activities or to witness sports,
2 cultural, recreational, or other events.

3 "Gaming equipment or supplies" means gaming
4 equipment/supplies as defined in the Illinois Gaming Board
5 Rules of the Illinois Administrative Code.

6 "Gaming facility" means an establishment utilized
7 primarily for the purposes of gaming and where gaming equipment
8 or supplies are operated for the purposes of accruing business
9 revenue.

10 "Healthcare facility" means an office or institution
11 providing care or treatment of diseases, whether physical,
12 mental, or emotional, or other medical, physiological, or
13 psychological conditions, including, but not limited to,
14 hospitals, rehabilitation hospitals, weight control clinics,
15 nursing homes, homes for the aging or chronically ill,
16 laboratories, and offices of surgeons, chiropractors, physical
17 therapists, physicians, dentists, and all specialists within
18

19 these professions. "Healthcare facility" includes all waiting
20 rooms, hallways, private rooms, semiprivate rooms, and wards
21 within healthcare facilities.

22 "Place of employment" means any area under the control of a
23 public or private employer that employees are required to
24 enter, leave, or pass through during the course of employment,
25 including, but not limited to entrances and exits to places of
26 employment, including a minimum distance, as set forth in
Section 70 of this Act, of 15 feet from entrances, exits,

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1 windows that open, and ventilation intakes that serve an
2 enclosed area where smoking is prohibited; offices and work
3 areas; restrooms; conference and classrooms; break rooms and
4 cafeterias; and other common areas. A private residence or
5 home-based business, unless used to provide licensed child
6 care, foster care, adult care, or other similar social service
7 care on the premises, is not a "place of employment".

8 "Private club" means a not-for-profit association that (1)
9 has been in active and continuous existence for at least 3
10 years prior to the effective date of this amendatory Act of the
11 95th General Assembly, whether incorporated or not, (2) is the
12 owner, lessee, or occupant of a building or portion thereof
13 used exclusively for club purposes at all times, (3) is
14 operated solely for a recreational, fraternal, social,
15 patriotic, political, benevolent, or athletic purpose, but not
16 for pecuniary gain, and (4) only sells alcoholic beverages
17 incidental to its operation. For purposes of this definition,
18 "private club" means an organization that is managed by a board
19 of directors, executive committee, or similar body chosen by
20 the members at an annual meeting, has established bylaws, a
21 constitution, or both to govern its activities, and has been
22 granted an exemption from the payment of federal income tax as
23 a club under 26 U.S.C. 501.

24 "Private residence" means the part of a structure used as a
25 dwelling, including, without limitation: a private home,
26

townhouse, condominium, apartment, mobile home, vacation home,

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1 cabin, or cottage. For the purposes of this definition, a
2 hotel, motel, inn, resort, lodge, bed and breakfast or other
3 similar public accommodation, hospital, nursing home, or
4 assisted living facility shall not be considered a private
5 residence.

6 "Public place" means that portion of any building or
7 vehicle used by and open to the public, regardless of whether
8 the building or vehicle is owned in whole or in part by private
9 persons or entities, the State of Illinois, or any other public
10 entity and regardless of whether a fee is charged for
11 admission, including a minimum distance, as set forth in
12 Section 70 of this Act, of 15 feet from entrances, exits,
13 windows that open, and ventilation intakes that serve an
14 enclosed area where smoking is prohibited. A "public place"
15 does not include a private residence unless the private
16 residence is used to provide licensed child care, foster care,
17 or other similar social service care on the premises. A "public
18 place" includes, but is not limited to, hospitals, restaurants,
19 retail stores, offices, commercial establishments, elevators,
20 indoor theaters, libraries, museums, concert halls, public
21 conveyances, educational facilities, nursing homes,
22 auditoriums, enclosed or partially enclosed sports arenas,
23 meeting rooms, schools, exhibition halls, convention
24 facilities, polling places, private clubs, gaming facilities,
25 all government owned vehicles and facilities, including
26 buildings and vehicles owned, leased, or operated by the State

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1 or State subcontract, healthcare facilities or clinics,
2 enclosed shopping centers, retail service establishments,
3 financial institutions, educational facilities, ticket areas,

4 public hearing facilities, public restrooms, waiting areas,
5 lobbies, bars, taverns, bowling alleys, skating rinks,
6 reception areas, and no less than 75% of the sleeping quarters
7 within a hotel, motel, resort, inn, lodge, bed and breakfast,
8 or other similar public accommodation that are rented to
9 guests, but excludes private residences.

10 "Restaurant" means (i) an eating establishment, including,
11 but not limited to, coffee shops, cafeterias, sandwich stands,
12 and private and public school cafeterias, that gives or offers
13 for sale food to the public, guests, or employees, and (ii) a
14 kitchen or catering facility in which food is prepared on the
15 premises for serving elsewhere. "Restaurant" includes a bar
16 area within the restaurant.

17 "Retail tobacco store" means a retail establishment that
18 derives more than 80% of its gross revenue from the sale of
19 loose tobacco, plants, or herbs and cigars, cigarettes, pipes,
20 and other smoking devices for burning tobacco and related
21 smoking accessories and in which the sale of other products is
22 merely incidental. "Retail tobacco store" does not include a
23 tobacco department or section of a larger commercial
24 establishment or any establishment with any type of liquor,
25 food, or restaurant license.

26 "Smoke" or "smoking" means the carrying, smoking, burning,

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1 inhaling, or exhaling of any kind of lighted pipe, cigar,
2 cigarette, hookah, weed, herbs, or any other lighted smoking
3 equipment.

4 "State agency" has the meaning formerly ascribed to it in
5 subsection (a) of Section 3 of the Illinois Purchasing Act (now
6 repealed).

7 "Unit of local government" has the meaning ascribed to it
8 in Section 1 of Article VII of the Illinois Constitution of
9 1970.

10 Section 15. Smoking in public places, places of employment,
11 and governmental vehicles prohibited. No person shall smoke in

12 a public place or in any place of employment or within 15 feet
13 of any entrance to a public place or place of employment. No
14 person may smoke in any vehicle owned, leased, or operated by
15 the State or a political subdivision of the State. Smoking is
16 prohibited in indoor public places and workplaces unless
17 specifically exempted by Section 35 of this Act.

18 Section 20. Posting of signs; removal of ashtrays.

19 (a) "No Smoking" signs or the international "No Smoking"
20 symbol, consisting of a pictorial representation of a burning
21 cigarette enclosed in a red circle with a red bar across it,
22 shall be clearly and conspicuously posted in each public place
23 and place of employment where smoking is prohibited by this Act
24 by the owner, operator, manager, or other person in control of

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1 that place.

2 (b) Each public place and place of employment where smoking
3 is prohibited by this Act shall have posted at every entrance a
4 conspicuous sign clearly stating that smoking is prohibited.

5 (c) All ashtrays shall be removed from any area where
6 smoking is prohibited by this Act by the owner, operator,
7 manager, or other person having control of the area.

8 Section 25. Smoking prohibited in student dormitories.
9 Notwithstanding any other provision of this Act, smoking is
10 prohibited in any portion of the living quarters, including,
11 but not limited to, sleeping rooms, dining areas, restrooms,
12 laundry areas, lobbies, and hallways, of a building used in
13 whole or in part as a student dormitory that is owned and
14 operated or otherwise utilized by a public or private
15 institution of higher education.

16 Section 30. Designation of other nonsmoking areas.
17 Notwithstanding any other provision of this Act, any employer,
18 owner, occupant, lessee, operator, manager, or other person in
19 control of any public place or place of employment may
20

21 designate a non-enclosed area of a public place or place of
22 employment, including outdoor areas, as an area where smoking
23 is also prohibited provided that such employer, owner, lessee
24 or occupant shall conspicuously post signs prohibiting smoking
in the manner described in subsections (a) and (b) of Section

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1 20 of this Act.

2 Section 35. Exemptions. Notwithstanding any other
3 provision of this Act, smoking is allowed in the following
4 areas:

5 (1) Private residences or dwelling places, except when
6 used as a child care, adult day care, or healthcare
7 facility or any other home-based business open to the
8 public.

9 (2) Retail tobacco stores as defined in Section 10 of
10 this Act in operation prior to the effective date of this
11 amendatory Act of the 95th General Assembly. The retail
12 tobacco store shall annually file with the Department by
13 January 31st an affidavit stating the percentage of its
14 gross income during the prior calendar year that was
15 derived from the sale of loose tobacco, plants, or herbs
16 and cigars, cigarettes, pipes, or other smoking devices for
17 smoking tobacco and related smoking accessories. Any
18 retail tobacco store that begins operation after the
19 effective date of this amendatory Act may only qualify for
20 an exemption if located in a freestanding structure
21 occupied solely by the business and smoke from the business
22 does not migrate into an enclosed area where smoking is
23 prohibited.

24 (3) Private and semi-private rooms in nursing homes and
25 long-term care facilities that are occupied by one or more

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1 persons, all of whom are smokers and have requested in
2 writing to be placed or to remain in a room where smoking
3 is permitted and the smoke shall not infiltrate other areas
4 of the nursing home.

5 (4) Hotel and motel sleeping rooms that are rented to
6 guests and are designated as smoking rooms, provided that
7 all smoking rooms on the same floor must be contiguous and
8 smoke from these rooms must not infiltrate into nonsmoking
9 rooms or other areas where smoking is prohibited. Not more
10 than 25% of the rooms rented to guests in a hotel or motel
11 may be designated as rooms where smoking is allowed. The
12 status of rooms as smoking or nonsmoking may not be
13 changed, except to permanently add additional nonsmoking
14 rooms.

15 Section 40. Enforcement; complaints.

16 (a) The Department, State-certified local public health
17 departments, and local law enforcement agencies shall enforce
18 the provisions of this Act and may assess fines pursuant to
19 Section 45 of this Act.

20 (b) Any person may register a complaint with the
21 Department, a State-certified local public health department,
22 or a local law enforcement agency for a violation of this Act.
23 The Department shall establish a telephone number that a person
24 may call to register a complaint under this subsection (b).

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1 Section 45. Violations.

2 (a) A person, corporation, partnership, association or
3 other entity who violates Section 15 of this Act shall be fined
4 pursuant to this Section. Each day that a violation occurs is a
5 separate violation.

6 (b) A person who smokes in an area where smoking is
7 prohibited under Section 15 of this Act shall be fined in an
8 amount that is not less than \$100 and not more than \$250. A

9 person who owns, operates, or otherwise controls a public place
10 or place of employment that violates Section 15 of this Act
11 shall be fined (i) not less than \$250 for the first violation,
12 (ii) not less than \$500 for the second violation within one
13 year after the first violation, and (iii) not less than \$2,500
14 for each additional violation within one year after the first
15 violation.

16 (c) A fine imposed under this Section shall be allocated as
17 follows:

18 (1) one-half of the fine shall be distributed to the
19 Department; and

20 (2) one-half of the fine shall be distributed to the
21 enforcing agency.

22 Section 50. Injunctions. The Department, a State-certified
23 local public health department, local law enforcement agency,
24 or any individual personally affected by repeated violations
25 may institute, in a circuit court, an action to enjoin

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1 violations of this Act.

2 Section 55. Discrimination prohibited. No individual may
3 be discriminated against in any manner because of the exercise
4 of any rights afforded by this Act.

5 Section 60. Severability. If any provision, clause or
6 paragraph of this Act shall be held invalid by a court of
7 competent jurisdiction, such validity shall not affect the
8 other provisions of this Act.

9 Section 65. Home rule and other local regulation.

10 (a) Any home rule unit of local government, any non-home
11 rule municipality, or any non-home rule county within the
12 unincorporated territory of the county may regulate smoking in
13 public places, but that regulation must be no less restrictive
14 than this Act. This subsection (a) is a limitation on the
15 concurrent exercise of home rule power under subsection (i) of

16 Section 6 of Article VII of the Illinois Constitution.
 17 (b) In addition to any regulation authorized under
 18 subsection (a) or authorized under home rule powers, any home
 19 rule unit of local government, any non-home rule municipality,
 20 or any non-home rule county within the unincorporated territory
 21 of the county may regulate smoking in any enclosed indoor area
 22 used by the public or serving as a place of work if the area
 23 does not fall within the definition of a "public place" under

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1 this Act.

2 Section 70. Entrances, exits, windows, and ventilation
 3 intakes. Smoking is prohibited within a minimum distance of 15
 4 feet from entrances, exits, windows that open, and ventilation
 5 intakes that serve an enclosed area where smoking is prohibited
 6 under this Act so as to ensure that tobacco smoke does not
 7 enter the area through entrances, exits, open windows, or other
 8 means.

9 Section 75. Rules. The Department shall adopt rules
 10 necessary for the administration of this Act.

11 Section 80. The State Mandates Act is amended by adding
 12 Section 8.31 as follows:

13 (30 ILCS 805/8.31 new)

14 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8
 15 of this Act, no reimbursement by the State is required for the
 16 implementation of any mandate created by this amendatory Act of
 17 the 95th General Assembly.

18 (410 ILCS 80/Act rep.)

19 Section 90. The Illinois Clean Indoor Air Act is repealed.

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1	INDEX
2	Statutes amended in order of appearance
3	New Act
4	30 ILCS 805/8.31 new
5	410 ILCS 80/Act rep.

**RESOLUTION OF THE McLEAN COUNTY BOARD
ADOPTING THE
2007 LEGISLATIVE PROGRAM
FOR McLEAN COUNTY**

WHEREAS, the Legislative Subcommittee of the Executive Committee, after careful research and considerable discussion with County Officials and Members of the Illinois Senate and House of Representatives, has prepared a legislative program for 2007; and,

WHEREAS, the 2007 Legislative Program supports amendments to the Enterprise Zone Act (20 ILCS 655/) to allow a County to establish more than one Enterprise Zone and to amend the 13 square mile limit on the size of an Enterprise Zone to more accurately relate to the size of a County; and,

WHEREAS, the 2007 Legislative Program supports new legislation to authorize County Boards to enact a tax of up to \$2.00 per pack on cigarettes and use the proceeds for public health and safety purposes; and,

WHEREAS, the 2007 Legislative Program supports new legislation to authorize County Boards to add a fee of up to \$5.00 to certain Civil Cases in the Divorce, family and Adoption categories to provide additional financial support to Child Advocacy Center programs; and,

WHEREAS, the 2007 Legislative Program supports new legislation and amendments to existing state laws to restore the separate Election Levy to fund election commissions and County Clerk election operations, and to provide the necessary fiscal capacity to deal with added state and federal election mandates elections; and,

WHEREAS, the 2007 Legislative Program supports new legislation which will enact a statewide smoking ban in public places; and,

WHEREAS, the 2007 Legislative Program strongly urges the Governor and the General Assembly to maintain current funding levels for County reimbursement programs, to oppose any actions which would burden County Government with additional unfunded mandates, and to enable County Government to exercise more control over its own fiscal policies; and,

WHEREAS, the Legislative Subcommittee recommends that the McLean County Board adopt the attached 2007 Legislative Program which lists in detail the specific requests for the various state laws to be amended, for new legislation to be introduced, and for resolutions to be forwarded; now, therefore,

BE IT RESOLVED by the McLean County Board, in regular session, that the attached 2007 Legislative Program is hereby adopted and that said Program be sent to each State Representative and State Senator who represents McLean County, and to the Governor, respectfully requesting their support.

BE IT FURTHER RESOLVED that a copy of this 2007 Legislative Program be transmitted to Mr. William Anderson of Anderson Legislative Consulting, who represents McLean County's interests to the Government of the State of Illinois, and to the United Counties Council of Illinois (U.C.C.I.) and the Metro Counties of Illinois with the request that they give serious consideration to supporting McLean County's 2006 Legislative Program.

ADOPTED by the County Board of McLean County, Illinois this 20th day of February, 2006.

ATTEST:

APPROVED:

Peggy Ann Milton, Clerk of the
County Board of the County of
McLean, Illinois

Michael F. Sweeney, Chairman,
McLean County Board

E:/ed/coboard/legislat/legpro07

95TH GENERAL ASSEMBLY
State of Illinois
2007 and 2008
HB0004

Introduced , by Rep. Dan Brady

SYNOPSIS AS INTRODUCED:

70 ILCS 5/3.1 from Ch. 15 1/2, par. 68.3a

Amends the Airport Authorities Act. Provides that, for an airport authority containing 2 or more municipalities with a population of 5,000 or more that (i) is not located wholly within the corporate limits of the municipalities, and (ii) does not have physical facilities located wholly within a single county with a population between 600,000 and 3,000,000, 2 commissioners (instead of 1) shall be appointed by each municipality and 3 commissioners shall be appointed at large. Effective immediately.

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A BILL FOR

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1 AN ACT concerning local government.

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

4 Section 5. The Airport Authorities Act is amended by
5 changing Section 3.1 as follows:

6 (70 ILCS 5/3.1) (from Ch. 15 1/2, par. 68.3a)
7 Sec. 3.1. Boards of commissioners - Appointment. The Boards
8 of Commissioners of Authorities shall be appointed as follows:

9 (1) In case there are one or more municipalities having a
10 population of 5,000 or more within the Authority, the
11 commissioners shall be appointed as follows:

12 (a) Where there is only one such municipality, 3
13 commissioners shall be appointed from such municipality,
14 and 2 commissioners shall be appointed at large.

15 (b) Where there are 2 or more such municipalities, 2
16 ~~commissioners~~ ~~one commissioner~~ shall be appointed from
17 each such municipality and 3 commissioners shall be
18 appointed at large; except that when the physical
19 facilities of the airport of the Authority are located
20 wholly within a single county with a population between
21 600,000 and 3,000,000 there shall be one commissioner
22 appointed from each municipality within the corporate
23 limits of the Authority having 5,000 or more population and

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1 5 commissioners appointed at large. If the Authority is
2 located wholly within the corporate limits of such
3 municipalities, 2 commissioners shall be appointed from
4 the one of such municipalities having the largest
5 population, and one commissioner shall be appointed from
6 each of the other such municipalities, and 2 commissioners
7 shall be appointed at large.

8 (c) Commissioners representing the area within an
9 Authority located outside of any municipality having 5,000
10 or more population and commissioners appointed at large
11 when the authority is wholly contained within a single
12 county shall be appointed by the presiding officer of the
13 county board with the advice and consent of the county
14 board, and when the physical facilities of the airport of
15 the Authority are located wholly within a single county
16 with a population between 600,000 and 3,000,000 the
17

18 commissioners appointed at large shall be appointed by the
19 chairman of the county board of such county, and any
20 commissioner representing the area within any such
21 municipality shall be appointed by its mayor or the
22 presiding officer of its governing body. If however the
23 district is located in more than one county other than a
24 county with a population between 600,000 and 3,000,000, the
25 members of the General Assembly whose legislative
26 districts encompass any portion of the Authority shall
appoint the commissioners representing the area within an

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1 Authority located outside of any municipality having 5,000
2 or more population and commissioners at large but any
3 commissioner representing the area within any such
4 municipality shall be appointed by its mayor or the
5 presiding officer of its governing body.

6 (d) A commissioner representing the area within any
7 such municipality shall reside within its corporate
8 limits. A commissioner appointed at large may reside either
9 within or without any such municipality but must reside
10 within the territory of the authority. Should any
11 commissioner cease to reside within that part of the
12 territory he represents, or should the territory in which
13 he resides cease to be a part of the authority, then his
14 office shall be deemed vacated, and shall be filled by
15 appointment for the remainder of the term as hereinafter
16 provided.

17 (2) In case there are no municipalities having a population
18 of 5,000 or more within such authority located wholly within a
19 single county, such order shall so find, and in such case the
20 Board shall consist of 5 commissioners who shall be appointed
21 at large by the presiding officer of the county board with the
22 advice and consent of the county board. If however the district
23 is located in more than one county, the members of the General
24 Assembly whose legislative districts encompass any portion of
25

the Authority shall appoint the commissioners at large.

26 (3) Should a municipality which is wholly within an

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1 authority attain, or should such a municipality be established,
2 having a population of 5,000 or more after the entry of said
3 order by the circuit court, the presiding officer of such
4 municipality may petition the circuit court for an order
5 finding and determining the population of such municipality
6 and, if it is found and determined upon the hearing of said
7 petition that the population of such municipality is 5,000 or
8 more, the board of commissioners of such authority as
9 previously established shall be increased by one commissioner
10 who shall reside within the corporate limits of such
11 municipality and shall be appointed by its presiding officer.
12 The initial commissioner so appointed shall serve for a term of
13 1, 2, 3, 4 or 5 years, as may be determined by lot, and his
14 successors shall be similarly appointed and shall serve for
15 terms of 5 years. All provisions of this section applicable to
16 commissioners representing municipal areas shall apply to any
17 such commissioner. Each such commissioner shall reside within
18 the authority and shall continue to reside therein.

19 (4) Notwithstanding any other provision of this Section,
20 the Board of Commissioners of a Metropolitan Airport Authority
21 shall consist of 9 commissioners.

22 Seven commissioners shall be residents of the county with a
23 population between 600,000 and 3,000,000 within which the
24 Metropolitan Airport Authority was established. These
25 commissioners shall be appointed by the county board chairman
26 of the county with a population between 600,000 and 3,000,000

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1 within which the Metropolitan Airport Authority was
2 established, with the advice and consent of the county board of

3 that county.

4 Two commissioners shall be residents of the territory of
5 the Authority located outside the county with a population
6 between 600,000 and 3,000,000. These commissioners shall be
7 appointed jointly by the mayors of the municipalities having a
8 population over 5,000 that are located outside the county with
9 a population between 600,000 and 3,000,000, with the advice and
10 consent of the governing bodies of those municipalities.

11 The transition from the pre-existing composition of the
12 Metropolitan Airport Authority Board of Commissioners to the
13 composition specified in this amendatory Act of 1991 shall be
14 accomplished as follows:

15 (A) The appointee who was required to be a resident of
16 the area outside of the county with a population between
17 600,000 and 3,000,000 may serve until his or her term
18 expires. The replacement shall be one of the 2 appointees
19 who shall be residents of the territory of the Authority
20 located outside the county with a population between
21 600,000 and 3,000,000.

22 (B) The other 8 commissioners may serve until their
23 terms expire. Upon the occurrence of the second vacancy
24 among these 8 commissioners after the effective date of
25 this amendatory Act of 1991, the replacement shall be the
26 second of the 2 appointees who shall be residents of the

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1 territory of the Authority located outside of the county
2 with a population between 600,000 and 3,000,000. Upon the
3 expiration of the terms of the other 7 commissioners, the
4 replacements shall be residents of the county with a
5 population between 600,000 and 3,000,000.

6 (C) All commissioners appointed after the effective
7 date of this amendatory Act of 1991, and their successors,
8 shall be appointed in the manner set forth in this
9 amendatory Act of 1991.

10 (Source: P.A. 94-466, eff. 1-1-06.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.