

1 AMENDMENT TO HOUSE BILL 263

2 AMENDMENT NO. _____. Amend House Bill 263, AS AMENDED, by
3 replacing the title with the following:

4 "AN ACT in relation to the local governments."; and

5 by replacing everything after the enacting clause with the
6 following:

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

9 (30 ILCS 105/5.545 new)

10 Sec. 5.545. The Statewide Economic Development Fund.

11 (30 ILCS 105/6z-51 new)

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

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

17 (30 ILCS 105/8.25f) (from Ch. 127, par. 144.25f)

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

19 (a) Deposits. The following amounts shall be deposited

1 into the McCormick Place Expansion Project Fund in the State
 2 Treasury: (i) the moneys required to be deposited into the
 3 Fund under Section 9 of the Use Tax Act, Section 9 of the
 4 Service Occupation Tax Act, Section 9 of the Service Use Tax
 5 Act, and Section 3 of the Retailers' Occupation Tax Act and
 6 (ii) the moneys required to be deposited into the Fund under
 7 Section 13 of the Metropolitan Pier and Exposition Authority
 8 Act. Notwithstanding the foregoing, the maximum amount that
 9 may be deposited into the McCormick Place Expansion Project
 10 Fund from item (i) shall not exceed the following amounts
 11 with respect to the following fiscal years:

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

1	<u>2015</u>	<u>179,000,000</u>
2	<u>2016</u>	<u>189,000,000</u>
3	<u>2017</u>	<u>199,000,000</u>
4	<u>2018</u>	<u>210,000,000</u>
5	<u>2019</u>	<u>221,000,000</u>
6	<u>2020</u>	<u>233,000,000</u>
7	<u>2021</u>	<u>246,000,000</u>
8	<u>2022</u>	<u>260,000,000</u>
9	<u>2023</u> and	<u>275,000,000</u>
10		<u>145,000,000</u>

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

17 Provided that all amounts deposited in the Fund and
18 requested in the Authority's certificate have been paid to
19 the Authority, all amounts remaining in the McCormick Place
20 Expansion Project Fund on the last day of any month shall be
21 transferred to the General Revenue Fund.

22 (b) Authority certificate. Beginning with fiscal year
23 1994 and continuing for each fiscal year thereafter, the
24 Chairman of the Metropolitan Pier and Exposition Authority
25 shall annually certify to the State Comptroller and the State
26 Treasurer the amount necessary and required, during the
27 fiscal year with respect to which the certification is made,
28 to pay the debt service requirements (including amounts to be
29 paid with respect to arrangements to provide additional
30 security or liquidity) on all outstanding bonds and notes,
31 including refunding bonds, (collectively referred to as
32 "bonds") in an amount issued by the Authority pursuant to
33 Section 13.2 of the Metropolitan Pier and Exposition
34 Authority Act. The certificate may be amended from time to

1 time as necessary.

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

3 Section 15. The Use Tax Act is amended by changing
4 Section 9 as follows:

5 (35 ILCS 105/9) (from Ch. 120, par. 439.9)

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

27 Where such tangible personal property is sold under a
28 conditional sales contract, or under any other form of sale
29 wherein the payment of the principal sum, or a part thereof,
30 is extended beyond the close of the period for which the
31 return is filed, the retailer, in collecting the tax (except
32 as to motor vehicles, watercraft, aircraft, and trailers that

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

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

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

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

34 If a taxpayer fails to sign a return within 30 days after

1 the proper notice and demand for signature by the Department,
2 the return shall be considered valid and any amount shown to
3 be due on the return shall be deemed assessed.

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

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

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

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

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

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

1 period). If the month during which such tax liability is
2 incurred begins on or after January 1, 1985, and prior to
3 January 1, 1987, each payment shall be in an amount equal to
4 22.5% of the taxpayer's actual liability for the month or
5 27.5% of the taxpayer's liability for the same calendar month
6 of the preceding year. If the month during which such tax
7 liability is incurred begins on or after January 1, 1987, and
8 prior to January 1, 1988, each payment shall be in an amount
9 equal to 22.5% of the taxpayer's actual liability for the
10 month or 26.25% of the taxpayer's liability for the same
11 calendar month of the preceding year. If the month during
12 which such tax liability is incurred begins on or after
13 January 1, 1988, and prior to January 1, 1989, or begins on
14 or after January 1, 1996, each payment shall be in an amount
15 equal to 22.5% of the taxpayer's actual liability for the
16 month or 25% of the taxpayer's liability for the same
17 calendar month of the preceding year. If the month during
18 which such tax liability is incurred begins on or after
19 January 1, 1989, and prior to January 1, 1996, each payment
20 shall be in an amount equal to 22.5% of the taxpayer's actual
21 liability for the month or 25% of the taxpayer's liability
22 for the same calendar month of the preceding year or 100% of
23 the taxpayer's actual liability for the quarter monthly
24 reporting period. The amount of such quarter monthly
25 payments shall be credited against the final tax liability of
26 the taxpayer's return for that month. Before October 1,
27 2000, once applicable, the requirement of the making of
28 quarter monthly payments to the Department shall continue
29 until such taxpayer's average monthly liability to the
30 Department during the preceding 4 complete calendar quarters
31 (excluding the month of highest liability and the month of
32 lowest liability) is less than \$9,000, or until such
33 taxpayer's average monthly liability to the Department as
34 computed for each calendar quarter of the 4 preceding

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

1 regulations to govern the quarter monthly payment amount and
2 quarter monthly payment dates for taxpayers who file on other
3 than a calendar monthly basis.

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

32 If the retailer is otherwise required to file a monthly
33 return and if the retailer's average monthly tax liability to
34 the Department does not exceed \$200, the Department may

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

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

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

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

25 In addition, with respect to motor vehicles, watercraft,
26 aircraft, and trailers that are required to be registered
27 with an agency of this State, every retailer selling this
28 kind of tangible personal property shall file, with the
29 Department, upon a form to be prescribed and supplied by the
30 Department, a separate return for each such item of tangible
31 personal property which the retailer sells, except that if,
32 in the same transaction, (i) a retailer of aircraft,
33 watercraft, motor vehicles or trailers transfers more than
34 one aircraft, watercraft, motor vehicle or trailer to another

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

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

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

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

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

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

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

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

1 had been remitted to the Department by the retailer.

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

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

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

32 Where the retailer has more than one business registered
33 with the Department under separate registration under this
34 Act, such retailer may not file each return that is due as a

1 single return covering all such registered businesses, but
2 shall file separate returns for each such registered
3 business.

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

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

22 Beginning January 1, 1990, each month the Department
23 shall pay into the State and Local Sales Tax Reform Fund, a
24 special fund in the State Treasury, 20% of the net revenue
25 realized for the preceding month from the 6.25% general rate
26 on the selling price of tangible personal property, other
27 than tangible personal property which is purchased outside
28 Illinois at retail from a retailer and which is titled or
29 registered by an agency of this State's government.

30 Beginning August 1, 2000, each month the Department shall
31 pay into the State and Local Sales Tax Reform Fund 100% of
32 the net revenue realized for the preceding month from the
33 1.25% rate on the selling price of motor fuel and gasohol.

34 Beginning January 1, 1990, each month the Department

1 shall pay into the Local Government Tax Fund 16% of the net
2 revenue realized for the preceding month from the 6.25%
3 general rate on the selling price of tangible personal
4 property which is purchased outside Illinois at retail from a
5 retailer and which is titled or registered by an agency of
6 this State's government.

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

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

1 Department pursuant to this Act and required to be deposited
 2 into the Build Illinois Fund are subject to the pledge, claim
 3 and charge set forth in Section 12 of the Build Illinois Bond
 4 Act.

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

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

1	2009	<u>132,000,000</u>	120,000,000
2	2010	<u>139,000,000</u>	126,000,000
3	2011	<u>146,000,000</u>	132,000,000
4	2012	<u>153,000,000</u>	138,000,000
5	2013		<u>161,000,000</u>
6	<u>2014</u>		<u>170,000,000</u>
7	<u>2015</u>		<u>179,000,000</u>
8	<u>2016</u>		<u>189,000,000</u>
9	<u>2017</u>		<u>199,000,000</u>
10	<u>2018</u>		<u>210,000,000</u>
11	<u>2019</u>		<u>221,000,000</u>
12	<u>2020</u>		<u>233,000,000</u>
13	<u>2021</u>		<u>246,000,000</u>
14	<u>2022</u>		<u>260,000,000</u>
15	<u>2023</u> and		<u>275,000,000</u>
16			145,000,000

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

24 Beginning July 20, 1993 and in each month of each fiscal
25 year thereafter, one-eighth of the amount requested in the
26 certificate of the Chairman of the Metropolitan Pier and
27 Exposition Authority for that fiscal year, less the amount
28 deposited into the McCormick Place Expansion Project Fund by
29 the State Treasurer in the respective month under subsection
30 (g) of Section 13 of the Metropolitan Pier and Exposition
31 Authority Act, plus cumulative deficiencies in the deposits
32 required under this Section for previous months and years,
33 shall be deposited into the McCormick Place Expansion Project
34 Fund, until the full amount requested for the fiscal year,

1 but not in excess of the amount specified above as "Total
2 Deposit", has been deposited.

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

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

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

33 As soon as possible after the first day of each month,
34 upon certification of the Department of Revenue, the

1 Comptroller shall order transferred and the Treasurer shall
2 transfer from the General Revenue Fund to the Motor Fuel Tax
3 Fund an amount equal to 1.7% of 80% of the net revenue
4 realized under this Act for the second preceding month.
5 Beginning April 1, 2000, this transfer is no longer required
6 and shall not be made.

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

11 For greater simplicity of administration, manufacturers,
12 importers and wholesalers whose products are sold at retail
13 in Illinois by numerous retailers, and who wish to do so, may
14 assume the responsibility for accounting and paying to the
15 Department all tax accruing under this Act with respect to
16 such sales, if the retailers who are affected do not make
17 written objection to the Department to this arrangement.

18 (Source: P.A. 90-491, eff. 1-1-99; 90-612, eff. 7-8-98;
19 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; 91-101, eff.
20 7-12-99; 91-541, eff. 8-13-99; 91-872, eff. 7-1-00; 91-901,
21 eff. 1-1-01; revised 8-30-00.)

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

24 (35 ILCS 110/9) (from Ch. 120, par. 439.39)

25 Sec. 9. Each serviceman required or authorized to
26 collect the tax herein imposed shall pay to the Department
27 the amount of such tax (except as otherwise provided) at the
28 time when he is required to file his return for the period
29 during which such tax was collected, less a discount of 2.1%
30 prior to January 1, 1990 and 1.75% on and after January 1,
31 1990, or \$5 per calendar year, whichever is greater, which is
32 allowed to reimburse the serviceman for expenses incurred in

1 collecting the tax, keeping records, preparing and filing
2 returns, remitting the tax and supplying data to the
3 Department on request. A serviceman need not remit that part
4 of any tax collected by him to the extent that he is required
5 to pay and does pay the tax imposed by the Service Occupation
6 Tax Act with respect to his sale of service involving the
7 incidental transfer by him of the same property.

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

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

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

1 6. Such other reasonable information as the
2 Department may require.

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

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

29 Before August 1 of each year beginning in 1993, the
30 Department shall notify all taxpayers required to make
31 payments by electronic funds transfer. All taxpayers required
32 to make payments by electronic funds transfer shall make
33 those payments for a minimum of one year beginning on October
34 1.

1 Any taxpayer not required to make payments by electronic
2 funds transfer may make payments by electronic funds transfer
3 with the permission of the Department.

4 All taxpayers required to make payment by electronic
5 funds transfer and any taxpayers authorized to voluntarily
6 make payments by electronic funds transfer shall make those
7 payments in the manner authorized by the Department.

8 The Department shall adopt such rules as are necessary to
9 effectuate a program of electronic funds transfer and the
10 requirements of this Section.

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

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

28 Such quarter annual and annual returns, as to form and
29 substance, shall be subject to the same requirements as
30 monthly returns.

31 Notwithstanding any other provision in this Act
32 concerning the time within which a serviceman may file his
33 return, in the case of any serviceman who ceases to engage in
34 a kind of business which makes him responsible for filing

1 returns under this Act, such serviceman shall file a final
2 return under this Act with the Department not more than 1
3 month after discontinuing such business.

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

21 Any serviceman filing a return hereunder shall also
22 include the total tax upon the selling price of tangible
23 personal property purchased for use by him as an incident to
24 a sale of service, and such serviceman shall remit the amount
25 of such tax to the Department when filing such return.

26 If experience indicates such action to be practicable,
27 the Department may prescribe and furnish a combination or
28 joint return which will enable servicemen, who are required
29 to file returns hereunder and also under the Service
30 Occupation Tax Act, to furnish all the return information
31 required by both Acts on the one form.

32 Where the serviceman has more than one business
33 registered with the Department under separate registration
34 hereunder, such serviceman shall not file each return that is

1 due as a single return covering all such registered
2 businesses, but shall file separate returns for each such
3 registered business.

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

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

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

26 Of the remainder of the moneys received by the Department
27 pursuant to this Act, (a) 1.75% thereof shall be paid into
28 the Build Illinois Fund and (b) prior to July 1, 1989, 2.2%
29 and on and after July 1, 1989, 3.8% thereof shall be paid
30 into the Build Illinois Fund; provided, however, that if in
31 any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%,
32 as the case may be, of the moneys received by the Department
33 and required to be paid into the Build Illinois Fund pursuant
34 to Section 3 of the Retailers' Occupation Tax Act, Section 9

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

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

24 Subject to payment of amounts into the Build Illinois
25 Fund as provided in the preceding paragraph or in any
26 amendment thereto hereafter enacted, the following specified
27 monthly installment of the amount requested in the
28 certificate of the Chairman of the Metropolitan Pier and
29 Exposition Authority provided under Section 8.25f of the
30 State Finance Act, but not in excess of the sums designated
31 as "Total Deposit", shall be deposited in the aggregate from
32 collections under Section 9 of the Use Tax Act, Section 9 of
33 the Service Use Tax Act, Section 9 of the Service Occupation
34 Tax Act, and Section 3 of the Retailers' Occupation Tax Act

1 into the McCormick Place Expansion Project Fund in the
2 specified fiscal years.

3	Fiscal Year	Total Deposit
4	1993	\$0
5	1994	53,000,000
6	1995	58,000,000
7	1996	61,000,000
8	1997	64,000,000
9	1998	68,000,000
10	1999	71,000,000
11	2000	75,000,000
12	2001	80,000,000
13	2002	<u>93,000,000</u> 84,000,000
14	2003	<u>99,000,000</u> 89,000,000
15	2004	<u>103,000,000</u> 93,000,000
16	2005	<u>108,000,000</u> 97,000,000
17	2006	<u>113,000,000</u> 102,000,000
18	2007	<u>119,000,000</u> 108,000,000
19	2008	<u>126,000,000</u> 115,000,000
20	2009	<u>132,000,000</u> 120,000,000
21	2010	<u>139,000,000</u> 126,000,000
22	2011	<u>146,000,000</u> 132,000,000
23	2012	<u>153,000,000</u> 138,000,000
24	2013	<u>161,000,000</u>
25	<u>2014</u>	<u>170,000,000</u>
26	<u>2015</u>	<u>179,000,000</u>
27	<u>2016</u>	<u>189,000,000</u>
28	<u>2017</u>	<u>199,000,000</u>
29	<u>2018</u>	<u>210,000,000</u>
30	<u>2019</u>	<u>221,000,000</u>
31	<u>2020</u>	<u>233,000,000</u>
32	<u>2021</u>	<u>246,000,000</u>
33	<u>2022</u>	<u>260,000,000</u>
34	<u>2023 and</u>	<u>275,000,000</u>

145,000,000

1
2 each fiscal year
3 thereafter that bonds
4 are outstanding under
5 Section 13.2 of the
6 Metropolitan Pier and
7 Exposition Authority Act,
8 but not after fiscal year 2042 2029.

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

22 Subject to payment of amounts into the Build Illinois
23 Fund and the McCormick Place Expansion Project Fund pursuant
24 to the preceding paragraphs or in any amendment thereto
25 hereafter enacted, each month the Department shall pay into
26 the Local Government Distributive Fund 0.4% of the net
27 revenue realized for the preceding month from the 5% general
28 rate or 0.4% of 80% of the net revenue realized for the
29 preceding month from the 6.25% general rate, as the case may
30 be, on the selling price of tangible personal property which
31 amount shall, subject to appropriation, be distributed as
32 provided in Section 2 of the State Revenue Sharing Act. No
33 payments or distributions pursuant to this paragraph shall be
34 made if the tax imposed by this Act on photo processing

1 products is declared unconstitutional, or if the proceeds
2 from such tax are unavailable for distribution because of
3 litigation.

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

13 All remaining moneys received by the Department pursuant
14 to this Act shall be paid into the General Revenue Fund of
15 the State Treasury.

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

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

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

31 Section 25. The Service Occupation Tax Act is amended by
32 changing Section 9 as follows:

1 (35 ILCS 115/9) (from Ch. 120, par. 439.109)

2 Sec. 9. Each serviceman required or authorized to
3 collect the tax herein imposed shall pay to the Department
4 the amount of such tax at the time when he is required to
5 file his return for the period during which such tax was
6 collectible, less a discount of 2.1% prior to January 1,
7 1990, and 1.75% on and after January 1, 1990, or \$5 per
8 calendar year, whichever is greater, which is allowed to
9 reimburse the serviceman for expenses incurred in collecting
10 the tax, keeping records, preparing and filing returns,
11 remitting the tax and supplying data to the Department on
12 request.

13 Where such tangible personal property is sold under a
14 conditional sales contract, or under any other form of sale
15 wherein the payment of the principal sum, or a part thereof,
16 is extended beyond the close of the period for which the
17 return is filed, the serviceman, in collecting the tax may
18 collect, for each tax return period, only the tax applicable
19 to the part of the selling price actually received during
20 such tax return period.

21 Except as provided hereinafter in this Section, on or
22 before the twentieth day of each calendar month, such
23 serviceman shall file a return for the preceding calendar
24 month in accordance with reasonable rules and regulations to
25 be promulgated by the Department of Revenue. Such return
26 shall be filed on a form prescribed by the Department and
27 shall contain such information as the Department may
28 reasonably require.

29 The Department may require returns to be filed on a
30 quarterly basis. If so required, a return for each calendar
31 quarter shall be filed on or before the twentieth day of the
32 calendar month following the end of such calendar quarter.
33 The taxpayer shall also file a return with the Department for
34 each of the first two months of each calendar quarter, on or

1 before the twentieth day of the following calendar month,
2 stating:

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

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

21 A serviceman may accept a Manufacturer's Purchase Credit
22 certification from a purchaser in satisfaction of Service Use
23 Tax as provided in Section 3-70 of the Service Use Tax Act if
24 the purchaser provides the appropriate documentation as
25 required by Section 3-70 of the Service Use Tax Act. A
26 Manufacturer's Purchase Credit certification, accepted by a
27 serviceman as provided in Section 3-70 of the Service Use Tax
28 Act, may be used by that serviceman to satisfy Service
29 Occupation Tax liability in the amount claimed in the
30 certification, not to exceed 6.25% of the receipts subject to
31 tax from a qualifying purchase.

32 If the serviceman's average monthly tax liability to the
33 Department does not exceed \$200, the Department may authorize
34 his returns to be filed on a quarter annual basis, with the

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

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

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

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

23 Beginning October 1, 1993, a taxpayer who has an average
24 monthly tax liability of \$150,000 or more shall make all
25 payments required by rules of the Department by electronic
26 funds transfer. Beginning October 1, 1994, a taxpayer who
27 has an average monthly tax liability of \$100,000 or more
28 shall make all payments required by rules of the Department
29 by electronic funds transfer. Beginning October 1, 1995, a
30 taxpayer who has an average monthly tax liability of \$50,000
31 or more shall make all payments required by rules of the
32 Department by electronic funds transfer. Beginning October
33 1, 2000, a taxpayer who has an annual tax liability of
34 \$200,000 or more shall make all payments required by rules of

1 the Department by electronic funds transfer. The term
2 "annual tax liability" shall be the sum of the taxpayer's
3 liabilities under this Act, and under all other State and
4 local occupation and use tax laws administered by the
5 Department, for the immediately preceding calendar year. The
6 term "average monthly tax liability" means the sum of the
7 taxpayer's liabilities under this Act, and under all other
8 State and local occupation and use tax laws administered by
9 the Department, for the immediately preceding calendar year
10 divided by 12.

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

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

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

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

27 Where a serviceman collects the tax with respect to the
28 selling price of tangible personal property which he sells
29 and the purchaser thereafter returns such tangible personal
30 property and the serviceman refunds the selling price thereof
31 to the purchaser, such serviceman shall also refund, to the
32 purchaser, the tax so collected from the purchaser. When
33 filing his return for the period in which he refunds such tax
34 to the purchaser, the serviceman may deduct the amount of the

1 tax so refunded by him to the purchaser from any other
2 Service Occupation Tax, Service Use Tax, Retailers'
3 Occupation Tax or Use Tax which such serviceman may be
4 required to pay or remit to the Department, as shown by such
5 return, provided that the amount of the tax to be deducted
6 shall previously have been remitted to the Department by such
7 serviceman. If the serviceman shall not previously have
8 remitted the amount of such tax to the Department, he shall
9 be entitled to no deduction hereunder upon refunding such tax
10 to the purchaser.

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

18 Where the serviceman has more than one business
19 registered with the Department under separate registrations
20 hereunder, such serviceman shall file separate returns for
21 each registered business.

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

31 Beginning January 1, 1990, each month the Department
32 shall pay into the County and Mass Transit District Fund 4%
33 of the revenue realized for the preceding month from the
34 6.25% general rate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 Remaining moneys received by the Department pursuant to

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

3 The Department may, upon separate written notice to a
4 taxpayer, require the taxpayer to prepare and file with the
5 Department on a form prescribed by the Department within not
6 less than 60 days after receipt of the notice an annual
7 information return for the tax year specified in the notice.
8 Such annual return to the Department shall include a
9 statement of gross receipts as shown by the taxpayer's last
10 Federal income tax return. If the total receipts of the
11 business as reported in the Federal income tax return do not
12 agree with the gross receipts reported to the Department of
13 Revenue for the same period, the taxpayer shall attach to his
14 annual return a schedule showing a reconciliation of the 2
15 amounts and the reasons for the difference. The taxpayer's
16 annual return to the Department shall also disclose the cost
17 of goods sold by the taxpayer during the year covered by such
18 return, opening and closing inventories of such goods for
19 such year, cost of goods used from stock or taken from stock
20 and given away by the taxpayer during such year, pay roll
21 information of the taxpayer's business during such year and
22 any additional reasonable information which the Department
23 deems would be helpful in determining the accuracy of the
24 monthly, quarterly or annual returns filed by such taxpayer
25 as hereinbefore provided for in this Section.

26 If the annual information return required by this Section
27 is not filed when and as required, the taxpayer shall be
28 liable as follows:

29 (i) Until January 1, 1994, the taxpayer shall be
30 liable for a penalty equal to 1/6 of 1% of the tax due
31 from such taxpayer under this Act during the period to be
32 covered by the annual return for each month or fraction
33 of a month until such return is filed as required, the
34 penalty to be assessed and collected in the same manner

1 as any other penalty provided for in this Act.

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

5 The chief executive officer, proprietor, owner or highest
6 ranking manager shall sign the annual return to certify the
7 accuracy of the information contained therein. Any person
8 who willfully signs the annual return containing false or
9 inaccurate information shall be guilty of perjury and
10 punished accordingly. The annual return form prescribed by
11 the Department shall include a warning that the person
12 signing the return may be liable for perjury.

13 The foregoing portion of this Section concerning the
14 filing of an annual information return shall not apply to a
15 serviceman who is not required to file an income tax return
16 with the United States Government.

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

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

29 For greater simplicity of administration, it shall be
30 permissible for manufacturers, importers and wholesalers
31 whose products are sold by numerous servicemen in Illinois,
32 and who wish to do so, to assume the responsibility for
33 accounting and paying to the Department all tax accruing
34 under this Act with respect to such sales, if the servicemen

1 who are affected do not make written objection to the
2 Department to this arrangement.

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

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

8 (35 ILCS 120/3) (from Ch. 120, par. 442)

9 Sec. 3. Except as provided in this Section, on or before
10 the twentieth day of each calendar month, every person
11 engaged in the business of selling tangible personal property
12 at retail in this State during the preceding calendar month
13 shall file a return with the Department, stating:

14 1. The name of the seller;

15 2. His residence address and the address of his
16 principal place of business and the address of the
17 principal place of business (if that is a different
18 address) from which he engages in the business of selling
19 tangible personal property at retail in this State;

20 3. Total amount of receipts received by him during
21 the preceding calendar month or quarter, as the case may
22 be, from sales of tangible personal property, and from
23 services furnished, by him during such preceding calendar
24 month or quarter;

25 4. Total amount received by him during the
26 preceding calendar month or quarter on charge and time
27 sales of tangible personal property, and from services
28 furnished, by him prior to the month or quarter for which
29 the return is filed;

30 5. Deductions allowed by law;

31 6. Gross receipts which were received by him during
32 the preceding calendar month or quarter and upon the

1 basis of which the tax is imposed;

2 7. The amount of credit provided in Section 2d of
3 this Act;

4 8. The amount of tax due;

5 9. The signature of the taxpayer; and

6 10. Such other reasonable information as the
7 Department may require.

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

12 Each return shall be accompanied by the statement of
13 prepaid tax issued pursuant to Section 2e for which credit is
14 claimed.

15 A retailer may accept a Manufacturer's Purchase Credit
16 certification from a purchaser in satisfaction of Use Tax as
17 provided in Section 3-85 of the Use Tax Act if the purchaser
18 provides the appropriate documentation as required by Section
19 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit
20 certification, accepted by a retailer as provided in Section
21 3-85 of the Use Tax Act, may be used by that retailer to
22 satisfy Retailers' Occupation Tax liability in the amount
23 claimed in the certification, not to exceed 6.25% of the
24 receipts subject to tax from a qualifying purchase.

25 The Department may require returns to be filed on a
26 quarterly basis. If so required, a return for each calendar
27 quarter shall be filed on or before the twentieth day of the
28 calendar month following the end of such calendar quarter.
29 The taxpayer shall also file a return with the Department for
30 each of the first two months of each calendar quarter, on or
31 before the twentieth day of the following calendar month,
32 stating:

33 1. The name of the seller;

34 2. The address of the principal place of business

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

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

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

10 5. The amount of tax due; and

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

13 If a total amount of less than \$1 is payable, refundable
14 or creditable, such amount shall be disregarded if it is less
15 than 50 cents and shall be increased to \$1 if it is 50 cents
16 or more.

17 Beginning October 1, 1993, a taxpayer who has an average
18 monthly tax liability of \$150,000 or more shall make all
19 payments required by rules of the Department by electronic
20 funds transfer. Beginning October 1, 1994, a taxpayer who
21 has an average monthly tax liability of \$100,000 or more
22 shall make all payments required by rules of the Department
23 by electronic funds transfer. Beginning October 1, 1995, a
24 taxpayer who has an average monthly tax liability of \$50,000
25 or more shall make all payments required by rules of the
26 Department by electronic funds transfer. Beginning October
27 1, 2000, a taxpayer who has an annual tax liability of
28 \$200,000 or more shall make all payments required by rules of
29 the Department by electronic funds transfer. The term
30 "annual tax liability" shall be the sum of the taxpayer's
31 liabilities under this Act, and under all other State and
32 local occupation and use tax laws administered by the
33 Department, for the immediately preceding calendar year. The
34 term "average monthly tax liability" shall be the sum of the

1 taxpayer's liabilities under this Act, and under all other
2 State and local occupation and use tax laws administered by
3 the Department, for the immediately preceding calendar year
4 divided by 12.

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

11 Any taxpayer not required to make payments by electronic
12 funds transfer may make payments by electronic funds transfer
13 with the permission of the Department.

14 All taxpayers required to make payment by electronic
15 funds transfer and any taxpayers authorized to voluntarily
16 make payments by electronic funds transfer shall make those
17 payments in the manner authorized by the Department.

18 The Department shall adopt such rules as are necessary to
19 effectuate a program of electronic funds transfer and the
20 requirements of this Section.

21 Any amount which is required to be shown or reported on
22 any return or other document under this Act shall, if such
23 amount is not a whole-dollar amount, be increased to the
24 nearest whole-dollar amount in any case where the fractional
25 part of a dollar is 50 cents or more, and decreased to the
26 nearest whole-dollar amount where the fractional part of a
27 dollar is less than 50 cents.

28 If the retailer is otherwise required to file a monthly
29 return and if the retailer's average monthly tax liability to
30 the Department does not exceed \$200, the Department may
31 authorize his returns to be filed on a quarter annual basis,
32 with the return for January, February and March of a given
33 year being due by April 20 of such year; with the return for
34 April, May and June of a given year being due by July 20 of

1 such year; with the return for July, August and September of
2 a given year being due by October 20 of such year, and with
3 the return for October, November and December of a given year
4 being due by January 20 of the following year.

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

11 Such quarter annual and annual returns, as to form and
12 substance, shall be subject to the same requirements as
13 monthly returns.

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

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

27 In addition, with respect to motor vehicles, watercraft,
28 aircraft, and trailers that are required to be registered
29 with an agency of this State, every retailer selling this
30 kind of tangible personal property shall file, with the
31 Department, upon a form to be prescribed and supplied by the
32 Department, a separate return for each such item of tangible
33 personal property which the retailer sells, except that if,
34 in the same transaction, (i) a retailer of aircraft,

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

17 Any retailer who sells only motor vehicles, watercraft,
18 aircraft, or trailers that are required to be registered with
19 an agency of this State, so that all retailers' occupation
20 tax liability is required to be reported, and is reported, on
21 such transaction reporting returns and who is not otherwise
22 required to file monthly or quarterly returns, need not file
23 monthly or quarterly returns. However, those retailers shall
24 be required to file returns on an annual basis.

25 The transaction reporting return, in the case of motor
26 vehicles or trailers that are required to be registered with
27 an agency of this State, shall be the same document as the
28 Uniform Invoice referred to in Section 5-402 of The Illinois
29 Vehicle Code and must show the name and address of the
30 seller; the name and address of the purchaser; the amount of
31 the selling price including the amount allowed by the
32 retailer for traded-in property, if any; the amount allowed
33 by the retailer for the traded-in tangible personal property,
34 if any, to the extent to which Section 1 of this Act allows

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

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

29 Such transaction reporting return shall be filed not
30 later than 20 days after the day of delivery of the item that
31 is being sold, but may be filed by the retailer at any time
32 sooner than that if he chooses to do so. The transaction
33 reporting return and tax remittance or proof of exemption
34 from the Illinois use tax may be transmitted to the

1 Department by way of the State agency with which, or State
2 officer with whom the tangible personal property must be
3 titled or registered (if titling or registration is required)
4 if the Department and such agency or State officer determine
5 that this procedure will expedite the processing of
6 applications for title or registration.

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

20 No retailer's failure or refusal to remit tax under this
21 Act precludes a user, who has paid the proper tax to the
22 retailer, from obtaining his certificate of title or other
23 evidence of title or registration (if titling or registration
24 is required) upon satisfying the Department that such user
25 has paid the proper tax (if tax is due) to the retailer. The
26 Department shall adopt appropriate rules to carry out the
27 mandate of this paragraph.

28 If the user who would otherwise pay tax to the retailer
29 wants the transaction reporting return filed and the payment
30 of the tax or proof of exemption made to the Department
31 before the retailer is willing to take these actions and such
32 user has not paid the tax to the retailer, such user may
33 certify to the fact of such delay by the retailer and may
34 (upon the Department being satisfied of the truth of such

1 certification) transmit the information required by the
2 transaction reporting return and the remittance for tax or
3 proof of exemption directly to the Department and obtain his
4 tax receipt or exemption determination, in which event the
5 transaction reporting return and tax remittance (if a tax
6 payment was required) shall be credited by the Department to
7 the proper retailer's account with the Department, but
8 without the 2.1% or 1.75% discount provided for in this
9 Section being allowed. When the user pays the tax directly
10 to the Department, he shall pay the tax in the same amount
11 and in the same form in which it would be remitted if the tax
12 had been remitted to the Department by the retailer.

13 Refunds made by the seller during the preceding return
14 period to purchasers, on account of tangible personal
15 property returned to the seller, shall be allowed as a
16 deduction under subdivision 5 of his monthly or quarterly
17 return, as the case may be, in case the seller had
18 theretofore included the receipts from the sale of such
19 tangible personal property in a return filed by him and had
20 paid the tax imposed by this Act with respect to such
21 receipts.

22 Where the seller is a corporation, the return filed on
23 behalf of such corporation shall be signed by the president,
24 vice-president, secretary or treasurer or by the properly
25 accredited agent of such corporation.

26 Where the seller is a limited liability company, the
27 return filed on behalf of the limited liability company shall
28 be signed by a manager, member, or properly accredited agent
29 of the limited liability company.

30 Except as provided in this Section, the retailer filing
31 the return under this Section shall, at the time of filing
32 such return, pay to the Department the amount of tax imposed
33 by this Act less a discount of 2.1% prior to January 1, 1990
34 and 1.75% on and after January 1, 1990, or \$5 per calendar

1 year, whichever is greater, which is allowed to reimburse the
2 retailer for the expenses incurred in keeping records,
3 preparing and filing returns, remitting the tax and supplying
4 data to the Department on request. Any prepayment made
5 pursuant to Section 2d of this Act shall be included in the
6 amount on which such 2.1% or 1.75% discount is computed. In
7 the case of retailers who report and pay the tax on a
8 transaction by transaction basis, as provided in this
9 Section, such discount shall be taken with each such tax
10 remittance instead of when such retailer files his periodic
11 return.

12 Before October 1, 2000, if the taxpayer's average monthly
13 tax liability to the Department under this Act, the Use Tax
14 Act, the Service Occupation Tax Act, and the Service Use Tax
15 Act, excluding any liability for prepaid sales tax to be
16 remitted in accordance with Section 2d of this Act, was
17 \$10,000 or more during the preceding 4 complete calendar
18 quarters, he shall file a return with the Department each
19 month by the 20th day of the month next following the month
20 during which such tax liability is incurred and shall make
21 payments to the Department on or before the 7th, 15th, 22nd
22 and last day of the month during which such liability is
23 incurred. On and after October 1, 2000, if the taxpayer's
24 average monthly tax liability to the Department under this
25 Act, the Use Tax Act, the Service Occupation Tax Act, and the
26 Service Use Tax Act, excluding any liability for prepaid
27 sales tax to be remitted in accordance with Section 2d of
28 this Act, was \$20,000 or more during the preceding 4 complete
29 calendar quarters, he shall file a return with the Department
30 each month by the 20th day of the month next following the
31 month during which such tax liability is incurred and shall
32 make payment to the Department on or before the 7th, 15th,
33 22nd and last day of the month during which such liability is
34 incurred. If the month during which such tax liability is

1 incurred began prior to January 1, 1985, each payment shall
2 be in an amount equal to 1/4 of the taxpayer's actual
3 liability for the month or an amount set by the Department
4 not to exceed 1/4 of the average monthly liability of the
5 taxpayer to the Department for the preceding 4 complete
6 calendar quarters (excluding the month of highest liability
7 and the month of lowest liability in such 4 quarter period).
8 If the month during which such tax liability is incurred
9 begins on or after January 1, 1985 and prior to January 1,
10 1987, each payment shall be in an amount equal to 22.5% of
11 the taxpayer's actual liability for the month or 27.5% of the
12 taxpayer's liability for the same calendar month of the
13 preceding year. If the month during which such tax liability
14 is incurred begins on or after January 1, 1987 and prior to
15 January 1, 1988, each payment shall be in an amount equal to
16 22.5% of the taxpayer's actual liability for the month or
17 26.25% of the taxpayer's liability for the same calendar
18 month of the preceding year. If the month during which such
19 tax liability is incurred begins on or after January 1, 1988,
20 and prior to January 1, 1989, or begins on or after January
21 1, 1996, each payment shall be in an amount equal to 22.5% of
22 the taxpayer's actual liability for the month or 25% of the
23 taxpayer's liability for the same calendar month of the
24 preceding year. If the month during which such tax liability
25 is incurred begins on or after January 1, 1989, and prior to
26 January 1, 1996, each payment shall be in an amount equal to
27 22.5% of the taxpayer's actual liability for the month or 25%
28 of the taxpayer's liability for the same calendar month of
29 the preceding year or 100% of the taxpayer's actual liability
30 for the quarter monthly reporting period. The amount of such
31 quarter monthly payments shall be credited against the final
32 tax liability of the taxpayer's return for that month.
33 Before October 1, 2000, once applicable, the requirement of
34 the making of quarter monthly payments to the Department by

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

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

14 Without regard to whether a taxpayer is required to make
15 quarter monthly payments as specified above, any taxpayer who
16 is required by Section 2d of this Act to collect and remit
17 prepaid taxes and has collected prepaid taxes which average
18 in excess of \$25,000 per month during the preceding 2
19 complete calendar quarters, shall file a return with the
20 Department as required by Section 2f and shall make payments
21 to the Department on or before the 7th, 15th, 22nd and last
22 day of the month during which such liability is incurred. If
23 the month during which such tax liability is incurred began
24 prior to the effective date of this amendatory Act of 1985,
25 each payment shall be in an amount not less than 22.5% of the
26 taxpayer's actual liability under Section 2d. If the month
27 during which such tax liability is incurred begins on or
28 after January 1, 1986, each payment shall be in an amount
29 equal to 22.5% of the taxpayer's actual liability for the
30 month or 27.5% of the taxpayer's liability for the same
31 calendar month of the preceding calendar year. If the month
32 during which such tax liability is incurred begins on or
33 after January 1, 1987, each payment shall be in an amount
34 equal to 22.5% of the taxpayer's actual liability for the

1 month or 26.25% of the taxpayer's liability for the same
2 calendar month of the preceding year. The amount of such
3 quarter monthly payments shall be credited against the final
4 tax liability of the taxpayer's return for that month filed
5 under this Section or Section 2f, as the case may be. Once
6 applicable, the requirement of the making of quarter monthly
7 payments to the Department pursuant to this paragraph shall
8 continue until such taxpayer's average monthly prepaid tax
9 collections during the preceding 2 complete calendar quarters
10 is \$25,000 or less. If any such quarter monthly payment is
11 not paid at the time or in the amount required, the taxpayer
12 shall be liable for penalties and interest on such
13 difference, except insofar as the taxpayer has previously
14 made payments for that month in excess of the minimum
15 payments previously due.

16 If any payment provided for in this Section exceeds the
17 taxpayer's liabilities under this Act, the Use Tax Act, the
18 Service Occupation Tax Act and the Service Use Tax Act, as
19 shown on an original monthly return, the Department shall, if
20 requested by the taxpayer, issue to the taxpayer a credit
21 memorandum no later than 30 days after the date of payment.
22 The credit evidenced by such credit memorandum may be
23 assigned by the taxpayer to a similar taxpayer under this
24 Act, the Use Tax Act, the Service Occupation Tax Act or the
25 Service Use Tax Act, in accordance with reasonable rules and
26 regulations to be prescribed by the Department. If no such
27 request is made, the taxpayer may credit such excess payment
28 against tax liability subsequently to be remitted to the
29 Department under this Act, the Use Tax Act, the Service
30 Occupation Tax Act or the Service Use Tax Act, in accordance
31 with reasonable rules and regulations prescribed by the
32 Department. If the Department subsequently determined that
33 all or any part of the credit taken was not actually due to
34 the taxpayer, the taxpayer's 2.1% and 1.75% vendor's discount

1 shall be reduced by 2.1% or 1.75% of the difference between
2 the credit taken and that actually due, and that taxpayer
3 shall be liable for penalties and interest on such
4 difference.

5 If a retailer of motor fuel is entitled to a credit under
6 Section 2d of this Act which exceeds the taxpayer's liability
7 to the Department under this Act for the month which the
8 taxpayer is filing a return, the Department shall issue the
9 taxpayer a credit memorandum for the excess.

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

20 Beginning January 1, 1990, each month the Department
21 shall pay into the County and Mass Transit District Fund, a
22 special fund in the State treasury which is hereby created,
23 4% of the net revenue realized for the preceding month from
24 the 6.25% general rate.

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

29 Beginning January 1, 1990, each month the Department
30 shall pay into the Local Government Tax Fund 16% of the net
31 revenue realized for the preceding month from the 6.25%
32 general rate on the selling price of tangible personal
33 property.

34 Beginning August 1, 2000, each month the Department shall

1 pay into the Local Government Tax Fund 80% of the net revenue
 2 realized for the preceding month from the 1.25% rate on the
 3 selling price of motor fuel and gasohol.

4 Of the remainder of the moneys received by the Department
 5 pursuant to this Act, (a) 1.75% thereof shall be paid into
 6 the Build Illinois Fund and (b) prior to July 1, 1989, 2.2%
 7 and on and after July 1, 1989, 3.8% thereof shall be paid
 8 into the Build Illinois Fund; provided, however, that if in
 9 any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%,
 10 as the case may be, of the moneys received by the Department
 11 and required to be paid into the Build Illinois Fund pursuant
 12 to this Act, Section 9 of the Use Tax Act, Section 9 of the
 13 Service Use Tax Act, and Section 9 of the Service Occupation
 14 Tax Act, such Acts being hereinafter called the "Tax Acts"
 15 and such aggregate of 2.2% or 3.8%, as the case may be, of
 16 moneys being hereinafter called the "Tax Act Amount", and (2)
 17 the amount transferred to the Build Illinois Fund from the
 18 State and Local Sales Tax Reform Fund shall be less than the
 19 Annual Specified Amount (as hereinafter defined), an amount
 20 equal to the difference shall be immediately paid into the
 21 Build Illinois Fund from other moneys received by the
 22 Department pursuant to the Tax Acts; the "Annual Specified
 23 Amount" means the amounts specified below for fiscal years
 24 1986 through 1993:

Fiscal Year	Annual Specified Amount
1986	\$54,800,000
1987	\$76,650,000
1988	\$80,480,000
1989	\$88,510,000
1990	\$115,330,000
1991	\$145,470,000
1992	\$182,730,000
1993	\$206,520,000;

34 and means the Certified Annual Debt Service Requirement (as

1 defined in Section 13 of the Build Illinois Bond Act) or the
2 Tax Act Amount, whichever is greater, for fiscal year 1994
3 and each fiscal year thereafter; and further provided, that
4 if on the last business day of any month the sum of (1) the
5 Tax Act Amount required to be deposited into the Build
6 Illinois Bond Account in the Build Illinois Fund during such
7 month and (2) the amount transferred to the Build Illinois
8 Fund from the State and Local Sales Tax Reform Fund shall
9 have been less than 1/12 of the Annual Specified Amount, an
10 amount equal to the difference shall be immediately paid into
11 the Build Illinois Fund from other moneys received by the
12 Department pursuant to the Tax Acts; and, further provided,
13 that in no event shall the payments required under the
14 preceding proviso result in aggregate payments into the Build
15 Illinois Fund pursuant to this clause (b) for any fiscal year
16 in excess of the greater of (i) the Tax Act Amount or (ii)
17 the Annual Specified Amount for such fiscal year. The
18 amounts payable into the Build Illinois Fund under clause (b)
19 of the first sentence in this paragraph shall be payable only
20 until such time as the aggregate amount on deposit under each
21 trust indenture securing Bonds issued and outstanding
22 pursuant to the Build Illinois Bond Act is sufficient, taking
23 into account any future investment income, to fully provide,
24 in accordance with such indenture, for the defeasance of or
25 the payment of the principal of, premium, if any, and
26 interest on the Bonds secured by such indenture and on any
27 Bonds expected to be issued thereafter and all fees and costs
28 payable with respect thereto, all as certified by the
29 Director of the Bureau of the Budget. If on the last
30 business day of any month in which Bonds are outstanding
31 pursuant to the Build Illinois Bond Act, the aggregate of
32 moneys deposited in the Build Illinois Bond Account in the
33 Build Illinois Fund in such month shall be less than the
34 amount required to be transferred in such month from the

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

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

29	Fiscal Year	Total Deposit
30	1993	\$0
31	1994	53,000,000
32	1995	58,000,000
33	1996	61,000,000
34	1997	64,000,000

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

28 each fiscal year
29 thereafter that bonds
30 are outstanding under
31 Section 13.2 of the
32 Metropolitan Pier and
33 Exposition Authority
34 Act, but not after fiscal year 2042 2029.

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

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

30 Subject to payment of amounts into the Build Illinois
31 Fund and, the McCormick Place Expansion Project Fund pursuant
32 to the preceding paragraphs or in any amendments thereto
33 hereafter enacted, beginning July 1, 1993, the Department
34 shall each month pay into the Illinois Tax Increment Fund

1 0.27% of 80% of the net revenue realized for the preceding
2 month from the 6.25% general rate on the selling price of
3 tangible personal property.

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

10 The Department may, upon separate written notice to a
11 taxpayer, require the taxpayer to prepare and file with the
12 Department on a form prescribed by the Department within not
13 less than 60 days after receipt of the notice an annual
14 information return for the tax year specified in the notice.
15 Such annual return to the Department shall include a
16 statement of gross receipts as shown by the retailer's last
17 Federal income tax return. If the total receipts of the
18 business as reported in the Federal income tax return do not
19 agree with the gross receipts reported to the Department of
20 Revenue for the same period, the retailer shall attach to his
21 annual return a schedule showing a reconciliation of the 2
22 amounts and the reasons for the difference. The retailer's
23 annual return to the Department shall also disclose the cost
24 of goods sold by the retailer during the year covered by such
25 return, opening and closing inventories of such goods for
26 such year, costs of goods used from stock or taken from stock
27 and given away by the retailer during such year, payroll
28 information of the retailer's business during such year and
29 any additional reasonable information which the Department
30 deems would be helpful in determining the accuracy of the
31 monthly, quarterly or annual returns filed by such retailer
32 as provided for in this Section.

33 If the annual information return required by this Section
34 is not filed when and as required, the taxpayer shall be

1 liable as follows:

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

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

12 The chief executive officer, proprietor, owner or highest
13 ranking manager shall sign the annual return to certify the
14 accuracy of the information contained therein. Any person
15 who willfully signs the annual return containing false or
16 inaccurate information shall be guilty of perjury and
17 punished accordingly. The annual return form prescribed by
18 the Department shall include a warning that the person
19 signing the return may be liable for perjury.

20 The provisions of this Section concerning the filing of
21 an annual information return do not apply to a retailer who
22 is not required to file an income tax return with the United
23 States Government.

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

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

1 overpayment of liability.

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

9 Any person who promotes, organizes, provides retail
10 selling space for concessionaires or other types of sellers
11 at the Illinois State Fair, DuQuoin State Fair, county fairs,
12 local fairs, art shows, flea markets and similar exhibitions
13 or events, including any transient merchant as defined by
14 Section 2 of the Transient Merchant Act of 1987, is required
15 to file a report with the Department providing the name of
16 the merchant's business, the name of the person or persons
17 engaged in merchant's business, the permanent address and
18 Illinois Retailers Occupation Tax Registration Number of the
19 merchant, the dates and location of the event and other
20 reasonable information that the Department may require. The
21 report must be filed not later than the 20th day of the month
22 next following the month during which the event with retail
23 sales was held. Any person who fails to file a report
24 required by this Section commits a business offense and is
25 subject to a fine not to exceed \$250.

26 Any person engaged in the business of selling tangible
27 personal property at retail as a concessionaire or other type
28 of seller at the Illinois State Fair, county fairs, art
29 shows, flea markets and similar exhibitions or events, or any
30 transient merchants, as defined by Section 2 of the Transient
31 Merchant Act of 1987, may be required to make a daily report
32 of the amount of such sales to the Department and to make a
33 daily payment of the full amount of tax due. The Department
34 shall impose this requirement when it finds that there is a

1 significant risk of loss of revenue to the State at such an
2 exhibition or event. Such a finding shall be based on
3 evidence that a substantial number of concessionaires or
4 other sellers who are not residents of Illinois will be
5 engaging in the business of selling tangible personal
6 property at retail at the exhibition or event, or other
7 evidence of a significant risk of loss of revenue to the
8 State. The Department shall notify concessionaires and other
9 sellers affected by the imposition of this requirement. In
10 the absence of notification by the Department, the
11 concessionaires and other sellers shall file their returns as
12 otherwise required in this Section.

13 (Source: P.A. 90-491, eff. 1-1-99; 90-612, eff. 7-8-98;
14 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; 91-101, eff.
15 7-12-99; 91-541, eff. 8-13-99; 91-872, eff. 7-1-00; 91-901,
16 eff. 1-1-01; revised.)

17 Section 35. The Cigarette Tax Act is amended by changing
18 Section 29 as follows:

19 (35 ILCS 130/29) (from Ch. 120, par. 453.29)

20 Sec. 29. All moneys received by the Department from the
21 one-half mill tax imposed by the Sixty-fourth General
22 Assembly and all interest and penalties, received in
23 connection therewith under the provisions of this Act shall
24 be paid into the Metropolitan Fair and Exposition Authority
25 Reconstruction Fund. All other moneys received by the
26 Department under this Act shall be paid into the General
27 Revenue Fund in the State treasury. After there has been paid
28 into the Metropolitan Fair and Exposition Authority
29 Reconstruction Fund sufficient money to pay in full both
30 principal and interest, all of the outstanding bonds issued
31 pursuant to the "Fair and Exposition Authority Reconstruction
32 Act", the State Treasurer and Comptroller shall transfer to

1 the General Revenue Fund the balance of moneys remaining in
 2 the Metropolitan Fair and Exposition Authority Reconstruction
 3 Fund except for \$2,500,000 which shall remain in the
 4 Metropolitan Fair and Exposition Authority Reconstruction
 5 Fund and which may be appropriated by the General Assembly
 6 for the corporate purposes of the Metropolitan Pier and
 7 Exposition Authority. All monies received by the Department
 8 in fiscal year 1978 and thereafter from the one-half mill tax
 9 imposed by the Sixty-fourth General Assembly, and all
 10 interest and penalties received in connection therewith under
 11 the provisions of this Act, shall be paid into the General
 12 Revenue Fund, except that the Department shall pay the first
 13 \$4,800,000 received in fiscal years year 1979 through 2001
 14 ~~and-each-fiseal-year-thereafter~~ from that one-half mill tax
 15 into the Metropolitan Fair and Exposition Authority
 16 Reconstruction Fund which monies may be appropriated by the
 17 General Assembly for the corporate purposes of the
 18 Metropolitan Pier and Exposition Authority.

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

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

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

26 (70 ILCS 210/5) (from Ch. 85, par. 1225)

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

- 29 (a) To accept from Chicago Park Fair, a
- 30 corporation, an assignment of whatever sums of money it
- 31 may have received from the Fair and Exposition Fund,
- 32 allocated by the Department of Agriculture of the State

1 of Illinois, and Chicago Park Fair is hereby authorized
2 to assign, set over and transfer any of those funds to
3 the Metropolitan Pier and Exposition Authority. The
4 Authority has the right and power hereafter to receive
5 sums as may be distributed to it by the Department of
6 Agriculture of the State of Illinois from the Fair and
7 Exposition Fund pursuant to the provisions of Sections 5,
8 6i, and 28 of the State Finance Act. All sums received
9 by the Authority shall be held in the sole custody of the
10 secretary-treasurer of the Metropolitan Pier and
11 Exposition Board.

12 (b) To accept the assignment of, assume and execute
13 any contracts heretofore entered into by Chicago Park
14 Fair.

15 (c) To acquire, own, construct, equip, lease,
16 operate and maintain grounds, buildings and facilities to
17 carry out its corporate purposes and duties, and to carry
18 out or otherwise provide for the recreational, cultural,
19 commercial or residential development of Navy Pier, and
20 to fix and collect just, reasonable and nondiscriminatory
21 charges for the use thereof. The charges so collected
22 shall be made available to defray the reasonable expenses
23 of the Authority and to pay the principal of and the
24 interest upon any revenue bonds issued by the Authority.
25 The Authority shall be subject to and comply with the
26 Lake Michigan and Chicago Lakefront Protection Ordinance,
27 the Chicago Building Code, the Chicago Zoning Ordinance,
28 and all ordinances and regulations of the City of Chicago
29 contained in the following Titles of the Municipal Code
30 of Chicago: Businesses, Occupations and Consumer
31 Protection; Health and Safety; Fire Prevention; Public
32 Peace, Morals and Welfare; Utilities and Environmental
33 Protection; Streets, Public Ways, Parks, Airports and
34 Harbors; Electrical Equipment and Installation; Housing

1 and Economic Development (only Chapter 5-4 thereof); and
2 Revenue and Finance (only so far as such Title pertains
3 to the Authority's duty to collect taxes on behalf of the
4 City of Chicago).

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

7 (e) To lease any buildings to the Adjutant General
8 of the State of Illinois for the use of the Illinois
9 National Guard or the Illinois Naval Militia.

10 (f) To exercise the right of eminent domain by
11 condemnation proceedings in the manner provided by
12 Article VII of the Code of Civil Procedure, including,
13 with respect to Site B only, the authority to exercise
14 quick take condemnation by immediate vesting of title
15 under Sections 7-103 through 7-112 of the Code of Civil
16 Procedure, to acquire any privately owned real or
17 personal property and, with respect to Site B only,
18 public property used for rail transportation purposes
19 (but no such taking of such public property shall, in the
20 reasonable judgment of the owner, interfere with such
21 rail transportation) for the lawful purposes of the
22 Authority in Site A, at Navy Pier, and at Site B. Just
23 compensation for property taken or acquired under this
24 paragraph shall be paid in money or, notwithstanding any
25 other provision of this Act and with the agreement of the
26 owner of the property to be taken or acquired, the
27 Authority may convey substitute property or interests in
28 property or enter into agreements with the property
29 owner, including leases, licenses, or concessions, with
30 respect to any property owned by the Authority, or may
31 provide for other lawful forms of just compensation to
32 the owner. Any property acquired in condemnation
33 proceedings shall be used only as provided in this Act.
34 Except as otherwise provided by law, the City of Chicago

1 shall have a right of first refusal prior to any sale of
2 any such property by the Authority to a third party other
3 than substitute property. The Authority shall develop and
4 implement a relocation plan for businesses displaced as a
5 result of the Authority's acquisition of property. The
6 relocation plan shall be substantially similar to
7 provisions of the Uniform Relocation Assistance and Real
8 Property Acquisition Act and regulations promulgated
9 under that Act relating to assistance to displaced
10 businesses. To implement the relocation plan the
11 Authority may acquire property by purchase or gift or may
12 exercise the powers authorized in this subsection (f),
13 except the immediate vesting of title under Sections
14 7-103 through 7-112 of the Code of Civil Procedure, to
15 acquire substitute private property within one mile of
16 Site B for the benefit of displaced businesses located on
17 property being acquired by the Authority. However, no
18 such substitute property may be acquired by the Authority
19 unless the mayor of the municipality in which the
20 property is located certifies in writing that the
21 acquisition is consistent with the municipality's land
22 use and economic development policies and goals. The
23 acquisition of substitute property is declared to be for
24 public use. In exercising the powers authorized in this
25 subsection (f), the Authority shall use its best efforts
26 to relocate businesses within the area of McCormick Place
27 or, failing that, within the City of Chicago.

28 (g) To enter into contracts relating to
29 construction projects which provide for the delivery by
30 the contractor of a completed project, structure,
31 improvement, or specific portion thereof, for a fixed
32 maximum price, which contract may provide that the
33 delivery of the project, structure, improvement, or
34 specific portion thereof, for the fixed maximum price is

1 insured or guaranteed by a third party capable of
2 completing the construction.

3 (h) To enter into agreements with any person with
4 respect to the use and occupancy of the grounds,
5 buildings, and facilities of the Authority, including
6 concession, license, and lease agreements on terms and
7 conditions as the Authority determines. Notwithstanding
8 Section 24, agreements with respect to the use and
9 occupancy of the grounds, buildings, and facilities of
10 the Authority for a term of more than one year shall be
11 entered into in accordance with the procurement process
12 provided for in Section 25.1.

13 (i) To enter into agreements with any person with
14 respect to the operation and management of the grounds,
15 buildings, and facilities of the Authority or the
16 provision of goods and services on terms and conditions
17 as the Authority determines.

18 (j) After conducting the procurement process
19 provided for in Section 25.1, to enter into one or more
20 contracts to provide for the design and construction of
21 all or part of the Authority's Expansion Project grounds,
22 buildings, and facilities. Any contract for design and
23 construction of the Expansion Project shall be in the
24 form authorized by subsection (g), shall be for a fixed
25 maximum price not in excess of the funds that are
26 authorized to be made available ~~under the provisions of~~
27 ~~this amendatory Act of 1991~~ for those purposes during the
28 term of the contract, and shall be entered into before
29 commencement of construction.

30 (k) To enter into agreements, including project
31 agreements with labor unions, that the Authority deems
32 necessary to complete the Expansion Project or any other
33 construction or improvement project in the most timely
34 and efficient manner and without strikes, picketing, or

1 other actions that might cause disruption or delay and
2 thereby add to the cost of the project.

3 Nothing in this Act shall be construed to authorize the
4 Authority to spend the proceeds of any bonds or notes issued
5 under Section 13.2 or any taxes levied under Section 13 to
6 construct a stadium to be leased to or used by professional
7 sports teams.

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

9 (70 ILCS 210/10) (from Ch. 85, par. 1230)

10 Sec. 10. The Authority shall have the continuing power
11 to borrow money for the purpose of carrying out and
12 performing its duties and exercising its powers under this
13 Act.

14 For the purpose of evidencing the obligation of the
15 Authority to repay any money borrowed as aforesaid, the
16 Authority may, pursuant to ordinance adopted by the Board,
17 from time to time issue and dispose of its revenue bonds and
18 notes (herein collectively referred to as bonds), and may
19 also from time to time issue and dispose of its revenue bonds
20 to refund any bonds at maturity or pursuant to redemption
21 provisions or at any time before maturity as provided for in
22 Section 10.1. All such bonds shall be payable solely from any
23 one or more of the following sources: the revenues or income
24 to be derived from the fairs, expositions, meetings, and
25 conventions and other authorized activities of the Authority;
26 funds, if any, received and to be received by the Authority
27 from the Fair and Exposition Fund, as allocated by the
28 Department of Agriculture of this State; from the
29 Metropolitan Fair and Exposition Authority Reconstruction
30 Fund; from the Metropolitan Fair and Exposition Authority
31 Improvement Bond Fund pursuant to appropriation by the
32 General Assembly; from the McCormick Place Expansion Project
33 Fund pursuant to appropriation by the General Assembly; from

1 any revenues or funds pledged or provided for such purposes
2 by any governmental agency; from any revenues of the
3 Authority from taxes it is authorized to impose; from the
4 proceeds of refunding bonds issued for that purpose; or from
5 any other lawful source derived. Such bonds may bear such
6 date or dates, may mature at such time or times not exceeding
7 40 35 years from their respective dates, may bear interest at
8 such rate or rates payable at such times, may be in such
9 form, may carry such registration privileges, may be executed
10 in such manner, may be payable at such place or places, may
11 be made subject to redemption in such manner and upon such
12 terms, with or without premium as is stated on the face
13 thereof, may be executed in such manner and may contain such
14 terms and covenants, all as may be provided in the ordinance
15 adopted by the Board providing for such bonds. In case any
16 officer whose signature appears on any bond ceases (after
17 attaching his signature) to hold office, his signature shall
18 nevertheless be valid and effective for all purposes. The
19 holder or holders of any bonds or interest coupons
20 appertaining thereto issued by the Authority or any trustee
21 on behalf of the holders may bring civil actions to compel
22 the performance and observance by the Authority or any of its
23 officers, agents or employees of any contract or covenant
24 made by the Authority with the holders of such bonds or
25 interest coupons and to compel the Authority and any of its
26 officers, agents or employees to perform any duties required
27 to be performed for the benefit of the holders of any such
28 bonds or interest coupons by the provisions of the ordinance
29 authorizing their issuance and to enjoin the Authority and
30 any of its officers, agents or employees from taking any
31 action in conflict with any such contract or covenant.

32 Notwithstanding the form and tenor of any such bonds and
33 in the absence of any express recital on the face thereof
34 that it is non-negotiable, all such bonds shall be negotiable

1 instruments under the Uniform Commercial Code.

2 The bonds shall be sold by the corporate authorities of
3 the Authority in such manner as the corporate authorities
4 shall determine.

5 From and after the issuance of any bonds as herein
6 provided it shall be the duty of the corporate authorities of
7 the Authority to fix and establish rates, charges, rents and
8 fees for the use of its grounds, buildings, and facilities
9 that will be sufficient at all times, together with other
10 revenues of the Authority available for that purpose, to pay:

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

13 (b) The bonds and interest thereon as they shall
14 become due, and all sinking fund requirements and other
15 requirements provided by the ordinance authorizing the
16 issuance of the bonds or as provided by any trust
17 agreement executed to secure payment thereof.

18 The Authority may provide that bonds issued under this
19 Act shall be payable from and secured by an assignment and
20 pledge of and grant of a lien on and a security interest in
21 unexpended bond proceeds, the proceeds of any refunding
22 bonds, reserves or sinking funds and earnings thereon, or all
23 or any part of the moneys, funds, income and revenues of the
24 Authority from any source derived, including, without
25 limitation, any revenues of the Authority from taxes it is
26 authorized to impose, the net revenues of the Authority from
27 its operations, payments from the Metropolitan Fair and
28 Exposition Authority Improvement Bond Fund or from the
29 McCormick Place Expansion Project Fund to the Authority or
30 upon its direction to any trustee or trustees under any trust
31 agreement securing such bonds, payments from any governmental
32 agency, or any combination of the foregoing. In no event
33 shall a lien or security interest upon the physical
34 facilities of the Authority be created by any such lien,

1 pledge or security interest. The Authority may execute and
2 deliver a trust agreement or agreements to secure the payment
3 of such bonds and for the purpose of setting forth covenants
4 and undertakings of the Authority in connection with issuance
5 thereof. Such pledge, assignment and grant of a lien and
6 security interest shall be effective immediately without any
7 further filing or action and shall be effective with respect
8 to all persons regardless of whether any such person shall
9 have notice of such pledge, assignment, lien or security
10 interest.

11 In connection with the issuance of its bonds, the
12 Authority may enter into arrangements to provide additional
13 security and liquidity for the bonds. These may include,
14 without limitation, municipal bond insurance, letters of
15 credit, lines of credit by which the Authority may borrow
16 funds to pay or redeem its bonds and purchase or remarketing
17 arrangements for assuring the ability of owners of the
18 Authority's bonds to sell or to have redeemed their bonds.
19 The Authority may enter into contracts and may agree to pay
20 fees to persons providing such arrangements, including from
21 bond proceeds. No such arrangement or contract shall be
22 considered a bond or note for purposes of any limitation on
23 the issuance of bonds or notes by the Authority.

24 The ordinance of the Board authorizing the issuance of
25 its bonds may provide that interest rates may vary from time
26 to time depending upon criteria established by the Board,
27 which may include, without limitation, a variation in
28 interest rates as may be necessary to cause bonds to be
29 remarketable from time to time at a price equal to their
30 principal amount, and may provide for appointment of a
31 national banking association, bank, trust company, investment
32 banker or other financial institution to serve as a
33 remarketing agent in that connection. The ordinance of the
34 board authorizing the issuance of its bonds may provide that

1 alternative interest rates or provisions will apply during
2 such times as the bonds are held by a person providing a
3 letter of credit or other credit enhancement arrangement for
4 those bonds.

5 To secure the payment of any or all of such bonds and for
6 the purpose of setting forth the covenants and undertakings
7 of the Authority in connection with the issuance thereof and
8 the issuance of any additional bonds payable from moneys,
9 funds, revenue and income of the Authority to be derived from
10 any source, the Authority may execute and deliver a trust
11 agreement or agreements; provided that no lien upon any real
12 property of the Authority shall be created thereby.

13 A remedy for any breach or default of the terms of any
14 such trust agreement by the Authority may be by mandamus
15 proceedings in the circuit court to compel performance and
16 compliance therewith, but the trust agreement may prescribe
17 by whom or on whose behalf such action may be instituted.

18 In connection with the issuance of its bonds under this
19 Act, the Authority may enter into contracts that it
20 determines necessary or appropriate to permit it to manage
21 payment or interest rate risk. These contracts may include,
22 but are not limited to, interest rate exchange agreements;
23 contracts providing for payment or receipt of funds based on
24 levels of or changes in interest rates; contracts to exchange
25 cash flows or series of payments; and contracts incorporating
26 interest rate caps, collars, floors, or locks.

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

28 (70 ILCS 210/13.2) (from Ch. 85, par. 1233.2)

29 Sec. 13.2. The McCormick Place Expansion Project Fund is
30 created in the State Treasury. All moneys in the McCormick
31 Place Expansion Project Fund are allocated to and shall be
32 appropriated and used only for the purposes authorized by and
33 subject to the limitations and conditions of this Section.

1 Those amounts may be appropriated by law to the Authority for
2 the purposes of paying the debt service requirements on all
3 bonds and notes, including bonds and notes issued to refund
4 or advance refund bonds and notes issued under this Section
5 or issued to refund or advance refund bonds and notes
6 otherwise issued under this Act, (collectively referred to as
7 "bonds") to be issued by the Authority under this Section in
8 an aggregate original principal amount (excluding the amount
9 of any bonds and notes issued to refund or advance refund
10 bonds or notes issued under this Section) not to exceed
11 \$2,107,000,000 ~~\$1,307,000,000~~ for the purposes of carrying
12 out and performing its duties and exercising its powers under
13 this Act. No bonds issued to refund or advance refund bonds
14 issued under this Section may mature later than the longest
15 maturity date of the series of bonds being refunded. After
16 the aggregate original principal amount of bonds authorized
17 in this Section has been issued, the payment of any principal
18 amount of such bonds does not authorize the issuance of
19 additional bonds (except refunding bonds).

20 On the first day of each month commencing after July 1,
21 1993, amounts, if any, on deposit in the McCormick Place
22 Expansion Project Fund shall, subject to appropriation, be
23 paid in full to the Authority or, upon its direction, to the
24 trustee or trustees for bondholders of bonds that by their
25 terms are payable from the moneys received from the McCormick
26 Place Expansion Project Fund, until an amount equal to 100%
27 of the aggregate amount of the principal and interest in the
28 fiscal year, including that pursuant to sinking fund
29 requirements, has been so paid and deficiencies in reserves
30 shall have been remedied.

31 The State of Illinois pledges to and agrees with the
32 holders of the bonds of the Metropolitan Pier and Exposition
33 Authority issued under this Section that the State will not
34 limit or alter the rights and powers vested in the Authority

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

1 pursuant to any law hereafter enacted shall not be deemed to
2 impair the terms of any such contract so long as the increase
3 does not result in the aggregate debt service payable in the
4 current or any future fiscal year of the State on all bonds
5 issued pursuant to the Build Illinois Bond Act and the
6 Metropolitan Pier and Exposition Authority Act and payable
7 from tax revenues specified in Section 3 of the Retailers'
8 Occupation Tax Act, Section 9 of the Use Tax Act, Section 9
9 of the Service Use Tax Act, and Section 9 of the Service
10 Occupation Tax Act exceeding 33 1/3% of such tax revenues for
11 the most recently completed fiscal year of the State at the
12 time of such increase. The Authority is authorized to include
13 these pledges and agreements with the State in any contract
14 with the holders of bonds issued under this Section.

15 The State shall not be liable on bonds of the Authority
16 issued under this Section those bonds shall not be a debt of
17 the State, and this Act shall not be construed as a guarantee
18 by the State of the debts of the Authority. The bonds shall
19 contain a statement to this effect on the face of the bonds.

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

21 (70 ILCS 210/23.1) (from Ch. 85, par. 1243.1)

22 Sec. 23.1. Affirmative action.

23 (a) The Authority shall, within 90 days after the
24 effective date of this amendatory Act of 1984, establish and
25 maintain an affirmative action program designed to promote
26 equal employment opportunity and eliminate the effects of
27 past discrimination. Such program shall include a plan,
28 including timetables where appropriate, which shall specify
29 goals and methods for increasing participation by women and
30 minorities in employment by the Authority and by parties
31 which contract with the Authority. The Authority shall
32 submit a detailed plan with the General Assembly prior to
33 September 1 of each year. Such program shall also establish

1 procedures and sanctions (including debarment), which the
2 Authority shall enforce to ensure compliance with the plan
3 established pursuant to this Section and with State and
4 federal laws and regulations relating to the employment of
5 women and minorities. A determination by the Authority as to
6 whether a party to a contract with the Authority has achieved
7 the goals or employed the methods for increasing
8 participation by women and minorities shall be determined in
9 accordance with the terms of such contracts or the applicable
10 provisions of rules and regulations of the Authority existing
11 at the time such contract was executed, including any
12 provisions for consideration of good faith efforts at
13 compliance which the Authority may reasonably adopt.

14 (b) The Authority shall adopt and maintain minority and
15 female owned business enterprise procurement programs under
16 the affirmative action program described in subsection (a)
17 for any and all work undertaken by the Authority. That work
18 shall include, but is not limited to, the purchase of
19 professional services, construction services, supplies,
20 materials, and equipment. The programs shall establish goals
21 of awarding not less than 25% of the annual dollar value of
22 all contracts, purchase orders, or other agreements
23 (collectively referred to as "contracts") to minority owned
24 businesses and 5% of the annual dollar value of all contracts
25 to female owned businesses. Without limiting the generality
26 of the foregoing, the programs shall require in connection
27 with the prequalification or consideration of vendors for
28 professional service contracts, construction contracts, and
29 contracts for supplies, materials, equipment, and services
30 that each proposer or bidder submit as part of his or her
31 proposal or bid a commitment detailing how he or she will
32 expend 25% or more of the dollar value of his or her
33 contracts with one or more minority owned businesses and 5%
34 or more of the dollar value with one or more female owned

1 businesses. Bids or proposals that do not include such
2 detailed commitments are not responsive and shall be rejected
3 unless the Authority deems it appropriate to grant a waiver
4 of these requirements. In addition the Authority may, in
5 connection with the selection of providers of professional
6 services, reserve the right to select a minority or female
7 owned business or businesses to fulfill the commitment to
8 minority and female business participation. The commitment
9 to minority and female business participation may be met by
10 the contractor or professional service provider's status as a
11 minority or female owned business, by joint venture or by
12 subcontracting a portion of the work with or purchasing
13 materials for the work from one or more such businesses, or
14 by any combination thereof. Each contract shall require the
15 contractor or provider to submit a certified monthly report
16 detailing the status of that contractor or provider's
17 compliance with the Authority's minority and female owned
18 business enterprise procurement program. The Authority,
19 after reviewing the monthly reports of the contractors and
20 providers, shall compile a comprehensive report regarding
21 compliance with this procurement program and file it
22 quarterly with the General Assembly. If, in connection with
23 a particular contract, the Authority determines that it is
24 impracticable or excessively costly to obtain minority or
25 female owned businesses to perform sufficient work to fulfill
26 the commitment required by this subsection, the Authority
27 shall reduce or waive the commitment in the contract, as may
28 be appropriate. The Authority shall establish rules and
29 regulations setting forth the standards to be used in
30 determining whether or not a reduction or waiver is
31 appropriate. The terms "minority owned business" and "female
32 owned business" have the meanings given to those terms in the
33 Minority--and--Female Business Enterprise for Minorities,
34 Females, and Persons with Disabilities Act.

1 (c) The Authority shall adopt and maintain an
2 affirmative action program in connection with the hiring of
3 minorities and women on the Expansion Project and on any and
4 all construction projects undertaken by the Authority. The
5 program shall be designed to promote equal employment
6 opportunity and shall specify the goals and methods for
7 increasing the participation of minorities and women in a
8 representative mix of job classifications required to perform
9 the respective contracts awarded by the Authority.

10 (d) In connection with the Expansion Project, the
11 Authority shall incorporate the following elements into its
12 minority and female owned business procurement programs to
13 the extent feasible: (1) a major contractors program that
14 permits minority owned businesses and female owned businesses
15 to bear significant responsibility and risk for a portion of
16 the project; (2) a mentor/protege program that provides
17 financial, technical, managerial, equipment, and personnel
18 support to minority owned businesses and female owned
19 businesses; (3) an emerging firms program that includes
20 minority owned businesses and female owned businesses that
21 would not otherwise qualify for the project due to
22 inexperience or limited resources; (4) a small projects
23 program that includes participation by smaller minority owned
24 businesses and female owned businesses on jobs where the
25 total dollar value is \$5,000,000 or less; and (5) a set-aside
26 program that will identify contracts requiring the
27 expenditure of funds less than \$50,000 for bids to be
28 submitted solely by minority owned businesses and female
29 owned businesses.

30 (e) The Authority is authorized to enter into agreements
31 with contractors' associations, labor unions, and the
32 contractors working on the Expansion Project to establish an
33 Apprenticeship Preparedness Training Program to provide for
34 an increase in the number of minority and female journeymen

1 and apprentices in the building trades and to enter into
 2 agreements with Community College District 508 to provide
 3 readiness training. The Authority is further authorized to
 4 enter into contracts with public and private educational
 5 institutions and persons in the hospitality industry to
 6 provide training for employment in the hospitality industry.

7 (f) McCormick Place Advisory Board. There is created a
 8 McCormick Place Advisory Board composed as follows: 2 members
 9 shall be appointed by the Mayor of Chicago; 2 members shall
 10 be appointed by the Governor; 2 members shall be State
 11 Senators appointed by the President of the Senate; 2 members
 12 shall be State Senators appointed by the Minority Leader of
 13 the Senate; 2 members shall be State Representatives
 14 appointed by the Speaker of the House of Representatives; and
 15 2 members shall be State Representatives appointed by the
 16 Minority Leader of the House of Representatives 7-members
 17 ~~shall be named by the Authority who are residents of the area~~
 18 ~~surrounding the McCormick Place Expansion Project and are~~
 19 ~~either minorities, as defined in this subsection, or women; 7~~
 20 ~~members shall be State Senators named by the President of the~~
 21 ~~Senate who are residents of the City of Chicago and are~~
 22 ~~either members of minority groups or women; and 7 members~~
 23 ~~shall be State Representatives named by the Speaker of the~~
 24 ~~House who are residents of the City of Chicago and are either~~
 25 ~~members of minority groups or women. The terms of all~~
 26 previously appointed members of the Advisory Board expire on
 27 the effective date of this amendatory Act of the 92nd General
 28 Assembly. A State Senator or State Representative member may
 29 appoint a designee to serve on the McCormick Place Advisory
 30 Board in his or her absence.

31 A "member of a minority group" shall mean a person who is
 32 a citizen or lawful permanent resident of the United States
 33 and who is

34 (1) Black (a person having origins in any of the

1 black racial groups in Africa);

2 (2) Hispanic (a person of Spanish or Portuguese
3 culture with origins in Mexico, South or Central America,
4 or the Caribbean Islands, regardless of race);

5 (3) Asian American (a person having origins in any
6 of the original peoples of the Far East, Southeast Asia,
7 the Indian Subcontinent, or the Pacific Islands); or

8 (4) American Indian or Alaskan Native (a person
9 having origins in any of the original peoples of North
10 America).

11 Members of the McCormick Place Advisory Board shall serve
12 2-year terms and until their successors are appointed, except
13 members who serve as a result of their elected position whose
14 terms shall continue as long as they hold their designated
15 elected positions. Vacancies shall be filled by appointment
16 for the unexpired term in the same manner as original
17 appointments are made. The McCormick Place Advisory Board
18 shall elect its own chairperson.

19 Members of the McCormick Place Advisory Board shall serve
20 without compensation but, at the Authority's discretion,
21 shall be reimbursed for necessary expenses in connection with
22 the performance of their duties.

23 The McCormick Place Advisory Board shall meet quarterly,
24 or as needed, shall produce any reports it deems necessary,
25 and shall:

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

28 (2) Work with the Authority regarding potential
29 means for providing increased economic opportunities to
30 minorities and women produced indirectly or directly from
31 the construction and operation of the Expansion Project;

32 (3) Work with the Authority to minimize any
33 potential impact on the area surrounding the McCormick
34 Place Expansion Project, including any impact on minority

1 or female owned businesses, resulting from the
2 construction and operation of the Expansion Project;

3 (4) Work with the Authority to find candidates for
4 building trades apprenticeships, for employment in the
5 hospitality industry, and to identify job training
6 programs;

7 (5) Work with the Authority to implement the
8 provisions of subsections (a) through (e) of this Section
9 in the construction of the Expansion Project, including
10 the Authority's goal of awarding not less than 25% and 5%
11 of the annual dollar value of contracts to minority and
12 female owned businesses, the outreach program for
13 minorities and women, and the mentor/protege program for
14 providing assistance to minority and female owned
15 businesses.

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

17 Section 90. Inseverability. The provisions of this Act
18 are mutually dependent and inseverable. If any provision or
19 its application to any person or circumstance is held
20 invalid, than this entire Act is invalid.

21 Section 99. Effective date. This Act takes effect upon
22 becoming law."