Sen. Doris Turner

Filed: 5/31/2026



AMENDMENT TO HOUSE BILL 4496

AMENDMENT NO. ______. Amend House Bill 4496 by replacing everything after the enacting clause with the following:

"ARTICLE 5

Section 5-1. Short title. This Article may be cited as the Capital Area Tourism Authority Act. References in this Article to "this Act" mean this Article.

Section 5-5. Findings; purpose.

(a) The General Assembly finds and declares that:

(1) The City of Springfield is the capital city of the State of Illinois and the home of President Abraham Lincoln.

(2) The City of Springfield and Sangamon County are the cornerstone of State government and welcome visitors from around the world.

(b) The purposes of this Act are:

(1) to ensure that the City of Springfield and Sangamon County have a vibrant hospitality industry that is capable of hosting visitors, legislative advocates, those doing business with the State, and conventions; and

(2) to stimulate development and redevelopment of the City of Springfield's downtown area by attracting significant capital investment, which is expected to promote commerce, job creation and retention, tourism, and increased State and local sales tax revenues.

Section 5-10. Definitions. In this Act:

"Authority" means the Capital Area Tourism Authority established by this Act.

"Authority facility" means real property, personal property, or any combination of real and personal property, owned, leased or otherwise controlled or financed by the Authority and related to, useful for, or in furtherance of, one or more of the stated purposes of this Act.

"Base year" means the calendar year that is immediately before the calendar year in which the Office of the Governor approves the Capital Area Tourism Project within the Capital Area Tourism District.

"Board" means the Board of Directors of the Authority.

"BOS Center" means the existing convention center in Springfield, Illinois, which is known as the Bank of

Springfield Center.

"BOS Center expansion" means the expansion of the BOS Center proposed to be constructed in the Capital Area Tourism District.

"Capital Area Tourism Bonds" means revenue bonds, notes, or other obligations issued by the Authority and payable from pledged capital area tourism revenues, the proceeds from the sale of which shall be used only to pay project costs of a Capital Area Tourism Project.

"Capital Area Tourism District" or "District" means the area composed of all territory in the City of Springfield that is located within the boundaries of zip code 62701, as that zip code exists on the effective date of this Act, and that is included in the territory of the Capital Area Tourism District if and when the District is created by the Authority pursuant to this Act.

"Capital Area Tourism District Plan" means the written plan that is adopted by the Authority for the development, redevelopment, or both of the Capital Area Tourism District. "Capital Area Tourism District Plan" may include a description of the initial Capital Area Tourism Project Plan relating to the development of a convention center headquarters hotel.

"Capital Area Tourism Project" means the development of a project that is located within the Capital Area Tourism District and that is approved under this Act, including the initial Capital Area Tourism Project, the development of a convention center headquarters hotel in Springfield, and additional Capital Area Tourism Projects, including the expansion of the existing BOS Center in Springfield.

"Capital Area Tourism Project Plan" means the written plan adopted by the Authority for the development of a Capital Area Tourism Project in the Capital Area Tourism District, which shall include, without limitation:

(1) a statement of the estimated project costs of the Capital Area Tourism Project;

(2) a description of the estimated sources of funds and revenues to pay 100% of the project costs, including the estimated project costs of the Capital Area Tourism Project to be financed with the proceeds from the sale of Capital Area Tourism Bonds;

(3) a description of the nature and estimated maximum maturity of any Capital Area Tourism Bonds to be issued by the Authority and any obligations to be issued by any other unit of local government to pay those project costs;

(4) a general description of any known or proposed developers, development users, or tenants of the Capital Area Tourism Project;

(5) a general description of the type, structure, and character of the property or facilities to be developed or redeveloped and improved through the use of Capital Area Tourism Bonds;

(6) a description of the general land uses that

currently apply and those that may apply to the Capital Area Tourism Project; and

(7) a general description or an estimate of the type, class, and number of employees to be employed in the construction and the operation of the Capital Area Tourism Project.

"Convention center" means a facility designed to host large gatherings, conventions, trade shows, and meetings. "Convention center" includes auditoriums, exhibition halls, areas for food preparation and serving, parking facilities, and administrative offices, including the BOS Center and the proposed BOS Center expansion.

"Convention center headquarters hotel" means a hotel proposed to be developed adjacent to or connected to a convention center.

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

"Department of Revenue" means the Department of Revenue.

"Developer" means, with respect to a Capital Area Tourism Project, any individual, corporation, trust, partnership, limited liability partnership, limited liability company, or other lawful entity cooperating with the Authority to plan, develop, and implement the Capital Area Tourism Project Plan for a Capital Area Tourism District. "Developer" does not include a not-for-profit entity, a political subdivision or other agency or instrumentality of the State, or the

Authority. The developer may work with and transfer certain development rights to other developers for the purpose of implementing Capital Area Tourism Project Plans. A developer for a Capital Area Tourism Project shall be appointed by the Authority in the resolution approving the Capital Area Tourism Project, except that, with respect to the initial Capital Area Tourism Project, the Authority may appoint the developer in the resolution establishing the Capital Area Tourism District. "Developer" includes any successor developer who has assumed the role and responsibilities of the original developer through the execution of an amended development agreement and has been approved as the developer through resolution of the Authority approving the amended development agreement.

"Development agreement" means an agreement between a developer (or any approved successor developers) and the Authority relating to a Capital Area Tourism Project.

"Development user" means an owner, operator, licensee, codeveloper, subdeveloper, or tenant that operates a business within the Capital Area Tourism District.

"Feasibility study" means the feasibility study described in Section 5-40 of this Act.

"Hotel" has the meaning given to that term in Section 2 of the Hotel Operators' Occupation Tax Act and includes a convention center headquarters hotel.

"Hotel operator" has the meaning given to the term "operator" in Section 2 of the Hotel Operators' Occupation Tax

Act.

"Infrastructure" means public improvements and private improvements that benefit the Capital Area Tourism District or Capital Area Tourism Project, including, but not limited to, streets, drives and driveways, traffic and directional signs and signals, parking lots and parking facilities, interchanges, highways, sidewalks, bridges, skybridges, underpasses and overpasses, bike and walking trails, sanitary storm sewers and lift stations, drainage conduits, channels, levees, canals, storm water detention and retention facilities, utilities and utility connections and relocations, water mains and extensions, and street and parking lot lighting and connections, infrastructure supporting above-ground improvements, and in each case related appurtenances. "Infrastructure" may include demolition of existing structures or infrastructure on private land to encourage economic development or redevelopment in the Capital Area Tourism District.

"Intergovernmental cooperation agreement" means an intergovernmental cooperation agreement entered into by and among Sangamon County, the City of Springfield, and the Authority, if and when such an agreement is authorized by the respective governing authority of each of those units of local government, related to, among other things, the pledge of revenues to support the Capital Area Tourism District, Capital Area Tourism Projects, and Capital Area Tourism Bonds issued by the Authority as provided in this Act. In addition to the parties described in this definition, the Springfield Metropolitan Exposition and Auditorium Authority may also be a party to the intergovernmental cooperation agreement if the Board of the Springfield Metropolitan Exposition and Auditorium Authority authorizes its participation in the agreement and if the other parties agree to include the Springfield Metropolitan Exposition and Auditorium Authority as a party to the agreement.

"Local sales taxes" means any locally imposed taxes received by a municipality, county, or other local governmental entity arising from sales by retailers and servicemen within the Capital Area Tourism District and any use taxes imposed within the Capital Area Tourism District. "Local sales taxes" includes business district sales taxes, use taxes, and that portion of the net revenue allocated from the Local Government Tax Fund and the County and Mass Transit District Fund to the municipality, county, or other governmental entity under the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act from transactions at places of business located in a Capital Area Tourism District. "Local sales taxes" does not include (i) any taxes authorized under the Local Mass Transit District Act or the Metro-East Park and Recreation District Act for so long as the applicable taxing district does not impose a tax on real property, (ii) any county school facility and resources occupation taxes imposed under Section 5-1006.7 of the Counties Code, (iii) any taxes authorized under the Flood Prevention District Act, (iv) any taxes authorized under the Special County Occupation Tax For Public Safety, Public Facilities, Mental Health, Substance Abuse, or Transportation Law, (v) any taxes authorized under the Northern Illinois Transit Authority Act, (vi) any taxes authorized under the County Motor Fuel Tax Law, or (vii) any taxes authorized under the Municipal Motor Fuel Tax Law.

"Local sales tax increment" means:

(1) with respect to local sales taxes administered by the City of Springfield or Sangamon County, that portion of the local sales taxes in the Capital Area Tourism District that is in excess of the aggregate local sales taxes in the Capital Area Tourism District for the same month in the base year, as determined by City of Springfield or Sangamon County, as applicable; the Department of Revenue shall allocate the local sales tax increment only if the local sales tax is administered by the Department; and

(2) with respect to local sales taxes administered by the Department of Revenue:

(A) except with respect to the 0.25% county portion of the 6.25% State rate, all the local sales taxes paid by taxpayers in the Capital Area Tourism District that are in excess of the aggregate local sales taxes paid by taxpayers in the Capital Area Tourism District for the same month in the base year, as determined by the Department of Revenue; and

(B) with respect to the 0.25% county portion of the 6.25% State rate, in the case of a Capital Area Tourism District, that portion of the 0.25% county portion of the 6.25% State rate paid by taxpayers in the Capital Area Tourism District for sales made within the corporate limits of the municipality that is in excess of the aggregate local sales taxes paid by taxpayers in the Capital Area Tourism District for sales made within the corporate limits of the municipality for the same month in the base year, as determined by the Department of Revenue, but only if the governing body of the county passes a resolution, and files a copy of the resolution with the Department of Revenue that designates the taxes as part of the local sales tax increment under this Act.

"Local tax contribution" means:

(1) with respect to Sangamon County:

(A) 100% of the taxes generated in Sangamon County and received by Sangamon County under subsection (b-5) of Section 5-1030 of the Counties Code; and

(B) that percentage of the local sales taxes generated in the Capital Area Tourism District and received by Sangamon County as stated in an intergovernmental cooperation agreement to be pledged capital area tourism revenues; and

(2) with respect to the City of Springfield:

(A) that percentage of the tax generated by the convention center headquarters hotel and received by the City of Springfield under the municipal hotel operators' occupation tax imposed by the City of Springfield pursuant to Section 8-3-14 of the Illinois Municipal Code, as stated in an intergovernmental cooperation agreement to be pledged capital area tourism revenues; and

(B) that percentage of the local sales tax increment as stated in the intergovernmental cooperation agreement to be pledged capital area tourism revenues.

"Market study" means a study to determine whether there is a need for the Capital Area Tourism Project and the ability of the proposed Capital Area Tourism Project to remain profitable throughout the duration of Capital Area Tourism Bonds issued to finance, in whole or in part, the Capital Area Tourism Project.

"Pledged capital area tourism revenues" means the funds received by the Authority as the local tax contribution, the funds received by the Authority as the State tax contribution, and other sources of funds that are received by the Authority and pledged to pay debt service on Capital Area Tourism Bonds or to pay project costs, but excludes funds that are applied to administrative costs of the Authority and its Board. The pledge of pledged capital area tourism revenues may not be impaired and shall be superior to any other use of those revenues.

"Political subdivision" means a municipality or a unit of local government, within the meanings set forth in the Illinois Constitution and Section 21-102.8 of the Illinois Pension Code, and includes the Authority.

"Project costs" means the total costs incurred or estimated to be incurred that are reasonable or necessary to implement the Capital Area Tourism District Plan, any Capital Area Tourism Project Plan, or both, including costs incurred for public improvements and private improvements that serve the Capital Area Tourism Project's public purpose. Notwithstanding any other provision of law, "project costs", as applied to an Authority facility, includes, without limitation:

(1) costs of studies, surveys, estimates of costs and revenue and other expenses necessary or incidental to determining the feasibility of acquiring, constructing, and equipping Capital Area Tourism Project facilities and improvements, developing plans and specifications, forming, implementing, and administering a Capital Area Tourism District, Capital Area Tourism District Plan, Capital Area Tourism Project Plan, or Capital Area Tourism

Project, including, but not limited to, staff and professional service costs for architectural, engineering, legal, financial, planning, or other services; other expenses necessary or incidental to acquiring, constructing, and equipping a Capital Area Tourism Project or the financing thereof, including the amount authorized in the resolution of the Board providing for the issuance of Capital Area Tourism Bonds to be paid into any special funds from the proceeds of such bonds and the financing of the placing of such facilities or improvements in operation; any obligation, cost, or expense incurred by any unit of local government or person related to the approval of the Capital Area Tourism District Plan or Capital Area Tourism Project Plan or for surveys, borings, preparation of plans and specifications, and other engineering services or any other cost described above in connection with acquiring, constructing, or equipping a Capital Area Tourism Project may be regarded as part of the cost of the facility or improvement and may be reimbursed out of proceeds of the Capital Area Tourism Bonds authorized by this Act;

(2) property assembly costs, including, but not limited to, costs related to:

(A) the acquisition of land and other real property or rights or interests in the land or other real property located within the boundaries of the

Capital Area Tourism District and franchise rights;

(B) the demolition of buildings, site preparation, and site improvements; and

(C) the clearing and grading of land and the importing of additional soil and fill materials or the removal of soil and fill materials from the site;

(3) the costs of buildings and other vertical improvements for a Capital Area Tourism Project owned or to be owned by the Authority;

(4) costs of the design and construction of infrastructure and public works located within the boundaries of the Capital Area Tourism District that are reasonable or necessary to implement a Capital Area Tourism District Plan, a Capital Area Tourism Project Plan, or both;

(5) costs of the design and construction of improvements located outside the boundaries of a Capital Area Tourism District if the costs are essential to further the purpose and development of a Capital Area Tourism District Plan and are either (i) part of and connected to sewer, water, or utility service lines that physically connect to the Capital Area Tourism District or (ii) significant improvements for adjacent off-site highways, streets, roadways, and interchanges that are approved by the Department of Transportation. No other cost of infrastructure and public works improvements

located outside the boundaries of a Capital Area Tourism District may be deemed project costs;

(6) notwithstanding any other provision of Illinois law, financing costs, including, but not limited to, all necessary and incidental expenses related to the issuance of obligations and the payment of interest on any obligations issued under this Act, including interest accruing from the date of issuance of Capital Area Tourism Bonds for any Capital Area Tourism Project in the Capital Area Tourism District and during the estimated period of construction of any improvements in the Capital Area Tourism District for a Capital Area Tourism Project for the period prior to and during construction and for no more than 18 months after completion of construction, and including reasonable reserves related thereto;

(7) costs of common areas located within the boundaries of a Capital Area Tourism Project;

(8) costs of landscaping and plantings, retaining walls and fences, artificial lakes and ponds, shelters, benches, lighting, and similar amenities located within the boundaries of the Capital Area Tourism District; or

(9) costs of mounted building signs, site monuments, and pylon signs located within the boundaries of a Capital Area Tourism District.

"Project costs" does not include:

(1) the cost of construction of buildings that are

owned by a municipality, county, or the Authority and that are leased to a development user for uses other than as a hotel or convention center;

(2) moving expenses for employees of the businesses locating within the Capital Area Tourism District;

(3) property taxes for property located in the Capital Area Tourism District;

(4) lobbying costs; and

(5) general overhead or administrative costs of the political subdivision that would still have been incurred by the political subdivision if the Authority had not established a Capital Area Tourism District.

"Project development agreement" means an agreement between the developer (or any approved successor developers) and the Authority to develop a Capital Area Tourism Project.

"Project labor agreement" means a prehire collective bargaining agreement that covers all terms and conditions of employment between the general contractor and all subcontractors hired by the developer, codeveloper, or subdeveloper, as applicable, of a Capital Area Tourism Project, which must include provisions:

(1) establishing the minimum hourly wage for each class of labor organization employee;

(2) establishing the benefits and other compensation for each class of labor organization employee;

(3) requiring that no strike or dispute will be

engaged in by the labor organization employees;

(4) requiring that no lockout or dispute will be engaged in by the general contractor and all subcontractors building the project; and

(5) establishing goals for apprenticeship hours to be performed by minority persons and women and goals for total hours to be performed by minority persons and women, as those terms are defined in the Business Enterprise for Minorities, Women, and Persons with Disabilities Act.

"Project labor agreement" may include other terms and conditions as deemed necessary.

"Resolution" means a resolution, order, ordinance, or other appropriate form of legislative action of a political subdivision or unit of local government, including the Authority, or other applicable public entity approved by a majority of a quorum at a meeting of the governing body of the political subdivision, unit of local government, or applicable public entity.

"SMEAA" means the Springfield Metropolitan Exposition and Auditorium Authority.

"State sales tax" means all the net revenue realized under the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act from transactions at places of business located within a Capital Area Tourism District, excluding that portion of the net revenue realized under the Retailers' Occupation Tax Act, the

Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act from transactions at places of business located within a Capital Area Tourism District that is deposited into the Local Government Tax Fund and the County and Mass Transit District Fund.

"State sales tax increment" means that portion of the State sales tax from all transactions located within a Capital Area Tourism District that is in excess of the aggregate State sales tax from all transactions located within a Capital Area Tourism District for the same month in the base year, as determined by the Department of Revenue.

"State tax contribution" means 100% of the State sales tax increment generated within the Capital Area Tourism District and received by the State.

"Substantial change" means a change in which the proposed Capital Area Tourism Project Plan differs substantially in size, scope, or use from the approved Capital Area Tourism District Plan or Capital Area Tourism Project Plan.

"Taxpayer" means an individual, partnership, corporation, limited liability company, trust, estate, or other entity that is subject to the Illinois Income Tax Act.

"Total development costs" means the aggregate public and private investment in a Capital Area Tourism District, including project costs and other direct and indirect costs related to the development of the Capital Area Tourism District or a Capital Area Tourism Project, as applicable.

"Unit of local government" has the meaning given to that term in Section 1 of Article VII of the Illinois Constitution.

Section 5-15. Creation of the Authority. The Capital Area Tourism Authority is hereby created as a political subdivision and unit of local government for the benefit of the general public and the promotion of business, industry, commerce, conventions, and tourism in the City of Springfield, Sangamon County, and the State of Illinois. The Authority shall have only those powers described in this Act, and its territorial jurisdiction shall extend over all territory that is located within the boundaries of the zip code 62701 in the City of Springfield on the effective date of this Act.

Section 5-20. Authority; powers and duties.

(a) The Authority may exercise the powers set forth in this Act as well as those powers ordinarily authorized by law for a political subdivision and unit of local government, for the purposes described in subsection (b).

(b) The Authority shall use the powers conferred on it under this Section to assist in developing, redeveloping, acquiring, constructing, equipping, and financing Capital Area Tourism Projects in the Capital Area Tourism District to promote business, job creation and retention, industry, commerce, conventions, and tourism within the City of Springfield, Sangamon County, and the State of Illinois under this Act.

(c) The Authority shall possess all powers of a political subdivision and unit of local government, excluding the power to levy taxes, necessary and convenient to accomplish the purposes of this Act, including, but not limited to, the power:

(1) to establish a Capital Area Tourism District, establish a Capital Area Tourism District Plan, and approve Capital Area Tourism Project Plans and Capital Area Tourism Projects for submission to the Department, the Department of Revenue, and the Governor's Office of Management and Budget for approval; to implement, finance, operate, and manage any approved Capital Area Tourism Project; and to issue Capital Area Tourism Bonds in accordance with this Act;

(2) to enter into loans, contracts, agreements, including intergovernmental cooperation agreements, and mortgages;

(3) to acquire by purchase, donation, or lease and to own, convey, lease, sell, mortgage, or otherwise dispose of interests in and to real and personal property; and to grant or acquire licenses, franchise rights, easements, and options with respect to such property;

(4) to sue and be sued in its corporate name, but execution shall not in any case issue against any real or personal property of the Authority;

(5) to employ agents and employees necessary to carry out the purposes of this Act;

(6) to have, use, and alter a common seal;

(7) to acquire, own, construct, equip, finance, lease, operate, and maintain grounds, buildings, facilities, property or any portion of a building, facility, or property owned or leased by the Authority to carry out the purposes of and its duties under this Act and to fix, charge, and collect fees, rents, and charges for the use of any such building, facility, property or portion thereof;

(8) to adopt all ordinances, resolutions, budgets, by-laws, rules, and regulations necessary or proper to carry into effect the purposes of this Act and the powers granted to the Authority;

(9) to apply for, accept, and expend grants, appropriations, guarantees, donations of real property, personal property, or labor, or any other thing of value;

(10) to exercise the right of eminent domain by condemnation proceedings in the manner provided by the Eminent Domain Act;

(11) to acquire, construct, equip, finance, own, lease, operate, and maintain any Capital Area Tourism Project and to determine and direct the use of the local tax contribution and the State tax contribution for the approved Capital Area Project in the Capital Area Tourism

District;

(12) to borrow money and to issue revenue bonds, notes, or other evidences of indebtedness as provided in this Act;

(13) to pay or cause to be paid project costs of a Capital Area Project and the principal, any redemption premium, and interest of any Capital Area Tourism Bonds issued by the Authority; and

(14) to exercise any and all other powers of a political subdivision and unit of local government, excluding the power to levy taxes, necessary to effectuate the purposes of this Act.

Section 5-25. Board members; officers; governance.

(a) The governing and administrative powers of the Authority shall be vested in its Board, which shall consist of 5 members appointed as follows:

(1) 3 members nominated by the Sangamon County Board Chairman and appointed by action of the Sangamon County Board;

(2) one member nominated by the Mayor of Springfield and appointed by the City Council of Springfield; and

(3) one member nominated by the Chairman of SMEAA and appointed by action of the Board of SMEAA.

(b) All persons appointed as members of the Board shall be residents of Sangamon County and shall have recognized ability and experience in one or more of the following areas: economic development, finance, banking, commercial development, hotel management, convention management, small business management, real estate development, community development, organized labor, units of local government, or civic, community, or neighborhood organization.

(c) The Chairperson of the Board shall be selected by a majority vote of the members of the Board.

(d) The Sangamon County Board may remove, by simple majority vote, any member of the Board of Directors of the Authority deemed by the Sangamon County Board, in its sole discretion, to be incompetent, to have neglected the member's duty, or to have intentionally committed an illegal, dishonest, wrongful, or unlawful act.

(e) Members of the Board, unless removed by the Sangamon County Board, shall hold office until their respective successors have been appointed. Any member may resign from his or her office. Vacancies shall be filled in the same manner as original appointments.

(f) Members of the Board shall serve without compensation for their services as members but may be reimbursed for all necessary expenses incurred in connection with the performance of their duties as members.

(g) The Board shall hold meetings quarterly or more frequently upon the call of the Chairperson of the Board or written notice of 3 members of the Board.

(h) A majority of the appointed members of the Board shall constitute a quorum for the transaction of business, and the Board may not meet or take any action without a quorum present. The affirmative vote of a majority of the members present at a meeting at which a quorum is present shall be necessary for any official act of the Authority.

(i) All members of the Board and employees of the Authority are subject to the Illinois Governmental Ethics Act, in accordance with its terms, and shall submit a statement of economic interests in accordance with Article 4A of the Illinois Governmental Ethics Act. Additionally, each Board member shall disclose to the Board outside sources of income and any business relationships in economic development, convention or hotel operations, consulting, or lobbying. Reporting shall include the source of income, services provided, and timeline of when services were provided. If the source of income is a firm or organization with multiple clients, the report shall list all of the entities for which the individual provided services, received compensation, or both.

(j) The Board may appoint an Executive Director who shall have a background in finance, real estate or economic development, convention management, hotel management, or administration. The Executive Director shall hold office at the discretion of the Board. The Executive Director shall be the chief administrative and operational officer of the

Authority, shall direct and supervise its administrative affairs and general management, shall perform such other duties as may be prescribed from time to time by the Board, and shall receive compensation fixed by the Board. The Executive Director shall attend all meetings of the Board; however, no action of the Board or the Authority shall be invalid on account of the absence of the Executive Director from a meeting excused by the Board Chairman.

(k) No member of the Board or employee of the Authority shall be subject to personal liability by reason of any act authorized by this Act.

Section 5-30. Open meetings; record disclosure.

(a) The Authority is subject to the Open Meetings Act and the Freedom of Information Act. All rules, regulations, ordinances, resolutions and all proceedings of the Authority and all documents and records in its possession shall be public records, and open to public inspection, except such documents and records as shall be kept or prepared by the Board for use in negotiations, actions, or proceedings to which the Authority is a party.

(b) The Authority shall provide a detailed report of the Authority's quarterly financial information on the Authority's website. As they become available, the Authority's annual audited financial statements shall be posted on the Authority's website.

Section 5-35. Limitations. If any of the Authority's powers are exercised within the territorial jurisdiction of any municipality, all ordinances of that municipality shall remain in full force and effect and shall be controlling, including, but not limited to, building codes and zoning ordinances; provided that when an intergovernmental cooperation agreement that includes the Authority, Sangamon County, and the City of Springfield addresses a substantially similar subject matter as an ordinance of a municipality, the terms of the intergovernmental cooperation agreement shall be controlling.

Section 5-40. Approval of the Capital Area Tourism District and Capital Area Tourism Project.

(a) The Office of the Governor, in consultation with the Department, the Department of Revenue, and the Governor's Office of Management and Budget, shall have final approval over any Capital Area Tourism District established under this Act and approval of any Capital Area Tourism Project under this Act.

(b) The Authority may establish a Capital Area Tourism District within its territorial and jurisdictional boundaries.

(c) When the Authority is interested in establishing a Capital Area Tourism District, it must pass a resolution stating its intention and provide notice to the Director of

Commerce and Economic Opportunity and the Director of Revenue of its intention to establish a Capital Area Tourism District. The resolution considering the establishment of a Capital Area Tourism District shall:

(1) give notice that a public hearing will be held to consider the establishment of the Capital Area Tourism District and fix the date, hour, and place of the public hearing, which shall be at a location that is within 5 miles of the proposed District and in a facility that can accommodate a large crowd and is accessible to persons with disabilities;

(2) describe the proposed general boundaries of the Capital Area Tourism District, which shall be within the territorial jurisdiction of the Authority as established by this Act;

(3) describe the Capital Area Tourism District Plan;

(4) require that a description and map of the proposed Capital Area Tourism District be available for inspection at a time and place designated or are posted on the website of the Authority;

(5) identify the developer for the proposed Capital Area Tourism Project or Projects in the proposed District; and

(6) make findings necessary for the establishment of a Capital Area Tourism District.

(d) Upon the conclusion of the public hearing, the

Authority may pass a new and separate resolution to establish the Capital Area Tourism District, which shall:

(1) make findings that the proposed Capital Area Tourism District is to be developed with at least one Capital Area Tourism Project;

(2) contain a Capital Area Tourism District Plan that identifies in a general manner the buildings and facilities that are proposed to be developed, redeveloped, constructed, equipped, or improved as part of the Capital Area Tourism Project and that includes plans for at least one development user;

(3) contain the boundaries for or legal description of the Capital Area Tourism District;

(4) appoint the developer for the initial Capital Area Tourism Project in the Capital Area Tourism District;

(5) make a finding that the Capital Area Tourism District Plan demonstrates a reasonable expectation that it and the initial Capital Area Tourism Project will result in an initial capital investment of more than $30,000,000, create jobs, promote a vibrant hospitality industry that is capable of hosting visitors, legislative advocates, those doing business with the State, and conventions in the City of Springfield and Sangamon County, and promote business, industry, commerce and conventions in the City of Springfield and Sangamon County; and

(6) establish the Capital Area Tourism District, contingent upon approval of the Office of the Governor as set forth in this Act.

(e) Upon passage of a resolution to establish a Capital Area Tourism District, the Authority shall, within 60 days, send a certified copy of the resolution to the Director of Commerce and Economic Opportunity, the Director of Revenue, and the Director of the Governor's Office of Management and Budget.

(f) Following the passage of a resolution to establish a Capital Area Tourism District, the Authority shall submit the proposed Capital Area Tourism District Plan to the Department, the Department of Revenue, and the Governor's Office of Management and Budget on or before March 1, 2027 for consideration.

The Department, the Department of Revenue, and the Governor's Office of Management and Budget shall make a joint recommendation to approve the Capital Area Tourism District if the agencies find that the Capital Area Tourism District Plan:

(1) includes an initial Capital Area Tourism Project with a projected capital investment of at least $30,000,000 for the Capital Area Tourism District;

(2) includes an initial Capital Area Tourism Project that is reasonably projected to produce at least 80 new jobs;

(3) includes potential development users; and

(4) is in accordance with the purposes of this Act and the public interest.

The agencies shall send a copy of their written findings and recommendations for approval or denial of the Capital Area Tourism District to the Office of the Governor for review and final action.

(g) Upon receipt of the written findings and recommendations, the Office of the Governor shall review the submission and issue a final approval or denial of the establishment of the Capital Area Tourism District and send written notice of its approval or denial to the Authority and to the agencies.

(h) After the establishment of an approved Capital Area Tourism District, the Authority must submit a proposed Capital Area Tourism Project Plan to the Department, the Department of Revenue, and the Governor's Office of Management and Budget to seek approval of each Capital Area Tourism Project on or before June 1, 2028. Each Capital Area Tourism Project Plan may be implemented in separate development stages.

The developer may propose a Capital Area Tourism Project to the Authority, and the developer shall, in cooperation with the Authority, prepare a Capital Area Tourism Project Plan.

(i) If the Authority is considering approving a Capital Area Tourism Project, then it must cause to be prepared an independent feasibility study. The feasibility consultant shall provide certified copies of the feasibility study to the

Authority, the Department, the Department of Revenue, and the Governor's Office of Management and Budget. The feasibility study shall include the following:

(1) the estimated amount of pledged capital area tourism revenues expected to be collected in each year through the final maturity date of any proposed Capital Area Tourism Bonds used to finance the project;

(2) a statement of how the jobs created and taxes derived from the Capital Area Tourism Project will contribute significantly to the economic development of the City of Springfield and Sangamon County;

(3) the estimated additional number of visitors to the Capital Area Tourism District expected to be generated;

(4) the unique quality of the Capital Area Tourism Project;

(5) an economic impact study substantiating the expected economic impact of the Capital Area Tourism Project on the City of Springfield and Sangamon County;

(6) a market study;

(7) an analysis of current and anticipated infrastructure needs;

(8) the quality of services to be provided by the Capital Area Tourism Project, as measured against national consumer standards for the market targeted by the proposed Capital Area Tourism Project;

(9) the expected return on State and local investment

that the Capital Area Tourism Project is anticipated to produce; and

(10) the anticipated principal, premium, and interest payment schedule on any Capital Area Tourism Bonds to be issued in support of the Capital Area Tourism Project.

The feasibility consultant, along with any other consultants commissioned to perform the studies and other analysis required by the feasibility study, shall be selected by the Authority with approval of the Department.

The failure to include all information enumerated in this subsection in the feasibility study for a Capital Area Tourism Project shall not affect the validity of any Capital Area Tourism Bonds issued under this Act.

(j) If the Authority determines that the Capital Area Tourism Project is feasible, then the Capital Area Tourism Project Plan shall include:

(1) a summary of the feasibility study;

(2) a reference to the Capital Area Tourism District Plan that identifies the area for the Capital Area Tourism Project;

(3) a description of the boundaries and a map of the Capital Area Tourism Project area or site to be developed, redeveloped, constructed, or improved;

(4) a description of the buildings and facilities proposed to be constructed or improved in the Capital Area Tourism Project and, if applicable, a description of the

expected development users, as applicable;

(5) a copy of the project labor agreement entered into by the developer and a commitment, in writing, by the developer, other developers, contractors, and subcontractors to comply with the requirements of Section 30-22 of the Illinois Procurement Code as they apply to responsible bidders; and

(6) any other information the Authority deems reasonable and necessary to advise the public of the intent of the Capital Area Tourism Project Plan.

(k) Before the Authority may hold a public hearing to consider a Capital Area Tourism Project Plan, it must apply to the Department, the Department of Revenue, and the Governor's Office of Management and Budget for joint review and recommendation of the Capital Area Tourism Project Plan to the Office of the Governor. The Office of the Governor has the ultimate right to approve or deny a Capital Area Tourism Project Plan.

An application for approval of a Capital Area Tourism Project Plan shall not be approved by the agencies or Office of the Governor unless all the components of the feasibility study have been completed and submitted for review. The Authority must also submit, as part of its application, the financial and other information that substantiates the basis for the conclusions of the economic impact study, in the form and manner required by the agencies, so that the agencies can verify the results of the study.

As part of the review, the agencies shall evaluate the conclusions of the feasibility study as it relates to the projected State tax contribution and local tax contribution expected to be generated in the Capital Area Tourism District.

The Department, the Department of Revenue, and the Governor's Office of Management and Budget shall jointly recommend the approval of a Capital Area Tourism Project Plan. The agencies shall send a copy of their written findings and recommended approval or denial of the Capital Area Tourism Project Plan to the Office of the Governor for final action. Upon receipt of the agencies' written findings and recommendation, the Office of the Governor shall issue a final approval or denial of the Capital Area Tourism Project Plan. In granting its approval, the Office of the Governor may require the Authority to execute a binding agreement or memorandum of understanding with the State.

(l) Upon issuance of written approval of the Capital Area Tourism Project Plan from the Office of the Governor, the Authority shall adopt a resolution stating that it is considering the adoption of the Capital Area Tourism Project Plan. The resolution shall:

(1) give notice that a public hearing will be held to consider the adoption of the Capital Area Tourism Project Plan and fix the date, hour, and place of the public hearing;

(2) describe the general boundaries of the Capital Area Tourism District within which the Capital Area Tourism Project will be located and the date of establishment of the Capital Area Tourism District;

(3) describe the general boundaries of the site or area proposed for the Capital Area Tourism Project;

(4) provide that the Capital Area Tourism Project Plan and map of the area to be developed or redeveloped are available for inspection at a time and place designated by the Authority or are posted on the Authority's website; and

(5) contain a summary of the terms and conditions of any proposed development agreement with the Authority relating to the Capital Area Tourism Project.

(m) A public hearing shall be conducted to consider the adoption of any Capital Area Tourism Project Plan.

(1) The date fixed for the public hearing to consider the passage of the Capital Area Tourism Project Plan shall not be less than 10 nor more than 60 days following the date of the passage of the resolution fixing the date of the hearing.

(2) A copy of the Authority's resolution providing for the public hearing shall be sent by certified mail, return receipt requested, to the governing authorities of the City of Springfield and Sangamon County. A copy of the Authority's resolution providing for the public hearing

shall also be sent by certified mail, return receipt requested, to each person or persons in whose name the general taxes for the last preceding year were paid on each parcel of land adjacent to any parcel of land on which the Capital Area Tourism Project is proposed to be developed, redeveloped, constructed, or improved within 10 days following the date of the passage of the resolution. A summary of the resolution shall be published once in a newspaper of general circulation in Sangamon County not less than one week nor more than 3 weeks before the date fixed for the public hearing indicating that the full text of the resolution is available on the Authority's website. A map or aerial photo clearly delineating the area of land proposed to be included within the Capital Area Tourism Project shall be published with the resolution.

(3) The hearing shall be held at a location that is within approximately 5 miles of the proposed location of the Capital Area Tourism Project in a facility that can accommodate a large gathering and is accessible to persons with disabilities.

(4) At the public hearing, a representative of the Authority or developer shall present the Capital Area Tourism Project Plan. Following this presentation, all interested persons shall be given an opportunity to be heard for up to that amount of time prescribed by the Authority at the commencement of the public hearing. The

Authority may continue the date and time of the public hearing if necessary.

(n) Upon conclusion of the public hearing, the Authority may adopt the Capital Area Tourism Project Plan by passage of a resolution approving the plan.

(o) After the adoption of the Capital Area Tourism Project Plan, the Authority must enter into a project development agreement with the developer.

(p) Within 30 days after the adoption by the Authority of a Capital Area Tourism Project Plan, the clerk of the governing body of Sangamon County shall transmit a copy of the depiction of the land and a list of all new and existing mailing addresses within the Capital Area Tourism District, a copy of the resolution adopting the Capital Area Tourism Project Plan, and a map or plat indicating the boundaries of the site of the Capital Area Tourism Project and the Capital Area Tourism District to the treasurer and the clerk of the governing body of Sangamon County; the treasurer and clerk of the governing body of the City of Springfield; and the Department and Department of Revenue. Within 30 days of creation of any new mailing address within a Capital Area Tourism District, the clerk of the governing body of the City of Springfield or Sangamon County shall provide written notice of that new address to the Department and the Department of Revenue.

(q) Any substantial change to a Capital Area Tourism Project Plan after its adoption shall be subject to (i) a public hearing following publication of notice of the hearing as provided in this Section and (ii) approval by resolution of the Authority. Any substantial addition of real property to a Capital Area Tourism District or any substantial change to a Capital Area Tourism District Plan shall be subject to the same procedure for public notice, hearing, and approval, including approval by the Department and the Office of the Governor, as is required for the establishment of the Capital Area Tourism District under this Act. If the Authority has undertaken a Capital Area Tourism Project within a Capital Area Tourism District and desires to subsequently remove more than a de minimis amount of real property from the District, then prior to any removal of property, the Authority must provide a revised feasibility study showing that the pledged capital area tourism revenues from the resulting revised District are estimated to be sufficient to meet any covenants or obligations made with respect to Capital Area Tourism Bonds then outstanding including the payment of debt service on those bonds, and to pay the project costs of approved Capital Area Tourism Projects to be financed, in whole or in part, with Capital Area Tourism Bonds. If the revenue from the resulting revised territorial boundaries of a Capital Area Tourism District is insufficient to meet the foregoing requirements, then the real property may not be removed from the District. Any removal of real property from a Capital Area Tourism District shall be approved by a resolution of the Authority, after receiving approval from the Office of the Governor.

(r) The Department of Revenue shall not collect or allocate any local tax contribution or State tax contribution until the Authority provides, in the manner prescribed by the Department of Revenue, the boundaries of and each address in the Capital Area Tourism District in such a way that the Department of Revenue can determine by its address whether a business is located in the Capital Area Tourism District. The Department of Revenue shall not administer or enforce any change made to the boundaries of the Capital Area Tourism District or any address change, addition, or deletion until the Authority reports the boundary change or address change, addition, or deletion to the Department of Revenue in the manner prescribed by the Department of Revenue. If a retailer or hotel operator is incorrectly included or excluded from the list of those located in the Capital Area Tourism District, the Department of Revenue shall be held harmless by the Authority if the Department of Revenue reasonably relied on information provided by the Authority or to Sangamon County.

(s) Any developer of a Capital Area Tourism Project shall commence construction of the project by the date agreed upon in the development agreement but in no event later than 18 months from the date of adoption of the Capital Area Tourism Project Plan by the Authority. The Authority may require a guarantee of completion and payment and performance bond in form satisfactory to the Authority guaranteeing completion of the Capital Area Tourism Project to be provided to the Authority at the closing on Capital Area Tourism Bonds issued to finance any part of the Capital Area Tourism Project. If the developer fails to commence work on the Capital Area Tourism Project within the 18-month period set forth in this subsection, the Authority shall suspend or cease funding for the project and the developer.

(t) After the adoption of a Capital Area Tourism Project Plan by the Authority and approval by the Office of the Governor, the Authority may authorize the issuance of Capital Area Tourism Bonds in one or more series to finance the Capital Area Tourism Project or pay or reimburse any eligible project costs associated with the Capital Area Tourism Project in accordance with the provisions of this Act.

(u) On the fifth anniversary of the date of issuance of the initial issue of Capital Area Tourism Bonds, the Director shall, in consultation with the Authority and the developer, determine the total number of new jobs created within the Capital Area Tourism District, and the total project costs and total development costs to that date. If the Director determines that the total project costs to date for the approved Capital Area Tourism Project funded, in whole or in part, with proceeds from the initial issue of Capital Area Tourism Bonds is not equal to or greater than $30,000,000, and that there are not at least 80 new jobs then existing in the Capital Area Tourism District, then no additional Capital Area

Tourism Bonds, other than Capital Area Tourism Bonds issued to refund the outstanding bonds in order to reduce aggregate debt service on such bonds, may be issued by the Authority until the total project costs of the approved Capital Area Tourism Project funded with proceeds from the initial issue of Capital Area Tourism Bonds exceed $30,000,000 and at least 80 new jobs shall have been created in the Capital Area Tourism District.

(v) If a certified copy of the resolution adopting the Capital Area Tourism Project Plan is filed with the Department of Revenue on or before the first day of April, the Department of Revenue, if all other requirements of this Section are met, shall proceed to collect and allocate any local sales tax increment and any State sales tax increment in accordance with the provisions of this Act on the first day of July next following the adoption and filing of the resolution. If a certified copy of the resolution adopting the Capital Area Tourism Project Plan is filed with the Department of Revenue after April 1 but on or before the first day of October, the Department of Revenue, if all other requirements of this subsection are met, shall proceed to collect and allocate any local sales tax increment and any State sales tax increment in accordance with the provisions of this Act as of the first day of January next following the adoption and filing of the resolution.

Section 5-43. Limitations on reimbursement. No Capital

Area Tourism Project may receive reimbursement from the proceeds of Capital Area Tourism Bonds secured by or in part by the State sales tax increment that exceeds an aggregate amount of $250,000,000 in total development costs. The Department may further limit or reduce the total amount of reimbursement from the proceeds of Capital Area Tourism Bonds secured by or in part by the State sales tax increment for any Capital Area Tourism Project as a condition of approval of the project; provided that the Department executes a binding agreement with the Authority and memorializes those terms prior to approving a Capital Area Tourism Project Plan.

Section 5-45. Capital area tourism bonds; source of payment; reporting.

(a) The Authority shall have the power to issue Capital Area Tourism Bonds in one or more series to finance the undertaking of a Capital Area Tourism Project in accordance with the provisions of this Act. A Capital Area Tourism Project approved under this Act may be completed in one or more phases, and Capital Area Tourism Bonds may be issued, in one or more series, to finance the Capital Area Tourism Project or any such project phases. Capital area tourism bonds may be issued as revenue bonds as defined in and subject to the procedures provided in the Local Government Debt Reform Act that do not conflict with the provisions of this Act. Capital area tourism bonds shall be issued only as revenue bonds and shall not be subject to referendum or back-door referendum.

(b) Capital area tourism bonds may be made payable, both as to principal, premium, and interest, from the following sources of revenues, which, to the extent pledged by the Authority for that purpose, shall constitute pledged capital area tourism revenues:

(1) available private funds and contributions, grants, tax credits, or other financial assistance from the State or federal government;

(2) the local tax contribution;

(3) the State tax contribution;

(4) any other revenues appropriated by the City of Springfield, Sangamon County, SMEAA, or the Authority; and

(5) any combination of the foregoing.

(c) The Authority shall pledge the pledged capital area tourism revenues to the repayment of Capital Area Tourism Bonds in the resolution authorizing the issuance of Capital Area Tourism Bonds.

(d) Capital area tourism bonds shall be issued as revenue bonds, shall not be general obligations of the Authority, the City of Springfield, Sangamon County, or the State of Illinois, and shall not, in any event, give rise to a charge against the general credit or taxing powers of the Authority, Sangamon County, the State of Illinois, or the City of Springfield or be payable out of any funds or properties other than the pledged capital area tourism revenues and shall so state on the face of such bonds.

(e) The maximum maturity of Capital Area Tourism Bonds issued to finance a Capital Area Tourism Project shall not exceed 30 years from the date of their issuance.

(f) Each issue of Capital Area Tourism Bonds proposed after the initial issuance of such bonds shall be authorized by the Authority only if pledged capital area tourism revenues held in trust for the repayment of such bonds exceed that amount which is sufficient to meet the debt service coverage requirements on Capital Area Tourism Bonds outstanding as set forth in the documentation relating to the issuance of such bonds and that the excess is at least sufficient to meet expected debt service coverage requirements on the proposed issue of Capital Area Tourism Bonds.

(g) For a Capital Area Tourism Project financed with Capital Area Tourism Bonds payable from the pledged capital area tourism revenues, commencing on June 1 of the year succeeding the year of issuance of the Capital Area Tourism Bonds, the Authority shall prepare and submit to the Department, the Department of Revenue, the Office of the Governor, and the Governor's Office of Management and Budget by June 1 of each year a report describing the status of the Capital Area Tourism Project, any expenditures of the proceeds of the Capital Area Tourism Bonds that have occurred for the preceding calendar year, and a budget for the remaining expenditures of the proceeds of such bonds expected to occur until completion of the Capital Area Tourism Project financed, in whole or in part, with such bonds, including the amount of pledged capital area tourism revenues, the amount of such revenues that has been spent, the projected amount of such revenues, and the anticipated use of such revenues.

Each annual report shall be accompanied by an affidavit of the developer or the Authority certifying the contents of the report as true to the best of the affiant's knowledge. The Department shall have the right, but not the obligation, to request the Auditor General to review the annual report and the Authority's records containing the source information for the report for the purpose of verifying the report's contents. If the Auditor General declines the request for review, the Department shall have the right to select an independent third-party auditor to conduct an audit of the annual report and the Authority's records containing the source information for the report. The reasonable cost of the audit shall be paid by the Authority. Each project development agreement shall grant the Department and the Auditor General the right to review the records of the Authority and the owner of the Capital Area Tourism Project, if other than the Authority, containing the source information for the report.

(h) As soon as possible after the first day of each month, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer, from the General Revenue Fund to the Capital Area

Tourism Bond Revenue Fund, the State tax contribution for the second preceding month, less 3% of that amount, which shall be transferred into the Tax Compliance and Administration Fund and shall be used by the Department of Revenue, subject to appropriation, to cover the costs of the Department of Revenue in administering this Act.

As soon as possible after the first day of each month, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer, from the Local Government Tax Fund and the County and Mass Transit District Fund to the Capital Area Tourism Bond Revenue Fund, a special fund in the State treasury, the local tax contribution for the second preceding month, as provided in Section 6z-18 of the State Finance Act and from the County and Mass Transit District Fund as provided in Section 6z-20 of the State Finance Act.

On or before the 25th day of each calendar month, the Department of Revenue shall prepare and certify to the Comptroller the disbursement of stated sums of money out of the Capital Area Tourism Bond Revenue Fund to the Authority.

The amount to be paid shall be the amount of State tax contribution and the amount of the local tax contribution (not including credit memoranda or the amount transferred into the Tax Compliance and Administration Fund) collected during the second preceding calendar month by the Department of Revenue on transactions at places of business located within the

Capital Area Tourism District, plus an amount the Department of Revenue determines is necessary to offset any amounts that were erroneously paid to a different taxing body, and not including an amount equal to the amount of refunds made during the second preceding calendar month by the Department of Revenue, and not including any amount that the Department of Revenue determines is necessary to offset any amounts that are payable to a different taxing body but were erroneously paid to the municipality or county.

Within 10 days after receipt by the Comptroller of the Department of Revenue's certification, the Comptroller shall cause the orders to be drawn for the amounts in accordance with the directions contained in the certification. When certifying the amount of monthly disbursement to the Authority, the Department of Revenue shall increase or decrease that amount by an amount necessary to offset any misallocation of previous disbursements. The offset amount shall be the amount erroneously disbursed within the 6 months preceding the time a misallocation is discovered.

(i) The Authority shall deposit the proceeds from the Capital Area Tourism Bond Revenue Fund into a special fund of the Authority called the Capital Area Tourism District Revenue Fund, if not directly disbursed to the bond trustee for Capital Area Tourism Bonds issued by the Authority, for further transfer to the bond trustee, for the purpose of paying debt service with respect to the outstanding Capital

Area Tourism Bonds, paying or reimbursing project costs for the Capital Area Tourism Projects, or both.

If the Authority fails to issue Capital Area Tourism Bonds within one year after the first distribution to the Authority from the Capital Area Tourism Bond Revenue Fund, then the Department of Revenue shall cease distribution of the State tax contribution to the Authority and shall transfer any State tax contribution from the Capital Area Tourism Bond Revenue Fund to the General Revenue Fund, shall cease deposits of State tax contribution amounts into the Capital Area Tourism Bond Revenue Fund, and shall distribute the receipts of the State sales tax increment and local sales tax to the appropriate political subdivision as would occur if this Act were not in effect. Further, the City of Springfield, Sangamon County, or the Authority, as applicable, shall repay all State tax contributions distributed to date, which amounts shall be deposited into the General Revenue Fund. If not repaid within 90 days after notice from the State, the Department of Revenue shall withhold distributions to the political subdivisions from the Local Government Tax Fund until the excess amount is repaid, which withheld amounts shall be transferred to the General Revenue Fund. At such time as the Authority notifies the Department of Revenue in writing that it has issued Capital Area Tourism Bonds in accordance with this Act and provides the Department with a copy of the official statement or limited offering memorandum or other disclosure document, bond purchase agreement, indenture, or other evidence of bond sale, the Department of Revenue shall resume deposits of the State tax contribution into the Capital Area Tourism Bond Revenue Fund and distribution of the State tax contribution to the City of Springfield, Sangamon County, or the Authority, as applicable, in accordance with this Section. Transfer of that portion of the local tax contribution representing Hotel Operators' Occupation Tax receipts collected by the City of Springfield or Sangamon County and not paid to the Department of Revenue shall be transferred to the bond trustee for Capital Area Tourism Bonds issued by the Authority pursuant to the requirements of the Intergovernmental Cooperation Agreement.

Section 5-50. Reporting taxes.

(a) Notwithstanding any other provisions of law to the contrary, upon the written request of the Authority, the Department of Revenue shall provide a certified report of the State tax contribution and local tax contribution from all taxpayers within the Capital Area Tourism District to the bond trustee, escrow agent, or paying agent for the Capital Area Tourism Bonds issued by the Authority on or before the 25th day of each month. The report shall provide a detailed allocation of the State Tax Contribution and local tax contribution.

The bond trustee, escrow agent, or paying agent shall keep such sales and use tax and hotel tax reports and the information contained therein confidential, but may use such information for purposes of allocating and depositing the sales and use tax revenues and hotel tax revenues in connection with the bonds used to finance project costs in the Capital Area Tourism District. The sales and use tax and hotel tax reports received by said bond trustee, escrow agent, or paying agent shall be subject to the confidentiality provisions of Section 11 of the Retailers' Occupation Tax Act.

(b) The Authority, or bond trustee for Capital Area Tourism Bonds issued by the Authority in accordance with the indenture requirements for those bonds, shall determine when the amount of pledged capital area tourism revenues and other revenues that have been collected, distributed, and deposited to the bond debt service fund, debt service reserve fund, or both under the applicable indenture are sufficient to satisfy all principal, premium and interest obligations to the maturity date or dates of all outstanding Capital Area Tourism Bonds issued to finance a Capital Area Tourism Project and shall give the Department of Revenue written notice of such determination. The notice shall include a date certain on which deposits into the Capital Area Tourism Bond Revenue Fund for a Capital Area Tourism Project shall terminate and shall be provided to the Department of Revenue at least 60 days prior to that date. When pledged capital area tourism revenues held under the indenture relating to the Capital Area Tourism Bonds are sufficient to discharge all Capital Area Tourism Bonds then outstanding and the Authority notifies the Department of Revenue that no further Capital Area Tourism Bonds shall be issued, then all sales and use taxes and hotel taxes and other revenues shall be collected and distributed in accordance with applicable law.

If the Authority fails to give timely notice under this subsection (b), the Department of Revenue, upon discovery of this failure, shall cease distribution of the State sales tax increment to the Authority, shall transfer any State sales tax increment in the Capital Area Tourism Bond Revenue Fund to the General Revenue Fund, and shall cease deposits of State sales tax increment amounts into the Capital Area Tourism Bond Revenue Fund. Any amount of State sales tax increment distributed to the Authority from the Capital Area Tourism Bond Revenue Fund in excess of the amount sufficient to satisfy all principal and interest costs to the maturity date or dates of all Capital Area Tourism Bonds issued by the Authority shall be repaid to the Department of Revenue and deposited into the General Revenue Fund. If not repaid within 90 days after notice from the State, the Department of Revenue shall withhold distributions to the Authority from the Local Government Tax Fund until the excess amount is repaid, which withheld amounts shall be transferred to the General Revenue Fund.

Section 5-55. Developer. Notwithstanding any other provision of law, the Authority shall control all Capital Area Tourism Projects in any Capital Area Tourism District created in the territorial jurisdiction of the Authority.

Section 5-60. Reports; commitment notice. The Authority shall annually submit a report of its finances to the Auditor General. The Authority shall provide notice to the General Assembly, the Department of Commerce and Economic Opportunity, and the Governor whenever the Authority enters into a commitment to support the financing of a Capital Area Tourism Project. The notice to the General Assembly shall be filed with the Clerk of the House of Representatives and the Secretary of the Senate, in electronic form only, in the manner that the Clerk and the Secretary shall direct.

Section 5-65. Exemption from taxation. All property of the Authority that is not leased to or otherwise used by a third-party private entity with a view to profit is exempt from taxation under the Property Tax Code.

Section 5-75. Rules. The Department and the Department of Revenue shall have the authority to adopt such rules as are reasonable and necessary to implement the provisions of this Act. Notwithstanding the foregoing, the Department and the Department of Revenue shall have the authority, prior to adoption and approval of those rules, to consult on and recommend approval of a Capital Area Tourism District, Capital Area Tourism Project, or any related plans or submissions, and to otherwise administer this Act while those rules are pending adoption and approval.

Section 5-80. Concurrent development. Nothing in this Act shall in any way limit, restrict, or prevent the concurrent establishment, creation, or development of a STAR bond district or STAR bond project within any part of Sangamon County or the City of Springfield, excluding the territory within the Capital Area Tourism District that otherwise satisfies the requirements of the Statewide Innovation Development and Economy Act; provided, that in no event shall the pledged capital area tourism revenues be used for any purposes other than those authorized by this Act.

Section 5-895. The Illinois State Auditing Act is amended by changing Section 3-1 as follows:

(30 ILCS 5/3-1) (from Ch. 15, par. 303-1)

(Text of Section before amendment by P.A. 104-457)

Sec. 3-1. Jurisdiction of Auditor General. The Auditor General has jurisdiction over all State agencies to make post audits and investigations authorized by or under this Act or the Constitution.

The Auditor General has jurisdiction over local government agencies and private agencies only:

(a) to make such post audits authorized by or under this Act as are necessary and incidental to a post audit of a State agency or of a program administered by a State agency involving public funds of the State, but this jurisdiction does not include any authority to review local governmental agencies in the obligation, receipt, expenditure or use of public funds of the State that are granted without limitation or condition imposed by law, other than the general limitation that such funds be used for public purposes;

(b) to make investigations authorized by or under this Act or the Constitution; and

(c) to make audits of the records of local government agencies to verify actual costs of state-mandated programs when directed to do so by the Legislative Audit Commission at the request of the State Board of Appeals under the State Mandates Act.

In addition to the foregoing, the Auditor General may conduct an audit of the Metropolitan Pier and Exposition Authority, the Regional Transportation Authority, the Suburban Bus Division, the Commuter Rail Division and the Chicago Transit Authority and any other subsidized carrier when authorized by the Legislative Audit Commission. Such audit may be a financial, management or program audit, or any combination thereof.

The audit shall determine whether they are operating in accordance with all applicable laws and regulations. Subject to the limitations of this Act, the Legislative Audit Commission may by resolution specify additional determinations to be included in the scope of the audit.

In addition to the foregoing, the Auditor General must also conduct a financial audit of the Illinois Sports Facilities Authority's expenditures of public funds in connection with the reconstruction, renovation, remodeling, extension, or improvement of all or substantially all of any existing "facility", as that term is defined in the Illinois Sports Facilities Authority Act.

The Auditor General may also conduct an audit, when authorized by the Legislative Audit Commission, of any hospital which receives 10% or more of its gross revenues from payments from the State of Illinois, Department of Healthcare and Family Services (formerly Department of Public Aid), Medical Assistance Program.

The Auditor General is authorized to conduct financial and compliance audits of the Illinois Distance Learning Foundation and the Illinois Conservation Foundation.

As soon as practical after August 18, 1995 (the effective date of Public Act 89-386), the Auditor General shall conduct a compliance and management audit of the City of Chicago and any other entity with regard to the operation of Chicago O'Hare International Airport, Chicago Midway Airport and

Merrill C. Meigs Field. The audit shall include, but not be limited to, an examination of revenues, expenses, and transfers of funds; purchasing and contracting policies and practices; staffing levels; and hiring practices and procedures. When completed, the audit required by this paragraph shall be distributed in accordance with Section 3-14.

The Auditor General must conduct an audit of the Health Facilities and Services Review Board pursuant to Section 19.5 of the Illinois Health Facilities Planning Act.

The Auditor General of the State of Illinois shall annually conduct or cause to be conducted a financial and compliance audit of the books and records of any county water commission organized pursuant to the Water Commission Act of 1985 and shall file a copy of the report of that audit with the Governor and the Legislative Audit Commission. The filed audit shall be open to the public for inspection. The cost of the audit shall be charged to the county water commission in accordance with Section 6z-27 of the State Finance Act. The county water commission shall make available to the Auditor General its books and records and any other documentation, whether in the possession of its trustees or other parties, necessary to conduct the audit required. These audit requirements apply only through July 1, 2007.

The Auditor General must conduct audits of the Rend Lake Conservancy District as provided in Section 25.5 of the River

Conservancy Districts Act.

The Auditor General must conduct financial audits of the Southeastern Illinois Economic Development Authority as provided in Section 70 of the Southeastern Illinois Economic Development Authority Act.

The Auditor General shall conduct a compliance audit in accordance with subsections (d) and (f) of Section 30 of the Innovation Development and Economy Act.

The Auditor General shall conduct compliance audits in accordance with the Capital Area Tourism Authority Act.

(Source: P.A. 104-2, eff. 6-16-25.)

(Text of Section after amendment by P.A. 104-457)

Sec. 3-1. Jurisdiction of Auditor General. The Auditor General has jurisdiction over all State agencies to make post audits and investigations authorized by or under this Act or the Constitution.

The Auditor General has jurisdiction over local government agencies and private agencies only:

(a) to make such post audits authorized by or under this Act as are necessary and incidental to a post audit of a State agency or of a program administered by a State agency involving public funds of the State, but this jurisdiction does not include any authority to review local governmental agencies in the obligation, receipt, expenditure or use of public funds of the State that are granted without limitation or condition imposed by law, other than the general limitation that such funds be used for public purposes;

(b) to make investigations authorized by or under this Act or the Constitution; and

(c) to make audits of the records of local government agencies to verify actual costs of state-mandated programs when directed to do so by the Legislative Audit Commission at the request of the State Board of Appeals under the State Mandates Act.

In addition to the foregoing, the Auditor General may conduct an audit of the Metropolitan Pier and Exposition Authority, the Northern Illinois Transit Authority, the Suburban Bus Division, the Commuter Rail Division and the Chicago Transit Authority and any other subsidized carrier when authorized by the Legislative Audit Commission. Such audit may be a financial, management or program audit, or any combination thereof.

The audit shall determine whether they are operating in accordance with all applicable laws and regulations. Subject to the limitations of this Act, the Legislative Audit Commission may by resolution specify additional determinations to be included in the scope of the audit.

In addition to the foregoing, the Auditor General must also conduct a financial audit of the Illinois Sports Facilities Authority's expenditures of public funds in connection with the reconstruction, renovation, remodeling, extension, or improvement of all or substantially all of any existing "facility", as that term is defined in the Illinois Sports Facilities Authority Act.

The Auditor General may also conduct an audit, when authorized by the Legislative Audit Commission, of any hospital which receives 10% or more of its gross revenues from payments from the State of Illinois, Department of Healthcare and Family Services (formerly Department of Public Aid), Medical Assistance Program.

The Auditor General is authorized to conduct financial and compliance audits of the Illinois Distance Learning Foundation and the Illinois Conservation Foundation.

As soon as practical after August 18, 1995 (the effective date of Public Act 89-386), the Auditor General shall conduct a compliance and management audit of the City of Chicago and any other entity with regard to the operation of Chicago O'Hare International Airport, Chicago Midway Airport and Merrill C. Meigs Field. The audit shall include, but not be limited to, an examination of revenues, expenses, and transfers of funds; purchasing and contracting policies and practices; staffing levels; and hiring practices and procedures. When completed, the audit required by this paragraph shall be distributed in accordance with Section 3-14.

The Auditor General must conduct an audit of the Health

Facilities and Services Review Board pursuant to Section 19.5 of the Illinois Health Facilities Planning Act.

The Auditor General of the State of Illinois shall annually conduct or cause to be conducted a financial and compliance audit of the books and records of any county water commission organized pursuant to the Water Commission Act of 1985 and shall file a copy of the report of that audit with the Governor and the Legislative Audit Commission. The filed audit shall be open to the public for inspection. The cost of the audit shall be charged to the county water commission in accordance with Section 6z-27 of the State Finance Act. The county water commission shall make available to the Auditor General its books and records and any other documentation, whether in the possession of its trustees or other parties, necessary to conduct the audit required. These audit requirements apply only through July 1, 2007.

The Auditor General must conduct audits of the Rend Lake Conservancy District as provided in Section 25.5 of the River Conservancy Districts Act.

The Auditor General must conduct financial audits of the Southeastern Illinois Economic Development Authority as provided in Section 70 of the Southeastern Illinois Economic Development Authority Act.

The Auditor General shall conduct a compliance audit in accordance with subsections (d) and (f) of Section 30 of the Innovation Development and Economy Act.

The Auditor General shall conduct compliance audits in accordance with the Capital Area Tourism Authority Act.

(Source: P.A. 104-2, eff. 6-16-25; 104-457, eff. 6-1-26.)

Section 5-900. The State Finance Act is amended by changing Sections 6z-18 and 6z-20 and by adding Section 5.1038 as follows:

(30 ILCS 105/5.1038 new)

Sec. 5.1038. The Capital Area Tourism Bond Revenue Fund.

(30 ILCS 105/6z-18) (from Ch. 127, par. 142z-18)

Sec. 6z-18. Local Government Tax Fund. A portion of the money paid into the Local Government Tax Fund from sales of tangible personal property taxed at the 1% rate under the Retailers' Occupation Tax Act and the Service Occupation Tax Act, which occurred in municipalities, shall be distributed to each municipality based upon the sales which occurred in that municipality. The remainder shall be distributed to each county based upon the sales which occurred in the unincorporated area of that county.

Moneys transferred from the Grocery Tax Replacement Fund to the Local Government Tax Fund under Section 6z-130 shall be treated under this Section in the same manner as if they had been remitted with the return on which they were reported.

A portion of the money paid into the Local Government Tax

Fund from the 6.25% general use tax rate on the selling price of tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by any agency of this State's government shall be distributed to municipalities as provided in this paragraph. Each municipality shall receive the amount attributable to sales for which Illinois addresses for titling or registration purposes are given as being in such municipality. The remainder of the money paid into the Local Government Tax Fund from such sales shall be distributed to counties. Each county shall receive the amount attributable to sales for which Illinois addresses for titling or registration purposes are given as being located in the unincorporated area of such county.

A portion of the money paid into the Local Government Tax Fund from the 6.25% general rate (and, beginning July 1, 2000 and through December 31, 2000, the 1.25% rate on motor fuel and gasohol, and beginning on August 6, 2010 through August 15, 2010, and beginning again on August 5, 2022 through August 14, 2022, the 1.25% rate on sales tax holiday items) on sales subject to taxation under the Retailers' Occupation Tax Act and the Service Occupation Tax Act, which occurred in municipalities, shall be distributed to each municipality, based upon the sales which occurred in that municipality. The remainder shall be distributed to each county, based upon the sales which occurred in the unincorporated area of such county.

For the purpose of determining allocation to the local government unit, a retail sale by a producer of coal or other mineral mined in Illinois is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth. This paragraph does not apply to coal or other mineral when it is delivered or shipped by the seller to the purchaser at a point outside Illinois so that the sale is exempt under the United States Constitution as a sale in interstate or foreign commerce.

Whenever the Department determines that a refund of money paid into the Local Government Tax Fund should be made to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified, and to the person named, in such notification from the Department. Such refund shall be paid by the State Treasurer out of the Local Government Tax Fund.

As soon as possible after the first day of each month, beginning January 1, 2011, upon certification of the Department of Revenue, the Comptroller shall order transferred, and the Treasurer shall transfer, to the STAR Bonds Revenue Fund the local sales tax increment, as defined in the Innovation Development and Economy Act, collected during the second preceding calendar month for sales within a STAR bond district and deposited into the Local Government Tax

Fund, less 3% of that amount, which shall be transferred into the Tax Compliance and Administration Fund and shall be used by the Department, subject to appropriation, to cover the costs of the Department in administering the Innovation Development and Economy Act.

Upon certification of the Department of Revenue as provided in the Capital Area Tourism Authority Act, the Comptroller shall order transferred, and the Treasurer shall transfer, to the Capital Area Tourism Bond Revenue Fund the local sales tax contribution, as applicable and as defined in the Capital Area Tourism Authority Act, collected during the second preceding calendar month for sales within the Capital Area Tourism District and deposited into the Local Government Tax Fund, less 3% of that amount, which shall be transferred into the Tax Compliance and Administration Fund and shall be used by the Department, subject to appropriation, to cover the costs of the Department in administering the Capital Area Tourism Authority Act.

After the monthly transfers ~~transfer~~ to the STAR Bonds Revenue Fund and the Capital Area Tourism Bond Revenue Fund, on or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money to named municipalities and counties, the municipalities and counties to be those entitled to distribution of taxes or penalties paid to the Department during the second preceding calendar month. The amount to be paid to each municipality or county shall be the amount (not including credit memoranda) collected during the second preceding calendar month by the Department and paid into the Local Government Tax Fund, plus an amount the Department determines is necessary to offset any amounts which were erroneously paid to a different taxing body, and not including an amount equal to the amount of refunds made during the second preceding calendar month by the Department, and not including any amount which the Department determines is necessary to offset any amounts which are payable to a different taxing body but were erroneously paid to the municipality or county, and not including any amounts that are transferred to the STAR Bonds Revenue Fund. Within 10 days after receipt, by the Comptroller, of the disbursement certification to the municipalities and counties, provided for in this Section to be given to the Comptroller by the Department, the Comptroller shall cause the orders to be drawn for the respective amounts in accordance with the directions contained in such certification.

When certifying the amount of monthly disbursement to a municipality or county under this Section, the Department shall increase or decrease that amount by an amount necessary to offset any misallocation of previous disbursements. The offset amount shall be the amount erroneously disbursed within the 6 months preceding the time a misallocation is discovered.

The provisions directing the distributions from the special fund in the State treasury provided for in this Section shall constitute an irrevocable and continuing appropriation of all amounts as provided herein. The State Treasurer and State Comptroller are hereby authorized to make distributions as provided in this Section.

In construing any development, redevelopment, annexation, preannexation, or other lawful agreement in effect prior to September 1, 1990, which describes or refers to receipts from a county or municipal retailers' occupation tax, use tax or service occupation tax which now cannot be imposed, such description or reference shall be deemed to include the replacement revenue for such abolished taxes, distributed from the Local Government Tax Fund.

As soon as possible after March 8, 2013 (the effective date of Public Act 98-3), the State Comptroller shall order and the State Treasurer shall transfer $6,600,000 from the Local Government Tax Fund to the Illinois State Medical Disciplinary Fund.

(Source: P.A. 102-700, Article 60, Section 60-10, eff. 4-19-22; 102-700, Article 65, Section 65-15, eff. 4-19-22; 103-154, eff. 6-30-23.)

(30 ILCS 105/6z-20) (from Ch. 127, par. 142z-20)

(Text of Section before amendment by P.A. 104-457)

Sec. 6z-20. County and Mass Transit District Fund. Of the money received from the 6.25% general rate (and, beginning

July 1, 2000 and through December 31, 2000, the 1.25% rate on motor fuel and gasohol, and beginning on August 6, 2010 through August 15, 2010, and beginning again on August 5, 2022 through August 14, 2022, the 1.25% rate on sales tax holiday items) on sales subject to taxation under the Retailers' Occupation Tax Act and Service Occupation Tax Act and paid into the County and Mass Transit District Fund, distribution to the Regional Transportation Authority tax fund, created pursuant to Section 4.03 of the Regional Transportation Authority Act, for deposit therein shall be made based upon the retail sales occurring in a county having more than 3,000,000 inhabitants. The remainder shall be distributed to each county having 3,000,000 or fewer inhabitants based upon the retail sales occurring in each such county.

For the purpose of determining allocation to the local government unit, a retail sale by a producer of coal or other mineral mined in Illinois is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth. This paragraph does not apply to coal or other mineral when it is delivered or shipped by the seller to the purchaser at a point outside Illinois so that the sale is exempt under the United States Constitution as a sale in interstate or foreign commerce.

Of the money received from the 6.25% general use tax rate on tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by any agency of this State's government and paid into the County and Mass Transit District Fund, the amount for which Illinois addresses for titling or registration purposes are given as being in each county having more than 3,000,000 inhabitants shall be distributed into the Regional Transportation Authority tax fund, created pursuant to Section 4.03 of the Regional Transportation Authority Act. The remainder of the money paid from such sales shall be distributed to each county based on sales for which Illinois addresses for titling or registration purposes are given as being located in the county. Any money paid into the Regional Transportation Authority Occupation and Use Tax Replacement Fund from the County and Mass Transit District Fund prior to January 14, 1991, which has not been paid to the Authority prior to that date, shall be transferred to the Regional Transportation Authority tax fund.

Whenever the Department determines that a refund of money paid into the County and Mass Transit District Fund should be made to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified, and to the person named, in such notification from the Department. Such refund shall be paid by the State Treasurer out of the County and Mass Transit District Fund.

As soon as possible after the first day of each month, beginning January 1, 2011, upon certification of the

Department of Revenue, the Comptroller shall order transferred, and the Treasurer shall transfer, to the STAR Bonds Revenue Fund the local sales tax increment, as defined in the Innovation Development and Economy Act, collected during the second preceding calendar month for sales within a STAR bond district and deposited into the County and Mass Transit District Fund, less 3% of that amount, which shall be transferred into the Tax Compliance and Administration Fund and shall be used by the Department, subject to appropriation, to cover the costs of the Department in administering the Innovation Development and Economy Act.

Upon certification of the Department of Revenue as provided in the Capital Area Tourism Authority Act, the Comptroller shall order transferred, and the Treasurer shall transfer, to the Capital Area Tourism Bond Revenue Fund the local sales tax contribution, as applicable and as defined in the Capital Area Tourism Authority Act, collected during the second preceding calendar month for sales within the Capital Area Tourism District and deposited into the County and Mass Transit District Fund, less 3% of that amount, which shall be transferred into the Tax Compliance and Administration Fund and shall be used by the Department, subject to appropriation, to cover the costs of the Department in administering the Capital Area Tourism Authority Act.

After the monthly transfers ~~transfer~~ to the STAR Bonds Revenue Fund and the Capital Area Tourism Bond Revenue Fund, on or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money to the Regional Transportation Authority and to named counties, the counties to be those entitled to distribution, as hereinabove provided, of taxes or penalties paid to the Department during the second preceding calendar month. The amount to be paid to the Regional Transportation Authority and each county having 3,000,000 or fewer inhabitants shall be the amount (not including credit memoranda) collected during the second preceding calendar month by the Department and paid into the County and Mass Transit District Fund, plus an amount the Department determines is necessary to offset any amounts which were erroneously paid to a different taxing body, and not including an amount equal to the amount of refunds made during the second preceding calendar month by the Department, and not including any amount which the Department determines is necessary to offset any amounts which were payable to a different taxing body but were erroneously paid to the Regional Transportation Authority or county, and not including any amounts that are transferred to the STAR Bonds Revenue Fund, less 1.5% of the amount to be paid to the Regional Transportation Authority, which shall be transferred into the Tax Compliance and Administration Fund. The Department, at the time of each monthly disbursement to the Regional Transportation Authority, shall prepare and certify to the

State Comptroller the amount to be transferred into the Tax Compliance and Administration Fund under this Section. Within 10 days after receipt, by the Comptroller, of the disbursement certification to the Regional Transportation Authority, counties, and the Tax Compliance and Administration Fund provided for in this Section to be given to the Comptroller by the Department, the Comptroller shall cause the orders to be drawn for the respective amounts in accordance with the directions contained in such certification.

When certifying the amount of a monthly disbursement to the Regional Transportation Authority or to a county under this Section, the Department shall increase or decrease that amount by an amount necessary to offset any misallocation of previous disbursements. The offset amount shall be the amount erroneously disbursed within the 6 months preceding the time a misallocation is discovered.

The provisions directing the distributions from the special fund in the State Treasury provided for in this Section and from the Regional Transportation Authority tax fund created by Section 4.03 of the Regional Transportation Authority Act shall constitute an irrevocable and continuing appropriation of all amounts as provided herein. The State Treasurer and State Comptroller are hereby authorized to make distributions as provided in this Section.

In construing any development, redevelopment, annexation, preannexation or other lawful agreement in effect prior to

September 1, 1990, which describes or refers to receipts from a county or municipal retailers' occupation tax, use tax or service occupation tax which now cannot be imposed, such description or reference shall be deemed to include the replacement revenue for such abolished taxes, distributed from the County and Mass Transit District Fund or Local Government Distributive Fund, as the case may be.

(Source: P.A. 102-700, eff. 4-19-22.)

(Text of Section after amendment by P.A. 104-457)

Sec. 6z-20. County and Mass Transit District Fund. Of the money received from the 6.25% general rate (and, beginning July 1, 2000 and through December 31, 2000, the 1.25% rate on motor fuel and gasohol, and beginning on August 6, 2010 through August 15, 2010, and beginning again on August 5, 2022 through August 14, 2022, the 1.25% rate on sales tax holiday items) on sales subject to taxation under the Retailers' Occupation Tax Act and Service Occupation Tax Act and paid into the County and Mass Transit District Fund, distribution to the Northern Illinois Transit Authority tax fund, created pursuant to Section 4.03 of the Northern Illinois Transit Authority Act, for deposit therein shall be made based upon the retail sales occurring in a county having more than 3,000,000 inhabitants. The remainder shall be distributed to each county having 3,000,000 or fewer inhabitants based upon the retail sales occurring in each such county.

For the purpose of determining allocation to the local government unit, a retail sale by a producer of coal or other mineral mined in Illinois is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth. This paragraph does not apply to coal or other mineral when it is delivered or shipped by the seller to the purchaser at a point outside Illinois so that the sale is exempt under the United States Constitution as a sale in interstate or foreign commerce.

Of the money received from the 6.25% general use tax rate on tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by any agency of this State's government and paid into the County and Mass Transit District Fund, the amount for which Illinois addresses for titling or registration purposes are given as being in each county having more than 3,000,000 inhabitants shall be distributed into the Northern Illinois Transit Authority tax fund, created pursuant to Section 4.03 of the Northern Illinois Transit Authority Act. The remainder of the money paid from such sales shall be distributed to each county based on sales for which Illinois addresses for titling or registration purposes are given as being located in the county. Any money paid into the Northern Illinois Transit Authority Occupation and Use Tax Replacement Fund from the County and Mass Transit District Fund prior to January 14, 1991, which has not been paid to the Authority prior to that date, shall be transferred to the Northern Illinois Transit Authority tax fund.

Whenever the Department determines that a refund of money paid into the County and Mass Transit District Fund should be made to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified, and to the person named, in such notification from the Department. Such refund shall be paid by the State Treasurer out of the County and Mass Transit District Fund.

As soon as possible after the first day of each month, beginning January 1, 2011, upon certification of the Department of Revenue, the Comptroller shall order transferred, and the Treasurer shall transfer, to the STAR Bonds Revenue Fund the local sales tax increment, as defined in the Innovation Development and Economy Act, collected during the second preceding calendar month for sales within a STAR bond district and deposited into the County and Mass Transit District Fund, less 3% of that amount, which shall be transferred into the Tax Compliance and Administration Fund and shall be used by the Department, subject to appropriation, to cover the costs of the Department in administering the Innovation Development and Economy Act.

_Upon certification of the Department of Revenue as provided in the Capital Area Tourism Authority Act, the Comptroller shall order transferred, and the Treasurer shall_ transfer, to the Capital Area Tourism Bond Revenue Fund the local sales tax contribution, as applicable and as defined in the Capital Area Tourism Authority Act, collected during the second preceding calendar month for sales within the Capital Area Tourism District and deposited into the County and Mass Transit District Fund, less 3% of that amount, which shall be transferred into the Tax Compliance and Administration Fund and shall be used by the Department, subject to appropriation, to cover the costs of the Department in administering the Capital Area Tourism Authority Act.

After the monthly transfers ~~transfer~~ to the STAR Bonds Revenue Fund and the Capital Area Tourism Bond Revenue Fund, on or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money to the Northern Illinois Transit Authority and to named counties, the counties to be those entitled to distribution, as hereinabove provided, of taxes or penalties paid to the Department during the second preceding calendar month. The amount to be paid to the Northern Illinois Transit Authority and each county having 3,000,000 or fewer inhabitants shall be the amount (not including credit memoranda) collected during the second preceding calendar month by the Department and paid into the County and Mass Transit District Fund, plus an amount the Department determines is necessary to offset any amounts which were erroneously paid to a different taxing body, and not including an amount equal to the amount of refunds made during the second preceding calendar month by the Department, and not including any amount which the Department determines is necessary to offset any amounts which were payable to a different taxing body but were erroneously paid to the Northern Illinois Transit Authority or county, and not including any amounts that are transferred to the STAR Bonds Revenue Fund, less 1.5% of the amount to be paid to the Northern Illinois Transit Authority, which shall be transferred into the Tax Compliance and Administration Fund. The Department, at the time of each monthly disbursement to the Northern Illinois Transit Authority, shall prepare and certify to the State Comptroller the amount to be transferred into the Tax Compliance and Administration Fund under this Section. Within 10 days after receipt, by the Comptroller, of the disbursement certification to the Northern Illinois Transit Authority, counties, and the Tax Compliance and Administration Fund provided for in this Section to be given to the Comptroller by the Department, the Comptroller shall cause the orders to be drawn for the respective amounts in accordance with the directions contained in such certification.

When certifying the amount of a monthly disbursement to the Northern Illinois Transit Authority or to a county under this Section, the Department shall increase or decrease that amount by an amount necessary to offset any misallocation of previous disbursements. The offset amount shall be the amount erroneously disbursed within the 6 months preceding the time a misallocation is discovered.

The provisions directing the distributions from the special fund in the State treasury provided for in this Section and from the Northern Illinois Transit Authority tax fund created by Section 4.03 of the Northern Illinois Transit Authority Act shall constitute an irrevocable and continuing appropriation of all amounts as provided herein. The State Treasurer and State Comptroller are hereby authorized to make distributions as provided in this Section.

In construing any development, redevelopment, annexation, preannexation or other lawful agreement in effect prior to September 1, 1990, which describes or refers to receipts from a county or municipal retailers' occupation tax, use tax or service occupation tax which now cannot be imposed, such description or reference shall be deemed to include the replacement revenue for such abolished taxes, distributed from the County and Mass Transit District Fund or Local Government Distributive Fund, as the case may be.

(Source: P.A. 104-457, eff. 6-1-26.)

Section 5-905. The Property Tax Code is amended by adding Section 15-63 as follows:

(35 ILCS 200/15-63 new)

Sec. 15-63. Capital Area Tourism Authority. Property of the Capital Area Tourism Authority that is not leased to or otherwise used by a third-party private entity with a view to profit is exempt.

Section 5-910. The Counties Code is amended by changing Sections 5-1006.9 and 5-1030 as follows:

(55 ILCS 5/5-1006.9)

Sec. 5-1006.9. County Grocery Occupation Tax Law.

(a) The corporate authorities of any county may, by ordinance or resolution that takes effect on or after January 1, 2026, impose a tax upon all persons engaged in the business of selling groceries at retail in the county, but outside of any municipality, on the gross receipts from those sales made in the course of that business. If imposed, the tax shall be at the rate of 1% of the gross receipts from these sales.

The tax imposed by a county under this subsection and all civil penalties that may be assessed as an incident of the tax shall be collected and enforced by the Department. The certificate of registration that is issued by the Department to a retailer under the Retailers' Occupation Tax Act shall permit the retailer to engage in a business that is taxable under any ordinance or resolution enacted under this subsection without registering separately with the Department under that ordinance or resolution or under this subsection.

The Department shall have full power to administer and enforce this subsection; to collect all taxes and penalties due under this subsection; to dispose of taxes and penalties so collected in the manner provided in this Section and under rules adopted by the Department; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty under this subsection.

In the administration of, and compliance with, this subsection, the Department and persons who are subject to this subsection shall have the same rights, remedies, privileges, immunities, powers, and duties, and be subject to the same conditions, restrictions, limitations, penalties and definitions of terms, and employ the same modes of procedure, as are prescribed in Sections 1, 2 through 2-65 (in respect to all provisions therein other than the State rate of tax and other than the exemption for food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, food consisting of or infused with adult use cannabis, soft drinks, candy, and food that has been prepared for immediate consumption), which is authorized to be taxed as provided in this subsection), 2c, 3 (except as to the disposition of taxes and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 11a, 12 and 13 of the Retailers' Occupation Tax Act and all of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth in this Section.

Persons subject to any tax imposed under the authority granted in this subsection may reimburse themselves for their seller's tax liability hereunder by separately stating that tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax that sellers are required to collect under the Use Tax Act, pursuant to such bracket schedules as the Department may prescribe.

(b) If a tax has been imposed under subsection (a), then a service occupation tax must also be imposed at the same rate upon all persons engaged, in the county but outside of a municipality, in the business of making sales of service, who, as an incident to making those sales of service, transfer groceries, as defined in this Section, as an incident to a sale of service.

The tax imposed under this subsection and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the Department. The certificate of registration that is issued by the Department to a retailer under the Retailers' Occupation Tax Act or the Service Occupation Tax Act shall permit the registrant to engage in a business that is taxable under any ordinance or resolution enacted pursuant to this subsection without registering separately with the Department under the ordinance or resolution or under this subsection.

The Department shall have full power to administer and enforce this subsection, to collect all taxes and penalties due under this subsection, to dispose of taxes and penalties so collected in the manner provided in this Section and under rules adopted by the Department, and to determine all rights to credit memoranda arising on account of the erroneous payment of a tax or penalty under this subsection.

In the administration of and compliance with this subsection, the Department and persons who are subject to this subsection shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties and definitions of terms, and employ the same modes of procedure as are set forth in Sections 2, 2c, 3 through 3-50 (in respect to all provisions contained in those Sections other than: (i) the State rate of tax; (ii) the exemption for food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, food consisting of or infused with adult use cannabis, soft drinks, candy, and food that has been prepared for immediate consumption), which is authorized to be taxed as provided in this subsection; and (iii) the exemption for food prepared for immediate consumption and transferred incident to a sale of service subject to the Service Occupation Tax Act or the Service Use Tax Act by an entity licensed under the Hospital Licensing Act, the Nursing Home Care Act, the Assisted Living and Shared Housing Act, the ID/DD Community Care Act, the MC/DD Act, the Specialized Mental Health Rehabilitation Act of 2013, or the

Child Care Act of 1969, or an entity that holds a permit issued pursuant to the Life Care Facilities Act, which is authorized to be taxed as provided in this subsection), 4, 5, 7, 8, 9 (except as to the disposition of taxes and penalties collected), 10, 11, 12, 13, 15, 16, 17, 18, 19, and 20 of the Service Occupation Tax Act and all provisions of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth in this Section.

Persons subject to any tax imposed under the authority granted in this subsection may reimburse themselves for their serviceman's tax liability by separately stating the tax as an additional charge, which may be stated in combination, in a single amount, with State tax that servicemen are authorized to collect under the Service Use Tax Act, pursuant to any bracketed schedules set forth by the Department.

(c) The Department shall immediately pay over to the State Treasurer, ex officio, as trustee, all taxes and penalties collected under this Section. Those taxes and penalties shall be deposited into the County Grocery Tax Trust Fund, a trust fund created in the State treasury. Except as otherwise provided in this Section, moneys in the County Grocery Tax Trust Fund shall be used to make payments to counties and for the payment of refunds under this Section.

Moneys deposited into the County Grocery Tax Trust Fund under this Section are not subject to appropriation and shall be used as provided in this Section. All deposits into the

County Grocery Tax Trust Fund shall be held in the County Grocery Tax Trust Fund by the State Treasurer, ex officio, as trustee separate and apart from all public moneys or funds of this State.

Whenever the Department determines that a refund should be made under this Section to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified and to the person named in the notification from the Department. The refund shall be paid by the State Treasurer out of the County Grocery Tax Trust Fund.

(d) As soon as possible after the first day of each month, upon certification of the Department, the Comptroller shall order transferred, and the Treasurer shall transfer, to the STAR Bonds Revenue Fund the local sales tax increment, if any, as defined in the Innovation Development and Economy Act, collected under this Section.

Upon certification of the Department of Revenue as provided in the Capital Area Tourism Authority Act, the Comptroller shall order transferred, and the Treasurer shall transfer, to the Capital Area Tourism Bond Revenue Fund the local sales tax contribution, as applicable and as defined in the Capital Area Tourism Authority Act, collected under this Section.

After the monthly transfers ~~transfer~~ to the STAR Bonds Revenue Fund and the Capital Area Tourism Bond Revenue Fund, if any, on or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money to named counties, the counties to be those from which retailers have paid taxes or penalties under this Section to the Department during the second preceding calendar month. The amount to be paid to each county shall be the amount (not including credit memoranda) collected under this Section during the second preceding calendar month by the Department plus an amount the Department determines is necessary to offset any amounts that were erroneously paid to a different taxing body, and not including an amount equal to the amount of refunds made during the second preceding calendar month by the Department on behalf of such county, and not including any amount that the Department determines is necessary to offset any amounts that were payable to a different taxing body but were erroneously paid to the county, and not including any amounts that are transferred to the STAR Bonds Revenue Fund or the Capital Area Tourism Bond Revenue Fund. Within 10 days after receipt by the Comptroller of the disbursement certification to the counties provided for in this Section to be given to the Comptroller by the Department, the Comptroller shall cause the orders to be drawn for the amounts in accordance with the directions contained in the certification.

(e) Nothing in this Section shall be construed to authorize a county to impose a tax upon the privilege of engaging in any business which under the Constitution of the United States may not be made the subject of taxation by this State.

(f) Except as otherwise provided in this subsection, an ordinance or resolution imposing or discontinuing the tax hereunder or effecting a change in the rate thereof shall either (i) be adopted and a certified copy thereof filed with the Department on or before the first day of April, whereupon the Department shall proceed to administer and enforce this Section as of the first day of July next following the adoption and filing, or (ii) be adopted and a certified copy thereof filed with the Department on or before the first day of October, whereupon the Department shall proceed to administer and enforce this Section as of the first day of January next following the adoption and filing.

(g) When certifying the amount of a monthly disbursement to a county under this Section, the Department shall increase or decrease the amount by an amount necessary to offset any misallocation of previous disbursements. The offset amount shall be the amount erroneously disbursed within the previous 6 months from the time a misallocation is discovered.

(h) As used in this Section, "Department" means the Department of Revenue.

For purposes of the tax authorized to be imposed under subsection (a), "groceries" has the same meaning as "food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, food consisting of or infused with adult use cannabis, soft drinks, candy, and food that has been prepared for immediate consumption)", as further defined in Section 2-10 of the Retailers' Occupation Tax Act.

For purposes of the tax authorized to be imposed under subsection (b), "groceries" has the same meaning as "food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, food consisting of or infused with adult use cannabis, soft drinks, candy, and food that has been prepared for immediate consumption)", as further defined in Section 3-10 of the Service Occupation Tax Act.

For purposes of the tax authorized to be imposed under subsection (b), "groceries" also means food prepared for immediate consumption and transferred incident to a sale of service subject to the Service Occupation Tax Act or the Service Use Tax Act by an entity licensed under the Hospital Licensing Act, the Nursing Home Care Act, the Assisted Living and Shared Housing Act, the ID/DD Community Care Act, the MC/DD Act, the Specialized Mental Health Rehabilitation Act of 2013, or the Child Care Act of 1969, or an entity that holds a permit issued pursuant to the Life Care Facilities Act.

(i) This Section may be referred to as the County Grocery Occupation Tax Law.

(Source: P.A. 103-781, eff. 8-5-24; 104-6, eff. 1-1-26.)

(55 ILCS 5/5-1030) (from Ch. 34, par. 5-1030)

Sec. 5-1030. Hotel rooms, tax on gross rental receipts.

(a) The corporate authorities of any county may by ordinance <u>or resolution</u> impose a tax upon all persons engaged in such county in the business of renting, leasing or letting rooms in a hotel which is not located within a city, village, or incorporated town that imposes a tax under Section 8-3-14 of the Illinois Municipal Code, as defined in "The Hotel Operators' Occupation Tax Act", at a rate not to exceed 5% of the gross rental receipts from such renting, leasing or letting, excluding, however, from gross rental receipts, the proceeds of such renting, leasing or letting to permanent residents of that hotel, and may provide for the administration and enforcement of the tax, and for the collection thereof from the persons subject to the tax, as the corporate authorities determine to be necessary or practicable for the effective administration of the tax.

(b) With the consent of municipalities representing at least 67% of the population of Winnebago County, as determined by the 2010 federal decennial census and as expressed by resolution of the corporate authorities of those municipalities, the county board of Winnebago County may, by ordinance, impose a tax upon all persons engaged in the county in the business of renting, leasing, or letting rooms in a hotel that imposes a tax under Section 8-3-14 of the Illinois

Municipal Code, as defined in the Hotel Operators' Occupation Tax Act, at a rate not to exceed 2% of the gross rental receipts from renting, leasing, or letting, excluding, however, from gross rental receipts, the proceeds of the renting, leasing, or letting to permanent residents of that hotel, and may provide for the administration and enforcement of the tax, and for the collection thereof from the persons subject to the tax, as the county board determines to be necessary or practicable for the effective administration of the tax. The tax shall be instituted on a county-wide basis and shall be in addition to any tax imposed by this or any other provision of law. The revenue generated under this subsection shall be accounted for and segregated from all other funds of the county and shall be utilized solely for either: (1) encouraging, supporting, marketing, constructing, or operating, either directly by the county or through other taxing bodies within the county, sports, arts, or other entertainment or tourism facilities or programs for the purpose of promoting tourism, competitiveness, job growth, and for the general health and well-being of the citizens of the county; or (2) payment towards debt services on bonds issued for the purposes set forth in this subsection.

(b-5) The county board of Sangamon County may, by ordinance <u>or resolution</u>, impose a tax upon all persons engaged in the county in the business of renting, leasing, or letting rooms in a hotel that imposes a tax under Section 8-3-14 of the

Illinois Municipal Code, as defined in the Hotel Operators' Occupation Tax Act, at a rate not to exceed 3% of the gross rental receipts from renting, leasing, or letting, excluding, however, from gross rental receipts, the proceeds of the renting, leasing, or letting to permanent residents of that hotel, and may provide for the administration and enforcement of the tax, and for the collection thereof from the persons subject to the tax, as the county board determines to be necessary or practicable for the effective administration of the tax. The tax shall be instituted on a county-wide basis and shall be in addition to any tax imposed by this or any other provision of law. The revenue generated under this subsection shall be accounted for and segregated from all other funds of the county and shall be used solely for ~~either~~: (1) encouraging, supporting, marketing, constructing, or operating, either directly by the county or through other taxing bodies within the county, sports, arts, or other entertainment or tourism facilities or programs for the purpose of promoting tourism, competitiveness, job growth, and for the general health and well-being of the citizens of the county; ~~or~~ (2) payment of ~~towards~~ debt service ~~services~~ on bonds issued for the purposes set forth in this subsection; or (3) for the purposes described in the Capital Area Tourism Authority Act.

(c) Except with respect to the imposition of a tax under subsection (b-5) of this Section by the county board of

<u>Sangamon County, with respect to which a Tourism Facility Board shall not have any jurisdiction, a</u> ~~A~~ Tourism Facility Board shall be established, comprised of a representative from the county and from each municipality that has approved the imposition of the tax under subsection (b) of this Section.

(1) A Board member's vote is weighted based on the municipality's population relative to the population of the county, with the county representing the population within unincorporated areas of the county. Representatives from the Rockford Park District and Rockford Area Convention and Visitors Bureau shall serve as ex-officio members with no voting rights.

(2) The Board must meet not less frequently than once per year to direct the use of revenues collected from the tax imposed under subsection (b) of this Section that are not already directed for use pursuant to an intergovernmental agreement between the county and another entity represented on the Board, including the ex-officio members, and for any other reason the Board deems necessary. Affirmative actions of the Board shall require a weighted vote of Board members representing not less than 67% of the population of the county.

(3) The Board shall not be a separate unit of local government, shall have no paid staff, and members of the Board shall receive no compensation or reimbursement of expenses from proceeds of the tax imposed under subsection

(b) of this Section.

(d) Persons subject to any tax imposed pursuant to authority granted by this Section may reimburse themselves for their tax liability for such tax by separately stating such tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax imposed under "The Hotel Operators' Occupation Tax Act".

Nothing in this Section shall be construed to authorize a county to impose a tax upon the privilege of engaging in any business which under the Constitution of the United States may not be made the subject of taxation by this State.

An ordinance or resolution imposing a tax hereunder or effecting a change in the rate thereof shall be effective on the first day of the calendar month next following its passage and required publication.

The amounts collected by any county pursuant to this Section shall be expended to promote tourism; conventions; expositions; theatrical, sports and cultural activities within that county or otherwise to attract nonresident overnight visitors to the county.

Any county may agree with any unit of local government, including any authority defined as a metropolitan exposition, auditorium and office building authority, fair and exposition authority, exposition and auditorium authority, or civic center authority created pursuant to provisions of Illinois law and the territory of which unit of local government or authority is co-extensive with or wholly within such county, to impose and collect for a period not to exceed 40 years, any portion or all of the tax authorized pursuant to this Section and to transmit such tax so collected to such unit of local government or authority. The amount so paid shall be expended by any such unit of local government or authority for the purposes for which such tax is authorized. Any such agreement must be authorized by resolution or ordinance, as the case may be, of such county and unit of local government or authority, and such agreement may provide for the irrevocable imposition and collection of said tax at such rate, or amount as limited by a given rate, as may be agreed upon for the full period of time set forth in such agreement; and such agreement may further provide for any other terms as deemed necessary or advisable by such county and such unit of local government or authority. Any such agreement shall be binding and enforceable by either party to such agreement. Such agreement entered into pursuant to this Section shall not in any event constitute an indebtedness of such county subject to any limitation imposed by statute or otherwise.

(Source: P.A. 103-781, eff. 8-5-24.)

Section 5-915. The Illinois Municipal Code is amended by changing Sections 8-11-1, 8-11-5, and 11-74.3-6 as follows:

(65 ILCS 5/8-11-1) (from Ch. 24, par. 8-11-1)

Sec. 8-11-1. Home Rule Municipal Retailers' Occupation Tax Act. The corporate authorities of a home rule municipality may impose a tax upon all persons engaged in the business of selling tangible personal property, other than an item of tangible personal property titled or registered with an agency of this State's government, at retail in the municipality on the gross receipts from these sales made in the course of such business. If imposed, the tax shall only be imposed in 1/4% increments. On and after September 1, 1991, this additional tax may not be imposed on tangible personal property taxed at the 1% rate under the Retailers' Occupation Tax Act (or at the 0% rate imposed under this amendatory Act of the 102nd General Assembly). Beginning December 1, 2019, this tax is not imposed on sales of aviation fuel unless the tax revenue is expended for airport-related purposes. If a municipality does not have an airport-related purpose to which it dedicates aviation fuel tax revenue, then aviation fuel is excluded from the tax. Each municipality must comply with the certification requirements for airport-related purposes under Section 2-22 of the Retailers' Occupation Tax Act. For purposes of this Section, "airport-related purposes" has the meaning ascribed in Section 6z-20.2 of the State Finance Act. This exclusion for aviation fuel only applies for so long as the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the municipality. The changes made to this Section by this amendatory Act of the 101st General Assembly are a denial and limitation of home rule powers and functions under subsection (g) of Section 6 of Article VII of the Illinois Constitution. The tax imposed by a home rule municipality under this Section and all civil penalties that may be assessed as an incident of the tax shall be collected and enforced by the State Department of Revenue. The certificate of registration that is issued by the Department to a retailer under the Retailers' Occupation Tax Act shall permit the retailer to engage in a business that is taxable under any ordinance or resolution enacted pursuant to this Section without registering separately with the Department under such ordinance or resolution or under this Section. The Department shall have full power to administer and enforce this Section; to collect all taxes and penalties due hereunder; to dispose of taxes and penalties so collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder. In the administration of, and compliance with, this Section the Department and persons who are subject to this Section shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties and definitions of terms, and employ the same modes of procedure, as are prescribed in Sections 1, 1a, 1d, 1e, 1f, 1i, 1j, 1k, 1m, 1n, 2 through 2-65 (in respect to all provisions therein other than the State rate of tax), 2c, 3 (except as to the disposition of taxes and penalties collected, and except that the retailer's discount is not allowed for taxes paid on aviation fuel that are subject to the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

No tax may be imposed by a home rule municipality under this Section unless the municipality also imposes a tax at the same rate under Section 8-11-5 of this Act.

If, on January 1, 2025, a unit of local government has in effect a tax under this Section, or if, after January 1, 2025, a unit of local government imposes a tax under this Section, then that tax applies to leases of tangible personal property in effect, entered into, or renewed on or after that date in the same manner as the tax under this Section and in accordance with the changes made by this amendatory Act of the 103rd General Assembly.

Persons subject to any tax imposed under the authority granted in this Section may reimburse themselves for their seller's tax liability hereunder by separately stating that tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax which sellers are required to collect under the Use Tax Act, pursuant to such bracket schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this Section to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified and to the person named in the notification from the Department. The refund shall be paid by the State Treasurer out of the home rule municipal retailers' occupation tax fund or the Local Government Aviation Trust Fund, as appropriate.

Except as otherwise provided in this paragraph, the Department shall immediately pay over to the State Treasurer, ex officio, as trustee, all taxes and penalties collected hereunder for deposit into the Home Rule Municipal Retailers' Occupation Tax Fund. Taxes and penalties collected on aviation fuel sold on or after December 1, 2019, shall be immediately paid over by the Department to the State Treasurer, ex officio, as trustee, for deposit into the Local Government Aviation Trust Fund. The Department shall only pay moneys into the Local Government Aviation Trust Fund under this Section for so long as the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

As soon as possible after the first day of each month, beginning January 1, 2011, upon certification of the Department of Revenue, the Comptroller shall order transferred, and the Treasurer shall transfer, to the STAR Bonds Revenue Fund the local sales tax increment, as defined in the Innovation Development and Economy Act, collected under this Section during the second preceding calendar month for sales within a STAR bond district.

Upon certification of the Department of Revenue as provided in the Capital Area Tourism Authority Act, the Comptroller shall order transferred, and the Treasurer shall transfer, to the Capital Area Tourism Bond Revenue Fund the local sales tax contribution, as applicable and as defined in the Capital Area Tourism Authority Act, collected under this Section during the second preceding calendar month for sales within the Capital Area Tourism District.

After the monthly transfers ~~transfer~~ to the STAR Bonds Revenue Fund and the Capital Area Tourism Bond Revenue Fund, on or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money to named municipalities, the municipalities to be those from which retailers have paid taxes or penalties hereunder to the Department during the second preceding calendar month. The amount to be paid to each municipality shall be the amount (not including credit memoranda and not including taxes and penalties collected on aviation fuel sold on or after December 1, 2019) collected hereunder during the second preceding calendar month by the Department plus an amount the Department determines is necessary to offset any amounts that were erroneously paid to a different taxing body, and not including an amount equal to the amount of refunds made during the second preceding calendar month by the Department on behalf of such municipality, and not including any amount that the Department determines is necessary to offset any amounts that were payable to a different taxing body but were erroneously paid to the municipality, and not including any amounts that are transferred to the STAR Bonds Revenue Fund or the Capital Area Tourism Bond Revenue Fund, less 1.5% of the remainder, which the Department shall transfer into the Tax Compliance and Administration Fund. The Department, at the time of each monthly disbursement to the municipalities, shall prepare and certify to the State Comptroller the amount to be transferred into the Tax Compliance and Administration Fund under this Section. Within 10 days after receipt by the Comptroller of the disbursement certification to the municipalities and the Tax Compliance and Administration Fund provided for in this Section to be given to the Comptroller by the Department, the Comptroller shall cause the orders to be drawn for the respective amounts in accordance with the directions contained in the certification.

In addition to the disbursement required by the preceding paragraph and in order to mitigate delays caused by distribution procedures, an allocation shall, if requested, be made within 10 days after January 14, 1991, and in November of 1991 and each year thereafter, to each municipality that received more than $500,000 during the preceding fiscal year, (July 1 through June 30) whether collected by the municipality or disbursed by the Department as required by this Section. Within 10 days after January 14, 1991, participating municipalities shall notify the Department in writing of their intent to participate. In addition, for the initial distribution, participating municipalities shall certify to the Department the amounts collected by the municipality for each month under its home rule occupation and service occupation tax during the period July 1, 1989 through June 30, 1990. The allocation within 10 days after January 14, 1991, shall be in an amount equal to the monthly average of these amounts, excluding the 2 months of highest receipts. The monthly average for the period of July 1, 1990 through June 30, 1991 will be determined as follows: the amounts collected by the municipality under its home rule occupation and service occupation tax during the period of July 1, 1990 through September 30, 1990, plus amounts collected by the Department and paid to such municipality through June 30, 1991, excluding the 2 months of highest receipts. The monthly average for each subsequent period of July 1 through June 30 shall be an amount equal to the monthly distribution made to each such municipality under the preceding paragraph during this period, excluding the 2 months of highest receipts. The distribution made in November 1991 and each year thereafter under this paragraph and the preceding paragraph shall be reduced by the amount allocated and disbursed under this paragraph in the preceding period of July 1 through June 30. The Department shall prepare and certify to the Comptroller for disbursement the allocations made in accordance with this paragraph.

For the purpose of determining the local governmental unit whose tax is applicable, a retail sale by a producer of coal or other mineral mined in Illinois is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth. This paragraph does not apply to coal or other mineral when it is delivered or shipped by the seller to the purchaser at a point outside Illinois so that the sale is exempt under the United States Constitution as a sale in interstate or foreign commerce.

Nothing in this Section shall be construed to authorize a municipality to impose a tax upon the privilege of engaging in any business which under the Constitution of the United States may not be made the subject of taxation by this State.

An ordinance or resolution imposing or discontinuing a tax hereunder or effecting a change in the rate thereof shall be adopted and a certified copy thereof filed with the Department on or before the first day of June, whereupon the Department shall proceed to administer and enforce this Section as of the first day of September next following the adoption and filing. Beginning January 1, 1992, an ordinance or resolution imposing or discontinuing the tax hereunder or effecting a change in the rate thereof shall be adopted and a certified copy thereof filed with the Department on or before the first day of July, whereupon the Department shall proceed to administer and enforce this Section as of the first day of October next following such adoption and filing. Beginning January 1, 1993, an ordinance or resolution imposing or discontinuing the tax hereunder or effecting a change in the rate thereof shall be adopted and a certified copy thereof filed with the Department on or before the first day of October, whereupon the Department shall proceed to administer and enforce this Section as of the first day of January next following the adoption and filing. However, a municipality located in a county with a population in excess of 3,000,000 that elected to become a home rule unit at the general primary election in 1994 may adopt an ordinance or resolution imposing the tax under this Section and file a certified copy of the ordinance or resolution with the Department on or before July 1, 1994. The Department shall then proceed to administer and enforce this Section as of October 1, 1994. Beginning April 1, 1998, an ordinance or resolution imposing or discontinuing the tax hereunder or effecting a change in the rate thereof shall either (i) be adopted and a certified copy thereof filed with the Department on or before the first day of April, whereupon the Department shall proceed to administer and enforce this Section as of the first day of July next following the adoption and filing; or (ii) be adopted and a certified copy thereof filed with the Department on or before the first day of October, whereupon the Department shall proceed to administer and enforce this Section as of the first day of January next following the adoption and filing.

When certifying the amount of a monthly disbursement to a municipality under this Section, the Department shall increase or decrease the amount by an amount necessary to offset any misallocation of previous disbursements. The offset amount shall be the amount erroneously disbursed within the previous 6 months from the time a misallocation is discovered.

Any unobligated balance remaining in the Municipal Retailers' Occupation Tax Fund on December 31, 1989, which fund was abolished by Public Act 85-1135, and all receipts of municipal tax as a result of audits of liability periods prior to January 1, 1990, shall be paid into the Local Government Tax Fund for distribution as provided by this Section prior to the enactment of Public Act 85-1135. All receipts of municipal tax as a result of an assessment not arising from an audit, for liability periods prior to January 1, 1990, shall be paid into the Local Government Tax Fund for distribution before July 1, 1990, as provided by this Section prior to the enactment of Public Act 85-1135; and on and after July 1, 1990, all such receipts shall be distributed as provided in Section 6z-18 of the State Finance Act.

As used in this Section, "municipal" and "municipality" means a city, village or incorporated town, including an incorporated town that has superseded a civil township.

This Section shall be known and may be cited as the Home

Rule Municipal Retailers' Occupation Tax Act.
(Source: P.A. 102-700, eff. 4-19-22; 103-592, eff. 1-1-25.)

(65 ILCS 5/8-11-5) (from Ch. 24, par. 8-11-5)

Sec. 8-11-5. Home Rule Municipal Service Occupation Tax Act. The corporate authorities of a home rule municipality may impose a tax upon all persons engaged, in such municipality, in the business of making sales of service at the same rate of tax imposed pursuant to Section 8-11-1, of the selling price of all tangible personal property transferred by such servicemen either in the form of tangible personal property or in the form of real estate as an incident to a sale of service. If imposed, such tax shall only be imposed in 1/4% increments. On and after September 1, 1991, this additional tax may not be imposed on tangible personal property taxed at the 1% rate under the Service Occupation Tax Act (or at the 0% rate imposed under this amendatory Act of the 102nd General Assembly). Beginning December 1, 2019, this tax may not be imposed on sales of aviation fuel unless the tax revenue is expended for airport-related purposes. If a municipality does not have an airport-related purpose to which it dedicates aviation fuel tax revenue, then aviation fuel shall be excluded from tax. Each municipality must comply with the certification requirements for airport-related purposes under Section 2-22 of the Retailers' Occupation Tax Act. For purposes of this Section, "airport-related purposes" has the meaning ascribed in Section 6z-20.2 of the State Finance Act. This exception for aviation fuel only applies for so long as the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State. The changes made to this Section by this amendatory Act of the 101st General Assembly are a denial and limitation of home rule powers and functions under subsection (g) of Section 6 of Article VII of the Illinois Constitution. The tax imposed by a home rule municipality pursuant to this Section and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the State Department of Revenue. The certificate of registration which is issued by the Department to a retailer under the Retailers' Occupation Tax Act or under the Service Occupation Tax Act shall permit such registrant to engage in a business which is taxable under any ordinance or resolution enacted pursuant to this Section without registering separately with the Department under such ordinance or resolution or under this Section. The Department shall have full power to administer and enforce this Section; to collect all taxes and penalties due hereunder; to dispose of taxes and penalties so collected in the manner hereinafter provided, and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder. In the administration of, and compliance with, this Section the Department and persons who are subject to this Section shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties and definitions of terms, and employ the same modes of procedure, as are prescribed in Sections 1a-1, 2, 2a, 3 through 3-50 (in respect to all provisions therein other than the State rate of tax), 4 (except that the reference to the State shall be to the taxing municipality), 5, 7, 8 (except that the jurisdiction to which the tax shall be a debt to the extent indicated in that Section 8 shall be the taxing municipality), 9 (except as to the disposition of taxes and penalties collected, and except that the returned merchandise credit for this municipal tax may not be taken against any State tax, and except that the retailer's discount is not allowed for taxes paid on aviation fuel that are subject to the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133), 10, 11, 12 (except the reference therein to Section 2b of the Retailers' Occupation Tax Act), 13 (except that any reference to the State shall mean the taxing municipality), the first paragraph of Section 15, 16, 17 (except that credit memoranda issued hereunder may not be used to discharge any State tax liability), 18, 19 and 20 of the Service Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

No tax may be imposed by a home rule municipality pursuant to this Section unless such municipality also imposes a tax at the same rate pursuant to Section 8-11-1 of this Act.

Persons subject to any tax imposed pursuant to the authority granted in this Section may reimburse themselves for their serviceman's tax liability hereunder by separately stating such tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax which servicemen are authorized to collect under the Service Use Tax Act, pursuant to such bracket schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this Section to a claimant instead of issuing credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified, and to the person named, in such notification from the Department. Such refund shall be paid by the State Treasurer out of the home rule municipal retailers' occupation tax fund or the Local Government Aviation Trust Fund, as appropriate.

Except as otherwise provided in this paragraph, the Department shall forthwith pay over to the State Treasurer, ex officio, as trustee, all taxes and penalties collected hereunder for deposit into the Home Rule Municipal Retailers' Occupation Tax Fund. Taxes and penalties collected on aviation fuel sold on or after December 1, 2019, shall be immediately paid over by the Department to the State Treasurer, ex officio, as trustee, for deposit into the Local Government Aviation Trust Fund. The Department shall only pay moneys into the Local Government Aviation Trust Fund under this Section for so long as the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the municipality.

As soon as possible after the first day of each month, beginning January 1, 2011, upon certification of the Department of Revenue, the Comptroller shall order transferred, and the Treasurer shall transfer, to the STAR Bonds Revenue Fund the local sales tax increment, as defined in the Innovation Development and Economy Act, collected under this Section during the second preceding calendar month for sales within a STAR bond district.

Upon certification of the Department of Revenue as provided in the Capital Area Tourism Authority Act, the Comptroller shall order transferred, and the Treasurer shall transfer, to the Capital Area Tourism Bond Revenue Fund the local sales tax contribution, as applicable and as defined in the Capital Area Tourism Authority Act, collected under this Section during the second preceding calendar month for sales within the Capital Area Tourism District.

After the monthly transfers ~~transfer~~ to the STAR Bonds Revenue Fund and the Capital Area Tourism Bond Revenue Fund, on or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money to named municipalities, the municipalities to be those from which suppliers and servicemen have paid taxes or penalties hereunder to the Department during the second preceding calendar month. The amount to be paid to each municipality shall be the amount (not including credit memoranda and not including taxes and penalties collected on aviation fuel sold on or after December 1, 2019) collected hereunder during the second preceding calendar month by the Department, and not including an amount equal to the amount of refunds made during the second preceding calendar month by the Department on behalf of such municipality, and not including any amounts that are transferred to the STAR Bonds Revenue Fund or the Capital Area Tourism Bond Revenue Fund, less 1.5% of the remainder, which the Department shall transfer into the Tax Compliance and Administration Fund. The Department, at the time of each monthly disbursement to the municipalities, shall prepare and certify to the State Comptroller the amount to be transferred into the Tax Compliance and Administration Fund under this Section. Within 10 days after receipt, by the Comptroller, of the disbursement certification to the municipalities and the Tax Compliance and Administration Fund provided for in this Section to be given to the Comptroller by the Department, the Comptroller shall cause the orders to be drawn for the respective amounts in accordance with the directions contained in such certification.

In addition to the disbursement required by the preceding paragraph and in order to mitigate delays caused by distribution procedures, an allocation shall, if requested, be made within 10 days after January 14, 1991, and in November of

1991 and each year thereafter, to each municipality that received more than $500,000 during the preceding fiscal year, (July 1 through June 30) whether collected by the municipality or disbursed by the Department as required by this Section. Within 10 days after January 14, 1991, participating municipalities shall notify the Department in writing of their intent to participate. In addition, for the initial distribution, participating municipalities shall certify to the Department the amounts collected by the municipality for each month under its home rule occupation and service occupation tax during the period July 1, 1989 through June 30, 1990. The allocation within 10 days after January 14, 1991, shall be in an amount equal to the monthly average of these amounts, excluding the 2 months of highest receipts. Monthly average for the period of July 1, 1990 through June 30, 1991 will be determined as follows: the amounts collected by the municipality under its home rule occupation and service occupation tax during the period of July 1, 1990 through September 30, 1990, plus amounts collected by the Department and paid to such municipality through June 30, 1991, excluding the 2 months of highest receipts. The monthly average for each subsequent period of July 1 through June 30 shall be an amount equal to the monthly distribution made to each such municipality under the preceding paragraph during this period, excluding the 2 months of highest receipts. The distribution made in November 1991 and each year thereafter under this paragraph and the preceding paragraph shall be reduced by the amount allocated and disbursed under this paragraph in the preceding period of July 1 through June 30. The Department shall prepare and certify to the Comptroller for disbursement the allocations made in accordance with this paragraph.

Nothing in this Section shall be construed to authorize a municipality to impose a tax upon the privilege of engaging in any business which under the constitution of the United States may not be made the subject of taxation by this State.

An ordinance or resolution imposing or discontinuing a tax hereunder or effecting a change in the rate thereof shall be adopted and a certified copy thereof filed with the Department on or before the first day of June, whereupon the Department shall proceed to administer and enforce this Section as of the first day of September next following such adoption and filing. Beginning January 1, 1992, an ordinance or resolution imposing or discontinuing the tax hereunder or effecting a change in the rate thereof shall be adopted and a certified copy thereof filed with the Department on or before the first day of July, whereupon the Department shall proceed to administer and enforce this Section as of the first day of October next following such adoption and filing. Beginning January 1, 1993, an ordinance or resolution imposing or discontinuing the tax hereunder or effecting a change in the rate thereof shall be adopted and a certified copy thereof filed with the Department on or before the first day of

October, whereupon the Department shall proceed to administer and enforce this Section as of the first day of January next following such adoption and filing. However, a municipality located in a county with a population in excess of 3,000,000 that elected to become a home rule unit at the general primary election in 1994 may adopt an ordinance or resolution imposing the tax under this Section and file a certified copy of the ordinance or resolution with the Department on or before July 1, 1994. The Department shall then proceed to administer and enforce this Section as of October 1, 1994. Beginning April 1, 1998, an ordinance or resolution imposing or discontinuing the tax hereunder or effecting a change in the rate thereof shall either (i) be adopted and a certified copy thereof filed with the Department on or before the first day of April, whereupon the Department shall proceed to administer and enforce this Section as of the first day of July next following the adoption and filing; or (ii) be adopted and a certified copy thereof filed with the Department on or before the first day of October, whereupon the Department shall proceed to administer and enforce this Section as of the first day of January next following the adoption and filing.

Any unobligated balance remaining in the Municipal Retailers' Occupation Tax Fund on December 31, 1989, which fund was abolished by Public Act 85-1135, and all receipts of municipal tax as a result of audits of liability periods prior to January 1, 1990, shall be paid into the Local Government Tax

Fund, for distribution as provided by this Section prior to the enactment of Public Act 85-1135. All receipts of municipal tax as a result of an assessment not arising from an audit, for liability periods prior to January 1, 1990, shall be paid into the Local Government Tax Fund for distribution before July 1, 1990, as provided by this Section prior to the enactment of Public Act 85-1135, and on and after July 1, 1990, all such receipts shall be distributed as provided in Section 6z-18 of the State Finance Act.

As used in this Section, "municipal" and "municipality" means a city, village or incorporated town, including an incorporated town which has superseded a civil township.

This Section shall be known and may be cited as the Home Rule Municipal Service Occupation Tax Act.

(Source: P.A. 101-10, eff. 6-5-19; 101-81, eff. 7-12-19; 101-604, eff. 12-13-19; 102-700, eff. 4-19-22.)

(65 ILCS 5/11-74.3-6)

Sec. 11-74.3-6. Business district revenue and obligations; business district tax allocation fund.

(a) If the corporate authorities of a municipality have approved a business district plan, have designated a business district, and have elected to impose a tax by ordinance pursuant to subsection (10) or (11) of Section 11-74.3-3, then each year after the date of the approval of the ordinance but terminating upon the date all business district project costs and all obligations paying or reimbursing business district project costs, if any, have been paid, but in no event later than the dissolution date, all amounts generated by the retailers' occupation tax and service occupation tax shall be collected and the tax shall be enforced by the Department of Revenue in the same manner as all retailers' occupation taxes and service occupation taxes imposed in the municipality imposing the tax and all amounts generated by the hotel operators' occupation tax shall be collected and the tax shall be enforced by the municipality in the same manner as all hotel operators' occupation taxes imposed in the municipality imposing the tax. The corporate authorities of the municipality shall deposit the proceeds of the taxes imposed under subsections (10) and (11) of Section 11-74.3-3 into a special fund of the municipality called the "[Name of] Business District Tax Allocation Fund" for the purpose of paying or reimbursing business district project costs and obligations incurred in the payment of those costs.

(b) The corporate authorities of a municipality that has designated a business district under this Law may, by ordinance, impose a Business District Retailers' Occupation Tax upon all persons engaged in the business of selling tangible personal property, other than an item of tangible personal property titled or registered with an agency of this State's government, at retail in the business district at a rate not to exceed 1% of the gross receipts from the sales made in the course of such business, to be imposed only in 0.25% increments. The tax may not be imposed on tangible personal property taxed at the rate of 1% under the Retailers' Occupation Tax Act (or at the 0% rate imposed under this amendatory Act of the 102nd General Assembly). Beginning December 1, 2019 and through December 31, 2020, this tax is not imposed on sales of aviation fuel unless the tax revenue is expended for airport-related purposes. If the District does not have an airport-related purpose to which it dedicates aviation fuel tax revenue, then aviation fuel is excluded from the tax. Each municipality must comply with the certification requirements for airport-related purposes under Section 2-22 of the Retailers' Occupation Tax Act. For purposes of this Section, "airport-related purposes" has the meaning ascribed in Section 6z-20.2 of the State Finance Act. Beginning January 1, 2021, this tax is not imposed on sales of aviation fuel for so long as the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the District.

The tax imposed under this subsection and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the Department of Revenue. The certificate of registration that is issued by the Department to a retailer under the Retailers' Occupation Tax Act shall permit the retailer to engage in a business that is taxable under any ordinance or resolution enacted pursuant to this subsection without registering separately with the Department under such ordinance or resolution or under this subsection. The Department of Revenue shall have full power to administer and enforce this subsection; to collect all taxes and penalties due under this subsection in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty under this subsection. In the administration of, and compliance with, this subsection, the Department and persons who are subject to this subsection shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions, and definitions of terms and employ the same modes of procedure, as are prescribed in Sections 1, 1a through 1o, 2 through 2-65 (in respect to all provisions therein other than the State rate of tax), 2c through 2h, 3 (except as to the disposition of taxes and penalties collected, and except that the retailer's discount is not allowed for taxes paid on aviation fuel that are subject to the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133), 4, 5, 5a, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12, 13, and 14 of the Retailers' Occupation Tax Act and all provisions of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under this subsection may reimburse themselves for their seller's tax liability under this subsection by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with State taxes that sellers are required to collect under the Use Tax Act, in accordance with such bracket schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this subsection to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified and to the person named in the notification from the Department. The refund shall be paid by the State Treasurer out of the business district retailers' occupation tax fund or the Local Government Aviation Trust Fund, as appropriate.

Except as otherwise provided in this paragraph, the Department shall immediately pay over to the State Treasurer, ex officio, as trustee, all taxes, penalties, and interest collected under this subsection for deposit into the business district retailers' occupation tax fund. Taxes and penalties collected on aviation fuel sold on or after December 1, 2019, shall be immediately paid over by the Department to the State Treasurer, ex officio, as trustee, for deposit into the Local Government Aviation Trust Fund. The Department shall only pay moneys into the Local Government Aviation Trust Fund under this Section for so long as the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the

District.

As soon as possible after the first day of each month, beginning January 1, 2011, upon certification of the Department of Revenue, the Comptroller shall order transferred, and the Treasurer shall transfer, to the STAR Bonds Revenue Fund the local sales tax increment, as defined in the Innovation Development and Economy Act, collected under this subsection during the second preceding calendar month for sales within a STAR bond district.

Upon certification of the Department of Revenue as provided in the Capital Area Tourism Authority Act, the Comptroller shall order transferred, and the Treasurer shall transfer, to the Capital Area Tourism Bond Revenue Fund the local sales tax contribution, as applicable and as defined in the Capital Area Tourism Authority Act, collected under this subsection during the second preceding calendar month for sales within a Capital Area Tourism District.

After the monthly transfers ~~transfer~~ to the STAR Bonds Revenue Fund and the Capital Area Tourism Bond Revenue Fund, on or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money to named municipalities from the business district retailers' occupation tax fund, the municipalities to be those from which retailers have paid taxes or penalties under this subsection to the Department during the second preceding calendar month. The amount to be paid to each municipality shall be the amount (not including credit memoranda and not including taxes and penalties collected on aviation fuel sold on or after December 1, 2019) collected under this subsection during the second preceding calendar month by the Department plus an amount the Department determines is necessary to offset any amounts that were erroneously paid to a different taxing body, and not including an amount equal to the amount of refunds made during the second preceding calendar month by the Department, less 2% of that amount (except the amount collected on aviation fuel sold on or after December 1, 2019), which shall be deposited into the Tax Compliance and Administration Fund and shall be used by the Department, subject to appropriation, to cover the costs of the Department in administering and enforcing the provisions of this subsection, on behalf of such municipality, and not including any amount that the Department determines is necessary to offset any amounts that were payable to a different taxing body but were erroneously paid to the municipality, and not including any amounts that are transferred to the STAR Bonds Revenue Fund or the Capital Area Tourism Bond Revenue Fund. Within 10 days after receipt by the Comptroller of the disbursement certification to the municipalities provided for in this subsection to be given to the Comptroller by the Department, the Comptroller shall cause the orders to be drawn for the respective amounts in accordance with the directions contained in the certification.

The proceeds of the tax paid to municipalities under this subsection shall be deposited into the Business District Tax Allocation Fund by the municipality.

An ordinance imposing or discontinuing the tax under this subsection or effecting a change in the rate thereof shall either (i) be adopted and a certified copy thereof filed with the Department on or before the first day of April, whereupon the Department, if all other requirements of this subsection are met, shall proceed to administer and enforce this subsection as of the first day of July next following the adoption and filing; or (ii) be adopted and a certified copy thereof filed with the Department on or before the first day of October, whereupon, if all other requirements of this subsection are met, the Department shall proceed to administer and enforce this subsection as of the first day of January next following the adoption and filing.

The Department of Revenue shall not administer or enforce an ordinance imposing, discontinuing, or changing the rate of the tax under this subsection, until the municipality also provides, in the manner prescribed by the Department, the boundaries of the business district and each address in the business district in such a way that the Department can determine by its address whether a business is located in the business district. The municipality must provide this boundary and address information to the Department on or before April 1 for administration and enforcement of the tax under this subsection by the Department beginning on the following July 1 and on or before October 1 for administration and enforcement of the tax under this subsection by the Department beginning on the following January 1. The Department of Revenue shall not administer or enforce any change made to the boundaries of a business district or address change, addition, or deletion until the municipality reports the boundary change or address change, addition, or deletion to the Department in the manner prescribed by the Department. The municipality must provide this boundary change information or address change, addition, or deletion to the Department on or before April 1 for administration and enforcement by the Department of the change beginning on the following July 1 and on or before October 1 for administration and enforcement by the Department of the change beginning on the following January 1. The retailers in the business district shall be responsible for charging the tax imposed under this subsection. If a retailer is incorrectly included or excluded from the list of those required to collect the tax under this subsection, both the Department of Revenue and the retailer shall be held harmless if they reasonably relied on information provided by the municipality.

A municipality that imposes the tax under this subsection must submit to the Department of Revenue any other information as the Department may require for the administration and enforcement of the tax.

When certifying the amount of a monthly disbursement to a municipality under this subsection, the Department shall increase or decrease the amount by an amount necessary to offset any misallocation of previous disbursements. The offset amount shall be the amount erroneously disbursed within the previous 6 months from the time a misallocation is discovered.

Nothing in this subsection shall be construed to authorize the municipality to impose a tax upon the privilege of engaging in any business which under the Constitution of the United States may not be made the subject of taxation by this State.

If a tax is imposed under this subsection (b), a tax shall also be imposed under subsection (c) of this Section.

(c) If a tax has been imposed under subsection (b), a Business District Service Occupation Tax shall also be imposed upon all persons engaged, in the business district, in the business of making sales of service, who, as an incident to making those sales of service, transfer tangible personal property within the business district, either in the form of tangible personal property or in the form of real estate as an incident to a sale of service. The tax shall be imposed at the same rate as the tax imposed in subsection (b) and shall not exceed 1% of the selling price of tangible personal property so transferred within the business district, to be imposed only in 0.25% increments. The tax may not be imposed on tangible personal property taxed at the 1% rate under the

Service Occupation Tax Act (or at the 0% rate imposed under this amendatory Act of the 102nd General Assembly). Beginning December 1, 2019, this tax is not imposed on sales of aviation fuel unless the tax revenue is expended for airport-related purposes. If the District does not have an airport-related purpose to which it dedicates aviation fuel tax revenue, then aviation fuel is excluded from the tax. Each municipality must comply with the certification requirements for airport-related purposes under Section 2-22 of the Retailers' Occupation Tax Act. For purposes of this Act, "airport-related purposes" has the meaning ascribed in Section 6z-20.2 of the State Finance Act. Beginning January 1, 2021, this tax is not imposed on sales of aviation fuel for so long as the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the District.

The tax imposed under this subsection and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the Department of Revenue. The certificate of registration which is issued by the Department to a retailer under the Retailers' Occupation Tax Act or under the Service Occupation Tax Act shall permit such registrant to engage in a business which is taxable under any ordinance or resolution enacted pursuant to this subsection without registering separately with the Department under such ordinance or resolution or under this subsection. The Department of Revenue shall have full power to administer and enforce this subsection; to collect all taxes and penalties due under this subsection; to dispose of taxes and penalties so collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty under this subsection. In the administration of, and compliance with this subsection, the Department and persons who are subject to this subsection shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions, and definitions of terms and employ the same modes of procedure as are prescribed in Sections 2, 2a through 2d, 3 through 3-50 (in respect to all provisions therein other than the State rate of tax), 4 (except that the reference to the State shall be to the business district), 5, 7, 8 (except that the jurisdiction to which the tax shall be a debt to the extent indicated in that Section 8 shall be the municipality), 9 (except as to the disposition of taxes and penalties collected, and except that the returned merchandise credit for this tax may not be taken against any State tax, and except that the retailer's discount is not allowed for taxes paid on aviation fuel that are subject to the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133), 10, 11, 12 (except the reference therein to Section 2b of the Retailers' Occupation Tax Act), 13 (except that any reference to the State shall mean the municipality), the first paragraph of

Section 15, and Sections 16, 17, 18, 19 and 20 of the Service Occupation Tax Act and all provisions of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under the authority granted in this subsection may reimburse themselves for their serviceman's tax liability hereunder by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax that servicemen are authorized to collect under the Service Use Tax Act, in accordance with such bracket schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this subsection to a claimant instead of issuing credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified, and to the person named, in such notification from the Department. Such refund shall be paid by the State Treasurer out of the business district retailers' occupation tax fund or the Local Government Aviation Trust Fund, as appropriate.

Except as otherwise provided in this paragraph, the Department shall forthwith pay over to the State Treasurer, ex-officio, as trustee, all taxes, penalties, and interest collected under this subsection for deposit into the business district retailers' occupation tax fund. Taxes and penalties collected on aviation fuel sold on or after December 1, 2019, shall be immediately paid over by the Department to the State Treasurer, ex officio, as trustee, for deposit into the Local Government Aviation Trust Fund. The Department shall only pay moneys into the Local Government Aviation Trust Fund under this Section for so long as the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the District.

As soon as possible after the first day of each month, beginning January 1, 2011, upon certification of the Department of Revenue, the Comptroller shall order transferred, and the Treasurer shall transfer, to the STAR Bonds Revenue Fund the local sales tax increment, as defined in the Innovation Development and Economy Act, collected under this subsection during the second preceding calendar month for sales within a STAR bond district.

After the monthly transfer to the STAR Bonds Revenue Fund, on or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money to named municipalities from the business district retailers' occupation tax fund, the municipalities to be those from which suppliers and servicemen have paid taxes or penalties under this subsection to the Department during the second preceding calendar month. The amount to be paid to each municipality shall be the amount (not including credit memoranda and not including taxes and penalties collected on aviation fuel sold on or after December 1, 2019) collected under this subsection during the second preceding calendar month by the Department, less 2% of that amount (except the amount collected on aviation fuel sold on or after December 1, 2019), which shall be deposited into the Tax Compliance and Administration Fund and shall be used by the Department, subject to appropriation, to cover the costs of the Department in administering and enforcing the provisions of this subsection, and not including an amount equal to the amount of refunds made during the second preceding calendar month by the Department on behalf of such municipality, and not including any amounts that are transferred to the STAR Bonds Revenue Fund. Within 10 days after receipt, by the Comptroller, of the disbursement certification to the municipalities, provided for in this subsection to be given to the Comptroller by the Department, the Comptroller shall cause the orders to be drawn for the respective amounts in accordance with the directions contained in such certification. The proceeds of the tax paid to municipalities under this subsection shall be deposited into the Business District Tax Allocation Fund by the municipality.

An ordinance imposing or discontinuing the tax under this subsection or effecting a change in the rate thereof shall either (i) be adopted and a certified copy thereof filed with the Department on or before the first day of April, whereupon the Department, if all other requirements of this subsection are met, shall proceed to administer and enforce this subsection as of the first day of July next following the adoption and filing; or (ii) be adopted and a certified copy thereof filed with the Department on or before the first day of October, whereupon, if all other conditions of this subsection are met, the Department shall proceed to administer and enforce this subsection as of the first day of January next following the adoption and filing.

The Department of Revenue shall not administer or enforce an ordinance imposing, discontinuing, or changing the rate of the tax under this subsection, until the municipality also provides, in the manner prescribed by the Department, the boundaries of the business district in such a way that the Department can determine by its address whether a business is located in the business district. The municipality must provide this boundary and address information to the Department on or before April 1 for administration and enforcement of the tax under this subsection by the Department beginning on the following July 1 and on or before October 1 for administration and enforcement of the tax under this subsection by the Department beginning on the following January 1. The Department of Revenue shall not administer or enforce any change made to the boundaries of a business district or address change, addition, or deletion until the municipality reports the boundary change or address change, addition, or deletion to the Department in the manner prescribed by the Department. The municipality must provide this boundary change information or address change, addition, or deletion to the Department on or before April 1 for administration and enforcement by the Department of the change beginning on the following July 1 and on or before October 1 for administration and enforcement by the Department of the change beginning on the following January 1. The retailers in the business district shall be responsible for charging the tax imposed under this subsection. If a retailer is incorrectly included or excluded from the list of those required to collect the tax under this subsection, both the Department of Revenue and the retailer shall be held harmless if they reasonably relied on information provided by the municipality.

A municipality that imposes the tax under this subsection must submit to the Department of Revenue any other information as the Department may require for the administration and enforcement of the tax.

Nothing in this subsection shall be construed to authorize the municipality to impose a tax upon the privilege of engaging in any business which under the Constitution of the United States may not be made the subject of taxation by the State.

If a tax is imposed under this subsection (c), a tax shall also be imposed under subsection (b) of this Section.

(c-5) If, on January 1, 2025, a unit of local government has in effect a tax under this Section, or if, after January 1, 2025, a unit of local government imposes a tax under this Section, then that tax applies to leases of tangible personal property in effect, entered into, or renewed on or after that date in the same manner as the tax under this Section and in accordance with the changes made by this amendatory Act of the 103rd General Assembly.

(d) By ordinance, a municipality that has designated a business district under this Law may impose an occupation tax upon all persons engaged in the business district in the business of renting, leasing, or letting rooms in a hotel, as defined in the Hotel Operators' Occupation Tax Act, at a rate not to exceed 1% of the gross rental receipts from the renting, leasing, or letting of hotel rooms within the business district, to be imposed only in 0.25% increments, excluding, however, from gross rental receipts the proceeds of renting, leasing, or letting to permanent residents of a hotel, as defined in the Hotel Operators' Occupation Tax Act, and proceeds from the tax imposed under subsection (c) of Section 13 of the Metropolitan Pier and Exposition Authority Act.

The tax imposed by the municipality under this subsection and all civil penalties that may be assessed as an incident to that tax shall be collected and enforced by the municipality imposing the tax. The municipality shall have full power to administer and enforce this subsection, to collect all taxes and penalties due under this subsection, to dispose of taxes and penalties so collected in the manner provided in this subsection, and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty under this subsection. In the administration of and compliance with this subsection, the municipality and persons who are subject to this subsection shall have the same rights, remedies, privileges, immunities, powers, and duties, shall be subject to the same conditions, restrictions, limitations, penalties, and definitions of terms, and shall employ the same modes of procedure as are employed with respect to a tax adopted by the municipality under Section 8-3-14 of this Code.

Persons subject to any tax imposed under the authority granted in this subsection may reimburse themselves for their tax liability for that tax by separately stating that tax as an additional charge, which charge may be stated in combination, in a single amount, with State taxes imposed under the Hotel Operators' Occupation Tax Act, and with any other tax.

Nothing in this subsection shall be construed to authorize a municipality to impose a tax upon the privilege of engaging in any business which under the Constitution of the United States may not be made the subject of taxation by this State.

The proceeds of the tax imposed under this subsection shall be deposited into the Business District Tax Allocation Fund.

(e) Obligations secured by the Business District Tax Allocation Fund may be issued to provide for the payment or reimbursement of business district project costs. Those obligations, when so issued, shall be retired in the manner provided in the ordinance authorizing the issuance of those obligations by the receipts of taxes imposed pursuant to subsections (10) and (11) of Section 11-74.3-3 and by other revenue designated or pledged by the municipality. A municipality may in the ordinance pledge, for any period of time up to and including the dissolution date, all or any part of the funds in and to be deposited in the Business District Tax Allocation Fund to the payment of business district project costs and obligations. Whenever a municipality pledges all of the funds to the credit of a business district tax allocation fund to secure obligations issued or to be issued to pay or reimburse business district project costs, the municipality may specifically provide that funds remaining to the credit of such business district tax allocation fund after the payment of such obligations shall be accounted for annually and shall be deemed to be "surplus" funds, and such "surplus" funds shall be expended by the municipality for any business district project cost as approved in the business district plan. Whenever a municipality pledges less than all of the monies to the credit of a business district tax allocation fund to secure obligations issued or to be issued to pay or reimburse business district project costs, the municipality shall provide that monies to the credit of the business district tax allocation fund and not subject to such pledge or otherwise encumbered or required for payment of contractual obligations for specific business district project costs shall be calculated annually and shall be deemed to be "surplus" funds, and such "surplus" funds shall be expended by the municipality for any business district project cost as approved in the business district plan.

No obligation issued pursuant to this Law and secured by a pledge of all or any portion of any revenues received or to be received by the municipality from the imposition of taxes pursuant to subsection (10) of Section 11-74.3-3, shall be deemed to constitute an economic incentive agreement under Section 8-11-20, notwithstanding the fact that such pledge provides for the sharing, rebate, or payment of retailers' occupation taxes or service occupation taxes imposed pursuant to subsection (10) of Section 11-74.3-3 and received or to be received by the municipality from the development or redevelopment of properties in the business district.

Without limiting the foregoing in this Section, the municipality may further secure obligations secured by the business district tax allocation fund with a pledge, for a period not greater than the term of the obligations and in any case not longer than the dissolution date, of any part or any combination of the following: (i) net revenues of all or part of any business district project; (ii) taxes levied or imposed by the municipality on any or all property in the municipality, including, specifically, taxes levied or imposed by the municipality in a special service area pursuant to the Special Service Area Tax Law; (iii) the full faith and credit of the municipality; (iv) a mortgage on part or all of the business district project; or (v) any other taxes or anticipated receipts that the municipality may lawfully pledge.

Such obligations may be issued in one or more series, bear such date or dates, become due at such time or times as therein provided, but in any case not later than (i) 20 years after the date of issue or (ii) the dissolution date, whichever is earlier, bear interest payable at such intervals and at such rate or rates as set forth therein, except as may be limited by applicable law, which rate or rates may be fixed or variable, be in such denominations, be in such form, either coupon, registered, or book-entry, carry such conversion, registration and exchange privileges, be subject to defeasance upon such terms, have such rank or priority, be executed in such manner, be payable in such medium or payment at such place or places within or without the State, make provision for a corporate trustee within or without the State with respect to such obligations, prescribe the rights, powers, and duties thereof to be exercised for the benefit of the municipality and the benefit of the owners of such obligations, provide for the holding in trust, investment, and use of moneys, funds, and accounts held under an ordinance, provide for assignment of and direct payment of the moneys to pay such obligations or to be deposited into such funds or accounts directly to such trustee, be subject to such terms of redemption with or without premium, and be sold at such price, all as the corporate authorities shall determine. No referendum approval of the electors shall be required as a condition to the issuance of obligations pursuant to this Law except as provided in this Section.

In the event the municipality authorizes the issuance of obligations pursuant to the authority of this Law secured by the full faith and credit of the municipality, or pledges ad valorem taxes pursuant to this subsection, which obligations are other than obligations which may be issued under home rule powers provided by Section 6 of Article VII of the Illinois Constitution or which ad valorem taxes are other than ad valorem taxes which may be pledged under home rule powers provided by Section 6 of Article VII of the Illinois Constitution or which are levied in a special service area pursuant to the Special Service Area Tax Law, the ordinance authorizing the issuance of those obligations or pledging those taxes shall be published within 10 days after the ordinance has been adopted, in a newspaper having a general circulation within the municipality. The publication of the ordinance shall be accompanied by a notice of (i) the specific number of voters required to sign a petition requesting the question of the issuance of the obligations or pledging such ad valorem taxes to be submitted to the electors; (ii) the time within which the petition must be filed; and (iii) the date of the prospective referendum. The municipal clerk shall provide a petition form to any individual requesting one.

If no petition is filed with the municipal clerk, as hereinafter provided in this Section, within 21 days after the publication of the ordinance, the ordinance shall be in effect. However, if within that 21-day period a petition is filed with the municipal clerk, signed by electors numbering not less than 15% of the number of electors voting for the mayor or president at the last general municipal election, asking that the question of issuing obligations using full faith and credit of the municipality as security for the cost of paying or reimbursing business district project costs, or of pledging such ad valorem taxes for the payment of those obligations, or both, be submitted to the electors of the municipality, the municipality shall not be authorized to issue obligations of the municipality using the full faith and credit of the municipality as security or pledging such ad valorem taxes for the payment of those obligations, or both, until the proposition has been submitted to and approved by a majority of the voters voting on the proposition at a regularly scheduled election. The municipality shall certify the proposition to the proper election authorities for submission in accordance with the general election law.

The ordinance authorizing the obligations may provide that the obligations shall contain a recital that they are issued pursuant to this Law, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

In the event the municipality authorizes issuance of obligations pursuant to this Law secured by the full faith and credit of the municipality, the ordinance authorizing the obligations may provide for the levy and collection of a direct annual tax upon all taxable property within the municipality sufficient to pay the principal thereof and interest thereon as it matures, which levy may be in addition to and exclusive of the maximum of all other taxes authorized to be levied by the municipality, which levy, however, shall be abated to the extent that monies from other sources are available for payment of the obligations and the municipality certifies the amount of those monies available to the county clerk.

A certified copy of the ordinance shall be filed with the county clerk of each county in which any portion of the municipality is situated, and shall constitute the authority for the extension and collection of the taxes to be deposited in the business district tax allocation fund.

A municipality may also issue its obligations to refund, in whole or in part, obligations theretofore issued by the municipality under the authority of this Law, whether at or prior to maturity. However, the last maturity of the refunding obligations shall not be expressed to mature later than the dissolution date.

In the event a municipality issues obligations under home rule powers or other legislative authority, the proceeds of which are pledged to pay or reimburse business district project costs, the municipality may, if it has followed the procedures in conformance with this Law, retire those obligations from funds in the business district tax allocation fund in amounts and in such manner as if those obligations had been issued pursuant to the provisions of this Law.

No obligations issued pursuant to this Law shall be regarded as indebtedness of the municipality issuing those obligations or any other taxing district for the purpose of any limitation imposed by law.

Obligations issued pursuant to this Law shall not be subject to the provisions of the Bond Authorization Act.

(f) When business district project costs, including, without limitation, all obligations paying or reimbursing business district project costs have been paid, any surplus funds then remaining in the Business District Tax Allocation Fund shall be distributed to the municipal treasurer for deposit into the general corporate fund of the municipality. Upon payment of all business district project costs and retirement of all obligations paying or reimbursing business district project costs, but in no event more than 23 years after the date of adoption of the ordinance imposing taxes pursuant to subsection (10) or (11) of Section 11-74.3-3, the

municipality shall adopt an ordinance immediately rescinding the taxes imposed pursuant to subsection (10) or (11) of Section 11-74.3-3.
(Source: P.A. 102-700, eff. 4-19-22; 103-592, eff. 1-1-25.)

ARTICLE 10

Section 10-1. Short title. This Article may be cited as the Capital City Downtown Medical District Act. References in this Article to "this Act" mean this Article.

Section 10-5. Findings. The General Assembly finds that Springfield's distinctive role as Illinois' capital, a regional medical destination, the home of President Abraham Lincoln's Presidential Library and Museum, and a National Historic Site warrants strengthened, structured collaboration anchored by State government to advance medical, entertainment, educational, legal, and public policy priorities in the District. State and local governmental bodies should encourage the leveraging of the District's proximity to State government to support healthcare, civic, legal, policy, and professional education activities that advance the public benefit of all Illinoisans through public service, workforce development, and downtown vitality.

Section 10-7. Definition. As used in this Act, unless the context clearly requires otherwise, "District" means the Capital City Downtown Medical District.

Section 10-10. Creation of District. There is created in the City of Springfield a special development district to be known as the Capital City Downtown Medical District, whose boundaries are 11th Street on the east, North Grand Avenue on the north, Walnut Street on the west, and South Grand Avenue on the south, and which excludes:

(1) all local, State, and federal government properties; and

(2) the area bounded by Washington Street on the north, Third Street on the east, Cook Street on the South, and Walnut Street on the west.

The District is created to help build and sustain a vibrant and thriving downtown zone in the State's capital city by encouraging economic development, by increasing the number of people who reside, who are employed, who visit, and who study within the District, and by increasing economic activity in the heart of downtown Springfield through commercial development, including mixed-use housing developments, workforce housing, student housing, and middle-income housing within walking distance of government facilities, healthcare facilities, commercial facilities, and educational facilities in and near the District. The District aims to support revitalization in key sectors, including, but not limited to, healthcare, education, research, technology, housing, retail merchandising, restaurants, arts and culture, tourism, historic preservation and public infrastructure, and to improve and provide for the management of land and facilities within the District.

Section 10-15. Capital City Downtown Medical District Commission.

(a) There is created a body politic and corporate under the corporate name of the Capital City Downtown Medical District Commission whose general purpose, in addition to and not in limitation of those purposes and powers set forth in this Act, is to:

(1) maintain the proper surroundings of and within the District in order to attract, stabilize, and retain within the District facilities, buildings, enterprises, and other establishments permitted under this Act;

(2) provide for the orderly creation, maintenance, development, and expansion of (i) facilities, buildings, enterprises, and other establishments permitted under this Act and (ii) public infrastructure related to the use and enjoyment of those facilities, buildings, enterprises, and other establishments;

(3) convene dialogue among leaders in the public and private sectors on topics and issues associated with training in the delivery of services and related industry

in the District's program area;

(4) provide support for the attraction and creation of new businesses and new jobs within the District;

(5) maintain the proper surroundings for a medical center and a related technology center in order to attract, stabilize, and retain within the District hospitals, clinics, research facilities, educational facilities, or other facilities permitted under this Act; and

(6) employ agents and employees necessary to carry out its purposes.

(b) The Commission has perpetual succession and the power to contract and be contracted with, to sue and be sued, except in actions sounding in tort, to plead and be impleaded, to have and use a common seal, and to alter the same at pleasure. All actions sounding in tort against the Commission shall be prosecuted in the Court of Claims. The principal office of the Commission shall be in the City of Springfield.

(c) The Commission shall consist of the following members:

(1) 5 members appointed by the Governor, with the advice and consent of the Senate;

(2) 3 members appointed by the Mayor of Springfield, with the advice and consent of the Springfield City Council; and

(3) 3 members appointed by the Chairperson of the County Board of Sangamon County.

One of each of the 3 members appointed by the Mayor of Springfield and by the Chairperson of the County Board of Sangamon County shall be a representative of a recognized neighborhood organization that has a legitimate interest in the development and improvement of the District, as determined by the Mayor of the City of Springfield and the Chairperson of the County Board of Sangamon County, respectively. The initial members of the Commission appointed by the Governor shall be appointed for terms ending, respectively, on the second, third, fourth, fifth, and sixth anniversaries of their appointments. The initial members appointed by the Mayor of Springfield and by the Chairperson of the County Board of Sangamon County shall be appointed for terms ending, respectively, on the second, third, and fourth anniversaries of their appointments. Thereafter, all the members shall be appointed to hold office for a term of 5 years and until their successors are appointed as provided in this Act.

(d) Any vacancy in the membership of the Commission occurring by reason of the death, resignation, disqualification, removal, or inability or refusal to act of any of the members of the Commission shall be filled by the authority that had appointed the particular member. The authority that appointed the particular member shall appoint a replacement to fill the vacancy for the unexpired term of office of that particular member. A vacancy caused by the expiration of the period for which the member was appointed shall be filled by a new appointment for a term of 5 years from the date of the expiration of the prior 5-year term notwithstanding when the appointment is actually made. The Commission shall obtain, under the provisions of the Personnel Code, such personnel as the Commission shall deem advisable to carry out the purposes of this Act and the work of the Commission.

(e) The Commission shall hold regular meetings annually for the election of a President, Vice-President, Secretary, and Treasurer from among its members, for the adoption of a budget, and for such other business as may properly come before it. The Commission shall establish the duties and responsibilities of its officers by rule. The President or any 4 members of the Commission may call special meetings of the Commission. Each Commissioner shall take an oath of office for the faithful performance of his or her duties. The Commission may not transact business at a meeting of the Commission unless there is a quorum consisting of at least 6 Commissioners present at the meeting. Meetings may be held by telephone conference or by other means through which all persons participating in the meeting can communicate with each other.

(f) The Commission shall submit to the General Assembly, not later than March 1 of each odd-numbered year, a detailed report covering its operations for the 2 preceding calendar years and a statement of its program for the next 2 years. The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report as required by Section 3.1 of the General Assembly Organization Act, and by filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act.

(g) The Auditor General shall conduct audits of the Commission in the same manner as the Auditor General conducts audits of State agencies under the Illinois State Auditing Act.

(h) Neither the Commission nor the District has any power to tax.

(i) The Commission is a public body and subject to the Open Meetings Act and the Freedom of Information Act.

Section 10-20. Grants; loans; contracts. The Commission may apply for and accept grants, loans, or appropriations from the State of Illinois, the federal government, any State or federal agency or instrumentality, any unit of local government, or any other person or entity to be used for any of the purposes of the District. The Commission may enter into any agreement with the State of Illinois, the federal government, any State or federal instrumentality, any unit of local government, or any other person or entity in relation to the grants, matching grants, loans, or appropriations. The Commission also may, by contractual agreement, accept and collect assessments or fees from entities who enter into a contractual agreement for District enhancement and improvements, common area shared services, shared facilities, or other activities or expenditures in furtherance of the purposes of this Act. The Commission may provide assistance, including grants, loans, land conveyances, and other incentives to entities, including, but not limited to, neighborhood organizations, to induce development and revitalization consistent with this Act and for the purpose of benefiting the community. The Commission may also provide programmatic assistance, operational assistance, or facilities to support academic, professional, and training programs located within the District if it finds that such support advances the purposes of this Act.

Section 10-25. Property; acquisition. The Commission may acquire the fee simple title to real property lying within the District and personal property required for its purposes, by gift, donation, purchase, or otherwise. Title shall be taken in the corporate name of the Commission. The Commission may acquire, by lease or other means, any real property lying within the District and personal property found by the Commission to be necessary for its purposes and to which the Commission finds that it need not acquire the fee simple title for carrying out of those purposes. The Commission shall hold a public hearing in accordance with Section 10-80 of this Act before acquiring the title to property. All real and personal property within the District, except that owned and used for purposes authorized under this Act by medical institutions or allied educational institutions, hospitals, dispensaries, clinics, dormitories or homes for nurses, doctors, students, instructors, or other officers or employees of those institutions located in the District, or any real property that is used for offices or for recreational purposes in connection with those institutions, or any improved residential property within a currently effective historical district properly designated under a federal statute or a State or local statute that has been certified by the Secretary of the Interior to the Secretary of the Treasury as containing criteria that will substantially achieve the purpose of preserving and rehabilitating buildings of historical significance to the district, may be acquired by the Commission in its corporate name under the provisions for the exercise of the right of eminent domain under the Eminent Domain Act. The Commission may undertake environmental remediation, demolition, site preparation, interim site management, and other predevelopment activities necessary to prepare property for redevelopment, transfer, or related activities. The Commission has no quick-take powers, no zoning powers, and no power to establish or enforce building codes. The Commission may not acquire any property pursuant to this Section before a comprehensive master plan has been approved under Section 10-75.

Section 10-30. Construction. After a public hearing in accordance with Section 10-80 of this Act, the Commission may, in its corporate capacity, construct or cause to be constructed within the District, any building, structure, or other ancillary or related facilities that the Commission may, from time to time, determine are to be established and operated (i) for the carrying out of any aspect of the Commission's purposes as set forth in this Act or (ii) for any uses the Commission shall determine will support and nurture facilities and uses permitted by this Act. All such structures and improvements shall be erected and constructed in accordance with the provisions of the Illinois Procurement Code that apply to State agencies. No construction may be undertaken pursuant to this Section before a comprehensive master plan has been approved under Section 10-75.

Section 10-35. Relocation assistance. The Commission shall provide relocation assistance to persons and entities displaced by the Commission's acquisition of property and improvement of the District. Relocation assistance shall not be less than the amount provided under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the regulations under that Act, including the eligibility criteria. The Commission may enter into long-term development, land-use, or operating agreements with institutions, including hospitals, universities, State agencies, or nonprofit organizations. Relocation assistance may include assistance with the moving of a residential unit to a new location, and the Commission may develop, own, lease, sublease, or manage facilities used for academic instruction, professional education, or research, including facilities owned or operated by colleges, universities, or their affiliates. The Commission shall establish a single point of contact for all relocation assistance under this Section.

Section 10-40. Bonds. To obtain the funds necessary for financing the acquisition, construction, maintenance, and rehabilitation of facilities and equipment within the District, and for the operation of the District as set forth in this Act, the Commission may borrow money from any public or private agency, department, corporation, or person. In evidence of and as security for funds borrowed, the Commission may issue revenue bonds in its corporate capacity to be payable from the revenues derived from the operation of the institutions or buildings owned, leased, or operated by or on behalf of the Commission, but the bonds shall in no event constitute an indebtedness of the Commission or a claim against the property of the Commission. The bonds may be issued in such denominations as may be expedient, in such amounts, and at such rates of interest as the Commission shall deem necessary to provide sufficient funds to pay all the costs authorized under this Section. The bonds shall be executed by the President of the Commission, attested by the Secretary, and sealed with the Commission's corporate seal. If either of those officers of the Commission who shall have signed or attested any of the bonds shall have ceased to be such officer before delivery of the bonds, the signature of the officer shall be valid and sufficient to the same effect as if the officer had remained in office at the time of delivery. The Commission shall furnish the State Comptroller with a record of all bonds issued under this Act.

Section 10-45. Power to sell or lease. The Commission may sell, convey, transfer, or lease, at fair market value, any title or interest in real property owned by it to any person or persons, to be used, subject to the restrictions of this Act, for the purposes stated in this Act, for the purpose of serving persons using the facilities offered within the District, or for the carrying out of any aspect of the Commission's purposes as set forth in Section 10-15 of this Act, subject to the restrictions as to the use of the real property as the Commission shall determine will carry out the purposes of this Act. To assure that the use of the real property so sold or leased is in accordance with the provisions of this Act, the Commission shall inquire into and satisfy itself concerning the financial ability of the purchaser to complete the project for which the real property is sold or leased. The purchaser or lessee shall submit, in writing, a plan to the Commission of the purchaser's or lessee's ability to complete the project for which the real property is sold or leased. Under the required plan, the purchaser or lessee shall undertake (1) to use the land for the purposes designated in the plan so presented; (2) to commence and complete the construction of the buildings or other structures to be included in the project within the time the Commission fixes as reasonable; and (3) to comply with such other conditions as the Commission shall determine are necessary to carry out the project. All conveyances and leases authorized in this Section shall be on condition that in the event the use of property is for other purposes than prescribed in this Act, or there is nonuse for a period of one year, title to the property shall revert to the Commission. All conveyances and leases made by the Commission to any corporation or person for the use of serving the residents or any person using the facilities offered within the District shall be on condition that in the event of a violation of any of the restrictions as to the use of the property according to this Act, and the Commission's determinations of projects that will carry out the purposes of this Act, title to the property shall revert to the Commission. If, however, the Commission finds that financing necessary for the acquisition or lease of any real estate or for the construction or improvement of any building to be used for purposes prescribed in this Act cannot be obtained if title to the land, building, or improvement is subject to such a reverter provision, the Commission may cause the real property to be conveyed free of a reverter provision, provided that at least 7 members of the Commission vote in favor thereof. The finding that the title shall be conveyed free of a reverter provision shall be made at a public hearing in accordance with Section 10-80 of this Act and notice provided in accordance with Section 10-50 of this Act. The Commission may also provide, in the conveyances, leases, or other documentation, provisions for notice of such violations or default and the cure thereof for the benefit of any lender or mortgagee as the Commission shall determine are appropriate. If, at a regularly scheduled meeting, the Commission resolves that a parcel of real estate leased by it, or in which it has sold the fee simple title or any lesser estate, is not being used for the purposes prescribed in this Act or has been in nonuse for a period of one year, the Commission may file a lawsuit in the Circuit Court of Sangamon County to enforce the terms of the sale or lease. If a reverter of title to any property is ordered by the court under the terms of this Act, the interest of the Commission shall be subject to any existing valid mortgage or trust deed in the nature of a mortgage, but if the title is acquired through foreclosure of that mortgage or trust deed or by deed in lieu of foreclosure of that mortgage or trust deed, then the title to the property shall not revert, but shall be subject to the restrictions as to use, but not any penalty for nonuse contained in this Act with respect to any mortgagee in possession or its successor or assigns. No conveyance of real property shall be executed by the Commission without the prior written approval of the Governor. The Commission may not sell, convey, transfer, or lease any property pursuant to this Section before a comprehensive master plan has been approved under Section 10-75.

Section 10-50. Notice. Before holding any public hearing prescribed in Section 10-45 of this Act, or any meeting regarding the passage of any resolution to file a lawsuit, the Commission shall give notice to the grantee or lessee, or his or her legal representatives, successors, or assigns, of the time and place of the proceeding. The notice shall be accompanied by a statement signed by the Secretary of the Commission, or by any person authorized by the Commission to sign the same, setting forth any act or things done or omitted to be done in violation, or claimed to be in violation, of any restriction as to the use of the property, whether the restriction be prescribed in any of the terms of this Act or by any restriction as to the use of the property determined by the Commission under the terms of this Act. The notice of the time and place fixed for the proceeding shall also be given to such person or persons as the Commission shall deem necessary. The notice may be given by registered mail, addressed to the grantee, lessee, or legal representatives, successors, or assigns, at the last known address of the grantee, lessee, or legal representatives, successors, or assigns.

Section 10-55. Rules. The Commission may adopt reasonable and proper rules, in accordance with the Illinois Administrative Procedure Act, relative to the exercise of its powers, and proper rules to govern its proceedings, to regulate the mode and manner of all hearings held by it or at its direction, and to alter and amend those rules.

Section 10-60. Official documents. Copies of all official documents, findings, and orders of the Commission, certified by a Commissioner or by the Secretary of the Commission to be true copies of the originals, and under the official seal of the Commission, shall be evidence in like manner as the originals.

Section 10-65. Judicial review. All final administrative decisions of the Commission shall be subject to judicial review pursuant to the provisions of the Administrative Review Law, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure. Any party may obtain judicial review of a final order or administrative decision of the Commission in the Circuit Court of Sangamon County only under and in accordance with the provisions of the Administrative Review Law and its adopted rules. The Circuit Court shall take judicial notice of all the rules of practice and procedure of the Commission.

Section 10-70. Parks. The Commission may set apart any part of the District as a park, except those areas owned, operated, or used for purposes authorized under this Act by organizations or institutions engaged in the delivery or conduct of health care services, education, or research. The Commission may construct, control, and maintain the same, or may provide by contract with the Springfield Park District, the City of Springfield, or the Department of Natural Resources, as applicable, for the construction, control, and maintenance of any area within the District set apart as a park.

Section 10-75. Master plan; improvement and management of District. The Commission shall approve a comprehensive master plan for the orderly development and management of all property within the District. The master plan, and any amendment to the master plan, shall only take effect once delivered to the Springfield City Council. The Commission shall take the actions permitted to be taken by it under this Act as it may determine are appropriate to provide conditions most favorable for the special care and treatment of the sick and injured and for the study of disease and for any other purpose of this Act. In the master plan, the Commission may provide for shared services and facilities within the District for the accredited higher education institutions and the licensed non-profit acute care hospitals within the District.

Section 10-80. Public hearing. The Commission shall conduct a public hearing prior to either (i) acquiring real or personal property within the District through Section 10-25 of this Act, (ii) constructing any building or structure under Section 10-30 of this Act, (iii) conveying property under Section 10-45 of this Act, or (iv) approving a comprehensive master plan under Section 10-75 of this Act. The Commission shall also conduct a public hearing whenever it is otherwise required by law to do so, and may conduct a public hearing whenever it may elect to do so. The Commission shall conduct the public hearing called by it in accordance with the requirements of the law mandating it, if any, or in accordance with the provisions of this Section if either the law mandating it is silent as to the procedures for its holding or if the Commission elects to hold a public hearing in the absence of any law mandating it. In the absence of any law, or of any procedures in any law, mandating the holding of a public hearing, the Commission may authorize a Commissioner or other person of legal age to conduct a hearing. The Commissioner or other authorized person has the power to administer oaths and affirmations, take the testimony of witnesses, take and receive the production of papers, books, records, accounts, and documents, receive pertinent evidence, and certify the record of the hearing. The record of the hearing shall become part of the Commission's record. Notice of the time, place, and purpose of the hearing shall be given by a single publication notice in a secular newspaper of general circulation in the City of Springfield at least 10 days before the date of the hearing.

Section 10-85. Jurisdiction. This Act shall not be construed to limit the jurisdiction of the City of Springfield to territory outside the limits of the District nor to impair any power now possessed by or hereafter granted to the City of Springfield or to cities generally. Property owned by and exclusively used by the Commission shall be exempt from taxation.

Section 10-90. Disposition of money; income fund. All money received by the Commission from the sale or lease of any property, in excess of the amount expended by the Commission for authorized purposes under this Act or as may be necessary to satisfy the obligation of any revenue bond issued pursuant to Section 10-40, shall be deposited into the Capital City Downtown Medical District Income Fund, a special fund created in the State treasury. The Commission may use all money received as rentals for the purposes of planning, acquisition, and development of property within the District, for the operation, maintenance, and improvement of property of the Commission, and for all purposes and powers set forth in this Act. All moneys held pursuant to this Section shall be maintained in a depository approved by the State Treasurer. The Auditor General shall, at least biennially, audit or cause to be audited all records and accounts of the Commission pertaining to the operation of the District.

Section 10-95. Assumption. As allowable under State or federal law, any and all assets, holdings, contracts and agreements of the Mid-Illinois Medical District or Mid-Illinois Medical District Commission established under the Mid-Illinois Medical District Act shall hereby be conveyed or assigned to the Capital City Downtown Medical District or the Capital City Downtown Medical District Commission established under this Act.

Section 10-900. The Illinois Income Tax Act is amended by adding Sections 221.5 and 221.6 as follows:

(35 ILCS 5/221.5 new)

Sec. 221.5. Rehabilitation costs; qualified historic properties; Capital City Downtown Medical District.

(a) As used in this Section:

"Phased rehabilitation" means a project that is completed in phases, as defined under Section 47 of the federal Internal Revenue Code and pursuant to National Park Service regulations at 36 C.F.R. 67.

"Placed in service" means the date when the property is placed in a condition or state of readiness and availability for a specifically assigned function as defined under Section 47 of the federal Internal Revenue Code and federal Treasury Regulation Sections 1.46 and 1.48.

"Qualified expenditure" means all the costs and expenses defined as qualified rehabilitation expenditures under Section 47 of the federal Internal Revenue Code that were incurred in connection with a qualified historic structure.

"Qualified historic structure" means a certified historic structure as defined under Section 47(c)(3) of the federal Internal Revenue Code.

"Qualified rehabilitation plan" means a project that is approved by the Department of Natural Resources and the National Park Service as being consistent with the United States Secretary of the Interior's Standards for Rehabilitation.

"Qualified taxpayer" means the owner of the qualified historic structure or any other person who qualifies for the federal rehabilitation credit allowed by Section 47 of the federal Internal Revenue Code with respect to that qualified historic structure.

(b) For taxable years beginning on or after January 1, 2027, there shall be allowed a tax credit against the tax imposed by subsections (a) and (b) of Section 201 of this Act in an aggregate amount equal to 25% of the qualified expenditures incurred by a qualified taxpayer in the restoration and preservation of a qualified historic structure located within the bounds of the Capital City Downtown Medical District pursuant to a qualified rehabilitation plan, provided that the total amount of such expenditures must (i) equal $5,000 or more and (ii) exceed the adjusted basis of the qualified historic structure on the first day the qualified rehabilitation plan begins. For any rehabilitation project, regardless of duration or number of phases, the project's compliance with items (i) and (ii) shall be determined based on the aggregate amount of qualified expenditures for the entire project and may include expenditures incurred under subsection (a), this subsection, or both subsection (a) and this subsection. If the qualified rehabilitation plan spans multiple years, the aggregate credit for the entire project shall be allowed in the last taxable year, except for phased rehabilitation projects, which may receive credits upon completion of each phase. Before obtaining the first phased credit, the total amount of such expenditures must meet the requirements of items (i) and (ii) and the rehabilitated portion of the qualified historic structure must be placed in service.

If the taxpayer is a partnership or subchapter S corporation, the credit shall be allowed to the partners or shareholders in accordance with the provisions of Section 251.

(c) The credit or credits may not reduce the taxpayer's liability to less than zero. If the amount of the credit or credits exceeds the taxpayer's liability, the excess may be carried forward and applied against the taxpayer's liability in the 5 taxable years following the excess credit year. The credit or credits shall be applied to the earliest year for which there is a tax liability. If there are credits from more than one taxable year that are available to offset a liability, the earlier credit shall be applied first.

(d) To obtain a tax credit pursuant to this Section, the taxpayer must apply to the Department of Natural Resources. The Department of Natural Resources shall determine the amount of eligible rehabilitation costs and expenses within 45 days of receipt of a complete application. The taxpayer must submit a certification of costs prepared by an independent certified public accountant that certifies (i) the project expenses, (ii) whether those expenses are qualified expenditures, and (iii) that the qualified expenditures exceed the adjusted basis of the qualified historic structure on the first day the qualified rehabilitation plan commenced. The Department of Natural Resources is authorized, but not required, to accept this certification of costs to determine the amount of qualified expenditures and the amount of the credit. The Department of Natural Resources shall provide guidance as to the minimum standards to be followed in the preparation of the certification. The Department of Natural Resources and the National Park Service shall determine whether the rehabilitation is consistent with the United States Secretary of the Interior's Standards for Rehabilitation.

(e) Upon completion of the project and approval of the complete application, the Department of Natural Resources shall issue a single certificate in the amount of the eligible credits equal to 25% of the qualified expenditures incurred by the taxpayer during the eligible taxable years, as defined in subsection (b), excepting any phased credits issued prior to the eligible taxable year under subsection (b). At the time the certificate is issued, an issuance fee up to the maximum amount of 2% of the amount of the credits issued by the certificate may be collected from the applicant to administer the provisions of this Section. If collected, this issuance fee shall be deposited into the Historic Property Administrative Fund, a special fund created in the State treasury. Subject to appropriation, moneys in the Historic Property Administrative Fund shall be provided to the Department of Natural Resources as reimbursement for the costs associated with administering this Section.

(f) The credit shall be claimed for the taxable year in which the certificate is issued. The taxpayer must attach the certificate to the tax return on which the credits are to be claimed.

(g) Subject to appropriation, moneys in the Historic Property Administrative Fund shall be used, on a biennial basis on and after June 30, 2029, to hire a qualified third party to prepare a biennial report to assess the overall economic impact to the State from the qualified rehabilitation projects under this Section completed in that fiscal year and in previous fiscal years. The overall economic impact shall include at least: (1) the direct and indirect or induced economic impacts of completed projects; (2) temporary, permanent, and construction jobs created; (3) sales, income, and property tax generation before construction, during construction, and after completion; and (4) indirect neighborhood impact after completion. The report shall be submitted to the Governor and the General Assembly. The report to the General Assembly shall be filed with the Clerk of the House of Representatives and the Secretary of the Senate in electronic form only, in the manner that the Clerk and the Secretary shall direct.

(h) The Department of Natural Resources may adopt rules to implement this Section in addition to the rules expressly authorized in this Section.

(i) This Section is exempt from the provisions of Section 250.

(35 ILCS 5/221.6 new)

Sec. 221.6. Capital city construction jobs credit.

(a) As used in this Section:

"Capital city construction jobs credit" means:

(1) an amount equal to 50% of the incremental income tax attributable to capital city construction employees employed on a capital city construction jobs project not located in an underserved area; or

(2) an amount equal to 75% of the incremental income tax attributable to capital city construction employees employed on a capital city construction jobs project located in an underserved area.

"Capital city construction jobs project" means a project that involves the construction of a structure or building or the making of improvements of any kind to real property that is: (i) located in a Capital City Downtown Medical District and (ii) built or improved in the course of completing a qualified rehabilitation plan.

"Capital city construction jobs project" does not include the routine operation, routine repair, or routine maintenance of existing structures, buildings, or real property.

"Incremental income tax" means the total amount withheld during the taxable year from the compensation of capital city construction jobs employees under Article 7 of this Act.

"Qualified rehabilitation plan" means a project that is approved by the Department of Natural Resources and the

National Park Service as being consistent with the United States Secretary of the Interior's Standards for Rehabilitation.

"Underserved area" means a geographic area that meets one or more of the following conditions:

(1) the area has a poverty rate of at least 20% according to the latest American Community Survey;

(2) 35% or more of the families with children in the area are living below 130% of the poverty line, according to the latest American Community Survey;

(3) at least 20% of the households in the area receive assistance under the Supplemental Nutrition Assistance Program (SNAP); or

(4) the area has an average unemployment rate, as determined by the Department of Employment Security, that is more than 120% of the national unemployment average, as determined by the United States Department of Labor, for a period of at least 2 consecutive calendar years preceding the date of the application.

(b) For taxable years beginning on or after January 1, 2027, a taxpayer may receive a tax credit against the tax imposed under subsections (a) and (b) of Section 201 of this Act in an amount equal to 50%, or 75% if the project is located in an underserved area, of the amount of the incremental income tax attributable to construction wages paid to capital city construction jobs employees employed in the course of completing a capital city construction jobs project. The credit allowed under this Section shall apply only to taxpayers that make a capital investment of at least $1,000,000 in a qualified rehabilitation plan.

(c) A taxpayer seeking a credit under this Section must submit an application to the Department of Commerce and Economic Opportunity describing the nature and benefit of the capital city construction jobs project to the qualified rehabilitation project and the Capital City Downtown Medical District. The Department of Commerce and Economic Opportunity may adopt any necessary rules in order to administer the provisions of this Section.

(d) Within 60 days after the receipt of a complete application, the Department of Commerce and Economic Opportunity shall give notice to the applicant as to whether the application has been approved or disapproved. If the Department of Commerce and Economic Opportunity disapproves the application, it shall specify the reasons for this decision and allow 60 days for the applicant to amend and resubmit its application. The Department of Commerce and Economic Opportunity shall provide assistance upon request of the applicant. Resubmitted applications shall receive the Department of Commerce and Economic Opportunity's approval or disapproval within 30 days of resubmission.

(e) On an annual basis, the taxpayer shall furnish a statement to the Department of Commerce and Economic

Opportunity on the programmatic and financial status of any approved project and an audited financial statement of the project.

(f) The Department of Commerce and Economic Opportunity shall issue a certificate to each qualified applicant who has been approved for a tax credit under this Section, identifying the taxpayer and setting forth the amount of the credit. The Department of Commerce and Economic Opportunity shall certify to the Department of Revenue the identity of the taxpayers who are eligible for capital city construction jobs credits and the amounts of capital city construction jobs credits awarded in each taxable year.

(g) The credit shall be claimed in the taxable year in which the certificate is issued. The taxpayer must attach the certificate to the tax return on which the credits are to be claimed. The credit or credits may not reduce the taxpayer's liability to less than zero. If the amount of the credit or credits exceeds the taxpayer's liability, the excess may be carried forward and applied against the taxpayer's liability in the 5 taxable years following the excess credit year. The credit or credits shall be applied to the earliest year for which there is a tax liability. If there are credits from more than one taxable year that are available to offset a liability, the earlier credit shall be applied first. If the taxpayer is a partnership or a subchapter S corporation, the credit shall be allowed to the partners or shareholders in

<u>accordance with the provisions of Section 251.</u>

<u>(h) The prevailing wage requirements set forth in the Prevailing Wage Act apply to each project for which a taxpayer is seeking a construction jobs credit under this Section.</u>

<u>(i) This Section is exempt from the provisions of Section 250.</u>

(70 ILCS 925/Act rep.)

Section 10-905. The Mid-Illinois Medical District Act is repealed.

Section 10-910. The Eminent Domain Act is amended by changing Section 15-5-15 as follows:

(735 ILCS 30/15-5-15)

(Text of Section before amendment by P.A. 104-457)

Sec. 15-5-15. Eminent domain powers in ILCS Chapters 70 through 75. The following provisions of law may include express grants of the power to acquire property by condemnation or eminent domain:

(70 ILCS 5/8.02 and 5/9); Airport Authorities Act; airport authorities; for public airport facilities.

(70 ILCS 5/8.05 and 5/9); Airport Authorities Act; airport authorities; for removal of airport hazards.

(70 ILCS 5/8.06 and 5/9); Airport Authorities Act; airport

authorities; for reduction of the height of objects or structures.

(70 ILCS 10/4); Interstate Airport Authorities Act; interstate airport authorities; for general purposes.

(70 ILCS 15/3); Kankakee River Valley Area Airport Authority Act; Kankakee River Valley Area Airport Authority; for acquisition of land for airports.

(70 ILCS 200/2-20); Civic Center Code; civic center authorities; for grounds, centers, buildings, and parking.

(70 ILCS 200/5-35); Civic Center Code; Aledo Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/10-15); Civic Center Code; Aurora Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/15-40); Civic Center Code; Benton Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/20-15); Civic Center Code; Bloomington Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/35-35); Civic Center Code; Brownstown Park District Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/40-35); Civic Center Code; Carbondale Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/55-60); Civic Center Code; Chicago South Civic

Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/60-30); Civic Center Code; Collinsville Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/70-35); Civic Center Code; Crystal Lake Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/75-20); Civic Center Code; Decatur Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/80-15); Civic Center Code; DuPage County Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/85-35); Civic Center Code; Elgin Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/95-25); Civic Center Code; Herrin Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/110-35); Civic Center Code; Illinois Valley Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/115-35); Civic Center Code; Jasper County Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/120-25); Civic Center Code; Jefferson County Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/125-15); Civic Center Code; Jo Daviess County Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/130-30); Civic Center Code; Katherine Dunham Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/145-35); Civic Center Code; Marengo Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/150-35); Civic Center Code; Mason County Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/155-15); Civic Center Code; Matteson Metropolitan Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/160-35); Civic Center Code; Maywood Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/165-35); Civic Center Code; Melrose Park Metropolitan Exposition Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/170-20); Civic Center Code; certain Metropolitan Exposition, Auditorium and Office Building Authorities; for general purposes.

(70 ILCS 200/180-35); Civic Center Code; Normal Civic Center

Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/185-15); Civic Center Code; Oak Park Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/195-35); Civic Center Code; Ottawa Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/200-15); Civic Center Code; Pekin Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/205-15); Civic Center Code; Peoria Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/210-35); Civic Center Code; Pontiac Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/215-15); Civic Center Code; Illinois Quad City Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/220-30); Civic Center Code; Quincy Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/225-35); Civic Center Code; Randolph County Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/230-35); Civic Center Code; River Forest Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/235-40); Civic Center Code; Riverside Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/245-35); Civic Center Code; Salem Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/255-20); Civic Center Code; Springfield Metropolitan Exposition and Auditorium Authority; for grounds, centers, and parking.

(70 ILCS 200/260-35); Civic Center Code; Sterling Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/265-20); Civic Center Code; Vermilion County Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/270-35); Civic Center Code; Waukegan Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/275-35); Civic Center Code; West Frankfort Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/280-20); Civic Center Code; Will County Metropolitan Exposition and Auditorium Authority; for grounds, centers, and parking.

(70 ILCS 210/5); Metropolitan Pier and Exposition Authority Act; Metropolitan Pier and Exposition Authority; for general purposes, including quick-take power.

(70 ILCS 405/22.04); Soil and Water Conservation Districts Act; soil and water conservation districts; for general purposes.

(70 ILCS 410/10 and 410/12); Conservation District Act;

conservation districts; for open space, wildland, scenic roadway, pathway, outdoor recreation, or other conservation benefits.

(70 ILCS 503/25); Chanute-Rantoul National Aviation Center Redevelopment Commission Act; Chanute-Rantoul National Aviation Center Redevelopment Commission; for general purposes.

(70 ILCS 507/15); Fort Sheridan Redevelopment Commission Act; Fort Sheridan Redevelopment Commission; for general purposes or to carry out comprehensive or redevelopment plans.

(70 ILCS 520/8); Southwestern Illinois Development Authority Act; Southwestern Illinois Development Authority; for general purposes, including quick-take power.

(70 ILCS 605/4-17 and 605/5-7); Illinois Drainage Code; drainage districts; for general purposes.

(70 ILCS 615/5 and 615/6); Chicago Drainage District Act; corporate authorities; for construction and maintenance of works.

(70 ILCS 705/10); Fire Protection District Act; fire protection districts; for general purposes.

(70 ILCS 750/20); Flood Prevention District Act; flood prevention districts; for general purposes.

(70 ILCS 805/6); Downstate Forest Preserve District Act; certain forest preserve districts; for general purposes.

(70 ILCS 805/18.8); Downstate Forest Preserve District Act;

certain forest preserve districts; for recreational and cultural facilities.

(70 ILCS 810/8); Cook County Forest Preserve District Act; Forest Preserve District of Cook County; for general purposes.

(70 ILCS 810/38); Cook County Forest Preserve District Act; Forest Preserve District of Cook County; for recreational facilities.

(70 ILCS 910/15 and 910/16); Hospital District Law; hospital districts; for hospitals or hospital facilities.

(70 ILCS 915/3); Illinois Medical District Act; Illinois Medical District Commission; for general purposes.

(70 ILCS 915/4.5); Illinois Medical District Act; Illinois Medical District Commission; quick-take power for the Illinois State Police Forensic Science Laboratory (obsolete).

(70 ILCS 920/5); Tuberculosis Sanitarium District Act; tuberculosis sanitarium districts; for tuberculosis sanitariums.

Capital City Downtown Medical District Act; Capital City Downtown Medical District Commission; for general purposes.

~~(70 ILCS 925/20); Mid-Illinois Medical District Act; Mid-Illinois Medical District; for general purposes.~~

(70 ILCS 930/20); Mid-America Medical District Act; Mid-America Medical District Commission; for general

purposes.

(70 ILCS 935/20); Roseland Community Medical District Act; medical district; for general purposes.

(70 ILCS 1005/7); Mosquito Abatement District Act; mosquito abatement districts; for general purposes.

(70 ILCS 1105/8); Museum District Act; museum districts; for general purposes.

(70 ILCS 1205/7-1); Park District Code; park districts; for streets and other purposes.

(70 ILCS 1205/8-1); Park District Code; park districts; for parks.

(70 ILCS 1205/9-2 and 1205/9-4); Park District Code; park districts; for airports and landing fields.

(70 ILCS 1205/11-2 and 1205/11-3); Park District Code; park districts; for State land abutting public water and certain access rights.

(70 ILCS 1205/11.1-3); Park District Code; park districts; for harbors.

(70 ILCS 1225/2); Park Commissioners Land Condemnation Act; park districts; for street widening.

(70 ILCS 1230/1 and 1230/1-a); Park Commissioners Water Control Act; park districts; for parks, boulevards, driveways, parkways, viaducts, bridges, or tunnels.

(70 ILCS 1250/2); Park Commissioners Street Control (1889) Act; park districts; for boulevards or driveways.

(70 ILCS 1290/1); Park District Aquarium and Museum Act;

municipalities or park districts; for aquariums or museums.

(70 ILCS 1305/2); Park District Airport Zoning Act; park districts; for restriction of the height of structures.

(70 ILCS 1310/5); Park District Elevated Highway Act; park districts; for elevated highways.

(70 ILCS 1505/15); Chicago Park District Act; Chicago Park District; for parks and other purposes.

(70 ILCS 1505/25.1); Chicago Park District Act; Chicago Park District; for parking lots or garages.

(70 ILCS 1505/26.3); Chicago Park District Act; Chicago Park District; for harbors.

(70 ILCS 1570/5); Lincoln Park Commissioners Land Condemnation Act; Lincoln Park Commissioners; for land and interests in land, including riparian rights.

(70 ILCS 1801/30); Alexander-Cairo Port District Act; Alexander-Cairo Port District; for general purposes.

(70 ILCS 1805/8); Havana Regional Port District Act; Havana Regional Port District; for general purposes.

(70 ILCS 1810/7); Illinois International Port District Act; Illinois International Port District; for general purposes.

(70 ILCS 1815/13); Illinois Valley Regional Port District Act; Illinois Valley Regional Port District; for general purposes.

(70 ILCS 1820/4); Jackson-Union Counties Regional Port

District Act; Jackson-Union Counties Regional Port District; for removal of airport hazards or reduction of the height of objects or structures.

(70 ILCS 1820/5); Jackson-Union Counties Regional Port District Act; Jackson-Union Counties Regional Port District; for general purposes.

(70 ILCS 1825/4.9); Joliet Regional Port District Act; Joliet Regional Port District; for removal of airport hazards.

(70 ILCS 1825/4.10); Joliet Regional Port District Act; Joliet Regional Port District; for reduction of the height of objects or structures.

(70 ILCS 1825/4.18); Joliet Regional Port District Act; Joliet Regional Port District; for removal of hazards from ports and terminals.

(70 ILCS 1825/5); Joliet Regional Port District Act; Joliet Regional Port District; for general purposes.

(70 ILCS 1830/7.1); Kaskaskia Regional Port District Act; Kaskaskia Regional Port District; for removal of hazards from ports and terminals.

(70 ILCS 1830/14); Kaskaskia Regional Port District Act; Kaskaskia Regional Port District; for general purposes.

(70 ILCS 1831/30); Massac-Metropolis Port District Act; Massac-Metropolis Port District; for general purposes.

(70 ILCS 1835/5.10); Mt. Carmel Regional Port District Act; Mt. Carmel Regional Port District; for removal of airport hazards.

(70 ILCS 1837/30); Ottawa Port District Act; Ottawa Port District; for general purposes.

(70 ILCS 1842/30 and 1842/35); Rock Island Regional Port District Act; Rock Island Regional Port District and participating municipalities; for general Port District purposes.

(70 ILCS 1845/4.9); Seneca Regional Port District Act; Seneca Regional Port District; for removal of airport hazards.

(70 ILCS 1845/4.10); Seneca Regional Port District Act; Seneca Regional Port District; for reduction of the height of objects or structures.

(70 ILCS 1845/5); Seneca Regional Port District Act; Seneca Regional Port District; for general purposes.

(70 ILCS 1850/4); Shawneetown Regional Port District Act; Shawneetown Regional Port District; for removal of airport hazards or reduction of the height of objects or structures.

(70 ILCS 1850/5); Shawneetown Regional Port District Act; Shawneetown Regional Port District; for general purposes.

(70 ILCS 1860/4); Tri-City Regional Port District Act; Tri-City Regional Port District; for removal of airport hazards.

(70 ILCS 1860/5); Tri-City Regional Port District Act; Tri-City Regional Port District; for the development of facilities.

(70 ILCS 1863/11); Upper Mississippi River International Port

District Act; Upper Mississippi River International Port District; for general purposes.

(70 ILCS 1865/4.9); Waukegan Port District Act; Waukegan Port District; for removal of airport hazards.

(70 ILCS 1865/4.10); Waukegan Port District Act; Waukegan Port District; for restricting the height of objects or structures.

(70 ILCS 1865/5); Waukegan Port District Act; Waukegan Port District; for the development of facilities.

(70 ILCS 1905/16); Railroad Terminal Authority Act; Railroad Terminal Authority (Chicago); for general purposes.

(70 ILCS 2105/9b); River Conservancy Districts Act; river conservancy districts; for general purposes.

(70 ILCS 2105/10a); River Conservancy Districts Act; river conservancy districts; for corporate purposes.

(70 ILCS 2205/15); Sanitary District Act of 1907; sanitary districts; for corporate purposes.

(70 ILCS 2205/18); Sanitary District Act of 1907; sanitary districts; for improvements and works.

(70 ILCS 2205/19); Sanitary District Act of 1907; sanitary districts; for access to property.

(70 ILCS 2305/8); North Shore Water Reclamation District Act; North Shore Water Reclamation District; for corporate purposes.

(70 ILCS 2305/15); North Shore Water Reclamation District Act; North Shore Water Reclamation District; for improvements.

(70 ILCS 2405/7.9); Sanitary District Act of 1917; Sanitary District of Decatur; for carrying out agreements to sell, convey, or disburse treated wastewater to a private entity.

(70 ILCS 2405/8); Sanitary District Act of 1917; sanitary districts; for corporate purposes.

(70 ILCS 2405/15); Sanitary District Act of 1917; sanitary districts; for improvements.

(70 ILCS 2405/16.9 and 2405/16.10); Sanitary District Act of 1917; sanitary districts; for waterworks.

(70 ILCS 2405/17.2); Sanitary District Act of 1917; sanitary districts; for public sewer and water utility treatment works.

(70 ILCS 2405/18); Sanitary District Act of 1917; sanitary districts; for dams or other structures to regulate water flow.

(70 ILCS 2605/8); Metropolitan Water Reclamation District Act; Metropolitan Water Reclamation District; for corporate purposes.

(70 ILCS 2605/16); Metropolitan Water Reclamation District Act; Metropolitan Water Reclamation District; quick-take power for improvements.

(70 ILCS 2605/17); Metropolitan Water Reclamation District Act; Metropolitan Water Reclamation District; for bridges.

(70 ILCS 2605/35); Metropolitan Water Reclamation District Act; Metropolitan Water Reclamation District; for widening

and deepening a navigable stream.

(70 ILCS 2805/10); Sanitary District Act of 1936; sanitary districts; for corporate purposes.

(70 ILCS 2805/24); Sanitary District Act of 1936; sanitary districts; for improvements.

(70 ILCS 2805/26i and 2805/26j); Sanitary District Act of 1936; sanitary districts; for drainage systems.

(70 ILCS 2805/27); Sanitary District Act of 1936; sanitary districts; for dams or other structures to regulate water flow.

(70 ILCS 2805/32k); Sanitary District Act of 1936; sanitary districts; for water supply.

(70 ILCS 2805/32l); Sanitary District Act of 1936; sanitary districts; for waterworks.

(70 ILCS 2905/2-7); Metro-East Sanitary District Act of 1974; Metro-East Sanitary District; for corporate purposes.

(70 ILCS 2905/2-8); Metro-East Sanitary District Act of 1974; Metro-East Sanitary District; for access to property.

(70 ILCS 3010/10); Sanitary District Revenue Bond Act; sanitary districts; for sewerage systems.

(70 ILCS 3205/12); Illinois Sports Facilities Authority Act; Illinois Sports Facilities Authority; quick-take power for its corporate purposes (obsolete).

(70 ILCS 3405/16); Surface Water Protection District Act; surface water protection districts; for corporate purposes.

(70 ILCS 3605/7); Metropolitan Transit Authority Act; Chicago Transit Authority; for transportation systems.

(70 ILCS 3605/8); Metropolitan Transit Authority Act; Chicago Transit Authority; for general purposes.

(70 ILCS 3605/10); Metropolitan Transit Authority Act; Chicago Transit Authority; for general purposes, including railroad property.

(70 ILCS 3610/3 and 3610/5); Local Mass Transit District Act; local mass transit districts; for general purposes.

(70 ILCS 3615/2.13); Regional Transportation Authority Act; Regional Transportation Authority; for general purposes.

(70 ILCS 3705/8 and 3705/12); Public Water District Act; public water districts; for waterworks.

(70 ILCS 3705/23a); Public Water District Act; public water districts; for sewerage properties.

(70 ILCS 3705/23e); Public Water District Act; public water districts; for combined waterworks and sewerage systems.

(70 ILCS 3715/6); Water Authorities Act; water authorities; for facilities to ensure adequate water supply.

(70 ILCS 3715/27); Water Authorities Act; water authorities; for access to property.

(75 ILCS 5/4-7); Illinois Local Library Act; boards of library trustees; for library buildings.

(75 ILCS 16/30-55.80); Public Library District Act of 1991; public library districts; for general purposes.

(75 ILCS 65/1 and 65/3); Libraries in Parks Act; corporate

authorities of city or park district, or board of park commissioners; for free public library buildings.

(Source: 104-435, eff. 11-21-25; 104-454, eff. 12-12-25; revised 1-8-26.)

(Text of Section after amendment by P.A. 104-457)

Sec. 15-5-15. Eminent domain powers in ILCS Chapters 70 through 75. The following provisions of law may include express grants of the power to acquire property by condemnation or eminent domain:

(70 ILCS 5/8.02 and 5/9); Airport Authorities Act; airport authorities; for public airport facilities.

(70 ILCS 5/8.05 and 5/9); Airport Authorities Act; airport authorities; for removal of airport hazards.

(70 ILCS 5/8.06 and 5/9); Airport Authorities Act; airport authorities; for reduction of the height of objects or structures.

(70 ILCS 10/4); Interstate Airport Authorities Act; interstate airport authorities; for general purposes.

(70 ILCS 15/3); Kankakee River Valley Area Airport Authority Act; Kankakee River Valley Area Airport Authority; for acquisition of land for airports.

(70 ILCS 200/2-20); Civic Center Code; civic center authorities; for grounds, centers, buildings, and parking.

(70 ILCS 200/5-35); Civic Center Code; Aledo Civic Center

Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/10-15); Civic Center Code; Aurora Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/15-40); Civic Center Code; Benton Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/20-15); Civic Center Code; Bloomington Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/35-35); Civic Center Code; Brownstown Park District Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/40-35); Civic Center Code; Carbondale Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/55-60); Civic Center Code; Chicago South Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/60-30); Civic Center Code; Collinsville Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/70-35); Civic Center Code; Crystal Lake Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/75-20); Civic Center Code; Decatur Metropolitan Exposition, Auditorium and Office Building Authority; for

grounds, centers, buildings, and parking.

(70 ILCS 200/80-15); Civic Center Code; DuPage County Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/85-35); Civic Center Code; Elgin Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/95-25); Civic Center Code; Herrin Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/110-35); Civic Center Code; Illinois Valley Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/115-35); Civic Center Code; Jasper County Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/120-25); Civic Center Code; Jefferson County Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/125-15); Civic Center Code; Jo Daviess County Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/130-30); Civic Center Code; Katherine Dunham Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/145-35); Civic Center Code; Marengo Civic Center

Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/150-35); Civic Center Code; Mason County Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/155-15); Civic Center Code; Matteson Metropolitan Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/160-35); Civic Center Code; Maywood Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/165-35); Civic Center Code; Melrose Park Metropolitan Exposition Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/170-20); Civic Center Code; certain Metropolitan Exposition, Auditorium and Office Building Authorities; for general purposes.

(70 ILCS 200/180-35); Civic Center Code; Normal Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/185-15); Civic Center Code; Oak Park Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/195-35); Civic Center Code; Ottawa Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/200-15); Civic Center Code; Pekin Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/205-15); Civic Center Code; Peoria Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/210-35); Civic Center Code; Pontiac Civic Center

Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/215-15); Civic Center Code; Illinois Quad City Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/220-30); Civic Center Code; Quincy Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/225-35); Civic Center Code; Randolph County Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/230-35); Civic Center Code; River Forest Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/235-40); Civic Center Code; Riverside Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/245-35); Civic Center Code; Salem Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/255-20); Civic Center Code; Springfield Metropolitan Exposition and Auditorium Authority; for grounds, centers, and parking.

(70 ILCS 200/260-35); Civic Center Code; Sterling Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/265-20); Civic Center Code; Vermilion County Metropolitan Exposition, Auditorium and Office Building

Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/270-35); Civic Center Code; Waukegan Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/275-35); Civic Center Code; West Frankfort Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/280-20); Civic Center Code; Will County Metropolitan Exposition and Auditorium Authority; for grounds, centers, and parking.

(70 ILCS 210/5); Metropolitan Pier and Exposition Authority Act; Metropolitan Pier and Exposition Authority; for general purposes, including quick-take power.

(70 ILCS 405/22.04); Soil and Water Conservation Districts Act; soil and water conservation districts; for general purposes.

(70 ILCS 410/10 and 410/12); Conservation District Act; conservation districts; for open space, wildland, scenic roadway, pathway, outdoor recreation, or other conservation benefits.

(70 ILCS 503/25); Chanute-Rantoul National Aviation Center Redevelopment Commission Act; Chanute-Rantoul National Aviation Center Redevelopment Commission; for general purposes.

(70 ILCS 507/15); Fort Sheridan Redevelopment Commission Act; Fort Sheridan Redevelopment Commission; for general purposes or to carry out comprehensive or redevelopment

plans.

(70 ILCS 520/8); Southwestern Illinois Development Authority Act; Southwestern Illinois Development Authority; for general purposes, including quick-take power.

(70 ILCS 605/4-17 and 605/5-7); Illinois Drainage Code; drainage districts; for general purposes.

(70 ILCS 615/5 and 615/6); Chicago Drainage District Act; corporate authorities; for construction and maintenance of works.

(70 ILCS 705/10); Fire Protection District Act; fire protection districts; for general purposes.

(70 ILCS 750/20); Flood Prevention District Act; flood prevention districts; for general purposes.

(70 ILCS 805/6); Downstate Forest Preserve District Act; certain forest preserve districts; for general purposes.

(70 ILCS 805/18.8); Downstate Forest Preserve District Act; certain forest preserve districts; for recreational and cultural facilities.

(70 ILCS 810/8); Cook County Forest Preserve District Act; Forest Preserve District of Cook County; for general purposes.

(70 ILCS 810/38); Cook County Forest Preserve District Act; Forest Preserve District of Cook County; for recreational facilities.

(70 ILCS 910/15 and 910/16); Hospital District Law; hospital districts; for hospitals or hospital facilities.

(70 ILCS 915/3); Illinois Medical District Act; Illinois Medical District Commission; for general purposes.

(70 ILCS 915/4.5); Illinois Medical District Act; Illinois Medical District Commission; quick-take power for the Illinois State Police Forensic Science Laboratory (obsolete).

(70 ILCS 920/5); Tuberculosis Sanitarium District Act; tuberculosis sanitarium districts; for tuberculosis sanitariums.

Capital City Downtown Medical District Act; Capital City Downtown Medical District Commission; for general purposes.

~~(70 ILCS 925/20); Mid-Illinois Medical District Act; Mid-Illinois Medical District; for general purposes.~~

(70 ILCS 930/20); Mid-America Medical District Act; Mid-America Medical District Commission; for general purposes.

(70 ILCS 935/20); Roseland Community Medical District Act; medical district; for general purposes.

(70 ILCS 1005/7); Mosquito Abatement District Act; mosquito abatement districts; for general purposes.

(70 ILCS 1105/8); Museum District Act; museum districts; for general purposes.

(70 ILCS 1205/7-1); Park District Code; park districts; for streets and other purposes.

(70 ILCS 1205/8-1); Park District Code; park districts; for

parks.

(70 ILCS 1205/9-2 and 1205/9-4); Park District Code; park districts; for airports and landing fields.

(70 ILCS 1205/11-2 and 1205/11-3); Park District Code; park districts; for State land abutting public water and certain access rights.

(70 ILCS 1205/11.1-3); Park District Code; park districts; for harbors.

(70 ILCS 1225/2); Park Commissioners Land Condemnation Act; park districts; for street widening.

(70 ILCS 1230/1 and 1230/1-a); Park Commissioners Water Control Act; park districts; for parks, boulevards, driveways, parkways, viaducts, bridges, or tunnels.

(70 ILCS 1250/2); Park Commissioners Street Control (1889) Act; park districts; for boulevards or driveways.

(70 ILCS 1290/1); Park District Aquarium and Museum Act; municipalities or park districts; for aquariums or museums.

(70 ILCS 1305/2); Park District Airport Zoning Act; park districts; for restriction of the height of structures.

(70 ILCS 1310/5); Park District Elevated Highway Act; park districts; for elevated highways.

(70 ILCS 1505/15); Chicago Park District Act; Chicago Park District; for parks and other purposes.

(70 ILCS 1505/25.1); Chicago Park District Act; Chicago Park District; for parking lots or garages.

(70 ILCS 1505/26.3); Chicago Park District Act; Chicago Park District; for harbors.

(70 ILCS 1570/5); Lincoln Park Commissioners Land Condemnation Act; Lincoln Park Commissioners; for land and interests in land, including riparian rights.

(70 ILCS 1801/30); Alexander-Cairo Port District Act; Alexander-Cairo Port District; for general purposes.

(70 ILCS 1805/8); Havana Regional Port District Act; Havana Regional Port District; for general purposes.

(70 ILCS 1810/7); Illinois International Port District Act; Illinois International Port District; for general purposes.

(70 ILCS 1815/13); Illinois Valley Regional Port District Act; Illinois Valley Regional Port District; for general purposes.

(70 ILCS 1820/4); Jackson-Union Counties Regional Port District Act; Jackson-Union Counties Regional Port District; for removal of airport hazards or reduction of the height of objects or structures.

(70 ILCS 1820/5); Jackson-Union Counties Regional Port District Act; Jackson-Union Counties Regional Port District; for general purposes.

(70 ILCS 1825/4.9); Joliet Regional Port District Act; Joliet Regional Port District; for removal of airport hazards.

(70 ILCS 1825/4.10); Joliet Regional Port District Act; Joliet Regional Port District; for reduction of the height of

objects or structures.

(70 ILCS 1825/4.18); Joliet Regional Port District Act; Joliet Regional Port District; for removal of hazards from ports and terminals.

(70 ILCS 1825/5); Joliet Regional Port District Act; Joliet Regional Port District; for general purposes.

(70 ILCS 1830/7.1); Kaskaskia Regional Port District Act; Kaskaskia Regional Port District; for removal of hazards from ports and terminals.

(70 ILCS 1830/14); Kaskaskia Regional Port District Act; Kaskaskia Regional Port District; for general purposes.

(70 ILCS 1831/30); Massac-Metropolis Port District Act; Massac-Metropolis Port District; for general purposes.

(70 ILCS 1835/5.10); Mt. Carmel Regional Port District Act; Mt. Carmel Regional Port District; for removal of airport hazards.

(70 ILCS 1837/30); Ottawa Port District Act; Ottawa Port District; for general purposes.

(70 ILCS 1842/30 and 1842/35); Rock Island Regional Port District Act; Rock Island Regional Port District and participating municipalities; for general Port District purposes.

(70 ILCS 1845/4.9); Seneca Regional Port District Act; Seneca Regional Port District; for removal of airport hazards.

(70 ILCS 1845/4.10); Seneca Regional Port District Act; Seneca Regional Port District; for reduction of the height of

objects or structures.

(70 ILCS 1845/5); Seneca Regional Port District Act; Seneca Regional Port District; for general purposes.

(70 ILCS 1850/4); Shawneetown Regional Port District Act; Shawneetown Regional Port District; for removal of airport hazards or reduction of the height of objects or structures.

(70 ILCS 1850/5); Shawneetown Regional Port District Act; Shawneetown Regional Port District; for general purposes.

(70 ILCS 1860/4); Tri-City Regional Port District Act; Tri-City Regional Port District; for removal of airport hazards.

(70 ILCS 1860/5); Tri-City Regional Port District Act; Tri-City Regional Port District; for the development of facilities.

(70 ILCS 1863/11); Upper Mississippi River International Port District Act; Upper Mississippi River International Port District; for general purposes.

(70 ILCS 1865/4.9); Waukegan Port District Act; Waukegan Port District; for removal of airport hazards.

(70 ILCS 1865/4.10); Waukegan Port District Act; Waukegan Port District; for restricting the height of objects or structures.

(70 ILCS 1865/5); Waukegan Port District Act; Waukegan Port District; for the development of facilities.

(70 ILCS 1905/16); Railroad Terminal Authority Act; Railroad

Terminal Authority (Chicago); for general purposes.

(70 ILCS 2105/9b); River Conservancy Districts Act; river conservancy districts; for general purposes.

(70 ILCS 2105/10a); River Conservancy Districts Act; river conservancy districts; for corporate purposes.

(70 ILCS 2205/15); Sanitary District Act of 1907; sanitary districts; for corporate purposes.

(70 ILCS 2205/18); Sanitary District Act of 1907; sanitary districts; for improvements and works.

(70 ILCS 2205/19); Sanitary District Act of 1907; sanitary districts; for access to property.

(70 ILCS 2305/8); North Shore Water Reclamation District Act; North Shore Water Reclamation District; for corporate purposes.

(70 ILCS 2305/15); North Shore Water Reclamation District Act; North Shore Water Reclamation District; for improvements.

(70 ILCS 2405/7.9); Sanitary District Act of 1917; Sanitary District of Decatur; for carrying out agreements to sell, convey, or disburse treated wastewater to a private entity.

(70 ILCS 2405/8); Sanitary District Act of 1917; sanitary districts; for corporate purposes.

(70 ILCS 2405/15); Sanitary District Act of 1917; sanitary districts; for improvements.

(70 ILCS 2405/16.9 and 2405/16.10); Sanitary District Act of 1917; sanitary districts; for waterworks.

(70 ILCS 2405/17.2); Sanitary District Act of 1917; sanitary districts; for public sewer and water utility treatment works.

(70 ILCS 2405/18); Sanitary District Act of 1917; sanitary districts; for dams or other structures to regulate water flow.

(70 ILCS 2605/8); Metropolitan Water Reclamation District Act; Metropolitan Water Reclamation District; for corporate purposes.

(70 ILCS 2605/16); Metropolitan Water Reclamation District Act; Metropolitan Water Reclamation District; quick-take power for improvements.

(70 ILCS 2605/17); Metropolitan Water Reclamation District Act; Metropolitan Water Reclamation District; for bridges.

(70 ILCS 2605/35); Metropolitan Water Reclamation District Act; Metropolitan Water Reclamation District; for widening and deepening a navigable stream.

(70 ILCS 2805/10); Sanitary District Act of 1936; sanitary districts; for corporate purposes.

(70 ILCS 2805/24); Sanitary District Act of 1936; sanitary districts; for improvements.

(70 ILCS 2805/26i and 2805/26j); Sanitary District Act of 1936; sanitary districts; for drainage systems.

(70 ILCS 2805/27); Sanitary District Act of 1936; sanitary districts; for dams or other structures to regulate water flow.

(70 ILCS 2805/32k); Sanitary District Act of 1936; sanitary districts; for water supply.

(70 ILCS 2805/32l); Sanitary District Act of 1936; sanitary districts; for waterworks.

(70 ILCS 2905/2-7); Metro-East Sanitary District Act of 1974; Metro-East Sanitary District; for corporate purposes.

(70 ILCS 2905/2-8); Metro-East Sanitary District Act of 1974; Metro-East Sanitary District; for access to property.

(70 ILCS 3010/10); Sanitary District Revenue Bond Act; sanitary districts; for sewerage systems.

(70 ILCS 3205/12); Illinois Sports Facilities Authority Act; Illinois Sports Facilities Authority; quick-take power for its corporate purposes (obsolete).

(70 ILCS 3405/16); Surface Water Protection District Act; surface water protection districts; for corporate purposes.

(70 ILCS 3605/7); Chicago Transit Authority Act; Chicago Transit Authority; for transportation systems.

(70 ILCS 3605/8); Chicago Transit Authority Act; Chicago Transit Authority; for general purposes.

(70 ILCS 3605/10); Chicago Transit Authority Act; Chicago Transit Authority; for general purposes, including railroad property.

(70 ILCS 3610/3 and 3610/5); Local Mass Transit District Act; local mass transit districts; for general purposes.

(70 ILCS 3615/2.13); Northern Illinois Transit Authority Act;

Northern Illinois Transit Authority; for general purposes.

(70 ILCS 3705/8 and 3705/12); Public Water District Act; public water districts; for waterworks.

(70 ILCS 3705/23a); Public Water District Act; public water districts; for sewerage properties.

(70 ILCS 3705/23e); Public Water District Act; public water districts; for combined waterworks and sewerage systems.

(70 ILCS 3715/6); Water Authorities Act; water authorities; for facilities to ensure adequate water supply.

(70 ILCS 3715/27); Water Authorities Act; water authorities; for access to property.

(75 ILCS 5/4-7); Illinois Local Library Act; boards of library trustees; for library buildings.

(75 ILCS 16/30-55.80); Public Library District Act of 1991; public library districts; for general purposes.

(75 ILCS 65/1 and 65/3); Libraries in Parks Act; corporate authorities of city or park district, or board of park commissioners; for free public library buildings.

(Source: 104-435, eff. 11-21-25; 104-454, eff. 12-12-25; 104-457, Article 5, Section 5-925, eff. 6-1-26; 104-457, Article 10, Section 10-75, eff. 6-1-26; 104-457, Article 15, Section 15-210, eff. 6-1-26; revised 1-8-26.)

Section 10-915. The State Finance Act is amended by adding Section 5.1039 as follows:

(30 ILCS 105/5.1039 new)

Sec. 5.1039. The Capital City Downtown Medical District Income Fund.

(30 ILCS 105/5.593 rep.)

(30 ILCS 105/6z-60 rep.)

Section 10-920. The State Finance Act is amended by repealing Sections 5.593 and 6z-60.

ARTICLE 99

Section 99-95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

Section 99-97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

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