

**103RD GENERAL ASSEMBLY****State of Illinois****2023 and 2024****SB3936**

Introduced 5/1/2024, by Sen. Ram Villivalam

SYNOPSIS AS INTRODUCED:

See Index

Creates the Metropolitan Mobility Authority Act, and establishes the Metropolitan Mobility Authority. Provides that the Chicago Transit Authority, the Commuter Rail Division and the Suburban Bus Division of the Regional Transportation Authority, and the Regional Transportation Authority are consolidated into the Metropolitan Mobility Authority and the Service Boards are abolished, instead creating the Suburban Bus Operating Division, Commuter Rail Operating Division, and the Chicago Transit Operating Division. Reinserts, reorganizes, and changes some provisions from the Metropolitan Transit Authority Act and the Regional Transportation Authority Act into the new Act and repeals those Acts. Includes provisions about the operation of the Metropolitan Mobility Authority. Creates the Equitable Transit-Supportive Development Act. Establishes the Office of Transit-Oriented Development. Provides that the Office and the Fund are to aid transit-supportive development near high-quality transit by providing specified funding to municipalities that have adopted the standards in the transit support overlay district for that area or that have adopted zoning and other changes that the Office determines have benefits greater than or equal to such a District, including transit support overlay districts. Includes provisions relating to Office standards, procedures, and reports. Creates the Zero-Emission Vehicle Act. Provides that all on-road vehicles purchased or leased by a governmental unit on or after January 1, 2028 must be a manufactured zero-emission vehicle, repowered zero-emission vehicle, manufactured near zero-emission vehicle, or repowered near zero-emission vehicle. Provides that on and after January 1, 2033, all on-road vehicles purchased or leased by a governmental unit must be a manufactured zero-emission vehicle or repowered zero-emission vehicle. Provides that, by January 1, 2048, all on-road vehicles operated by a governmental unit must be a manufactured or repowered zero-emission vehicle. Sets forth provisions implementing the Act, including requiring the Department of Central Management Services to adopt certain rules. Amends various Acts, Laws, and Codes to make conforming changes for the new Acts and to make other changes. Provides that some provisions are effective immediately.

LRB103 40367 AWJ 72644 b

1 AN ACT concerning transportation.

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

4 Article I. METROPOLITAN MOBILITY AUTHORITY

5 Section 1.01. Short title; references to Act.

6 (a) Short title. Articles I through VI of this Act may be
7 cited as the Metropolitan Mobility Authority Act. References
8 to "this Act" in Articles I through VI of this Act mean
9 Articles I through VI of this Act.

10 (b) References to Act. This Act, including both the new
11 and amendatory provisions, may be referred to as Clean and
12 Equitable Transportation Act.

13 Section 1.02. Legislative findings and purpose.

14 (a) The General Assembly finds:

15 (1) Section 7 of Article XIII of the Illinois
16 Constitution provides that public transportation is an
17 essential public purpose for which public funds may be
18 expended, and it also authorizes the State to provide
19 financial assistance to units of local government for
20 distribution to providers of public transportation.

21 (2) There is an urgent need to reform and continue a
22 unit of local government to ensure the proper management

1 and operation of public transportation, to receive and
2 distribute State or federal operating assistance, and to
3 raise and distribute revenues for local operating
4 assistance. System generated revenues are not adequate for
5 such service and a public need exists to provide for, aid,
6 and assist public transportation in the metropolitan
7 region, consisting of Cook, DuPage, Kane, Lake, McHenry,
8 and Will counties.

9 (3) Comprehensive and coordinated regional public
10 transportation is essential to public health, safety, and
11 welfare. It is essential to ensuring economic well-being,
12 addressing the climate crisis, providing affordable
13 transportation options for residents at all income levels,
14 conserving sources of energy and land for open space,
15 reducing traffic congestion, and providing for and
16 maintaining a healthful environment for the benefit of
17 present and future generations in the metropolitan region.
18 Public transportation decreases air pollution and other
19 environmental hazards as well as the tragic loss of life
20 from crashes and allows for more efficient land use and
21 planning.

22 (4) Public transportation advances equity and equal
23 opportunity by improving the mobility of the public and
24 providing more people with greater access to jobs,
25 commercial businesses, schools, medical facilities, and
26 cultural attractions.

1 (5) Public transportation in the metropolitan region
2 is being threatened by grave financial conditions. With
3 existing methods of financing, coordination, structure,
4 and management, the public transportation system is not
5 providing adequate service to ensure the public health,
6 safety, and welfare.

7 (6) The COVID-19 pandemic caused unprecedented
8 disruption in public transportation ridership and
9 operations from which the service providers have yet to
10 fully recover and the pandemic-related federal funding
11 support for public transportation operations has expired.
12 Although ridership levels continue to improve from the
13 lowest levels observed during the pandemic, net ridership
14 levels have not recovered to pre-pandemic levels.
15 Furthermore, the system experienced persistent losses in
16 ridership, service quality, and financial stability for
17 many years before the pandemic. These systemic issues,
18 combined with the changes in passenger behaviors,
19 experiences, and commuting patterns experienced since the
20 pandemic, create conditions untenable to a sustainable and
21 thriving public transportation system.

22 (7) Additional commitments to the public
23 transportation needs of persons with disabilities, the
24 economically disadvantaged, and the elderly are necessary.

25 (8) To solve these problems, it is necessary to
26 provide for the creation of a regional transportation

1 authority with the powers necessary to ensure adequate
2 public transportation and a board of directors that has
3 the diverse experience, expertise, and background to
4 effectively oversee the public transportation system.

5 (9) A substantial or total loss of public
6 transportation services or any segment of public
7 transportation services would create an emergency
8 threatening the safety and well-being of the people in the
9 metropolitan region.

10 (10) To meet the urgent needs of the people of the
11 metropolitan region, avoid a transportation emergency, and
12 provide financially sound methods of managing the
13 provision of public transportation services in the
14 metropolitan region, it is necessary to create one truly
15 integrated regional transit system instead of 3 separate
16 transit systems by combining the existing Service Boards
17 and Regional Transportation Authority into one agency.

18 (11) The economic vitality of Illinois requires
19 regionwide and systemwide efforts to increase ridership on
20 the transit systems, improve roadway operations within the
21 metropolitan region, and allocate resources for
22 transportation so as to assist in the development of an
23 adequate, efficient, equitable, and coordinated regional
24 public transportation system that is in a state of good
25 repair.

26 (b) It is the purpose of this Act to provide for, aid, and

1 assist public transportation in the metropolitan region
2 without impairing the overall quality of existing public
3 transportation by providing for the creation of a single
4 authority responsive to the people and elected officials of
5 the area and with the power and competence to operate the
6 regional transportation system, develop, implement, and
7 enforce plans that promote adequate, efficient, equitable, and
8 coordinated public transportation, provide responsible
9 financial stewardship of the public transportation system in
10 the metropolitan region, and facilitate the delivery of public
11 transportation that is attractive and safe to passengers and
12 employees, comprehensive and coordinated among its various
13 elements, economic and efficient, and coordinated among local,
14 regional, and State programs, plans, and projects.

15 Section 1.03. Definitions. As used in this Act:

16 "Authority" means the Metropolitan Mobility Authority, the
17 successor to the Regional Transportation Authority and the
18 Chicago Transit Authority.

19 "Board" means the Board of Directors of the Metropolitan
20 Mobility Authority.

21 "Consolidated entities" means the Chicago Transit
22 Authority, the Commuter Rail Division and the Suburban Bus
23 Division of the Regional Transportation Authority, the
24 Regional Transportation Authority, and all of their
25 subsidiaries and affiliates.

1 "Construct or acquire" means to plan, design, construct,
2 reconstruct, improve, modify, extend, landscape, expand, or
3 acquire.

4 "Fare capping" means the action of no longer charging a
5 rider for any additional fares for the duration of a daily,
6 weekly, monthly, or 30-day pass once the rider has purchased
7 enough regular one-way fares to reach the cost of the
8 applicable pass.

9 "Metropolitan region" means all territory included within
10 the territory of the Authority as provided in this Act, and
11 such territory as may be annexed to the Authority.

12 "Municipality", "county", and "unit of local government"
13 have the meanings given to those terms in Section 1 of Article
14 VII of the Illinois Constitution.

15 "Operate" means operate, maintain, administer, repair,
16 promote, and any other acts necessary or proper with regard to
17 such matters.

18 "Operating Division" means the Suburban Bus, Commuter
19 Rail, and Chicago Transit Operating Divisions and any public
20 transportation operating division formed by the Authority
21 after the effective date of this Act.

22 "Public transportation" means the transportation or
23 conveyance of persons within the metropolitan region by means
24 available to the general public, including groups of the
25 general public with special needs. "Public transportation"
26 does not include transportation by automobiles not used for

1 conveyance of the general public as passengers.

2 "Public transportation facility" means the equipment or
3 property, real or personal, or rights therein, useful or
4 necessary for providing, maintaining or administering public
5 transportation within the metropolitan region or otherwise
6 useful for carrying out or meeting the purposes or powers of
7 the Authority. Except as otherwise provided by this Act,
8 "public transportation facility" does not include a road,
9 street, highway, bridge, toll highway, or toll bridge for
10 general public use.

11 "Regional rail" means a commuter rail service pattern that
12 emphasizes more frequent off-peak service, simplified
13 schedules, and non-downtown trips. "Regional rail" may include
14 other elements, such as running trains through downtown
15 stations.

16 "Service Boards" means the boards of the Commuter Rail
17 Division, the Suburban Bus Division, and the Chicago Transit
18 Authority of the former Regional Transportation Authority.

19 "Service Standards" means quantitative and qualitative
20 attributes of public transit service as well as its
21 appropriate level of service to be provided across the
22 metropolitan region.

23 "Transportation agency" means any individual, firm,
24 partnership, corporation, association, body politic, municipal
25 corporation, public authority, unit of local government, or
26 other person, other than the Authority and the Operating

1 Divisions, that provides public transportation in the
2 metropolitan region.

3 Article II. CREATION AND ORGANIZATION

4 Section 2.01. Establishment of the Authority. The
5 Metropolitan Mobility Authority is established upon the
6 effective date of this Act. The Authority is a unit of local
7 government, body politic, political subdivision, and municipal
8 corporation.

9 Section 2.02. Territory and annexation.

10 (a) The initial territory of the Authority is Cook,
11 DuPage, Kane, Lake, McHenry, and Will counties. Any other
12 county or portion thereof in Illinois contiguous to the
13 metropolitan region may be annexed to the Authority on such
14 conditions as the Authority shall by ordinance prescribe, by
15 ordinance adopted by the county board of such county, and by
16 approval by the Authority. Upon such annexation, a certificate
17 of such action shall be filed by the Secretary of the Authority
18 with the county clerk of the county so annexing to the
19 Authority and with the Secretary of State and the Department
20 of Revenue.

21 (b) No area may be annexed to the Authority except upon the
22 approval of a majority of the electors of such area voting on
23 the proposition so to annex, which proposition may be

1 presented at any regular election as provided by the county
2 board or boards of the county or counties in which the area in
3 question is located. Such county board or boards shall cause
4 certification of such proposition to be given in accordance
5 with the general election law to the proper election officers,
6 who shall submit the proposition at an election in accordance
7 with the general election law.

8 Section 2.03. Extraterritorial authority. To provide or
9 assist any transportation of members of the general public
10 between points in the metropolitan region and points outside
11 the metropolitan region, whether in this State, Wisconsin, or
12 Indiana, the Authority may enter into agreements with any unit
13 of local government, individual, corporation, or other person
14 or public agency in or of any such state or any private entity
15 for such service. Such agreements may provide for
16 participation by the Authority in providing such service and
17 for grants by the Authority in connection with any such
18 service, and may, subject to federal and State law, set forth
19 any terms relating to such service, including coordinating
20 such service with public transportation in the metropolitan
21 region. Such agreement may be for such number of years or
22 duration as the parties may agree. In regard to any such
23 agreements or grants, the Authority shall consider the benefit
24 to the metropolitan region and the financial contribution with
25 regard to such service made or to be made from public funds in

1 such areas served outside the metropolitan region.

2 Section 2.04. Board of Directors.

3 (a) The corporate authorities and governing body of the
4 Authority shall be a Board consisting of voting Directors and
5 nonvoting Directors appointed as follows:

6 (1) 3 Directors appointed by the Governor with the
7 advice and consent of the Senate;

8 (2) 5 Directors appointed by the Mayor of the City of
9 Chicago with the advice and consent of the City Council of
10 the City of Chicago, one of whom shall be the Commissioner
11 of the Mayor's Office for People with Disabilities;

12 (3) 5 Directors appointed by the President of the Cook
13 County Board of Commissioners with the advice and consent
14 of the members of the Cook County Board of Commissioners;

15 (4) one Director appointed by each of the chairs of
16 the county boards of DuPage, Kane, Lake, McHenry, and Will
17 counties with the advice and consent of their respective
18 county boards; and

19 (5) the following nonvoting Directors:

20 (A) the Secretary of Transportation or the
21 Secretary's designee;

22 (B) the Chair of the Board of Directors of the
23 Illinois State Toll Highway Authority or the Chair's
24 designee;

25 (C) a representative of organized labor, appointed

1 by the Governor;

2 (D) a representative from the business community
3 in the metropolitan region, appointed by the voting
4 members of the Board;

5 (E) a representative from the disability
6 community, appointed by the voting members of the
7 Board after consulting with at least 3 organizations
8 in the disability community in the metropolitan region
9 selected by the Board; and

10 (F) the Chair of the Citizens Advisory Board
11 established by Section 2.12.

12 (b) All Directors shall be residents of the metropolitan
13 region except for those Directors appointed pursuant to
14 paragraph (1) of subsection (a) and subparagraphs (A) and (B)
15 of paragraph (5) of subsection (a), who shall be residents of
16 the State of Illinois.

17 (c) Nonvoting Directors shall have the same rights to
18 access Board-related materials and to participate in Board
19 meetings as Directors with voting rights.

20 (d) Nonvoting Directors shall be subject to the same
21 conflict of interest restrictions applicable to other
22 Directors, are subject to all ethics requirements applicable
23 to the other Directors, and must comply with the public
24 transportation system usage and meeting attendance
25 requirements of Sections 5.02 and 5.03.

1 Section 2.05. Director qualifications.

2 (a) Except as otherwise provided by this Act, a Director
3 may not, while serving as a Director, be an officer, a member
4 of the board of directors, a trustee, or an employee of a
5 transportation agency or be an employee of the State of
6 Illinois or any department or agency of the State.

7 (b) Each appointment made under this Section shall be
8 certified by the appointing authority to the Board, which
9 shall maintain the certifications as part of the official
10 records of the Authority.

11 (c) Directors shall have diverse and substantial relevant
12 experience and expertise for overseeing the planning,
13 operation, and funding of a regional public transportation
14 system, including, but not limited to, backgrounds in urban
15 and regional planning, management of large capital projects,
16 labor relations, business management, public administration,
17 transportation, and community organizations.

18 Section 2.06. Director decision-making. Directors must
19 make decisions on behalf of the Authority based on the
20 Director's assessment of how best to build an integrated,
21 equitable, and efficient regional public transit system for
22 the metropolitan region as a whole.

23 Section 2.07. Board Chair and other officers.

24 (a) The Chair of the Board shall be appointed by the other

1 Directors for a term of 5 years. The Chair shall not be
2 appointed from among the other Directors. The Chair shall be a
3 resident of the metropolitan region. The Chair may be replaced
4 at any time by the Directors.

5 (b) The Chair shall preside at Board meetings and shall be
6 entitled to vote on all matters.

7 (c) The Board shall select a Secretary and a Treasurer and
8 may select persons to fill such other offices of the Board and
9 to perform such duties as it shall from time to time determine.
10 The Secretary, Treasurer, and other officers of the Board may
11 be, but need not be, members of the Board.

12 (d) The Chair of the Board shall serve as the Acting Chief
13 Executive Officer of the Authority until the appointment of
14 the initial Chief Executive Officer. While the Chair is
15 serving as the Acting Chief Executive Officer of the
16 Authority, the Chair shall be entitled to annual compensation
17 at least equal to the compensation paid to the most highly
18 compensated Chief Executive Officer of a Service Board as of
19 the effective date of this Act, subject to appropriate
20 adjustments made by the Board. When the Chair is no longer
21 serving as the Acting Chief Executive Officer of the
22 Authority, the Chair shall be compensated at the same rate as
23 the other Directors of the Board.

24 Section 2.08. Terms and vacancies.

25 (a) Each Director shall hold office for a term of 5 years

1 and until the Director's successor has been appointed and has
2 qualified. A vacancy shall occur upon resignation, death,
3 conviction of a felony, or removal from office of a Director. A
4 Director may be removed from office (i) upon concurrence of a
5 majority of the Directors, on a formal finding of
6 incompetence, neglect of duty, or malfeasance in office or
7 (ii) by the Governor in response to a summary report received
8 from the Governor's Executive Inspector General in accordance
9 with Section 20-50 of the State Officials and Employees Ethics
10 Act if the Director has had an opportunity to be publicly heard
11 in person or by counsel prior to removal. As soon as feasible
12 after the office of a Director becomes vacant for any reason,
13 the appointing authority of the Director shall make an
14 appointment to fill the vacancy pursuant to Section 2.04. A
15 vacancy shall be filled for the unexpired term.

16 (b) The terms of the initial set of Directors selected to
17 the Board pursuant to this Act shall be as follows:

18 (1) Directors appointed by the Mayor of the City of
19 Chicago and the Governor shall serve an initial term of 3
20 years and their successors shall serve five-year terms
21 until the Director's successor has been appointed and
22 qualified.

23 (2) Directors appointed by the President of the Cook
24 County Board of Commissioners and the board chairs of
25 Will, Kane, DuPage, McHenry, and Lake counties shall serve
26 an initial term of 5 years and their successors shall

1 serve 5-year terms until the Director's successor has been
2 appointed and qualified.

3 Section 2.09. Compensation. Each Director, including the
4 Chair of the Authority, shall be compensated at the rate of
5 \$25,000 per year, but nonvoting Directors employed by a public
6 agency are not entitled to such compensation. Each Director
7 shall be reimbursed for actual expenses incurred in the
8 performance of the Director's duties. Officers of the
9 Authority shall not be required to comply with the
10 requirements of the Public Funds Statement Publication Act.

11 Section 2.10. Meetings.

12 (a) The Board shall prescribe the times and places for
13 meetings and the manner in which special meetings may be
14 called. Board meetings shall be held in a place easily
15 accessible by public transit. The Board shall comply in all
16 respects with the Open Meetings Act. All records, documents,
17 and papers of the Authority, other than those relating to
18 matters concerning which closed sessions of the Board, may be
19 held and any redactions as permitted or required by applicable
20 law, shall be available for public examination, subject to
21 such reasonable regulations as the Board may adopt.

22 (b) A majority of the whole number of members of the
23 Authority then in office shall constitute a quorum for the
24 transaction of any business or the exercise of any power of the

1 Authority. Unless otherwise stated by this Act, actions of the
2 Authority shall require the affirmative vote of a majority of
3 the voting members of the Authority present and voting at the
4 meeting at which the action is taken.

5 (c) Open meetings of the Board shall be broadcast to the
6 public and maintained in real time on the Board's website
7 using a high-speed Internet connection. Recordings of each
8 meeting broadcast shall be posted to the Board's website
9 within a reasonable time after the meeting and shall be
10 maintained as public records to the extent practicable, as
11 determined by the Board. Compliance with these provisions does
12 not relieve the Board of its obligations under the Open
13 Meetings Act.

14 Section 2.11. Director liability.

15 (a) A Director of the Authority is not liable for any
16 injury resulting from any act or omission in determining
17 policy or exercising discretion, except: (1) for willful or
18 wanton misconduct; or (2) as otherwise provided by law.

19 (b) If any claim or action is instituted against a
20 Director of the Authority based on an injury allegedly arising
21 out of an act or omission of the Director occurring within the
22 scope of the Director's performance of duties on behalf of the
23 Authority, the Authority shall indemnify the Director for all
24 legal expenses and court costs incurred in defending against
25 the claim or action and shall indemnify the Director for any

1 amount paid pursuant to any judgment on, or any good faith
2 settlement of, such claim, except for that portion of a
3 judgment awarded for willful or wanton misconduct.

4 (c) The Authority may purchase insurance to cover the
5 costs of any legal expenses, judgments, or settlements under
6 this Section.

7 Section 2.12. Citizen Advisory Board. There is established
8 a Citizen Advisory Board. The Board shall appoint at least 5
9 and not more than 15 members to the Citizen Advisory Board. The
10 Board shall follow the selection process in Section 5.01 for
11 its appointments to the Citizen Advisory Board. The Board
12 should strive to assemble a Citizen Advisory Board that is
13 reflective of the diversity of the metropolitan region, the
14 users of the various modes of public transportation, and the
15 interests of the residents and institutions of the region in a
16 strong public transportation system. At least one member of
17 the Citizen Advisory Board shall represent transit riders with
18 disabilities. The Citizen Advisory Board shall meet at least
19 quarterly and shall advise the Board of the impact of its
20 policies and programs on the communities within the
21 metropolitan region. Members shall serve without compensation
22 but shall be entitled to reimbursement of reasonable and
23 necessary costs incurred in the performance of their duties.
24 Citizen Advisory Board members are subject to the public
25 transportation system usage requirements applicable to

1 Authority Directors pursuant to Section 5.02.

2 Article III. TRANSITION

3 Section 3.01. Transition Committee.

4 (a) The Board shall establish a Transition Committee of
5 the Board composed of a diverse subset of Directors. Directors
6 appointed to the Transition Committee shall devote substantial
7 time and effort to managing the transitions required by this
8 Act in addition to their regular responsibilities as
9 Directors. In recognition of this level of additional effort,
10 the Board may authorize additional compensation for the
11 Directors serving on the Transition Committee over the
12 Director compensation authorized by Section 2.09. Such
13 additional compensation shall be on a documented per hour
14 worked basis at a rate set by the Board up to \$150,000
15 annually.

16 (b) The responsibilities of the Transition Committee,
17 subject to the oversight of the Board, include the following:

18 (1) developing a transition plan for implementing the
19 improvements contemplated by this Act;

20 (2) forming, staffing, and overseeing the activities
21 of an Integration Management Office charged with the
22 day-to-day responsibility for implementing the operational
23 and organization changes contemplated by this Act;

24 (3) leading the search for a Chief Executive Officer

1 of the Authority who has experience managing large public
2 transportation systems, which may include systems outside
3 of North America, or who has similar relevant experience
4 in managing other complex organizations;

5 (4) overseeing the transfer of personnel and staff
6 responsibilities from the consolidated entities to the
7 Authority to implement the provisions of this Act most
8 effectively; and

9 (5) regularly reporting to the full Board on the
10 status of the transition effort and make recommendations
11 for Board policies and actions.

12 (c) The Board shall implement this Act in accordance with
13 the following timetable:

14 (1) All seats on the Board shall be filled, a Chair
15 shall be selected, and the Board Transition Committee
16 shall be appointed and in operation no later than one year
17 after the effective date of this Act.

18 (2) The Integration Management Office shall be fully
19 organized and operating by no later than 2 years after the
20 effective date of this Act.

21 (3) A permanent Chief Executive Officer shall be
22 selected and in place at the Authority by no later than 3
23 years after the effective date of this Act.

24 (4) A final transition plan shall be approved by no
25 later than 3 years after the effective date of this Act.

26 (5) The transfer of all functions and responsibilities

1 to the Authority as contemplated by this Act shall be
2 completed by no later than 4 years after the effective
3 date of this Act.

4 Section 3.02. Consolidation. On the effective date of this
5 Act and without further action:

6 (1) The Chicago Transit Authority, the Commuter Rail
7 Division and the Suburban Bus Division of the Regional
8 Transportation Authority, and the Regional Transportation
9 Authority are consolidated into the Authority and the
10 Service Boards are abolished.

11 (2) To the fullest extent allowed by applicable law,
12 the Authority shall succeed to all the rights, assets,
13 franchises, contracts, property, and interests of every
14 kind of the consolidated entities, including all rights,
15 powers, and duties of the Commuter Rail Division with
16 respect to the Northeast Illinois Regional Rail Passenger
17 Corporation.

18 (3) All previous lawful actions of the consolidated
19 entities shall be valid and binding upon the Authority,
20 and the Authority shall be substituted for the
21 consolidated entities with respect to each of those
22 actions.

23 (4) All fines, penalties, and forfeitures incurred or
24 imposed for the violation of any ordinance of a
25 consolidated entity shall be enforced or collected by the

1 Authority.

2 (5) All lawful ordinances, regulations, and rules of
3 the consolidated entities consistent with the provisions
4 of this Act shall continue in full force and effect as
5 ordinances, regulations, and rules of the Authority until
6 amended or repealed by the Authority.

7 (6) The title to and possession of all land, property,
8 and funds of every kind owned by or in which a consolidated
9 entity possesses an interest shall not revert or be
10 impaired but shall be vested in the Authority to the same
11 extent and subject to the same restrictions, if any,
12 applicable to the land, property, and funds.

13 (7) A director or officer ceasing to hold office by
14 virtue of this Act and any employee of a consolidated
15 entity shall deliver and turn over to the Authority, or to
16 a person it may designate, all papers, records, books,
17 documents, property, real and personal, and pending
18 business of any kind in the director's, officer's, or
19 employee's possession or custody and shall account to the
20 Authority for all moneys for which the director, officer,
21 or employee is responsible.

22 (8) The separate existence of the consolidated
23 entities shall cease and the term of office of each
24 director and officer of those entities shall terminate,
25 except that the directors of the Regional Transportation
26 Authority on the effective date of this Act shall serve as

1 temporary Directors of the Authority until their
2 successors are appointed pursuant to Section 5.01. The
3 Authority and the appointing authorities shall begin the
4 process under Section 5.01 to select successors to the
5 temporary Directors no later than 30 days after the
6 effective date of this Act.

7 Section 3.03. Transfer of employees and collective
8 bargaining rights.

9 (a) The provisions of this Section establish the
10 procedures to be followed by the Authority in dealing with
11 employees of the consolidated entities in carrying out the
12 consolidation and reorganization of public transportation
13 provided for in this Act and to provide fair and equitable
14 protection for those employees.

15 (b) On the effective date of this Act, all persons
16 employed by the consolidated entities shall become employees
17 of the Authority.

18 (c) The Authority shall assume and observe all applicable
19 collective bargaining and other agreements between the
20 consolidated entities and their employees in effect on the
21 effective date of this Act.

22 (d) The Authority shall assume all pension obligations of
23 the consolidated entities and the employees of the
24 consolidated entities who are members or beneficiaries of any
25 existing pension or retirement system and shall continue to

1 have the rights, privileges, obligations, and status with
2 respect to such system or systems as prescribed by law.
3 Employees shall be given sick leave, vacation, insurance, and
4 pension credits in accordance with the records or labor
5 agreements of the consolidated entities provided to an
6 employee under an ordinance adopted or a contract executed by
7 a consolidated entity. The Authority shall determine the
8 number of employees necessary to provide public transportation
9 services on a consolidated basis and to carry out the
10 functions of the Authority and shall determine fair and
11 equitable arrangements for the employees of the Authority who
12 are affected by actions provided for by this Act.

13 (e) If the Authority and an accredited representative of
14 the employees of a consolidated entity fail to agree on a
15 matter covered by a collective bargaining agreement and
16 related to the implementation of this Act, either party may
17 request the assistance of a mediator appointed by either the
18 State or Federal Mediation and Conciliation Service who shall
19 seek to resolve the dispute. If the dispute is not resolved by
20 mediation within a 21-day period, the mediator shall certify
21 to the parties that an impasse exists. Upon receipt of the
22 mediator's certificate, the parties shall submit the dispute
23 to arbitration by a board composed of 3 persons, one appointed
24 by the Authority, one appointed by the labor organization
25 representing the employees, and a third member to be agreed
26 upon by the labor organization and the Authority. The member

1 agreed upon by the labor organization and the Authority shall
2 act as chair of the board. The determination of the majority of
3 the board of arbitration thus established shall be final and
4 binding on all matters in dispute. If, after a period of 10
5 days from the date of the appointment of the 2 arbitrators
6 representing the Authority and the labor organization, the
7 third arbitrator has not been selected, then either arbitrator
8 may request the American Arbitration Association to furnish
9 from the current listing of the membership of the National
10 Academy of Arbitrators the names of 7 members of the National
11 Academy. The arbitrators appointed by the Authority and the
12 labor organization shall determine, promptly after the receipt
13 of the list, by that order alternatively eliminate one name
14 until only one name remains. The remaining person on the list
15 shall be the third arbitrator. Each party shall pay an equal
16 proportionate share of the impartial arbitrator's fees and
17 expenses.

18 Article IV. POWERS

19 Section 4.01. Responsibility for public transportation. As
20 the provider of public transportation in the metropolitan
21 region, the Authority may:

- 22 (1) adopt plans that implement the public policy of
23 the State to provide adequate, efficient, equitable, and
24 coordinated public transportation throughout the

1 metropolitan region;

2 (2) develop Service Standards and performance measures
3 to inform the public about the extent to which the
4 provision of public transportation in the metropolitan
5 region meets those goals, objectives, and standards;

6 (3) use the Service Standards and performance
7 standards to objectively and transparently determine the
8 level, nature, and kind of public transportation that
9 should be provided for the metropolitan region;

10 (4) budget and allocate operating and capital funds
11 efficiently and in a cost-effective manner to support
12 public transportation in the metropolitan region;

13 (5) coordinate the provision of public transportation
14 and the investment in public transportation facilities to
15 enhance the integration of public transportation
16 throughout the metropolitan region;

17 (6) operate or otherwise provide for public
18 transportation services throughout the metropolitan
19 region;

20 (7) plan, procure, and operate an integrated fare
21 collection system;

22 (8) conduct operations, service, and capital planning;

23 (9) provide design and construction oversight of
24 capital projects;

25 (10) procure goods and services necessary to fulfill
26 its responsibilities;

1 (11) develop or participate in residential and
2 commercial development on and in the vicinity of public
3 transportation stations and routes to facilitate
4 transit-supportive land uses, increase public
5 transportation ridership, generate revenue, and improve
6 access to jobs and other opportunities in the metropolitan
7 region by public transportation; and

8 (12) take all other necessary and reasonable steps to
9 provide public transportation in the metropolitan region.

10 Section 4.02. General powers. Except as otherwise limited
11 by this Act, the Authority shall have all powers necessary to
12 meet its responsibilities and to carry out its purposes,
13 including, but not limited to, the following powers:

14 (1) to sue and be sued;

15 (2) to invest any funds or any moneys not required for
16 immediate use or disbursement, as provided in the Public
17 Funds Investment Act;

18 (3) to make, amend, and repeal by-laws, rules, and
19 ordinances consistent with this Act;

20 (4) to borrow money and to issue its negotiable bonds
21 or notes;

22 (5) to hold, sell, sell by installment contract, lease
23 as lessor, transfer, or dispose of such real or personal
24 property as it deems appropriate in the exercise of its
25 powers or to provide for the use thereof by any

1 transportation agency and to mortgage, pledge, or
2 otherwise grant security interests in any such property;

3 (6) to enter at reasonable times upon such lands,
4 waters, or premises as in the judgment of the Authority
5 may be necessary, convenient, or desirable for the purpose
6 of making surveys, soundings, borings, and examinations to
7 accomplish any purpose authorized by this Act after having
8 given reasonable notice of such proposed entry to the
9 owners and occupants of such lands, waters or premises,
10 the Authority being liable only for actual damage caused
11 by such activity;

12 (7) to procure the goods and services necessary to
13 perform its responsibilities;

14 (8) to make and execute all contracts and other
15 instruments necessary or convenient to the exercise of its
16 powers;

17 (9) to enter into contracts of group insurance for the
18 benefit of its employees, to provide for retirement or
19 pensions or other employee benefit arrangements for its
20 employees, and to assume obligations for pensions or other
21 employee benefit arrangements for employees of
22 transportation agencies, of which all or part of the
23 facilities are acquired by the Authority;

24 (10) to provide for the insurance of any property,
25 directors, officers, employees, or operations of the
26 Authority against any risk or hazard, and to self-insure

1 or participate in joint self-insurance pools or entities
2 to insure against any risk or hazard;

3 (11) to appear before the Illinois Commerce Commission
4 in all proceedings concerning the Authority or any
5 transportation agency;

6 (12) to pass all ordinances and make all rules and
7 regulations proper or necessary to regulate the use,
8 operation, and maintenance of its property and facilities
9 and those of its Operating Divisions and, by ordinance, to
10 prescribe fines or penalties for violations of ordinances.
11 No fine or penalty shall exceed \$5,000 per offense. An
12 ordinance providing for any fine or penalty shall be
13 published in a newspaper of general circulation in the
14 metropolitan region. No such ordinance shall take effect
15 until 10 days after its publication;

16 (13) to enter into arbitration arrangements, which may
17 be final and binding; and

18 (14) to provide funding and other support for projects
19 in the metropolitan region under the Equitable
20 Transit-Supportive Development Act.

21 Section 4.03. Purchase of transit services.

22 (a) The Authority may provide public transportation by
23 purchasing public transportation services from transportation
24 agencies through purchase of service agreements or grants.

25 (b) The Authority may make grants to or enter into

1 purchase of service agreements with a transportation agency
2 for operating and other expenses, developing or planning
3 public transportation, or for constructing or acquiring public
4 transportation facilities, all upon such terms and conditions
5 as the Authority shall prescribe.

6 (c) The Board shall adopt guidelines setting forth uniform
7 standards for the making of grants and purchase of service
8 agreements. The grants or purchase of service agreements may
9 be for a number of years or duration as the parties shall
10 agree.

11 (d) A transportation agency providing public
12 transportation pursuant to a purchase of service or grant
13 agreement with the Authority is subject to the Illinois Human
14 Rights Act and the remedies and procedures established under
15 that Act. The transportation agency shall file an affirmative
16 action program with regard to public transportation so
17 provided with the Department of Human Rights within one year
18 of the purchase of service or grant agreement to ensure that
19 applicants are employed and that employees are treated during
20 employment without unlawful discrimination. The affirmative
21 action program shall include provisions relating to hiring,
22 upgrading, demotion, transfer, recruitment, recruitment
23 advertising, selection for training, and rates of pay or other
24 forms of compensation. Unlawful discrimination, as defined and
25 prohibited in the Illinois Human Rights Act, may not be made in
26 any term or aspect of employment, and discrimination based

1 upon political reasons or factors is prohibited.

2 (e) The Authority is not subject to the Public Utilities
3 Act. Transportation agencies that have any purchase of service
4 or grant agreement with the Authority are not subject to that
5 Act as to any public transportation that is the subject of a
6 purchase of service or grant agreement.

7 (f) A contract or agreement entered into by a
8 transportation agency with the Authority and discontinuation
9 of the contract or agreement by the Authority are not subject
10 to approval of or regulation by the Illinois Commerce
11 Commission.

12 (g) The Authority shall assume all costs of rights,
13 benefits, and protective conditions to which an employee is
14 entitled under this Act from a transportation agency if the
15 inability of the transportation agency to meet its obligations
16 in relation thereto due to bankruptcy or insolvency, provided
17 that the Authority shall retain the right to proceed against
18 the bankrupt or insolvent transportation agency or its
19 successors, trustees, assigns or debtors for the costs
20 assumed. The Authority may mitigate its liability under this
21 subsection and under Section 2.11 to the extent of employment
22 and employment benefits which it tenders.

23 Section 4.04. Paratransit services.

24 (a) As used in this Section, "ADA paratransit services"
25 means those comparable or specialized transportation services

1 provided to individuals with disabilities who are unable to
2 use fixed-route transportation systems and who are determined
3 to be eligible, for some or all of their trips, for such
4 services under the Americans with Disabilities Act of 1990 and
5 its implementing regulations.

6 (b) The Authority is responsible for the funding,
7 financial review, and oversight of all ADA paratransit
8 services that are provided by the Authority or by any
9 transportation agency.

10 (c) The Authority shall develop plans for the provision of
11 ADA paratransit services and submit the plans to the Federal
12 Transit Administration for approval. The Authority shall
13 comply with the requirements of the Americans with
14 Disabilities Act of 1990 and its implementing regulations in
15 developing and approving the plans, including, without
16 limitation, consulting with individuals with disabilities and
17 groups representing them in the community and providing
18 adequate opportunity for public comment and public hearings.
19 The plans shall also include, without limitation, provisions
20 to:

21 (1) maintain, at a minimum, the levels of ADA
22 paratransit service that are required to be provided by
23 the Authority pursuant to the Americans with Disabilities
24 Act of 1990 and its implementing regulations;

25 (2) provide for consistent policies throughout the
26 metropolitan region for scheduling of ADA paratransit

1 service trips to and from destinations, with consideration
2 of scheduling of return trips on a will-call, open-ended
3 basis upon request of the rider, if practicable;

4 (3) provide that service contracts and rates with
5 private carriers and taxicabs for ADA paratransit service,
6 entered into or set after the approval by the Federal
7 Transit Administration, are procured by means of an open
8 procurement process;

9 (4) provide for fares, fare collection, and billing
10 procedures for ADA paratransit services throughout the
11 metropolitan region;

12 (5) provide for performance standards for all ADA
13 paratransit service transportation carriers, with
14 consideration of door-to-door service;

15 (6) provide, in cooperation with the Department of
16 Transportation, the Department of Healthcare and Family
17 Services, and other appropriate public agencies and
18 private entities for the application and receipt of
19 grants, including, without limitation, reimbursement from
20 Medicaid or other programs for ADA paratransit services;

21 (7) provide for a system of dispatch of ADA
22 paratransit services transportation carriers throughout
23 the metropolitan region with consideration of county-based
24 dispatch systems already in place;

25 (8) provide for a process of determining eligibility
26 for ADA paratransit services that complies with the

1 Americans with Disabilities Act of 1990 and its
2 implementing regulations;

3 (9) provide for consideration of innovative methods to
4 provide and fund ADA paratransit services; and

5 (10) provide for the creation of an ADA advisory board
6 to represent the diversity of individuals with
7 disabilities in the metropolitan region and to provide
8 appropriate ongoing input from individuals with
9 disabilities into the operation of ADA paratransit
10 services.

11 (d) All revisions and annual updates to the ADA
12 paratransit services plans developed pursuant to subsection
13 (c), or certifications of continued compliance in lieu of plan
14 updates, that are required to be provided to the Federal
15 Transit Administration shall be developed by the Authority and
16 the Authority shall submit the revision, update, or
17 certification to the Federal Transit Administration for
18 approval.

19 (e) The Department of Transportation, the Department of
20 Healthcare and Family Services, and the Authority shall enter
21 into intergovernmental agreements as may be necessary to
22 provide funding and accountability for, and implementation of,
23 the requirements of this Section.

24 (f) In conjunction with its adoption of its Strategic
25 Plan, the Authority shall develop and submit to the General
26 Assembly and the Governor a funding plan for ADA paratransit

1 services. The funding plan shall, at a minimum, contain an
2 analysis of the current costs of providing ADA paratransit
3 services, projections of the long-term costs of providing ADA
4 paratransit services, identification of and recommendations
5 for possible cost efficiencies in providing ADA paratransit
6 services, and identification of and recommendations for
7 possible funding sources for providing ADA paratransit
8 services. The Department of Transportation, the Department of
9 Healthcare and Family Services, and other State and local
10 public agencies, as appropriate, shall cooperate with the
11 Authority in the preparation of the funding plan.

12 (g) Any funds derived from the federal Medicaid program
13 for reimbursement of the costs of providing ADA paratransit
14 services within the metropolitan region shall be directed to
15 the Authority and shall be used to pay for or reimburse the
16 costs of providing ADA paratransit services.

17 Section 4.05. Fares and nature of service.

18 (a) The Authority has the sole authority for setting fares
19 and charges for public transportation services in the
20 metropolitan region, including public transportation provided
21 by transportation agencies pursuant to purchase of service or
22 grant agreements with the Authority, and for establishing the
23 nature and standards of public transportation to be so
24 provided in accordance with the Strategic Plan and Service
25 Standards.

1 (b) The Authority shall develop and implement a regionally
2 coordinated and consolidated fare collection system.

3 (c) Whenever the Authority provides any public
4 transportation pursuant to grants to transportation agencies
5 for operating expenses, other than with regard to experimental
6 programs, or pursuant to any purchase of service agreement,
7 the purchase of service or grant agreements shall provide for
8 the level and nature of fares or charges to be made for such
9 services and the nature and standards of public transportation
10 to be so provided.

11 (d) In so providing for the fares or charges and the nature
12 and standards of public transportation, any purchase of
13 service or grant agreements shall provide, among other
14 matters, for the terms and cost of transfers or
15 interconnections between different modes of transportation and
16 different public transportation providers.

17 (e) At least once every 2 years, the Authority shall
18 assess the need to make fare adjustments in light of
19 inflation, budgetary needs, and other relevant policy
20 considerations. The Board shall, by ordinance, retain the
21 existing fare structure or adopt a revised fare structure. The
22 Authority shall take reasonable steps to get public input as
23 part of its assessment, and the Board shall conduct a public
24 hearing before adopting its fare structure ordinance.

25 (f) By no later than 2 years after the effective date of
26 this Act, the Authority shall implement:

- 1 (1) an income-based reduced fare program; and
2 (2) fare capping for individual services and across
3 public transportation service providers.

4 (g) The Authority must develop and make available for use
5 by riders a universal fare instrument that may be used
6 interchangeably on all public transportation funded by the
7 Authority.

8 Section 4.06. Use of streets and roads.

9 (a) The Authority may, by ordinance, provide for special
10 lanes for exclusive or special use by public transportation
11 vehicles with regard to any roads, streets, ways, highways,
12 bridges, toll highways, or toll bridges in the metropolitan
13 region, notwithstanding any other law, ordinance, or
14 regulation to the contrary.

15 (b) The Authority may use and, by ordinance, authorize a
16 transportation agency to use without any franchise, charge,
17 permit, or license any public road, street, way, highway,
18 bridge, toll highway, or toll bridge within the metropolitan
19 region for the provision of public transportation.
20 Transportation agencies that have purchase of service or grant
21 agreements with the Authority as to any public transportation
22 are not, as to any aspect of the public transportation,
23 subject to any supervision, licensing, or regulation imposed
24 by a unit of local government in the metropolitan region,
25 except as may be specifically authorized by the Authority and

1 except for regular police supervision of vehicular traffic.

2 Section 4.07. Bus rapid transit and related technologies.
3 To improve public transportation service in the metropolitan
4 region, the Authority shall accelerate the implementation of
5 bus rapid transit services using the expressway, tollway, and
6 other roadway systems in the metropolitan region. The
7 Department of Transportation and the Illinois State Toll
8 Highway Authority shall collaborate with the Authority in the
9 implementation of bus rapid transit services. The Authority,
10 in cooperation with the Department of Transportation and the
11 Illinois State Toll Highway Authority, shall evaluate and
12 refine approaches to bus rapid transit operations and shall
13 investigate technology options that facilitate the shared use
14 of the bus rapid transit lanes and provide revenue for
15 financing construction and operation of public transportation
16 facilities. The Authority shall also research, evaluate, and,
17 where appropriate, implement vehicle, infrastructure,
18 intelligent transportation systems, and other technologies to
19 improve the quality and safety of public transportation on
20 roadway systems in the metropolitan region.

21 Section 4.08. Coordination with the Department of
22 Transportation.

23 (a) The Authority shall promptly review the Department of
24 Transportation's plans under Section 2705-354 of the

1 Department of Transportation Law of the Civil Administrative
2 Code of Illinois and provide the Department with
3 recommendations for any needed modifications to enhance the
4 operation and safety of public transportation on the highway.
5 The Department shall review the recommendations and respond to
6 the Authority's comments as set forth in that Section.

7 (b) The Department and the Authority shall jointly develop
8 and publish on their websites guidelines, timetables, and best
9 practices for how they will advance highway designs and
10 operations on highways under the Department's jurisdiction in
11 the metropolitan region to optimize the efficacy, safety, and
12 attractiveness of public transportation on such highways.

13 Section 4.09. Eminent domain.

14 (a) The Authority may take and acquire possession by
15 eminent domain of any property or interest in property which
16 the Authority may acquire under this Act. The power of eminent
17 domain may be exercised by ordinance of the Authority and
18 shall extend to all types of interests in property, both real
19 and personal, including, without limitation, easements for
20 access purposes to and rights of concurrent usage of existing
21 or planned public transportation facilities, whether the
22 property is public property or is devoted to public use and
23 whether the property is owned or held by a public
24 transportation agency, except as specifically limited by this
25 Act.

1 (b) The Authority shall exercise the power of eminent
2 domain granted in this Section in the manner provided for the
3 exercise of the right of eminent domain under the Eminent
4 Domain Act, except that the Authority may not exercise
5 quick-take authority provided in Article 20 of the Eminent
6 Domain Act providing for immediate possession in such
7 proceedings and except that those provisions of Section
8 10-5-10 of the Eminent Domain Act requiring prior approval of
9 the Illinois Commerce Commission in certain instances shall
10 apply to eminent domain proceedings by the Authority only as
11 to any taking or damaging by the Authority of any real property
12 of a railroad not used for public transportation or of any real
13 property of other public utilities.

14 (c) The Authority may exercise the right of eminent domain
15 to acquire public property with the approval of the Board. In a
16 proceeding for the taking of public property by the Authority
17 through the exercise of the power of eminent domain, the venue
18 shall be in the circuit court of the county in which the
19 property is located. The right of eminent domain may be
20 exercised over property used for public park purposes, for
21 State forest purposes, or for forest preserve purposes with
22 the approval of the Board, after public hearing and a written
23 study done for the Authority, that such taking is necessary to
24 accomplish the purposes of this Act, that no feasible
25 alternatives to such taking exist, and that the advantages to
26 the public from such taking exceed the disadvantages to the

1 public of doing so. In a proceeding for the exercise of the
2 right of eminent domain for the taking by the Authority of
3 property used for public park, State forest, or forest
4 preserve purposes, the court shall not order the taking of
5 such property unless it has reviewed and concurred in the
6 findings required of the Authority by this paragraph. Property
7 dedicated as a nature preserve pursuant to the Illinois
8 Natural Areas Preservation Act may not be acquired by eminent
9 domain by the Authority.

10 (d) The acquisition by the Authority by eminent domain of
11 any property is not subject to the approval of or regulation by
12 the Illinois Commerce Commission, except that any requirement
13 in Section 10-5-10 of the Eminent Domain Act requiring in
14 certain instances prior approval of the Illinois Commerce
15 Commission for taking or damaging of property of railroads or
16 other public utilities shall continue to apply as to any
17 taking or damaging by the Authority of any real property of
18 such a railroad not used for public transportation or of any
19 real property of such other public utility.

20 (e) Notwithstanding any other provision of this Act, any
21 power granted under this Act to acquire property by
22 condemnation or eminent domain is subject to, and shall be
23 exercised in accordance with, the Eminent Domain Act.

24 Section 4.10. Acquisitions.

25 (a) The Authority may acquire any public transportation

1 facility for its use or for use by a transportation agency and
2 may acquire any such facilities from a transportation agency,
3 including, without limitation, reserve funds, employees'
4 pension or retirement funds, special funds, franchises,
5 licenses, patents, permits and papers, documents, and records
6 of the transportation agency.

7 (b) In connection with an acquisition under subsection (a)
8 from a transportation agency, the Authority may assume
9 obligations of the transportation agency with regard to such
10 facilities or property or public transportation operations of
11 such agency.

12 (c) In each case in which this Act gives the Authority the
13 power to construct or acquire real or personal property, the
14 Authority may acquire such property by contract, purchase,
15 gift, grant, exchange for other property or rights in
16 property, lease, sublease, or installment or conditional
17 purchase contracts. A lease or contract may provide for
18 consideration to be paid in annual installments during a
19 period not exceeding 40 years. Property may be acquired
20 subject to such conditions, restrictions, liens, or security
21 or other interests of other parties as the Authority deems
22 appropriate, and, in each case, the Authority may acquire a
23 joint, leasehold, easement, license, or other partial interest
24 in such property. Any such acquisition may provide for the
25 assumption of, or agreement to pay, perform, or discharge
26 outstanding or continuing duties, obligations, or liabilities

1 of the seller, lessor, donor, or other transferor of or of the
2 trustee with regard to such property.

3 (d) In connection with the acquisition of public
4 transportation equipment, including, but not limited to,
5 rolling stock, vehicles, locomotives, buses, or rapid transit
6 equipment, the Authority may also execute agreements
7 concerning such equipment leases, equipment trust
8 certificates, conditional purchase agreements, and other
9 security agreements and may make such agreements and covenants
10 as required in the form customarily used in such cases
11 appropriate to effect such acquisition.

12 (e) Obligations of the Authority incurred pursuant to this
13 Section shall not be considered bonds or notes within the
14 meaning of Section 6.05.

15 Section 4.11. Public bidding.

16 (a) The Board shall adopt rules to ensure that the
17 acquisition by the Authority of services or public
18 transportation facilities, other than real estate, involving a
19 cost of more than the small purchase threshold set by the
20 Federal Transit Administration and the disposition of all
21 property of the Authority shall be after public notice and
22 with public bidding.

23 (b) The Board shall adopt rules to ensure that the
24 construction, demolition, rehabilitation, renovation, and
25 building maintenance projects by the Authority for services or

1 public transportation facilities involving a cost of more than
2 \$40,000 or such other amount set by the Board by ordinance
3 shall be after public notice and with public bidding. The
4 ordinance may provide for exceptions to such requirements for
5 acquisition of repair parts, accessories, equipment, or
6 services previously furnished or contracted for; for the
7 immediate delivery of supplies, material, or equipment or
8 performance of service when it is determined by the
9 concurrence of a majority of the then Directors that an
10 emergency requires immediate delivery or supply thereof; for
11 goods or services that are economically procurable from only
12 one source; for contracts for the maintenance or servicing of
13 equipment which are made with the manufacturers or authorized
14 service agent of that equipment where the maintenance or
15 servicing can best be performed by the manufacturer or
16 authorized service agent or such a contract would be otherwise
17 advantageous to the Authority, except that the exceptions in
18 this clause shall not apply to contracts for plumbing,
19 heating, piping, refrigeration, and automatic temperature
20 control systems, ventilating, and distribution systems for
21 conditioned air, and electrical wiring; for goods or services
22 procured from another governmental agency; for purchases and
23 contracts for the use or purchase of data processing equipment
24 and data processing systems software; for the acquisition of
25 professional or utility services; and for the acquisition of
26 public transportation equipment, including, but not limited

1 to, rolling stock, locomotives, and buses if: (i) it is
2 determined by the Directors that a negotiated acquisition
3 offers opportunities with respect to the cost or financing of
4 the equipment, its delivery, or the performance of a portion
5 of the work within the State or the use of goods produced or
6 services provided within the State; (ii) a notice of intention
7 to negotiate for the acquisition of such public transportation
8 equipment is published in a newspaper of general circulation
9 within the metropolitan region inviting proposals from
10 qualified vendors; and (iii) any contract with respect to such
11 acquisition is authorized by the Directors.

12 (c) The requirements set forth in this Section do not
13 apply to purchase of service or grant agreements or other
14 contracts, purchases, or sales entered into by the Authority
15 with any transportation agency or unit of local government.

16 (d) The Authority may use a 2-phase design-build selection
17 procedure as follows:

18 (1) The Authority may authorize the use of competitive
19 selection and the prequalification of responsible bidders
20 consistent with all applicable laws.

21 (2) 2-phase design-build selection procedures shall
22 consist of the following:

23 (A) The Authority shall develop, through licensed
24 architects or licensed engineers, a scope of work
25 statement for inclusion in the solicitation for
26 phase-one proposals that defines the project and

1 provides prospective offerors with sufficient
2 information regarding the Authority's requirements.
3 The statement shall include criteria and preliminary
4 design, general budget parameters, and general
5 schedule or delivery requirements to enable the
6 offerors to submit proposals which meet the
7 Authority's needs. When the 2-phase design-build
8 selection procedure is used and the Authority
9 contracts for development of the scope of work
10 statement, the Authority shall contract for
11 architectural or engineering services as defined by
12 and in accordance with the Architectural, Engineering,
13 and Land Surveying Qualifications Based Selection Act
14 and all applicable licensing statutes.

15 (B) The evaluation factors to be used in
16 evaluating phase-one proposals must be stated in the
17 solicitation and must include specialized experience
18 and technical competence, capability to perform, past
19 performance of the offeror's team, including the
20 architect-engineer and construction members of the
21 team, and other appropriate technical and
22 qualifications factors. Each solicitation must
23 establish the relative importance assigned to the
24 evaluation factors and the subfactors that must be
25 considered in the evaluation of phase-one proposals on
26 the basis of the evaluation factors set forth in the

1 solicitation. Each design-build team must include a
2 licensed design professional independent from the
3 Authority's licensed architect or engineer and a
4 licensed design professional must be named in the
5 phase-one proposals submitted to the Authority.

6 (C) On the basis of the phase-one proposal, the
7 Authority shall select as the most highly qualified
8 the number of offerors specified in the solicitation
9 and request the selected offerors to submit phase-two
10 competitive proposals and cost or price information.
11 Each solicitation must establish the relative
12 importance assigned to the evaluation factors and the
13 subfactors that must be considered in the evaluation
14 of phase-two proposals on the basis of the evaluation
15 factors set forth in the solicitation. The Authority
16 may negotiate with the selected design-build team
17 after award but prior to contract execution for the
18 purpose of securing better terms than originally
19 proposed if the salient features of the design-build
20 solicitation are not diminished. Each phase-two
21 solicitation evaluates separately (i) the technical
22 submission for the proposal, including design concepts
23 or proposed solutions to requirements addressed within
24 the scope of work, and (ii) the evaluation factors and
25 subfactors, including cost or price, that must be
26 considered in the evaluations of proposals.

1 (D) A design-build solicitation issued under the
2 procedures in this subsection shall state the maximum
3 number of offerors that are to be selected to submit
4 competitive phase-two proposals. The maximum number
5 specified in the solicitation shall not exceed 5
6 unless the Authority with respect to an individual
7 solicitation determines that a specified number
8 greater than 5 is in the best interest of the Authority
9 and is consistent with the purposes and objectives of
10 the two-phase design-build selection process.

11 (E) All designs submitted as part of the two-phase
12 selection process and not selected shall be
13 proprietary to the preparers.

14 Section 4.12. Limitations on Authority powers.

15 (a) The Authority may not:

16 (1) require or authorize the operation of, or operate
17 or acquire by eminent domain or otherwise, any public
18 transportation facility or service on terms or in a manner
19 which unreasonably interferes with the ability of a
20 railroad to provide efficient freight or intercity
21 passenger service. This paragraph does not bar the
22 Authority from acquiring title to any property in a manner
23 consistent with this paragraph;

24 (2) obtain by eminent domain any interest in a
25 right-of-way or any other real property of a railroad that

1 is not a public body in excess of the interest to be used
2 for public transportation as provided in this Act; or

3 (3) prohibit the operation of public transportation by
4 a private carrier that does not receive a grant or
5 purchase of service agreement from the Authority.

6 (b) If, in connection with any construction, acquisition,
7 or other activity undertaken by or for the Authority or
8 pursuant to any purchase of service or grant agreement with
9 the Authority, a facility of a public utility, as defined in
10 the Public Utilities Act, is removed or relocated from its
11 then-existing site, all costs and expenses of such relocation
12 or removal, including the cost of installing such facilities
13 in a new location or locations, and the cost of any land or
14 lands, interest in land, or any rights required to accomplish
15 such relocation or removal, shall be paid by the Authority. If
16 any such facilities are so relocated onto the properties of
17 the Authority or onto properties made available for that
18 purpose by the Authority, there shall be no rent, fee, or other
19 charge of any kind imposed upon the public utility owning or
20 operating such facilities in excess of that imposed prior to
21 such relocation and such public utility, and its successors
22 and assigns, and the public utility shall be granted the right
23 to operate such facilities in the new location or locations
24 for as long a period and upon the same terms and conditions as
25 it had the right to maintain and operate such facilities in
26 their former location. Nothing in this subsection shall

1 prevent the Authority and a transportation agency from
2 agreeing in a purchase of service agreement or otherwise to
3 make different arrangements for such relocations or the costs
4 thereof.

5 Section 4.13. Appointment of officers and employees.

6 (a) The Authority may appoint, retain, and employ
7 officers, attorneys, agents, engineers, and employees. The
8 officers shall include an Executive Director, who shall be the
9 chief executive officer of the Authority, appointed by the
10 Chair with the concurrence of the Board.

11 (b) The Executive Director must be an individual of proven
12 transportation and management skills and may not be a member
13 of the Board, except as provided in subsection (d) of Section
14 2.07.

15 (c) The Executive Director shall hire and organize the
16 staff of the Authority, shall allocate their functions and
17 duties, shall fix compensation and conditions of employment of
18 the staff of the Authority, and, consistent with the policies
19 of and direction from the Board, take all actions necessary to
20 achieve the Executive Director's purposes, fulfill the
21 Executive Director's responsibilities, and carry out the
22 Executive Director's powers. The Executive Director shall have
23 such other powers and responsibilities as the Board shall
24 determine.

25 (d) The Authority may employ its own professional

1 management personnel to provide professional and technical
2 expertise concerning its purposes and powers and to assist it
3 in assessing the performance of the Authority and the
4 transportation agencies in the metropolitan region.

5 (e) No employee, officer, or agent of the Authority may
6 receive a bonus that exceeds 10% of the employee's, officer's,
7 or agent's annual salary unless the Board has approved that
8 bonus. This subsection does not apply to usual and customary
9 salary adjustments or payments made under performance-based
10 compensation plans adopted pursuant to Section 5.04.

11 (f) Unlawful discrimination, as defined and prohibited in
12 the Illinois Human Rights Act, shall not be made in any term or
13 aspect of employment and there may not be discrimination based
14 upon political reasons or factors. The Authority shall
15 establish regulations to ensure that its discharges shall not
16 be arbitrary and that hiring and promotion are based on merit.

17 (g) The Authority is subject to the Illinois Human Rights
18 Act and the remedies and procedures established under that
19 Act. The Authority shall file an affirmative action program
20 for employment by it with the Department of Human Rights to
21 ensure that applicants are employed and that employees are
22 treated during employment, without regard to unlawful
23 discrimination. Such affirmative action program shall include
24 provisions relating to hiring, upgrading, demotion, transfer,
25 recruitment, recruitment advertising, selection for training,
26 and rates of pay or other forms of compensation.

1 Section 4.14. Policy with respect to protective
2 arrangements, collective bargaining, and labor relations.

3 (a) The Authority shall ensure that every employee of the
4 Authority or a transportation agency shall receive fair and
5 equitable protection against actions of the Authority, which
6 shall not be less than those established pursuant to Section
7 13(c) of the Urban Mass Transportation Act of 1964, as amended
8 (49 U.S.C. 1609(c)), and Section 405(b) of the Rail Passenger
9 Service Act of 1970, as amended (45 U.S.C. 565(b)), and as
10 prescribed by the United States Secretary of Labor under those
11 Acts at the time of the protective agreement or arbitration
12 decision providing protection.

13 (b) There shall be no limitation on freedom of association
14 among employees of the Authority nor any denial of the right of
15 employees to join or support a labor organization and to
16 bargain collectively through representatives of their own
17 choosing.

18 (c) The Authority and the duly accredited representatives
19 of employees shall have the obligation to bargain collectively
20 in good faith, and the Authority shall enter into written
21 collective bargaining agreements with such representatives.

22 (d) As used in this Section, "actions of the Authority"
23 includes the Authority's acquisition and operation of public
24 transportation facilities, the execution of purchase of
25 service and grant agreements made under this Act and the

1 coordination, reorganization, combining, leasing, merging of
2 operations, or the expansion or curtailment of public
3 transportation services or facilities by the Authority.
4 "Actions of the Authority" does not include a failure or
5 refusal to enter into a purchase of service or grant
6 agreement.

7 Section 4.15. Employee protection. The Authority shall
8 negotiate or arrange for the negotiation of such fair and
9 equitable employee arrangements with the employees, through
10 their accredited representatives authorized to act for them.
11 If agreement cannot be reached on the terms of such protective
12 arrangement, any party may submit any matter in dispute to
13 arbitration. In such arbitration, each party shall have the
14 right to select nonvoting arbitration board members. The
15 impartial arbitrator shall be selected by the American
16 Arbitration Association and appointed from a current listing
17 of the membership of the National Academy of Arbitrators, upon
18 request of any party. The impartial arbitrator's decision
19 shall be final and binding on all parties. Each party shall pay
20 an equal proportionate share of the impartial arbitrator's
21 fees and expenses.

22 Section 4.16. Employee pensions. The Authority may
23 establish and maintain systems of pensions and retirement
24 benefits for officers and employees of the Authority as may be

1 designated or described by ordinance of the Authority; may fix
2 the classifications of the systems of pensions and retirement;
3 may take such steps as may be necessary to provide that persons
4 eligible for admission to the pension systems as officers and
5 employees of the Authority or of a transportation agency whose
6 operations are financed in whole or in part by the Authority,
7 including that the officers and employees shall retain
8 eligibility for admission to or continued coverage and
9 participation under Title II of the federal Social Security
10 Act, as amended, and the related provisions of the Federal
11 Insurance Contributions Act, as amended, the federal Railroad
12 Retirement Act, as amended, and the Railroad Retirement Tax
13 Act, as amended, as the case may be; and may provide, in
14 connection with the pension systems, a system of benefits
15 payable to the beneficiaries and dependents of a participant
16 in the pension systems after the death of the participant,
17 whether accidental or otherwise, whether occurring in the
18 actual performance of duty or otherwise, or both, subject to
19 exceptions, conditions, restrictions, and classifications as
20 may be provided by ordinance of the Authority. The pension
21 systems shall be financed or funded by means and in a manner as
22 may be determined by the Authority to be economically
23 feasible.

24 Section 4.17. Labor contracts.

25 (a) The Authority shall deal with and enter into written

1 contracts with employees of the Authority through accredited
2 representatives of the employees authorized to act for the
3 employees concerning wages, salaries, hours, working
4 conditions, and pension or retirement provisions. However,
5 nothing in this Act shall be construed to permit hours of labor
6 in excess of those prohibited by law or to permit working
7 conditions prohibited by law.

8 (b) If the Authority acquires the public transportation
9 facilities of a transportation agency and operates such
10 facilities, all employees actively engaged in the operation of
11 the facilities shall be transferred to and appointed as
12 employees of the Authority, subject to all the rights and
13 benefits of Sections 4.14 through 4.18, and the Authority
14 shall assume and observe all applicable labor contracts and
15 pension obligations. These employees shall be given seniority
16 credit and sick leave, vacation, insurance, and pension
17 credits in accordance with the records or labor agreements
18 from the acquired transportation system. Members and
19 beneficiaries of any pension or retirement system or other
20 benefits established by the acquired transportation system
21 shall continue to have rights, privileges, benefits,
22 obligations, and status with respect to the established
23 retirement or retirement system. The Authority shall assume
24 the obligations of any transportation system acquired by it
25 with regard to wages, salaries, hours, working conditions,
26 sick leave, health and welfare, and pension or retirement

1 provisions for these employees. The Authority and the
2 employees, through their representatives for collective
3 bargaining purposes, shall take whatever action may be
4 necessary to have pension trust funds presently under the
5 joint control of such transportation agency and the
6 participating employees through their representatives
7 transferred to the trust funds to be established, maintained,
8 and administered jointly by the Authority and the
9 participating employees through their representatives.

10 (c) If the Authority takes any of the actions specified in
11 subsection (d) of Section 4.14, it shall do so only after
12 meeting the requirements of subsection (a) of Section 4.14 and
13 Section 4.15. If the Authority acquires and operates the
14 public transportation facilities of a transportation agency
15 engaged in the transportation of persons by railroad, it shall
16 do so only in such manner as to ensure the continued
17 applicability to the railroad employees affected thereby of
18 the provisions of all federal statutes then applicable to them
19 and a continuation of their existing collective bargaining
20 agreements until the provisions of said agreements can be
21 renegotiated by representatives of the Authority and the
22 representatives of said employees duly designated as such
23 pursuant to the terms and provisions of the Railway Labor Act,
24 as amended (45 U.S.C. 151 et seq.). However, nothing in this
25 subsection shall prevent the abandonment of such facilities,
26 the discontinuance of such operations pursuant to applicable

1 law, or the substitution of other operations or facilities for
2 such operations or facilities, whether by merger,
3 consolidation, coordination, or otherwise. If new or
4 supplemental operations or facilities are substituted
5 therefore, the provisions of Section 4.18 shall be applicable,
6 and all questions concerning the selection of forces to
7 perform the work of such new or supplemental facilities or
8 operations and whether the Authority shall be required to
9 ensure the continued applicability of the federal statutes
10 applicable to such employees shall be negotiated and, if
11 necessary, arbitrated, in accordance with subsection (a) of
12 Section 4.18.

13 Section 4.18. Labor relations procedures.

14 (a) If the Authority proposes to operate or to enter into a
15 contract to operate any new public transportation facility
16 which may result in the displacement of employees or the
17 rearrangement of the working forces of the Authority or of a
18 transportation agency, the Authority shall give at least 90
19 days' written notice of such proposed operations to the
20 representatives of the employees affected, and the Authority
21 shall provide for the selection of forces to perform the work
22 of that facility on the basis of agreement between the
23 Authority and the representatives of such employees. If there
24 is a failure to agree, the dispute may be submitted by the
25 Authority or by any representative of the employees affected

1 to final and binding arbitration by an impartial arbitrator to
2 be selected by the American Arbitration Association from a
3 current listing of arbitrators of the National Academy of
4 Arbitrators.

5 (b) If there is a labor dispute not otherwise governed by
6 this Act, by the Labor Management Relations Act of 1947, as
7 amended, by the Railway Labor Act, as amended, or by impasse
8 resolution provisions in a collective bargaining or protective
9 agreement involving the Authority or any transportation agency
10 financed, in whole or in part, by the Authority and the
11 employees of the Authority or of any such transportation
12 agency that is not settled by the parties thereto within 30
13 days from the date of commencement of negotiations, either
14 party may request the assistance of a mediator appointed by
15 either the State or Federal Mediation and Conciliation
16 Service, who shall seek to resolve the dispute. If the dispute
17 is not resolved by mediation within a reasonable period, the
18 mediator shall certify to the parties that an impasse exists.
19 Upon receipt of the mediator's certification, any party to the
20 dispute may, within 7 days, submit the dispute to a
21 fact-finder who shall be selected by the parties pursuant to
22 the rules of the American Arbitration Association from a
23 current listing of members of the National Academy of
24 Arbitrators supplied by the American Arbitration Association.
25 The fact-finder shall have the duty to hold hearings, or
26 otherwise take evidence from the parties under such other

1 arrangements as they may agree. Upon completion of the
2 parties' submissions, the fact-finder may issue and make
3 public findings and recommendations or refer the dispute back
4 to the parties for such other appropriate action as the
5 fact-finder may recommend. If the parties do not reach
6 agreement after the issuance of the fact-finder's report and
7 recommendations, or, in cases where neither party requests
8 fact-finding, the Authority shall offer to submit the dispute
9 to arbitration by a board composed of 3 persons, one appointed
10 by the Authority, one appointed by the labor organization
11 representing the employees, and a third member to be agreed
12 upon by the labor organization and the Authority. The member
13 agreed upon by the labor organization and the Authority shall
14 act as Chair of the board. The determination of the majority of
15 the board of arbitration thus established shall be final and
16 binding on all matters in dispute. If, after a period of 10
17 days from the date of the appointment of the 2 arbitrators
18 representing the Authority and the labor organization, the
19 third arbitrator has not been selected, then either arbitrator
20 may request the American Arbitration Association to furnish
21 from a current listing of the membership of the National
22 Academy of Arbitrators the names of 7 such members of the
23 National Academy from which the third arbitrator shall be
24 selected. The arbitrators appointed by the Authority and the
25 labor organization, promptly after the receipt of such list,
26 shall determine by lot the order of elimination, and,

1 thereafter, each shall in that order alternately eliminate one
2 name until only one name remains. The remaining person on the
3 list shall be the third arbitrator. Each party shall pay
4 one-half of the expenses of such arbitration.

5 As used in this subsection, "labor dispute" shall be
6 broadly construed and shall include any controversy concerning
7 wages, salaries, hours, working conditions, or benefits,
8 including health and welfare, sick leave, insurance, or
9 pension or retirement provisions, but not limited thereto.
10 "Labor dispute" includes any controversy concerning any
11 differences or questions that may arise between the parties,
12 including, but not limited to, the making or maintaining of
13 collective bargaining agreements, the terms to be included in
14 such agreements, and the interpretation or application of such
15 collective bargaining agreements and any grievance that may
16 arise.

17 Section 4.19. Workforce development.

18 (a) The Authority shall create or partner with a youth
19 jobs program to provide internship or employment opportunities
20 to youth and young adults to prepare them for careers in public
21 transportation.

22 (b) The Authority may participate in and provide funding
23 support for programs that prepare participants for careers in
24 public transportation.

1 Section 4.20. Disadvantaged business enterprise
2 contracting and equal employment opportunity programs.

3 (a) The Authority shall establish and maintain a
4 disadvantaged business enterprise contracting program designed
5 to ensure nondiscrimination in the award and administration of
6 contracts not covered under a federally mandated disadvantaged
7 business enterprise program. The program shall establish
8 narrowly tailored goals for the participation of disadvantaged
9 business enterprises as the Authority determines appropriate.
10 The goals shall be based on demonstrable evidence of the
11 availability of ready, willing, and able disadvantaged
12 business enterprises relative to all businesses ready,
13 willing, and able to participate in the program's contracts.
14 The program shall require the Authority to monitor the
15 progress of the contractors' obligations with respect to the
16 program's goals. Nothing in this program shall conflict with
17 or interfere with the maintenance or operation of, or
18 compliance with, any federally mandated disadvantaged business
19 enterprise program.

20 (b) The Authority shall establish and maintain a program
21 designed to promote equal employment opportunity. Each year,
22 no later than October 1, the Authority shall report to the
23 General Assembly on the number of the Authority's respective
24 employees and the number of the Authority's respective
25 employees who have designated themselves as members of a
26 minority group and minority gender.

1 (c) Each year, no later than October 1, and starting no
2 later than the first October 1 after the establishment of its
3 disadvantaged business enterprise contracting programs, the
4 Authority shall submit a report with respect to such program
5 to the General Assembly.

6 (d) Each year, no later than October 1, the Authority
7 shall submit a copy of its federally mandated semi-annual
8 Uniform Report of Disadvantaged Business Enterprises Awards or
9 Commitments and Payments to the General Assembly.

10 (e) The Authority shall use the Illinois Works Job Program
11 and other job training and job creation programs to the extent
12 allowed by law and operationally feasible.

13 Section 4.21. Research and development. The Authority
14 shall:

15 (1) study public transportation problems and
16 developments; encourage experimentation in developing new
17 public transportation technology, financing methods, and
18 management procedures;

19 (2) conduct, in cooperation with other public and
20 private agencies, studies, demonstrations, and development
21 projects to test and develop methods for improving public
22 transportation, for reducing its costs to users, or for
23 increasing public use; and

24 (3) conduct, sponsor, and participate in other studies
25 and experiments, which may include fare demonstration

1 programs and transportation technology pilot programs, in
2 conjunction with public agencies, including the United
3 States Department of Transportation, the Illinois
4 Department of Transportation, the Illinois State Toll
5 Highway Authority, and the Chicago Metropolitan Agency for
6 Planning, useful to achieving the purposes of this Act.

7 Section 4.22. Protection of the environment.

8 (a) The Authority shall take all feasible and prudent
9 steps to minimize environmental disruption and pollution
10 arising from its activities and from public transportation
11 activities of transportation agencies acting pursuant to
12 purchase of service or grant agreements. In carrying out its
13 purposes and powers under this Act, the Authority shall seek
14 to reduce environmental disruption and pollution arising from
15 all forms of transportation of persons within the metropolitan
16 region. The Authority shall employ persons with skills and
17 responsibilities for determining how to minimize such
18 disruption and pollution.

19 (b) In recognition of the fact that the transportation
20 sector accounts for approximately a third of the greenhouse
21 gases generated in the State and that public transportation
22 moves people with fewer such emissions, the Authority shall
23 work cooperatively with the Department of Transportation, the
24 Illinois State Toll Highway Authority, the Chicago
25 Metropolitan Agency for Planning, and other units of

1 government to assist them in using investments in public
2 transportation facilities and operations as a tool to help
3 them meet their greenhouse gas emissions reduction goals. To
4 the maximum extent allowed by law, the Authority is eligible
5 to receive funding and other assistance from local, state, and
6 federal sources so the Authority can assist in using improved
7 and expanded public transportation in the metropolitan region
8 to reduce greenhouse gas emissions and other pollution
9 generated by the transportation sector.

10 (c) Subject to all applicable laws, the Authority may
11 participate in market-based environmental remediation
12 programs, including, but not limited to, carbon emissions
13 markets, through which the Authority can realize revenue
14 reflecting the value of greenhouse gas emissions reductions it
15 delivers through public transportation services in the
16 metropolitan region.

17 Section 4.23. Bikeways and trails. The Authority may use
18 its funds, personnel, and other resources to acquire,
19 construct, operate, and maintain on-road and off-road
20 bikeways, bike lanes, and trails that connect people to public
21 transportation facilities and services. The Authority shall
22 cooperate with other governmental and private agencies in
23 bikeway and trail programs.

24 Section 4.24. Clean, green, or alternative fuel vehicles.

1 Any vehicles purchased from funds made available to the
2 Authority from the Transportation Bond, Series B Fund, or the
3 Multi-modal Transportation Bond Fund must incorporate
4 technologies advancing energy commonly known as clean or green
5 energy and alternative fuel technologies, to the extent
6 practical.

7 Section 4.25. Zero-emission buses.

8 (a) As used in this Section:

9 "Zero-emission bus" means a bus that is:

- 10 (1) designed to carry more than 10 passengers and is
11 used to carry passengers for compensation;
12 (2) a zero-emission vehicle; and
13 (3) not a taxi.

14 "Zero-emission vehicle" means a fuel cell or electric
15 vehicle that:

- 16 (1) is a motor vehicle;
17 (2) is made by a commercial manufacturer;
18 (3) is manufactured primarily for use on public
19 streets, roads, and highways;
20 (4) has a maximum speed capability of at least 55
21 miles per hour;
22 (5) is powered entirely by electricity or powered by
23 combining hydrogen and oxygen, which runs the motor;
24 (6) has an operating range of at least one hundred
25 miles; and

1 (7) produces only water vapor and heat as byproducts.

2 (b) On or after July 1, 2026, the Authority may not enter
3 into a new contract to purchase a bus that is not a
4 zero-emission bus for the purpose of the Authority's bus
5 fleet.

6 (c) For the purposes of determining compliance with this
7 Section, the Authority is not in violation of this Section
8 when failure to comply is due to:

9 (i) the unavailability of zero-emission buses from a
10 manufacturer or funding to purchase zero-emission buses;

11 (ii) the lack of necessary charging, fueling, or
12 storage facilities or funding to procure charging,
13 fueling, or storage facilities; or

14 (iii) the inability of a third party to enter into a
15 contractual or commercial relationship with the Authority
16 that is necessary to carry out the purposes of this
17 Section.

18 Section 4.26. City-Suburban Mobility Innovations Program.

19 (a) The Authority may establish a City-Suburban Mobility
20 Innovations Program and deposit moneys into a City-Suburban
21 Mobility Innovations Fund. Amounts on deposit in the Fund and
22 interest and other earnings on those amounts may be used by the
23 Authority with the approval of the Board and, after a
24 competitive application and scoring process that includes an
25 opportunity for public participation, for operating or capital

1 grants or loans to transportation agencies or units of local
2 government for the following purposes:

3 (1) providing transit services, other than traditional
4 fixed-route services, that enhance local mobility,
5 including, but not limited to, demand-responsive transit
6 services, ridesharing, van pooling, micromobility and
7 mobility hubs, and first-mile and last-mile services;

8 (2) enhancing safe access to fixed-route transit
9 services for bicyclists and pedestrians through
10 improvements to sidewalk and path networks, bicycle lanes,
11 crosswalks, lighting, and other improvements;

12 (3) offering workforce development and training that
13 provides a pathway for careers in public transportation in
14 the metropolitan region; and

15 (4) testing new technologies, features, and
16 enhancements to the transit system to determine their
17 value and readiness for broader adoption.

18 (b) The Authority shall develop and publish scoring
19 criteria that it will use in making awards from the
20 City-Suburban Mobility Innovations Fund.

21 (c) Any grantee that receives funds under this Section
22 must (i) implement such programs within one year of receipt of
23 such funds and (ii) within 2 years following commencement of
24 any program using such funds, determine whether it is
25 desirable to continue the program, and upon such a
26 determination, either incorporate such program into its annual

1 operating budget and capital program or discontinue such
2 program. No additional funds under this Section may be
3 distributed to a grantee for any individual program beyond 2
4 years unless the Board waives this limitation. Any such waiver
5 will be with regard to an individual program and with regard to
6 a one-year period, and any further waivers for such individual
7 program require a subsequent vote of the Board.

8 (d) The Authority may reallocate unused funds deposited
9 into the City-Suburban Mobility Innovations Fund to other
10 Authority purposes and programs.

11 Section 4.27. Transit-Supportive Development Incentive
12 Program.

13 (a) As used in this Section, "transit-supportive
14 development" means commercial or residential development that
15 is designed to expand the public transportation ridership base
16 or to effectively connect transit users to such developments.
17 "Transit-supportive development" includes, but is not limited
18 to, laws and policies that further these objectives, capital
19 improvements that foster communities with high per capita
20 transit ridership, and transit operation improvements that
21 support efforts to build communities with high per capita
22 transit ridership.

23 (b) The Authority may establish a Transit-Supportive
24 Development Incentive Program and authorize the deposit of
25 Authority moneys into a Transit-Supportive Development

1 Incentive Fund. Amounts on deposit in the fund and interest
2 and other earnings on those amounts may be used by the
3 Authority, with the approval of its Directors and after a
4 competitive application and scoring process that includes an
5 opportunity for public participation, for operating or capital
6 grants or loans to Service Boards, transportation agencies, or
7 units of local government for the following purposes:

8 (1) investment in transit-supportive residential and
9 commercial development, including developments on or in
10 the vicinity of property owned by the Authority, an
11 Operating Division, or a transportation agency;

12 (2) grants to local governments to help cover the cost
13 of drafting and implementing land use, parking, and other
14 laws that are intended to encourage and will reasonably
15 have the effect of allowing or supporting
16 transit-supportive residential and commercial
17 development; and

18 (3) providing resources for increased public
19 transportation service in and around transit-supportive
20 residential and commercial developments, especially newly
21 created transit-supportive developments.

22 (c) The Authority shall develop and publish scoring
23 criteria that it will use in making awards from the
24 Transit-Supportive Development Incentive Fund. Such scoring
25 criteria shall prioritize high-density development in and in
26 the near vicinity of public transportation stations and routes

1 and shall prioritize projects that (i) are likely to increase
2 per capita public transportation ridership, (ii) serve
3 disadvantaged and transit populations, and (iii) are located
4 in jurisdictions that have land use and other policies that
5 encourage the level of residential density and concentration
6 of businesses in walkable districts accessible by public
7 transportation required to support financially viable public
8 transportation service with substantial ridership.

9 (d) Any grantee that receives funds under this Section
10 must (i) implement such programs within one year of receipt of
11 such funds and (ii) within 2 years following commencement of
12 any program utilizing such funds, determine whether it has
13 resulted in increased use of public transit by those residing
14 in the area covered by the program or those accessing the area
15 from outside the area. No additional funds under this Section
16 may be distributed to a grantee for any individual program
17 beyond 2 years unless the Board of the Authority waives this
18 limitation. Any such waiver will be with regard to an
19 individual program and with regard to a one-year period, and
20 any further waivers for such individual program require a
21 subsequent vote of the Board.

22 (e) The Authority may reallocate unused funds deposited
23 into the Transit-Supportive Development Incentive Fund to
24 other Authority purposes and programs.

25 Section 4.28. Coordination with planning agencies. The

1 Authority shall cooperate with the various public agencies
2 charged with the responsibility for long-range or
3 comprehensive planning for the metropolitan region. The
4 Authority shall use the forecasts and plans of the Chicago
5 Metropolitan Agency for Planning in developing the Strategic
6 Plan, Five-Year Capital Program, and Service Standards. The
7 Authority shall, prior to the adoption of a Strategic Plan or
8 Five-Year Capital Program, submit its proposals to such
9 agencies for review and comment. The Authority may make use of
10 existing studies, surveys, plans, data, and other materials in
11 the possession of a State agency or department, a planning
12 agency, or a unit of local government.

13 Section 4.29. Planning activities.

14 (a) The Authority may adopt subregional or corridor plans
15 for specific geographic areas of the metropolitan region in
16 order to improve the adequacy, efficiency, equity, and
17 coordination of existing, or the delivery of new, public
18 transportation. Such plans may also address areas outside the
19 metropolitan region that may impact public transportation use
20 in the metropolitan region.

21 (b) In preparing a subregional or corridor plan, the
22 Authority may examine travel markets, demographic shifts,
23 changes in passenger behavior, preferences, or attitudes, and
24 other pertinent factors to identify changes in operating
25 practices or capital investment in the subregion or corridor

1 that could increase ridership, reduce costs, improve
2 coordination, or enhance transit-oriented development.

3 (c) The Authority shall have principal responsibility for
4 initiating any alternatives analysis and preliminary
5 environmental assessment required by federal or State law for
6 any new public transportation service or facility in the
7 metropolitan region in addition to conducting public and
8 stakeholder engagement activities to inform planning
9 decisions.

10 Section 4.30. Protection against crime; transit ambassador
11 program.

12 (a) The Authority shall cooperate with the various State,
13 municipal, county, and transportation agency police forces in
14 the metropolitan region for the protection of employees and
15 consumers of public transportation services and public
16 transportation facilities against crime.

17 (b) The Authority may provide by ordinance for an
18 Authority police force to aid, coordinate, and supplement
19 other police forces in protecting persons and property and
20 reducing the threats of crime with regard to public
21 transportation. Such police shall have the same powers with
22 regard to the protection of persons and property as those
23 exercised by police of municipalities and may include members
24 of other police forces in the metropolitan region.

25 (c) The Authority shall establish minimum standards for

1 selection and training of members of a police force employed
2 by the Authority. Training shall be accomplished at schools
3 certified by the Illinois Law Enforcement Training Standards
4 Board established pursuant to the Illinois Police Training
5 Act. Such training is subject to the rules and standards
6 adopted pursuant to Section 7 of that Act. The Authority may
7 participate in any training program conducted under that Act.

8 (d) The Authority may provide for the coordination or
9 consolidation of security services and police forces
10 maintained with regard to public transportation services and
11 facilities by various transportation agencies and may contract
12 with any municipality or county in the metropolitan region to
13 provide protection of persons or property with regard to
14 public transportation. Employees of the Authority or of any
15 transportation agency affected by any action of the Authority
16 under this Section are covered under the protections set forth
17 in Section 4.15.

18 (e) The Authority shall implement a transit ambassador
19 program following industry best practices to improve safety
20 and customer service in the public transportation system.

21 (f) The Authority shall evaluate the efficacy of policing
22 and transit ambassador programs on a regular basis, no less
23 than every 5 years in conjunction with its adoption of its
24 Strategic Plan, and make appropriate adjustments to such
25 programs.

26 (g) The Authority may perform fare inspections and issue

1 fare violation tickets using personnel other than law
2 enforcement, including transit ambassadors.

3 (h) Neither the Authority nor any of their Directors,
4 officers, or employees may be held liable for failure to
5 provide a security or police force or, if a security or police
6 force is provided, for failure to provide adequate police
7 protection or security, failure to prevent the commission of
8 crimes by fellow passengers or other third persons, or for the
9 failure to apprehend criminals.

10 Section 4.31. Traffic law enforcement.

11 (a) The Authority may cooperate with local governments and
12 law enforcement agencies in the metropolitan region on the
13 enforcement of laws designed to protect the quality and safety
14 of public transportation operations, such as laws prohibiting
15 unauthorized vehicles from blocking bus stops, bus lanes, or
16 other facilities dedicated for use by transit vehicles and
17 transit users.

18 (b) Local governments and law enforcement agencies in the
19 metropolitan region are authorized to accept photographic,
20 video, or other records derived from cameras and other sensors
21 on public transportation vehicles and facilities as prima
22 facie evidence of a violation of laws that protect the quality
23 and safety of public transportation operations.

24 (c) The Authority may establish by rule an enforcement
25 program that covers jurisdictions in the metropolitan region

1 that lack laws that protect the quality and safety of public
2 transportation operations or that, in the Authority's sole
3 discretion, fail to adequately enforce such laws.

4 (d) An enforcement program established under this Section
5 shall contain the following elements:

6 (1) clear definitions of what constitutes a violation,
7 such as specifying the number of feet around bus stops
8 where unauthorized vehicles are prohibited from parking;

9 (2) publication on the Authority's website of
10 descriptions and locations of public transportation
11 facilities that are subject to the Authority's enforcement
12 program and other pertinent information about the
13 enforcement program;

14 (3) a description of the types of evidence, such as
15 bus camera photos or video, which are sufficient to make a
16 prima facie case that a vehicle or person has violated an
17 Authority enforcement rule;

18 (4) provision of adequate notice of an alleged
19 violation to the registered owner of the vehicle, such as
20 notice by first-class mail;

21 (5) an administrative adjudication process that gives
22 registered vehicle owners an opportunity to be heard by a
23 neutral party appointed by the Authority;

24 (6) a process through which vehicle lessors may
25 transfer responsibility for a violation to lessees of
26 their vehicles;

1 (7) use of Internet tools, such as remote hearings and
2 allowance of online submission of documents contesting an
3 alleged violation, to provide alleged violators an
4 adequate opportunity to contest their alleged violation;
5 and

6 (8) violation fees that are no higher than the highest
7 administrative fees imposed for similar violations by
8 other public agencies in the metropolitan region.

9 (e) The Authority shall:

10 (1) cooperate with local governments and law
11 enforcement agencies to help improve their enforcement of
12 their laws that are designed to improve the quality and
13 safety of public transportation operations; and

14 (2) inform and consult with local governments and law
15 enforcement agencies in jurisdictions in which the
16 Authority is establishing and operating an enforcement
17 program under subsections (c) and (d).

18 (f) In its enforcement programs, if any, under subsection
19 (c) and through its cooperation with local governments and law
20 enforcement agencies on their enforcement programs, the
21 Authority shall strive for as much standardization as feasible
22 throughout the metropolitan region in enforcement programs
23 designed to improve the quality and safety of public
24 transportation operations.

25 Section 4.32. Suspension of riding privileges and

1 confiscation of fare media.

2 (a) As used in this Section, "demographic information"
3 includes, but is not limited to, age, race, ethnicity, gender,
4 and housing status, as that term is defined under Section 10 of
5 the Bill of Rights for the Homeless Act.

6 (b) Suspension of riding privileges and confiscation of
7 fare media are limited to:

8 (1) violations where the person's conduct places
9 public transportation employees or passengers in
10 reasonable apprehension of a threat to their safety or the
11 safety of others, including assault and battery, as those
12 terms are used in Sections 12-1 and 12-3 of the Criminal
13 Code of 2012;

14 (2) violations where the person's conduct places
15 public transportation employees or passengers in
16 reasonable apprehension of a threat of a criminal sexual
17 assault, as that term is used under Section 11-1.20 of the
18 Criminal Code of 2012; and

19 (3) violations involving an act of public indecency,
20 as that term is used in Section 11-30 of the Criminal Code
21 of 2012.

22 (c) Written notice shall be provided to an individual
23 regarding the suspension of the individual's riding privileges
24 or confiscation of fare media. The notice shall be provided in
25 person at the time of the alleged violation, except that, if
26 providing notice in person at the time of the alleged

1 violation is not practicable, then the Authority shall make a
2 reasonable effort to provide notice to the individual by
3 personal service, by mailing a copy of the notice by certified
4 mail, return receipt requested, by first-class mail to the
5 person's current address, or by emailing a copy of the notice
6 to an email address on file, if available. If the person is
7 known to be detained in jail, service shall be made as provided
8 under Section 2-203.2 of the Code of Civil Procedure. The
9 written notice shall be sufficient to inform the individual
10 about the following:

11 (1) the nature of the suspension of riding privileges
12 or confiscation of fare media;

13 (2) the person's rights and available remedies to
14 contest or appeal the suspension of riding privileges or
15 confiscation of fare media and to apply for reinstatement
16 of riding privileges; and

17 (3) the procedures for adjudicating whether a
18 suspension or confiscation is warranted and for applying
19 for reinstatement of riding privileges, including the time
20 and location of any hearing.

21 (d) The process to determine whether a suspension or
22 riding privileges or confiscation of fare media is warranted
23 and the length of the suspension shall be concluded within 30
24 business days after the individual receives notice of the
25 suspension or confiscation.

26 (e) Notwithstanding any other provision of this Section, a

1 person may not be denied the ability to contest or appeal a
2 suspension of riding privileges or confiscation of fare media
3 or to attend an in-person or virtual hearing to determine
4 whether a suspension or confiscation was warranted because the
5 person was detained in a jail.

6 (f) The Authority shall create an administrative
7 suspension hearing process as follows:

8 (1) the Authority shall designate an official to
9 oversee the administrative process to decide whether a
10 suspension is warranted and the length of the suspension;

11 (2) the accused and related parties, including legal
12 counsel, may attend this hearing in person, by telephone,
13 or virtually;

14 (3) the Authority shall present the suspension-related
15 evidence and outline the evidence that supports the need
16 for the suspension;

17 (4) the accused or the accused's legal counsel may
18 present and make an oral or written presentation and offer
19 documents, including affidavits, in response to the
20 Authority's evidence;

21 (5) the Authority's designated official shall make a
22 finding on the suspension;

23 (6) the value of unexpended credit or unexpired passes
24 shall be reimbursed upon suspension of riding privileges
25 or confiscation of fare media;

26 (7) the alleged victims of the violation and related

1 parties, including witnesses who were present, may attend
2 this hearing in person, by telephone, or virtually; and

3 (8) the alleged victims of the violation and related
4 parties, including witnesses who were present, may present
5 and make an oral or written presentation and offer
6 documents, including affidavits, in response to the
7 Authority's evidence.

8 (g) The Authority shall create a process to appeal and
9 reinstate ridership privileges. This information shall be
10 provided to the suspended rider at the time of the Authority's
11 findings. A suspended rider is entitled to an appeal after the
12 Authority's finding to suspend the person's ridership. A
13 suspended rider may petition the Authority to reinstate the
14 person's ridership privileges one calendar year after the
15 Authority's suspension finding if the length of the suspension
16 is more than one year.

17 (h) The Authority shall collect, report, and make publicly
18 available quarterly the number and demographic information of
19 people subject to suspension of riding privileges or
20 confiscation of fare media; the conduct leading to the
21 suspension or confiscation; and the location and description
22 of the location where the conduct occurred, such as
23 identifying the transit station or transit line, the date, and
24 the time of day of the conduct, a citation to the statutory
25 authority for which the accused person was arrested or
26 charged, the amount, if any, on the fare media, and the length

1 of the suspension.

2 Section 4.33. Domestic Violence and Sexual Assault
3 Transportation Assistance Program.

4 (a) The Authority shall continue the Domestic Violence and
5 Sexual Assault Regional Transit Authority Public
6 Transportation Assistance Program established by the Regional
7 Transportation Authority Act (repealed) to serve residents of
8 the metropolitan region. Through this Program, the Authority
9 shall issue monetarily preloaded mass transit cards to The
10 Network: Advocating Against Domestic Violence for survivor and
11 victim use of public transportation in the metropolitan
12 region.

13 (b) The Authority shall coordinate with The Network:
14 Advocating Against Domestic Violence to issue no less than
15 25,000 monetarily preloaded mass transit cards with a value of
16 \$20 per card for distribution to domestic violence and sexual
17 assault service providers throughout the Authority's
18 jurisdiction.

19 (c) The mass transit card shall be plastic or laminated
20 and wallet-sized, contain no information that would reference
21 domestic violence or sexual assault services, and have no
22 expiration date. The cards shall also be available
23 electronically and shall be distributed to domestic violence
24 and sexual assault direct service providers to distribute to
25 survivors.

1 (d) The creation of the Program shall include an
2 appointment of a domestic violence or sexual assault program
3 service provider or a representative of the service provider's
4 choosing to the Authority's Citizen Advisory Board.

5 (e) The Network: Advocating Against Domestic Violence
6 shall provide an annual report of the program, including a
7 list of service providers receiving the mass transit cards,
8 the total number of cards received by each service provider,
9 and an estimated number of survivors and victims of domestic
10 violence and sexual assault participating in the program. The
11 report shall also include survivor testimonies of the program
12 and shall include recommendations on improving implementation
13 of the Program. The first report shall be provided to the
14 Authority one calendar year after the creation of the Program.

15 (f) In partnership with The Network: Advocating Against
16 Domestic Violence, the Authority shall report this information
17 to the Board and the Citizen Advisory Board and compile an
18 annual report of the Program to the General Assembly and to
19 domestic violence and sexual assault service providers in the
20 service providers' jurisdiction and include recommendations
21 for improving implementation of the Program.

22 Section 4.34. Safety.

23 (a) The Authority shall establish, enforce, and facilitate
24 achievement and maintenance of standards of safety with
25 respect to public transportation provided by the Authority or

1 by transportation agencies pursuant to purchase of service or
2 grant agreements.

3 (b) In recognition of the fact that travel by public
4 transportation is significantly safer than travel by other
5 means of surface transportation, the Authority shall work
6 cooperatively with the Department of Transportation, the
7 Illinois State Toll Highway Authority, the Chicago
8 Metropolitan Agency for Planning, and other units of
9 government to assist them in using investments in public
10 transportation facilities and operations as a tool to help the
11 Department and units of local government meet their roadway
12 crash, fatality, and serious injury reduction goals. To the
13 maximum extent allowed by law, the Authority is eligible to
14 receive funding and other assistance from local, state, and
15 federal sources so the Authority can assist in using improved
16 and expanded public transportation in the metropolitan region
17 to improve safety in the surface transportation sector.

18 (c) The security portion of the system safety program,
19 investigation reports, surveys, schedules, lists, or data
20 compiled, collected, or prepared by or for the Authority under
21 this subsection is exempt from disclosure under the Freedom of
22 Information Act, shall not be subject to discovery or admitted
23 into evidence in federal or State court, or shall not be
24 considered for other purposes in any civil action for damages
25 arising from any matter mentioned or addressed in such
26 reports, surveys, schedules, lists, data, or information.

1 (d) Neither the Authority nor its directors, officers, or
2 employees may not be held liable in any civil action for any
3 injury to any person or property for any acts or omissions or
4 failure to act under this Section or pursuant to 49 CFR Part
5 659.

6 (e) Nothing in this Section alleviates an individual's
7 duty to comply with the State Officials and Employees Ethics
8 Act.

9 Section 4.35. Competition. It is the policy of this State
10 that all powers granted, either expressly or by necessary
11 implication, by this Act or any other Illinois statute to the
12 Authority may be exercised by the Authority notwithstanding
13 effects on competition. It is the intention of the General
14 Assembly that the state action exemption to the application of
15 federal antitrust statutes be fully available to the Authority
16 to the extent its activities are authorized by law as stated
17 herein.

18 Section 4.36. Prompt payment. Purchases made pursuant to
19 this Act shall be made in compliance with the Local Government
20 Prompt Payment Act.

21 Article V. ACCOUNTABILITY

22 Section 5.01. Director selection process. The following

1 requirements apply to the appointing authorities for Directors
2 of the Board and members of the Citizens Advisory Board:

3 (1) Those responsible for appointing Directors shall
4 strive to assemble a set of Board members that, to the
5 greatest extent possible, reflects the ethnic, cultural,
6 economic, and geographic diversity of the metropolitan
7 region.

8 (2) The Authority shall implement the following
9 process to provide public input into the Director
10 selection process and bring qualified Board member
11 candidates to the attention of the appointing authorities:

12 (A) At least 90 days before the expiration of the
13 term of a Director, or upon notice of the resignation,
14 death, or removal of a Director, the Authority shall
15 issue and publicize a request for applications and
16 nominations to fill that Director position. The
17 request shall provide at least 30 days for submission
18 of applications and nominations.

19 (B) As soon as practical after the closure of the
20 period for applications and nominations, the Authority
21 shall publicly post the names and a summary of the
22 background and qualifications of at least 2
23 individuals that the appointing authority believes are
24 qualified to fill the Director position. Such
25 individuals may but need not be from among those
26 people who applied for or were nominated to fill the

1 Director position pursuant to subparagraph (A). The
2 posting shall give the public instructions for how
3 they may comment on those individuals identified by
4 the appointing authority and give them at least 21
5 days to submit such comments.

6 (C) After considering comments submitted under
7 subparagraph (B), the appointing authority may proceed
8 with the appointment process as long as the appointing
9 authority appoints as a Director a person who was
10 first identified under subparagraph (B), or the
11 appointing authority may cause the Authority, pursuant
12 to subparagraph (B), to post a new set of individuals
13 who are qualified to fill the Director position and
14 follow the process required by subparagraphs (B) and
15 (C) until the new Director is appointed and qualified.

16 (D) The Authority shall commence the process set
17 forth in this paragraph (2) sufficiently in advance of
18 the date of the anticipated vacancy on the Board to
19 minimize the duration of such vacancy.

20 Section 5.02. System usage requirements.

21 (a) Each calendar quarter, the Authority shall collect and
22 publish the number of trips taken by each Director by public
23 transportation in the metropolitan region.

24 (b) The Board may adopt rules governing system usage by
25 Directors consistent with the intention of this Act that the

1 Directors overseeing the public transportation system of the
2 metropolitan region should have substantial ridership
3 experience on that system.

4 (c) The Board may adopt public transportation system usage
5 requirements for the executives and staff of the Authority
6 that are no less demanding than public transportation system
7 ridership requirements applicable to Directors. System
8 ridership requirements may be included in performance-based
9 compensation systems established under Section 5.04.

10 (d) The Authority may incorporate public transportation
11 system usage requirements into its agreements with
12 transportation agencies and goods and services providers.

13 (e) The Authority shall put in place reasonable mechanisms
14 to ensure against efforts to evade public transportation
15 system ridership requirements imposed under this Section.

16 Section 5.03. Director attendance requirement.

17 (a) The Board shall adopt rules regarding the required
18 frequency of Director attendance at Board meetings.

19 (b) The failure of a Director to meet the Director
20 attendance requirement shall constitute sufficient grounds for
21 removal of that Director from the Board under subsection (a)
22 of Section 2.08.

23 Section 5.04. Employment agreements; performance-based
24 compensation.

1 (a) By no later than one year after the effective date of
2 this Act, after consideration of best practices for executive
3 compensation, the Authority shall enter into written
4 employment agreements with at least the 5 most senior staff
5 executives or officers of the Authority.

6 (b) The Authority may implement a performance-based
7 compensation system. A performance-based compensation system
8 established under this subsection must tie a significant
9 portion of senior executive compensation to the achievement or
10 nonachievement of performance standards that relate to the
11 quality of public transit services delivered to the public.

12 (c) Each senior executive participating in a
13 performance-based compensation system must enter into an
14 employment agreement with the Authority that describes the
15 performance-based compensation system and contains the other
16 terms and conditions of employment.

17 (d) If it implements a performance-based compensation
18 system, the Board shall annually review and approve
19 performance incentive compensation adjustments, positive or
20 negative, for senior executives of the Authority under the
21 performance-based compensation system.

22 (e) Subject to any applicable collective bargaining
23 agreement, the Authority may extend the performance-based
24 compensation system to include more staff positions at the
25 Authority.

26 (f) The Authority may incorporate performance-based

1 compensation system requirements into its agreements with
2 transportation agencies and goods and services providers.

3 Section 5.05. Revolving door prohibition. A Director,
4 Citizen Advisory Board member, former Director, or former
5 Citizen Advisory Board member shall, during the Director's or
6 member's, or former Director's or former member's, term, and
7 for a period of one year immediately after the end of the
8 Director's or member's, or former Director's or former
9 member's, term, engage in business dealings with, knowingly
10 accept employment from, or receive compensation or fees for
11 services from the Authority. This prohibition does not apply
12 to any business dealings engaged in by the Director or member
13 in the course of the Director's or member's official duties or
14 responsibilities as a Director or member.

15 Section 5.06. Public plans. The Authority shall implement
16 its responsibilities in 5 public documents adopted by its
17 Directors: a Strategic Plan; a Five-Year Capital Program; an
18 Annual Capital Improvement Plan; an Annual Budget and Two-Year
19 Financial Plan; and Service Standards.

20 Section 5.07. Strategic Plan.

21 (a) The Authority shall adopt a Strategic Plan, no less
22 than every 5 years, after holding a minimum of one public
23 hearing in each of the counties in the metropolitan region.

1 (b) To the maximum extent feasible, the Authority shall
2 adopt its Strategic Plan on a similar schedule as the regional
3 comprehensive plan adopted by the Chicago Metropolitan Agency
4 for Planning.

5 (c) In developing the Strategic Plan, the Authority shall
6 rely on such demographic and other data, forecasts, and
7 assumptions developed by the Chicago Metropolitan Agency for
8 Planning with respect to the patterns of population density
9 and growth, projected commercial and residential development,
10 and environmental factors within the metropolitan region and
11 in areas outside the metropolitan region that may impact
12 public transportation use in the metropolitan region.

13 (d) The Authority shall also consult with the Department
14 of Transportation's Office of Planning and Programming, the
15 Illinois State Toll Highway Authority, and municipal and
16 county departments of transportation when developing the
17 Strategic Plan.

18 (e) Before adopting or amending a Strategic Plan, the
19 Authority shall consult with the Chicago Metropolitan Agency
20 for Planning regarding the consistency of the Strategic Plan
21 with the Regional Comprehensive Plan adopted pursuant to the
22 Regional Planning Act.

23 (f) The Authority may use staff of the Chicago
24 Metropolitan Agency for Planning for planning-related purposes
25 on terms and conditions acceptable to the Authority and the
26 Chicago Metropolitan Agency for Planning.

1 (g) The Strategic Plan shall describe the specific actions
2 to be taken by the Authority to provide adequate, efficient,
3 equitable, and coordinated public transportation.

4 (h) The Strategic Plan shall identify goals and objectives
5 with respect to:

6 (1) increasing ridership and passenger miles on public
7 transportation funded by the Authority;

8 (2) coordination of public transportation services and
9 the investment in public transportation facilities to
10 enhance the integration of public transportation
11 throughout the metropolitan region;

12 (3) coordination of fare and transfer policies to
13 promote transfers by riders among public transportation
14 modes;

15 (4) improvements in public transportation facilities
16 to bring those facilities into a state of good repair,
17 enhancements that attract ridership and improve customer
18 service, and expansions needed to serve areas with
19 sufficient demand for public transportation;

20 (5) access for transit-dependent populations,
21 including access by low-income communities to places of
22 employment, using analyses provided by the Chicago
23 Metropolitan Agency for Planning regarding employment and
24 transportation availability and considering the location
25 of employment centers in each county and the availability
26 of public transportation at off-peak hours and on

1 weekends;

2 (6) the financial viability of the public
3 transportation system, including both operating and
4 capital programs;

5 (7) improving roadway operations within the
6 metropolitan region and enhancing transit options to
7 improve mobility;

8 (8) land use policies, practices, and incentives that
9 will make more effective use of public transportation
10 services and facilities as community assets and encourage
11 the siting of businesses, homes, and public facilities
12 near public transportation services and facilities to
13 provide convenient and affordable travel for residents,
14 customers, and employees in the metropolitan region;

15 (9) policies, practices, and incentives that will
16 better integrate public transportation with other active
17 modes of transportation; and

18 (10) other goals and objectives that advance the
19 policy of the State to provide adequate, efficient,
20 equitable and coordinated public transportation in the
21 metropolitan region.

22 (i) The Strategic Plan shall establish the process and
23 criteria by which proposals for capital improvements by the
24 Authority or a transportation agency shall be evaluated by the
25 Authority for inclusion in the Five-Year Capital Program,
26 which shall be in accordance with the prioritization process

1 set forth in Section 5.08, and may include criteria for:

2 (1) allocating funds among maintenance, enhancement,
3 and expansion improvements;

4 (2) projects to be funded from the City-Suburban
5 Mobility Innovations Fund;

6 (3) projects intended to improve or enhance ridership
7 or customer service;

8 (4) design and location of station or transit
9 improvements intended to promote transfers, increase
10 ridership, and support transit-oriented land development;

11 (5) assessing the impact of projects on the ability to
12 operate and maintain the existing transit system; and

13 (6) other criteria that advance the goals and
14 objectives of the Strategic Plan.

15 (j) The Strategic Plan shall identify innovations to
16 improve the delivery of public transportation and the
17 construction of public transportation facilities, including
18 new vehicle technologies, operational practices, financial
19 arrangements, and other innovations that may benefit the
20 metropolitan region.

21 (k) The Strategic Plan shall extend on the plans adopted
22 pursuant to Sections 5.09, 5.10, 5.11, and 5.12 and describe
23 the expected financial condition of public transportation in
24 the metropolitan region prospectively over a 10-year period,
25 which may include information about the cash position and all
26 known obligations of the Authority, including operating

1 expenditures, debt service, contributions for payment of
2 pension and other post-employment benefits, the expected
3 revenues from fares, tax receipts, grants from the federal,
4 State, and local governments for operating and capital
5 purposes and issuance of debt, the availability of working
6 capital, and the additional resources, if any, needed to
7 achieve the goals and objectives described in the Strategic
8 Plan. The Strategic Plan shall outline the Authority's plan
9 for dealing with any projected shortfall in financial
10 resources necessary to keep public transportation facilities
11 in a state of good repair and to deliver public transportation
12 services that meet Service Standards adopted pursuant to
13 Section 5.11.

14 (1) The Executive Director of the Authority shall review
15 the Strategic Plan on an ongoing basis and make
16 recommendations to the Board with respect to any update or
17 amendment of the Strategic Plan.

18 Section 5.08. Prioritization process for transit capital
19 projects.

20 (a) The Authority shall develop a transparent
21 prioritization process for metropolitan region transit capital
22 projects to identify projects that will most effectively
23 achieve the goals of the Strategic Plan and improve the
24 quality of public transportation services contemplated by the
25 Service Standards.

1 (b) The Authority shall use the prioritization process
2 when developing its Five-Year Capital Program pursuant to
3 Section 5.09 and for its other capital planning processes.

4 (c) The prioritization process must consider, at a
5 minimum:

6 (1) increasing access to key destinations such as
7 jobs, retail, healthcare, and recreation;

8 (2) reliability improvement;

9 (3) capacity needs;

10 (4) safety;

11 (5) state of good repair;

12 (6) racial equity and mobility justice;

13 (7) environmental protection;

14 (8) the Service Standards; and

15 (9) economic development.

16 (d) All capital funding awards shall be made by the
17 Authority in accordance with the prioritization process. An
18 appropriate public input process shall be established. The
19 Authority shall make a report to the General Assembly each
20 year describing the prioritization process and its use in
21 funding awards.

22 (e) A summary of the project evaluation process, measures,
23 program, and scores or prioritization criteria for all
24 candidate projects shall be published on the Authority's
25 website in a timely manner.

26 (f) No project shall be included in the Five-Year Capital

1 Program, or amendments to that Program, without being
2 evaluated under the selection process described in this
3 Section.

4 Section 5.09. Five-Year Capital Program.

5 (a) The Authority, after holding a minimum of one public
6 hearing in each of the counties in the metropolitan region,
7 shall each year adopt a Five-Year Capital Program that shall
8 include each capital improvement to be undertaken by the
9 Authority or on behalf of the Authority by a transportation
10 agency.

11 (b) The Authority shall prepare and publish its
12 preliminary Five-Year Capital Program by October 15 of each
13 year based on any criteria for capital improvements contained
14 in the Strategic Plan, the capital project prioritization
15 process established in Section 5.08, the Service Standards,
16 the transit asset management plans required by 49 CFR 625.25,
17 and other criteria determined by the Authority so long as the
18 improvements are not inconsistent with any subregional or
19 corridor plan adopted by the Authority and can be funded
20 within amounts available with respect to the capital and
21 operating costs of such improvement.

22 (c) The Authority shall give priority to improvements that
23 are intended to bring public transportation facilities into a
24 state of good repair.

25 (d) Before adopting a Five-Year Capital Program, the

1 Authority shall consult with the Chicago Metropolitan Agency
2 for Planning regarding the consistency of the Five-Year
3 Capital Program with the Regional Comprehensive Plan adopted
4 pursuant to the Regional Planning Act.

5 (e) The Authority shall adopt a final Five-Year Capital
6 Program prior to the beginning of the next fiscal year.

7 Section 5.10. Annual Capital Improvement Plan.

8 (a) Each year, the Authority shall prepare as part of its
9 Five-Year Capital Program an Annual Capital Improvement Plan,
10 which shall include the following information:

11 (1) a list of projects for which approval is sought
12 from the Governor, with a description of each project
13 stating at a minimum the project cost, its category, its
14 location, and the entity responsible for its
15 implementation;

16 (2) a certification by the Authority that the
17 Authority applied for all grants, loans, and other moneys
18 made available by the federal government or the State of
19 Illinois during the preceding federal and State fiscal
20 years for financing its capital development activities;

21 (3) a certification that, as of September 30 of the
22 preceding calendar year or any later date, the balance of
23 all federal capital grant funds and all other funds to be
24 used as matching funds therefore which were committed to
25 or possessed by the Authority but which had not been

1 obligated was less than \$500,000,000, or a greater amount
2 as authorized in writing by the Governor. As used in this
3 paragraph, "obligated" means committed to be paid by the
4 Authority under a contract with a nongovernmental entity
5 in connection with the performance of a project or
6 committed under a force account plan approved by the
7 federal government;

8 (4) a certification that the Authority has adopted a
9 balanced budget with respect to such calendar year under
10 Section 5.12;

11 (5) a schedule of all bonds or notes previously issued
12 for Strategic Capital Improvement Projects and all debt
13 service payments to be made with respect to all such bonds
14 and the estimated additional debt service payments through
15 June 30 of the following calendar year expected to result
16 from bonds to be sold prior thereto;

17 (6) a long-range summary of the Strategic Capital
18 Improvement Program describing the projects to be funded
19 through the Program with respect to project cost,
20 category, location, and implementing entity, and
21 presenting a financial plan, including an estimated time
22 schedule for obligating funds for the performance of
23 approved projects, issuing bonds, expending bond proceeds,
24 and paying debt service throughout the duration of the
25 Program; and

26 (7) the source of funding for each project in the

1 Plan. For any project for which full funding has not yet
2 been secured and that is not subject to a federal full
3 funding contract, the Authority must identify alternative,
4 dedicated funding sources available to complete the
5 project. The Governor may waive this requirement on a
6 project-by-project basis.

7 (b) The Authority shall submit the Plan, with respect to
8 any calendar year, to the Governor on or before January 15 of
9 that year or as soon as possible thereafter. Any revision in
10 the projects approved shall require the Governor's approval.

11 (c) The Authority shall seek approval from the Governor
12 only through the Plan or an amendment to the Plan. The
13 Authority shall not request approval of the Plan from the
14 Governor in any calendar year in which it is unable to make the
15 certifications required under paragraphs (2), (3), and (4) of
16 subsection (a). The Authority may not seek approval of the
17 Plan from the Governor for projects in an aggregate amount
18 exceeding the proceeds of bonds or notes for Strategic Capital
19 Improvement Projects issued under Section 6.05.

20 (d) The Governor may approve the Plan for which approval
21 is requested. The Governor's approval is limited to the amount
22 of the project cost stated in the Plan. The Governor shall not
23 approve the Plan in a calendar year if the Authority is unable
24 to make the certifications required under paragraphs (2), (3),
25 and (4) of subsection (a). The Governor may not approve the
26 Plan for projects in an aggregate amount exceeding the

1 proceeds of bonds or notes for Strategic Capital Improvement
2 Projects issued under Section 6.05.

3 (e) With respect to capital improvements, only those
4 capital improvements which are in a Plan approved by the
5 Governor shall be financed with the proceeds of bonds or notes
6 issued for Strategic Capital Improvement Projects.

7 (f) Before the Authority obligates any funds for a project
8 for which the Authority intends to use the proceeds of bonds or
9 notes for Strategic Capital Improvement Projects, but which
10 project is not included in an approved Plan, the Authority
11 must notify the Governor of the intended obligation. Project
12 costs incurred prior to approval of the Plan, including that
13 project, may not be paid from the proceeds of bonds or notes
14 for Strategic Capital Improvement Projects issued under
15 Section 6.05.

16 Section 5.11. Service Standards.

17 (a) The Authority shall adopt Service Standards in
18 conjunction with its Strategic Plan and Five-Year Capital
19 Program.

20 (b) The Service Standards shall identify quantitative and
21 qualitative attributes of quality public transit service using
22 metrics drawn from the performance of high-quality transit
23 systems in global metropolitan areas with comparable
24 populations and metropolitan economies as the metropolitan
25 region.

1 (c) The Service Standards shall include a framework that
2 describes the appropriate characteristics for each type of
3 service or mode. These characteristics include, but are not
4 limited to, mode, frequency, time span, vehicle type, stop
5 spacing, vehicle and stop amenities, network connectivity,
6 route directness, route deviation, and coverage of service.

7 (d) The Service Standards shall include the transition of
8 commuter rail in the metropolitan region to a regional rail
9 service pattern or the retention of commuter rail with
10 additional regional rail service.

11 (e) The Service Standards shall cover the entire
12 metropolitan region and include the development of transit
13 propensity thresholds for each type of service or mode.
14 Transit propensity metrics shall include, but are not limited
15 to, population density, employment density, low-income
16 populations, disabled populations, zero-car households,
17 intersection density, and the presence of sidewalks. Weights
18 should be developed for each metric and a scoring system
19 developed to determine transit propensity. The production of a
20 transit propensity assessment shall be conducted for any
21 proposed new or modified services and constrained to a service
22 or route estimated catchment area. Final determination of the
23 eligibility of each type of service or mode for an area is
24 subject to qualitative review by the Authority once the
25 propensity assessment is completed, reviewed, and evaluated.

26 (f) A local government or group of local governments may

1 petition the Authority to increase the level of transit
2 service provided above what would otherwise be provided
3 through the Service Standards. If a local government or group
4 of local governments demonstrates that the local government or
5 group of local governments have created a transit support
6 overlay district under the Transit-Supportive Development Act
7 or have adopted zoning and other changes that the Authority
8 determines has benefits to the transit system greater than or
9 equal to a transit support overlay district, the Authority
10 shall designate a preliminary amendment to the applicable
11 Service Standards for that area commensurate with the expected
12 increase in transit propensity. The Authority shall determine
13 the incremental cost of providing the service and present it
14 to the local government or group of local governments. Upon
15 execution of an agreement for the local government or group of
16 local governments to provide funding for 12 months to the
17 Authority equal to the incremental cost of providing the
18 additional service, the Authority shall finalize the Service
19 Standards amendment, and the Authority shall budget for and
20 provide the increased service. For service to be provided
21 within or substantially within Qualified Census Tracts as
22 identified by the U.S. Department of Housing and Urban
23 Development, the Office of Transit-Oriented Development shall
24 provide a 50% cost share to the Authority for the increased
25 transit service associated with the Service Standards
26 amendment. The Authority may develop plans to assist local

1 governments in identifying corridors where additional service
2 could be provided through the mechanism described in this
3 subsection.

4 (g) The Service Standards shall be adjusted as appropriate
5 to accommodate the addition of modes of public transportation
6 not currently being provided by the Authority, which may
7 include, but is not limited to: streetcar; light rail;
8 full-scale bus rapid transit; a transition from commuter rail
9 to regional rail or a combination of commuter and regional
10 rail; and electrified versions of current combustion engine
11 vehicle systems.

12 (h) The Service Standards shall be used to update or
13 otherwise inform the provision of the Authority's Title VI and
14 environmental justice policies.

15 (i) The Board shall review and make any necessary
16 adjustments to the Service Standards at least once every 5
17 years in conjunction with its adoption of the Authority's
18 Strategic Plan.

19 (j) The Authority shall compile and publish reports
20 comparing the actual public transportation system performance
21 measured against the Service Standards. Such performance
22 measures shall include customer-related performance data
23 measured by line, route, or subregion, as determined by the
24 Authority, on at least the following:

- 25 (1) travel times and on-time performance;
26 (2) ridership data;

- 1 (3) equipment failure rates;
- 2 (4) employee and customer safety;
- 3 (5) crowding;
- 4 (6) cleanliness of vehicles and stations;
- 5 (7) service productivity; and
- 6 (8) customer satisfaction.

7 (k) Transportation agencies that receive funding from the
8 Authority shall prepare and submit to the Authority such
9 reports with regard to these performance measures in the
10 frequency and form required by the Authority. The Authority
11 shall compile and publish such reports on its website on a
12 regular basis, no less than monthly.

13 (l) The Service Standards and performance measures shall
14 not be used as the basis for disciplinary action against any
15 employee of the Authority, except to the extent the employment
16 and disciplinary practices of the Authority provide for such
17 action.

18 Section 5.12. Annual Budget and Two-Year Financial Plan.

19 (a) The Board shall control the finances of the Authority.
20 It shall (i) appropriate money to perform the Authority's
21 purposes and provide for payment of debts and expenses of the
22 Authority and (ii) adopt an Annual Budget and Two-Year
23 Financial Plan for the Authority.

24 (b) The Annual Budget and Two-Year Financial Plan shall
25 contain a statement of the funds estimated to be on hand for

1 the Authority at the beginning of the fiscal year, the funds
2 estimated to be received from all sources for such year, the
3 estimated expenses and obligations of the Authority for all
4 purposes, including expenses for contributions to be made with
5 respect to pension and other employee benefits, and the funds
6 estimated to be on hand at the end of such year.

7 (c) The fiscal year of the Authority shall begin on
8 January 1 and end on the succeeding December 31. By July 1 of
9 each year, the Director of the Governor's Office of Management
10 and Budget shall submit to the Authority an estimate of
11 revenues for the next fiscal year of the Authority to be
12 collected from the taxes imposed by the Authority and the
13 amounts to be available in the Public Transportation Fund and
14 the Metropolitan Mobility Authority Occupation and Use Tax
15 Replacement Fund and the amounts otherwise to be appropriated
16 by the State to the Authority for its purposes.

17 (d) Before the proposed Annual Budget and Two-Year
18 Financial Plan is adopted, the Authority shall hold at least
19 one public hearing on the Annual Budget and Two-Year Financial
20 Plan in the metropolitan region and shall meet with the county
21 board or its designee of each of the several counties in the
22 metropolitan region. After conducting the hearings and holding
23 the meetings and after making changes in the proposed Annual
24 Budget and Two-Year Financial Plan as the Board deems
25 appropriate, the Board shall adopt its annual appropriation
26 and Annual Budget and Two-Year Financial Plan ordinance. The

1 ordinance shall appropriate such sums of money as are deemed
2 necessary to defray all necessary expenses and obligations of
3 the Authority, specifying purposes and the objects or programs
4 for which appropriations are made and the amount appropriated
5 for each object or program. Additional appropriations,
6 transfers between items, and other changes in such ordinance
7 may be made from time to time by the Board.

8 (e) The Annual Budget and Two-Year Financial Plan shall
9 show a balance between anticipated revenues from all sources
10 and anticipated expenses, including funding of operating
11 deficits or the discharge of encumbrances incurred in prior
12 periods and payment of principal and interest when due, and
13 shall show cash balances sufficient to pay with reasonable
14 promptness all obligations and expenses as incurred.

15 (f) The Authority shall file a copy of its Annual Budget
16 and Two-Year Financial Plan with the General Assembly and the
17 Governor after its adoption and a statement certifying that it
18 published the data described in subsection (g).

19 (g) The Authority shall publish a monthly comprehensive
20 set of data regarding transit service and safety. The data
21 included shall include information to track operations,
22 including:

23 (1) staffing levels, including numbers of budgeted
24 positions, current positions employed, hired staff,
25 attrition, staff in training, and absenteeism rates;

26 (2) scheduled service and delivered service, including

1 percentage of scheduled service delivered by day, service
2 by mode of transportation, service by route and rail line,
3 total number of revenue miles driven, excess wait times by
4 day, by mode of transportation, by bus route, and by stop;
5 and

6 (3) safety on the system, including the number of
7 incidents of crime and code of conduct violations on the
8 system, any performance measures used to evaluate the
9 effectiveness of investments in private security, safety
10 equipment, and other security investments in the system.
11 If no performance measures exist to evaluate the
12 effectiveness of these safety investments, the Authority
13 shall develop and publish these performance measures.

14 (h) The Authority shall regularly solicit input and ideas
15 on publishing data on the service reliability, operations, and
16 safety of the system from the public and groups representing
17 transit riders, workers, and businesses and make appropriate
18 adjustments and additions to the data reported pursuant to
19 subsection (g).

20 (i) All transportation agencies, comprehensive planning
21 agencies, including the Chicago Metropolitan Agency for
22 Planning and transportation planning agencies in the
23 metropolitan region, shall furnish to the Authority such
24 information pertaining to public transportation or relevant
25 plans therefore as it may from time to time require. The
26 Executive Director, or the Executive Director's designee,

1 shall, for the purpose of securing any such information
2 necessary or appropriate to carry out any of the powers and
3 responsibilities of the Authority under this Act, have access
4 to, and the right to examine, all books, documents, papers, or
5 records of any transportation agency receiving funds from the
6 Authority, and such transportation agency shall comply with
7 any request by the Executive Director, or the Executive
8 Director's designee, within 30 days or an extended time
9 provided by the Executive Director.

10 Section 5.13. Authority Inspector General.

11 (a) The Authority and the transportation agencies are
12 subject to the jurisdiction of the Governor's Executive
13 Inspector General.

14 (b) The Authority may appoint an independent Authority
15 Inspector General to serve as the ethics officer for the
16 Authority and to investigate on its own authority or on the
17 basis of a complaint or referral possible waste, fraud, or
18 abuse involving the Authority or a transportation agency. The
19 Authority Inspector General may conduct performance reviews
20 and audits designed to prevent waste, fraud, or abuse and to
21 improve the operation of the Authority and transportation
22 agencies.

23 (c) The Board shall provide sufficient staff and resources
24 so the Authority Inspector General can fulfill its functions
25 and responsibilities.

1 (d) All employees, agents, and contractors of the
2 Authority and the transportation agencies shall cooperate with
3 reviews, audits, and investigations conducted by the Authority
4 Inspector General.

5 (e) The Authority Inspector General may be appointed for a
6 term of up to 5 years or until a successor is appointed and has
7 qualified. The Board may remove the Authority Inspector
8 General before the expiration of the Inspector General's term
9 only for good cause and with the concurrence of the Governor's
10 Executive Inspector General.

11 (f) The appointment of an Authority Inspector General
12 shall not in any way limit the powers of the Governor's
13 Executive Inspector General.

14 Section 5.14. Executive Inspector General.

15 (a) Moneys may be appropriated from the Public
16 Transportation Fund to the Governor's Office of the Executive
17 Inspector General for the costs incurred by the Executive
18 Inspector General while serving as the inspector general for
19 the Authority.

20 (b) The Governor's Office of the Executive Inspector
21 General shall annually report to the General Assembly the
22 expenses incurred while serving as the inspector general for
23 the Authority.

24 (c) All employees, agents, and contractors of the
25 Authority and the transportation agencies shall cooperate with

1 reviews, audits, and investigations conducted by the
2 Governor's Executive Inspector General.

3 Section 5.15. Performance audits.

4 (a) The Auditor General shall conduct performance audits
5 of the Authority and transportation agencies at least once
6 every 5 years. The performance audits shall:

7 (1) focus on the quality and cost-effectiveness of the
8 public transportation system, including comparative
9 assessments against the performance of transit systems in
10 comparable metropolitan regions around the world;

11 (2) include recommendations for improvements informed
12 by applicable industry best practices and any legislation
13 or other steps that governmental bodies could take to
14 facilitate such improvements; and

15 (3) assess the efficacy of the public transportation
16 system in providing affordable transportation, connecting
17 residents to jobs, education, and other opportunities, and
18 improving the environment.

19 (b) The Authority may suggest areas of emphasis for the
20 Auditor General to consider and the Auditor General may, in
21 its discretion, structure the audit and recommendations to
22 help achieve the goal of a well-functioning and efficient
23 regional public transportation system.

24 (c) The Auditor General and the Authority shall coordinate
25 the timing of performance audits such that the findings will

1 be available to the Authority at the time when it begins
2 preparation of its Strategic Plan and Five-Year Capital
3 Program. The Authority shall reimburse the Auditor General for
4 the costs incurred in conducting the performance audits.

5 Section 5.16. Audits of transportation agencies. The
6 Authority may conduct management, performance, financial, and
7 infrastructure condition audits of transportation agencies
8 that receive funds from the Authority. Transportation agencies
9 shall cooperate fully with audits conducted pursuant to this
10 Section and act on the findings and recommendations contained
11 in such audits as directed by the Authority. Copies of audits
12 shall be supplied to the Governor and the General Assembly and
13 made available for review by the public subject to any
14 redactions as required or permitted by applicable law.

15 Section 5.17. Transparency and accountability portal.

16 (a) As used in this Section:

17 "CHI-TAP" means the Greater Chicago Mass Transit
18 Transparency and Accountability Portal.

19 "Contracts" means payment obligations with vendors on file
20 to purchase goods and services exceeding \$10,000 in value.

21 "Recipients" means the Authority or transportation
22 agencies.

23 (b) The Authority shall maintain a website, known as the
24 Greater Chicago Mass Transit Transparency and Accountability

1 Portal, and shall be tasked with compiling and updating the
2 CHI-TAP database with information received by the Authority.

3 (c) The CHI-TAP shall provide direct access to each of the
4 following:

5 (1) A database of all employees of the Authority
6 sorted separately by:

7 (A) name;

8 (B) division or department;

9 (C) employment position title;

10 (D) county of employment location;

11 (E) current base salary or hourly rate and
12 year-to-date gross pay;

13 (F) status of position including, but not limited
14 to, bargained-for positions, at-will positions, or not
15 bargained-for positions;

16 (G) employment status, including, but not limited
17 to, full-time permanent, full-time temporary,
18 part-time permanent and part-time temporary; and

19 (H) status as a military veteran.

20 (2) A database of all current Authority expenditures,
21 sorted by category.

22 (3) A database of all Authority contracts sorted
23 separately by contractor name, awarding officer or agency,
24 contract value, and goods or services provided.

25 (4) A database of publicly available accident-related
26 and safety-related information currently required to be

1 reported to the federal Secretary of Transportation under
2 49 U.S.C. 5335.

3 (d) The CHI-TAP shall include all information required to
4 be published by subsection (c) in a format the Authority can
5 compile and publish on the CHI-TAP. The Authority shall update
6 the CHI-TAP at least once every 30 days as additional
7 information becomes available.

8 Section 5.18. Financial statements and annual reports.

9 (a) Within 6 months after the end of each fiscal year, the
10 Board shall prepare a complete and detailed report of the
11 audit of the Authority and reviewing the state of the
12 Authority and of the public transportation provided by
13 transportation agencies.

14 (b) The report shall include evaluations of public
15 transportation in the metropolitan region and of the
16 Authority's activities and financial statements of the
17 Authority's revenues and expenditures for such year and of its
18 assets and liabilities. The financial statements must be
19 audited by an independent certified public accountant.

20 (c) The report shall also set forth the financial results
21 as reported by each transportation agency that, during such
22 year, had a purchase of service or grant agreement with the
23 Authority or that received financial assistance from the
24 Authority. The results shall be set forth separately for each
25 such transportation agency.

1 (d) The report shall be published on the Authority's
 2 website. A sufficient number of copies of each annual report
 3 shall be printed for distribution to anyone, upon request, and
 4 a copy of the report shall be filed with the Governor, the
 5 State Comptroller, the Speaker and Minority Leader of the
 6 House of Representatives, the President and Minority Leader of
 7 the Senate, the Mayor of the City of Chicago, the President or
 8 Chair of the county board of each county in the metropolitan
 9 region, and each transportation agency which, during such
 10 year, had a purchase of service agreement with the Authority
 11 or which received financial grants or other financial
 12 assistance from the Authority.

13 Section 5.19. Opt out.

14 (a) Notwithstanding any other provision of this Act, if
 15 the county board of the County of DuPage, Kane, Lake, McHenry,
 16 or Will by ordinance authorizes that such county shall elect
 17 to terminate the powers of the Authority in that county, the
 18 secretary of that county board shall certify that proposition
 19 to the proper election officials, who shall submit such
 20 proposition at an election in accordance with the general
 21 election law to decide whether that county shall opt out.

22 (b) The form of the ballot to be used at the referendum
 23 shall be substantially as follows:

24 -----
 25 Shall County terminate

1 the powers of the Metropolitan YES
 2 Mobility Authority -----
 3 in County NO
 4 on (date)
 5 -----

6 (c) If a majority of the voters vote in favor of
 7 terminating the powers of the Authority, then all of the
 8 powers of the Authority shall terminate in that county on the
 9 date stated in the referendum, except those powers and
 10 functions that the Authority determines to be necessary to
 11 exercise with regard to:

12 (1) public transportation by commuter rail, and
 13 related public transportation facilities;

14 (2) public transportation other than by commuter rail
 15 that is required in order to comply with federal or State
 16 laws and regulations, and related public transportation
 17 facilities; and

18 (3) public transportation other than by commuter rail
 19 provided by the Authority pursuant to contract with the
 20 county or other governmental entity within the county, and
 21 related public transportation facilities.

22 (d) The termination of the powers of the Authority
 23 referred to in subsection (a) with respect to a county shall
 24 occur on approval of the referendum by the electors provided
 25 on or prior to the date of such termination specified in the
 26 referendum, and, thereafter, the county shall have:

1 (1) assumed the obligations of the Authority under all
2 laws, federal or State, and all contracts with respect to
3 public transportation or public transportation facilities
4 in the county, which statutory or contractual obligations
5 extend beyond the termination date in the referendum if
6 the obligations shall not be deemed to include any
7 indebtedness of the Authority for borrowed money;

8 (2) agreed to indemnify and hold harmless the
9 Authority against any and all claims, actions, and
10 liabilities arising out of or in connection with the
11 termination of the Authority's powers and functions
12 pursuant to subsection (a); and

13 (3) taken or caused to be taken all necessary actions
14 and fulfilled or caused to be fulfilled all requirements
15 under federal and State laws, rules, and regulations with
16 respect to such termination and any related transfers of
17 assets or liabilities of the Authority. A county may, by
18 mutual agreement with the Authority, permit the Authority
19 to fulfill one or more contracts that, by their terms,
20 extend beyond the termination date provided for in the
21 referendum, in which case the powers and functions of the
22 Authority in that county shall survive only to the extent
23 deemed necessary by the Authority to fulfill said contract
24 or contracts. The satisfaction of the requirements
25 provided for in this paragraph shall be evidenced in such
26 manner as the Authority may require.

1 (e) Following an election to terminate the powers of the
2 Authority at a referendum held under subsection (a), the
3 county board shall notify the Authority of the results of the
4 referendum, including the termination date in the referendum,
5 which shall be the last day of a calendar month. Unless the
6 termination date is extended by mutual agreement between the
7 county and the Authority, the termination of the powers and
8 functions of the Authority in the county shall occur at
9 midnight on the termination date if the requirements of this
10 Section have been met.

11 (f) The proceeds of taxes imposed by the Authority under
12 Sections 6.02 and 6.03 collected after the termination date
13 within a county in which the powers of the Authority have been
14 terminated under this Section shall be used by the Authority
15 to support commuter rail services attributable to that county,
16 as determined by the Authority. Any proceeds which are in
17 excess of that necessary to support such services shall be
18 paid by the Authority to that county to be expended for public
19 transportation purposes in accordance with law. If no commuter
20 rail services under the jurisdiction of the Authority are
21 provided in a county in which the powers of the Authority have
22 been terminated under this Section, all proceeds of taxes
23 imposed by the Authority in the county shall be paid by the
24 Authority to the county to be expended for public
25 transportation purposes in accordance with law.

1

Article VI. FINANCES

2

Section 6.01. Federal, State, and other funds.

3

(a) The Authority may apply for, receive, and expend grants, loans, or other funds from the State of Illinois or a department or agency thereof, from any unit of local government, or from the federal government or a department or agency thereof for use in connection with any of the powers or purposes of the Authority as set forth in this Act. The Authority shall have power to make such studies as may be necessary and to enter into contracts or agreements with the State of Illinois or any department or agency thereof, with any unit of local government, or with the federal government or a department or agency thereof concerning such grants, loans, or other funds, or any conditions relating thereto, including obligations to repay such funds. The Authority may make such covenants concerning such grants, loans, and funds as it deems proper and necessary in carrying out its responsibilities, purposes, and powers as provided in this Act.

20

(b) The Authority is designated the primary public body in the metropolitan region with authority to apply for and receive grants, loans, or other funds relating to public transportation programs from the State of Illinois or a department or agency thereof, or from the federal government or a department or agency thereof. A unit of local government

25

1 or transportation agency may apply for and receive any such
2 federal or state capital grants, loans or other funds. A unit
3 of local government or transportation agency shall notify the
4 Authority and the Chicago Metropolitan Agency for Planning
5 prior to making any such application and shall file a copy of
6 the application with the Authority and Agency. Nothing in this
7 Section shall be construed to impose any limitation on the
8 ability of the State of Illinois or a department or agency
9 thereof, a unit of local government or transportation agency
10 to make a grant or to enter into an agreement or contract with
11 the National Rail Passenger Corporation. Nor shall anything in
12 this Section impose any limitation on the ability of any
13 school district to apply for or receive a grant, loan, or other
14 funds for transportation of school children.

15 Section 6.02. Taxes.

16 (a) In order to carry out any of the powers or purposes of
17 the Authority, the Board may, by ordinance adopted by the then
18 Directors, impose throughout the metropolitan region any or
19 all of the taxes provided in this Section. Except as otherwise
20 provided in this Act, taxes imposed under this Section and
21 civil penalties imposed incident thereto shall be collected
22 and enforced by the Department of Revenue. The Department may
23 administer and enforce the taxes and to determine all rights
24 for refunds for erroneous payments of the taxes.

25 (b) The Board may impose a public transportation tax upon

1 all persons engaged in the metropolitan region in the business
2 of selling retail motor fuel for operation of motor vehicles
3 upon public highways. The tax shall be at a rate not to exceed
4 5% of the gross receipts from the sales of motor fuel in the
5 course of the business. The Board may provide details of the
6 tax. The provisions of any tax shall conform, as closely as may
7 be practicable, to the provisions of the Non-Home Rule
8 Municipal Retailers' Occupation Tax Act, including, without
9 limitation, conformity to penalties with respect to the tax
10 imposed and as to the powers of the Department of Revenue to
11 adopt and enforcing rules and regulations relating to the
12 administration and enforcement of the provisions of the tax
13 imposed, except that reference in that Act to any municipality
14 shall refer to the Authority and the tax shall be imposed only
15 with regard to receipts from sales of motor fuel in the
16 metropolitan region, at rates as limited by this Section.

17 (c) In connection with the tax imposed under subsection
18 (b), the Board may impose a tax upon the privilege of using in
19 the metropolitan region motor fuel for the operation of a
20 motor vehicle upon public highways at a rate not in excess of
21 the rate of tax imposed under subsection (b). The Board may
22 provide details of the tax.

23 (d) The Board may impose a motor vehicle parking tax upon
24 the privilege of parking motor vehicles at off-street parking
25 facilities in the metropolitan region at which a fee is
26 charged, may provide for reasonable classifications in and

1 exemptions to the tax for administration and enforcement
2 thereof and for civil penalties and refunds thereunder, and
3 may provide criminal penalties thereunder, the maximum
4 penalties not to exceed the maximum criminal penalties
5 provided in the Retailers' Occupation Tax Act. The Authority
6 may collect and enforce the tax itself or by contract with any
7 unit of local government. The Department of Revenue shall have
8 no responsibility for the collection and enforcement unless
9 the Department agrees with the Authority to undertake the
10 collection and enforcement. As used in this subsection,
11 "parking facility" means a parking area or structure having
12 parking spaces for more than 2 vehicles at which motor
13 vehicles are permitted to park in return for an hourly, daily,
14 or other periodic fee, whether publicly or privately owned,
15 but does not include parking spaces on a public street, the use
16 of which is regulated by parking meters.

17 (e) The Board may impose a Metropolitan Mobility Authority
18 Retailers' Occupation Tax upon all persons engaged in the
19 business of selling tangible personal property at retail in
20 the metropolitan region. In Cook County, the tax rate shall be
21 1.25% of the gross receipts from sales of tangible personal
22 property taxed at the 1% rate under the Retailers' Occupation
23 Tax Act and 1% of the gross receipts from other taxable sales
24 made in the course of that business. In DuPage, Kane, Lake,
25 McHenry, and Will counties, the tax rate shall be 0.75% of the
26 gross receipts from all taxable sales made in the course of

1 that business. However, the rate of tax imposed in DuPage,
2 Kane, Lake, McHenry, and Will counties under this Section on
3 sales of aviation fuel shall be 0.25% unless the Authority in
4 DuPage, Kane, Lake, McHenry, and Will counties has an
5 airport-related purpose and the additional 0.50% of the 0.75%
6 tax on aviation fuel is expended for airport-related purposes.
7 If there is no airport-related purpose to which aviation fuel
8 tax revenue is dedicated, then aviation fuel is excluded from
9 the additional 0.50% of the 0.75% tax. The tax imposed under
10 this Section and all civil penalties that may be assessed as an
11 incident thereof shall be collected and enforced by the
12 Department of Revenue. The Department has full power to
13 administer and enforce this Section; to collect all taxes and
14 penalties so collected in the manner provided in this Section;
15 and to determine all rights to credit memoranda arising on
16 account of the erroneous payment of tax or penalty under this
17 Section. In the administration of and compliance with this
18 Section, the Department and persons who are subject to this
19 Section shall have the same rights, remedies, privileges,
20 immunities, powers, and duties, and be subject to the same
21 conditions, restrictions, limitations, penalties, exclusions,
22 exemptions, and definitions of terms, and employ the same
23 modes of procedure, as are prescribed in Sections 1, 1a, 1a-1,
24 1c, 1d, 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all
25 provisions therein other than the State rate of tax), 2c, 3
26 (except as to the disposition of taxes and penalties

1 collected, and except that the retailer's discount is not
2 allowed for taxes paid on aviation fuel that are subject to the
3 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
4 47133), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l,
5 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12, and 13 of the
6 Retailers' Occupation Tax Act and Section 3-7 of the Uniform
7 Penalty and Interest Act, as fully as if those provisions were
8 set forth in this Section.

9 (f) The Board and DuPage, Kane, Lake, McHenry, and Will
10 counties must comply with the certification requirements for
11 airport-related purposes under Section 2-22 of the Retailers'
12 Occupation Tax Act. This exclusion for aviation fuel only
13 applies for so long as the revenue use requirements of 49
14 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the
15 Authority.

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

23 (h) Whenever the Department determines that a refund
24 should be made under this Section to a claimant instead of
25 issuing a credit memorandum, the Department shall notify the
26 State Comptroller, who shall cause the warrant to be drawn for

1 the amount specified, and to the person named, in the
2 notification from the Department. The State Treasurer shall
3 pay the refund out of the Metropolitan Mobility Authority
4 Occupation and Use Tax Replacement Fund or the Local
5 Government Aviation Trust Fund, as appropriate.

6 (i) If a tax is imposed under subsection (e), a tax shall
7 also be imposed under subsections (m) and (r).

8 (j) For the purpose of determining whether a tax
9 authorized under this Section is applicable, a retail sale by
10 a producer of coal or other mineral mined in Illinois is a sale
11 at retail at the place where the coal or other mineral mined in
12 Illinois is extracted from the earth. This subsection does not
13 apply to coal or other minerals when it is delivered or shipped
14 by the seller to the purchaser at a point outside Illinois so
15 that the sale is exempt under the United States Constitution
16 as a sale in interstate or foreign commerce.

17 (k) A tax may not be imposed or collected under this
18 Section on the sale of a motor vehicle in this State to a
19 resident of another state if that motor vehicle will not be
20 titled in this State.

21 (l) Nothing in this Section shall be construed to
22 authorize the Authority to impose a tax upon the privilege of
23 engaging in any business that under the United States
24 Constitution may not be made the subject of taxation by this
25 State.

26 (m) If a tax has been imposed under subsection (e), a

1 Metropolitan Mobility Authority Service Occupation Tax shall
2 also be imposed upon all persons engaged in the metropolitan
3 region in the business of making sales of service who, as an
4 incident to making the sales of service, transfer tangible
5 personal property within the metropolitan region, either in
6 the form of tangible personal property or in the form of real
7 estate as an incident to a sale of service. In Cook County, the
8 tax rate shall be: (1) 1.25% of the serviceman's cost price of
9 food prepared for immediate consumption and transferred
10 incident to a sale of service subject to the service
11 occupation tax by an entity licensed under the Hospital
12 Licensing Act, the Nursing Home Care Act, the Specialized
13 Mental Health Rehabilitation Act of 2013, the ID/DD Community
14 Care Act, or the MC/DD Act that is located in the metropolitan
15 region; (2) 1.25% of the selling price of tangible personal
16 property taxed at the 1% rate under the Service Occupation Tax
17 Act; and (3) 1% of the selling price from other taxable sales
18 of tangible personal property transferred. In DuPage, Kane,
19 Lake, McHenry, and Will counties, the rate shall be 0.75% of
20 the selling price of all tangible personal property
21 transferred. However, the rate of tax imposed in DuPage, Kane,
22 Lake, McHenry, and Will counties under this Section on sales
23 of aviation fuel shall be 0.25% unless the Authority in
24 DuPage, Kane, Lake, McHenry, and Will counties has an
25 airport-related purpose and the additional 0.50% of the 0.75%
26 tax on aviation fuel is expended for airport-related purposes.

1 If there is no airport-related purpose to which aviation fuel
2 tax revenue is dedicated, then aviation fuel is excluded from
3 the additional 0.5% of the 0.75% tax.

4 (n) The tax imposed under subsection (e) and all civil
5 penalties that may be assessed as an incident thereof shall be
6 collected and enforced by the Department of Revenue. The
7 Department has full power to administer and enforce this
8 subsection; to collect all taxes and penalties due hereunder;
9 to dispose of taxes and penalties collected in the manner
10 hereinafter provided; and to determine all rights to credit
11 memoranda arising on account of the erroneous payment of tax
12 or penalty hereunder. In the administration of and compliance
13 with this subsection, the Department and persons who are
14 subject to this subsection shall have the same rights,
15 remedies, privileges, immunities, powers, and duties, and be
16 subject to the same conditions, restrictions, limitations,
17 penalties, exclusions, exemptions, and definitions of terms,
18 and employ the same modes of procedure, as are prescribed in
19 Sections 1a-1, 2, 2a, 3 through 3-50 (in respect to all
20 provisions therein other than the State rate of tax), 4
21 (except that the reference to the State shall be to the
22 Authority), 5, 7, 8 (except that the jurisdiction to which the
23 tax shall be a debt to the extent indicated in that Section 8
24 shall be the Authority), 9 (except as to the disposition of
25 taxes and penalties collected, and except that the returned
26 merchandise credit for this tax may not be taken against any

1 State tax, and except that the retailer's discount is not
2 allowed for taxes paid on aviation fuel that are subject to the
3 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
4 47133), 10, 11, 12 (except the reference therein to Section 2b
5 of the Retailers' Occupation Tax Act), 13 (except that any
6 reference to the State means the Authority), the first
7 paragraph of Section 15, 16, 17, 18, 19, and 20 of the Service
8 Occupation Tax Act and Section 3-7 of the Uniform Penalty and
9 Interest Act, as fully as if those provisions were set forth in
10 this Section.

11 (o) Persons subject to any tax imposed under this Section
12 may reimburse themselves for their serviceman's tax liability
13 hereunder by separately stating the tax as an additional
14 charge, that charge may be stated in combination in a single
15 amount with State tax that servicemen are authorized to
16 collect under the Service Use Tax Act, under any bracket
17 schedules the Department may prescribe.

18 (p) Whenever the Department determines that a refund
19 should be made under this subsection to a claimant instead of
20 issuing a credit memorandum, the Department shall notify the
21 State Comptroller, who shall cause the warrant to be drawn for
22 the amount specified, and to the person named in the
23 notification from the Department. The State Treasurer shall
24 pay the refund out of the Metropolitan Mobility Authority
25 Occupation and Use Tax Replacement Fund established under
26 subsection (cc) or the Local Government Aviation Trust Fund,

1 as appropriate.

2 (q) Nothing in this Section shall be construed to
3 authorize the Authority to impose a tax upon the privilege of
4 engaging in any business that under the Constitution of the
5 United States may not be made the subject of taxation by the
6 State.

7 (r) If a tax has been imposed under subsection (e), a tax
8 shall also be imposed upon the privilege of using in the
9 metropolitan region, any item of tangible personal property
10 that is purchased outside the metropolitan region at retail
11 from a retailer, and that is titled or registered with an
12 agency of this State's government. In Cook County, the tax
13 rate shall be 1% of the selling price of the tangible personal
14 property, as "selling price" is defined in the Use Tax Act. In
15 DuPage, Kane, Lake, McHenry, and Will counties, the tax rate
16 shall be 0.75% of the selling price of the tangible personal
17 property, as "selling price" is defined in the Use Tax Act. The
18 tax shall be collected from persons whose Illinois address for
19 titling or registration purposes is given as being in the
20 metropolitan region. The tax shall be collected by the
21 Department of Revenue for the Authority. The tax must be paid
22 to the State, or an exemption determination must be obtained
23 from the Department of Revenue before the title or certificate
24 of registration for the property may be issued. The tax or
25 proof of exemption may be transmitted to the Department by way
26 of the State agency with which, or the State officer with whom,

1 the tangible personal property must be titled or registered if
2 the Department and the State agency or State officer determine
3 that this procedure will expedite the processing of
4 applications for title or registration.

5 (s) The Department has full power to administer and
6 enforce this subsection; to collect all taxes, penalties, and
7 interest due hereunder; to dispose of taxes, penalties, and
8 interest collected in the manner hereinafter provided; and to
9 determine all rights to credit memoranda or refunds arising on
10 account of the erroneous payment of tax, penalty, or interest
11 hereunder. In the administration of and compliance with this
12 subsection, the Department and persons who are subject to this
13 subsection shall have the same rights, remedies, privileges,
14 immunities, powers, and duties, and be subject to the same
15 conditions, restrictions, limitations, penalties, exclusions,
16 exemptions, and definitions of terms and employ the same modes
17 of procedure, as are prescribed in Sections 2 (except the
18 definition of "retailer maintaining a place of business in
19 this State"), 3 through 3-80 (except provisions pertaining to
20 the State rate of tax, and except provisions concerning
21 collection or refunding of the tax by retailers), 4, 11, 12,
22 12a, 14, 15, 19 (except the portions pertaining to claims by
23 retailers and except the last paragraph concerning refunds),
24 20, 21, and 22 of the Use Tax Act, and are not inconsistent
25 with this subsection, as fully as if those provisions were set
26 forth herein.

1 (t) The Authority may impose a replacement vehicle tax of
2 \$50 on any passenger car, as defined in Section 1-157 of the
3 Illinois Vehicle Code, purchased within the metropolitan
4 region by or on behalf of an insurance company to replace a
5 passenger car of an insured person in settlement of a total
6 loss claim. The tax imposed may not become effective before
7 the first day of the month following the passage of the
8 ordinance imposing the tax and receipt of a certified copy of
9 the ordinance by the Department of Revenue. The Department of
10 Revenue shall collect the tax for the Authority in accordance
11 with Sections 3-2002 and 3-2003 of the Illinois Vehicle Code.

12 (u) The Department shall immediately pay over to the State
13 Treasurer, *ex officio*, as trustee, all taxes collected under
14 this Section.

15 (v) As soon as possible after the first day of each month,
16 upon certification of the Department of Revenue, the
17 Comptroller shall order transferred, and the Treasurer shall
18 transfer, to the STAR Bonds Revenue Fund the local sales tax
19 increment, as defined in the Innovation Development and
20 Economy Act, collected under this Section during the second
21 preceding calendar month for sales within a STAR bond
22 district.

23 (w) After the monthly transfer to the STAR Bonds Revenue
24 Fund, on or before the 25th day of each calendar month, the
25 Department shall prepare and certify to the Comptroller the
26 disbursement of stated sums of money to the Authority. The

1 amount to be paid to the Authority shall be the amount
2 collected under this Section during the second preceding
3 calendar month by the Department, less any amount determined
4 by the Department to be necessary for the payment of refunds,
5 and less any amounts that are transferred to the STAR Bonds
6 Revenue Fund. Within 10 days after receipt by the Comptroller
7 of the disbursement certification to the Authority provided
8 for in this Section to be given to the Comptroller by the
9 Department, the Comptroller shall cause the orders to be drawn
10 for that amount in accordance with the directions contained in
11 the certification.

12 (x) The Board may not impose any other taxes except as it
13 may from time to time be authorized by law to impose.

14 (y) A certificate of registration issued by the State
15 Department of Revenue to a retailer under the Retailers'
16 Occupation Tax Act or under the Service Occupation Tax Act
17 shall permit the registrant to engage in a business that is
18 taxed under the tax imposed under subsection (b), (e), (bb),
19 or (r) and no additional registration shall be required under
20 the tax. A certificate issued under the Use Tax Act or the
21 Service Use Tax Act shall be applicable with regard to any tax
22 imposed under subsection (c).

23 (z) The provisions of any tax imposed under subsection (c)
24 shall conform as closely as may be practicable to the
25 provisions of the Use Tax Act, including, without limitation,
26 conformity as to penalties with respect to the tax imposed and

1 as to the powers of the Department of Revenue to adopt and
2 enforce rules and regulations relating to the administration
3 and enforcement of the provisions of the tax imposed. The
4 taxes shall be imposed only on use within the metropolitan
5 region and at rates as provided in subsection (b).

6 (aa) The Board, in imposing any tax as provided in
7 subsections (b) and (c), shall, after seeking the advice of
8 the Department of Revenue, provide means for retailers, users,
9 or purchasers of motor fuel for purposes other than those with
10 regard to which the taxes may be imposed as provided in those
11 subsections to receive refunds of taxes improperly paid, which
12 provisions may be at variance with the refund provisions as
13 applicable under the Non-Home Rule Municipal Retailers'
14 Occupation Tax Act. The State Department of Revenue may
15 provide for certificates of registration for users or
16 purchasers of motor fuel for purposes other than those with
17 regard to which taxes may be imposed as provided in
18 subsections (b) and (c) to facilitate the reporting and
19 nontaxability of the exempt sales or uses.

20 (bb) An ordinance or resolution imposing, increasing,
21 decreasing, or discontinuing the tax under this Section shall
22 be adopted and a certified copy of the ordinance filed with the
23 Department, whereupon the Department shall proceed to
24 administer and enforce this Section as of the first day of the
25 first month to occur not less than 60 days following such
26 adoption and filing.

1 (cc) Except as otherwise provided in this subsection, the
2 Department of Revenue shall, upon collecting any taxes as
3 provided in this Section, pay the taxes to the State Treasurer
4 as trustee for the Authority. The taxes shall be held in the
5 Metropolitan Mobility Authority Occupation and Use Tax
6 Replacement Fund, a trust fund outside the State treasury. If
7 an airport-related purpose has been certified, taxes and
8 penalties collected in DuPage, Kane, Lake, McHenry, and Will
9 counties on aviation fuel sold from the 0.50% of the 0.75% rate
10 shall be immediately paid over by the Department to the State
11 Treasurer, ex officio, as trustee, for deposit into the Local
12 Government Aviation Trust Fund. The Department shall only pay
13 moneys into the Local Government Aviation Trust Fund under
14 this Act for so long as the revenue use requirements of 49
15 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the
16 Authority. On or before the 25th day of each calendar month,
17 the State Department of Revenue shall prepare and certify to
18 the Comptroller of the State of Illinois and to the Authority
19 (i) the amount of taxes collected in each county other than
20 Cook County in the metropolitan region, (not including, if an
21 airport-related purpose has been certified, the taxes and
22 penalties collected from the 0.50% of the 0.75% rate on
23 aviation fuel that are deposited into the Local Government
24 Aviation Trust Fund) (ii) the amount of taxes collected within
25 the City of Chicago, and (iii) the amount collected in that
26 portion of Cook County outside Chicago, each amount less the

1 amount necessary for the payment of refunds to taxpayers
2 located in those areas described in items (i), (ii), and
3 (iii), and less 1.5% of the remainder, which shall be
4 transferred from the trust fund into the Tax Compliance and
5 Administration Fund. The Department, at the time of each
6 monthly disbursement to the Authority, shall prepare and
7 certify to the State Comptroller the amount to be transferred
8 into the Tax Compliance and Administration Fund under this
9 subsection. Within 10 days after receipt by the Comptroller of
10 the certification of the amounts, the Comptroller shall cause
11 an order to be drawn for the transfer of the amount certified
12 into the Tax Compliance and Administration Fund and the
13 payment of two-thirds of the amounts certified in item (i) of
14 this subsection to the Authority and one-third of the amounts
15 certified in item (i) of this subsection to the respective
16 counties other than Cook County and the amount certified in
17 items (ii) and (iii) of this subsection to the Authority.

18 (dd) In addition to the disbursement required by
19 subsection (cc), an allocation shall be made in each year to
20 the Authority. The allocation shall be made in an amount equal
21 to the average monthly distribution during the preceding
22 calendar year (excluding the 2 months of lowest receipts) and
23 the allocation shall include the amount of average monthly
24 distribution from the Metropolitan Mobility Authority
25 Occupation and Use Tax Replacement Fund. The distribution made
26 in each year under this subsection and in subsection (cc)

1 shall be reduced by the amount allocated and disbursed under
2 this subsection in the preceding calendar year. The Department
3 of Revenue shall prepare and certify to the Comptroller for
4 disbursement the allocations made in accordance with this
5 subsection.

6 (ee) The Authority's failure to adopt a budget ordinance
7 or adopt a Five-year Capital Program shall not affect the
8 validity of any tax imposed by the Authority otherwise in
9 conformity with law.

10 (ff) A public transportation tax or motor vehicle parking
11 tax authorized under subsections (b), (c), and (d) may not be
12 in effect at the same time as any retailers' occupation, use,
13 or service occupation tax authorized under subsections (e),
14 (m), and (r) is in effect.

15 (gg) Any taxes imposed under the authority provided in
16 subsections (b), (c), and (d) shall remain in effect only
17 until the time as any tax authorized by subsections (e), (m),
18 and (r) are imposed and becomes effective. Once any tax
19 authorized by subsections (e), (m), and (r) is imposed the
20 Board may not reimpose taxes as authorized in subsections (b),
21 (c), and (d) unless any tax authorized by subsections (e),
22 (m), and (r) becomes ineffective by means other than an
23 ordinance of the Board.

24 (hh) Any existing rights, remedies, and obligations,
25 including enforcement by the Authority, arising under any tax
26 imposed under subsections (b), (c), and (d) shall not be

1 affected by the imposition of a tax under subsections (e),
2 (m), and (r).

3 (ii) As used in this Section:

4 "Airport-related purposes" has the meaning given to that
5 term in Section 6z-20.2 of the State Finance Act.

6 "Motor fuel" has the meaning given to that term in Section
7 1.1 of the Motor Fuel Tax Law.

8 Section 6.03. Gross receipts tax-automobile rental.

9 (a) The Board may impose a tax upon all persons engaged in
10 the business of renting automobiles in the metropolitan region
11 at the rate of not to exceed 1% of the gross receipts from such
12 business within Cook County and not to exceed 0.25% of the
13 gross receipts from such business within the counties of
14 DuPage, Kane, Lake, McHenry, and Will. The tax imposed
15 pursuant to this subsection and all civil penalties that may
16 be assessed as an incident thereof shall be collected and
17 enforced by the Department of Revenue. The certificate of
18 registration which is issued by the Department to a retailer
19 under the Retailers' Occupation Tax Act or under the
20 Automobile Renting Occupation and Use Tax Act shall permit
21 such person to engage in a business which is taxable under any
22 ordinance or resolution enacted pursuant to this subsection
23 without registering separately with the Department under such
24 ordinance or resolution or under this subsection. The
25 Department has full power to administer and enforce this

1 subsection; to collect all taxes and penalties due under this
2 subsection; to dispose of taxes and penalties so collected in
3 the manner provided in this subsection, and to determine all
4 rights to credit memoranda, arising on account of the
5 erroneous payment of tax or penalty under this subsection. In
6 the administration of, and compliance with, this subsection,
7 the Department and persons who are subject to this subsection
8 have the same rights, remedies, privileges, immunities,
9 powers, and duties, and are subject to the same conditions,
10 restrictions, limitations, penalties, and definitions of
11 terms, and employ the same modes of procedure, as are
12 prescribed in Sections 2 and 3 (in respect to all provisions
13 therein other than the State rate of tax; and with relation to
14 the provisions of the Retailers' Occupation Tax referred to
15 therein, except as to the disposition of taxes and penalties
16 collected, and except for the provision allowing retailers a
17 deduction from the tax cover certain costs, and except that
18 credit memoranda issued hereunder may not be used to discharge
19 any State tax liability) of the Automobile Renting Occupation
20 and Use Tax Act as fully as if provisions contained in those
21 Sections of said Act were set forth in this subsection.
22 Persons subject to any tax imposed pursuant to the authority
23 granted in this paragraph may reimburse themselves for their
24 tax liability under this subsection by separately stating such
25 tax as an additional charge, which charge may be stated in
26 combination, in a single amount, with State tax which sellers

1 are required to collect under the Automobile Renting
2 Occupation and Use Tax Act pursuant to such bracket schedules
3 as the Department may prescribe. Nothing in this subsection
4 shall be construed to authorize the Authority to impose a tax
5 upon the privilege of engaging in any business which under the
6 United States Constitution may not be made the subject of
7 taxation by this State.

8 (b) The Board may impose a tax upon the privilege of using,
9 in the metropolitan region, an automobile which is rented from
10 a renter outside Illinois, and that is titled or registered
11 with an agency of this State's government, at a rate not to
12 exceed 1% of the rental price of such automobile within Cook
13 County, and not to exceed 0.25% of the rental price within the
14 counties of DuPage, Kane, Lake, McHenry, and Will. Such tax
15 shall be collected from persons whose Illinois address for
16 titling or registration purposes is given as being in the
17 metropolitan region. Such tax shall be collected by the
18 Department of Revenue for the Authority. Such tax must be paid
19 to the State, or an exemption determination must be obtained
20 from the Department of Revenue before the title or certificate
21 of registration for the property may be issued. The tax or
22 proof of exemption may be transmitted to the Department by way
23 of the State agency with which, or State officer with whom the
24 tangible personal property must be titled or registered if the
25 Department and such agency or State officer determine that
26 this procedure will expedite the processing of applications

1 for title or registration. The Department has full power to
2 administer and enforce this subsection; to collect all taxes,
3 penalties and interest due under this subsection; to dispose
4 of taxes, penalties, and interest so collected in the manner
5 provided in this subsection, and to determine all rights to
6 credit memoranda or refunds arising on account of the
7 erroneous payment of tax, penalty, or interest under this
8 subsection. In the administration of, and compliance with,
9 this subsection, the Department and persons who are subject to
10 this paragraph have the same rights, remedies, privileges,
11 immunities, powers, and duties, and are subject to the same
12 conditions, restrictions, limitations, penalties, and
13 definitions of terms, and employ the same modes of procedure,
14 as are prescribed in Sections 2 and 4 (except provisions
15 pertaining to the State rate of tax; and with relation to the
16 provisions of the Use Tax Act referred to therein, except
17 provisions concerning collection or refunding of the tax by
18 retailers, and except the provisions of Section 19 pertaining
19 to claims by retailers and except the last paragraph
20 concerning refunds, and except that credit memoranda issued
21 hereunder may not be used to discharge any State tax
22 liability) of the Automobile Renting Occupation and Use Tax
23 Act which are not inconsistent with this subsection, as fully
24 as if provisions contained in those Sections of said Act were
25 set forth in this subsection.

26 (c) Whenever the Department determines that a refund

1 should be made under this Section to a claimant instead of
2 issuing a credit memorandum, the Department shall notify the
3 State Comptroller, who shall cause the order to be drawn for
4 the amount specified, and to the person named, in such
5 notification from the Department. Such refund shall be paid by
6 the State Treasurer out of the Metropolitan Mobility Authority
7 Occupation and Use Tax Replacement Fund created under Section
8 6.02.

9 (d) The Department shall forthwith pay over to the State
10 Treasurer, ex officio, as trustee, all taxes, penalties and
11 interest collected under this Section. On or before the 25th
12 day of each calendar month, the Department shall prepare and
13 certify to the State Comptroller the amount to be paid to the
14 Authority. The State Department of Revenue shall also certify
15 to the Authority the amount of taxes collected in each county
16 other than Cook County in the metropolitan region less the
17 amount necessary for the payment of refunds to taxpayers in
18 such county. With regard to Cook County, the certification
19 shall specify the amount of taxes collected within the City of
20 Chicago less the amount necessary for the payment of refunds
21 to taxpayers in the City of Chicago and the amount collected in
22 that portion of Cook County outside the City of Chicago less
23 the amount necessary for the payment of refunds to taxpayers
24 in that portion of Cook County outside the City of Chicago. The
25 amount to be paid to the Authority shall be the amount, not
26 including credit memoranda, collected under this Section

1 during the second preceding calendar month by the Department,
2 and not including an amount equal to the amount of refunds made
3 during the second preceding calendar month by the Department
4 on behalf of the Authority. Within 10 days after receipt by the
5 State Comptroller of the disbursement certification to the
6 Authority, the State Comptroller shall cause the orders to be
7 drawn in accordance with the directions contained in such
8 certification.

9 (e) An ordinance imposing a tax under this Section or
10 effecting a change in the rate of the tax shall be effective on
11 the first day of the calendar month next following the month in
12 which such ordinance is passed. The Board shall transmit to
13 the Department of Revenue on or not later than 5 days after
14 passage of the ordinance a certified copy of the ordinance
15 imposing such tax whereupon the Department of Revenue shall
16 proceed to administer and enforce this Section on behalf of
17 the Authority as of the effective date of the ordinance. Upon a
18 change in rate of a tax levied hereunder, or upon the
19 discontinuance of the tax, the Board shall, on or not later
20 than 5 days after passage of the ordinance discontinuing the
21 tax or effecting a change in rate, transmit to the Department
22 of Revenue a certified copy of the ordinance effecting such
23 change or discontinuance.

24 Section 6.04. Distribution of revenues.

25 (a) This Section applies only after the Department begins

1 administering and enforcing an increased tax under subsection
2 (bb) of Section 6.02 as authorized by this Act. After
3 providing for payment of its obligations with respect to bonds
4 and notes issued under the provisions of Section 6.05 and
5 obligations related to those bonds and notes and separately
6 accounting for the tax on aviation fuel deposited into the
7 Local Government Aviation Trust Fund, the Authority shall
8 disburse the remaining proceeds from taxes it has received
9 from the Department of Revenue under this Article VI and the
10 remaining proceeds it has received from the State under
11 subsection (a) of Section 6.08 among the Authority programs.

12 (b) The Authority shall allocate among the Authority
13 programs money received by the Authority on account of
14 transfers to the Metropolitan Mobility Authority Occupation
15 and Use Tax Replacement Fund from the State and Local Sales Tax
16 Reform Fund.

17 (c) The Authority shall allocate money received from the
18 State under subsection (a) of Section 6.08 among the Authority
19 programs.

20 (d) The Authority shall allocate funds provided by the
21 State of Illinois under subsection (cc) of Section 6.02 among
22 the Authority programs.

23 (e) With respect to those taxes collected in DuPage, Kane,
24 Lake, McHenry, and Will counties and paid directly to the
25 counties under Section 6.02, the county board of each county
26 shall use those amounts to fund operating and capital costs of

1 public safety and public transportation services or facilities
2 or to fund operating, capital, right-of-way, construction, and
3 maintenance costs of other transportation purposes, including
4 road, bridge, public safety, and transit purposes intended to
5 improve mobility or reduce congestion in the county. The
6 receipt of funding by such counties pursuant to this
7 subsection may not be used as the basis for reducing any funds
8 that such counties would otherwise have received from the
9 State of Illinois, any agency or instrumentality thereof, the
10 Authority, or the Operating Divisions.

11 Section 6.05. Issuance and pledge of bonds and notes.

12 (a) The Authority may borrow money and to issue its
13 negotiable bonds or notes as provided in this Section. Unless
14 otherwise indicated in this Section, the term "notes" also
15 includes bond anticipation notes, which are notes which by
16 their terms provide for their payment from the proceeds of
17 bonds thereafter to be issued.

18 (b) Bonds or notes of the Authority may be issued for any
19 or all of the following purposes:

20 (1) to pay costs to the Authority of constructing or
21 acquiring any public transportation facilities, including
22 funds and rights relating thereto;

23 (2) to repay advances to the Authority made for such
24 purposes; and to pay other expenses of the Authority
25 incident to or incurred in connection with such

1 construction or acquisition;

2 (3) to provide funds for any transportation agency to
3 pay principal of or interest or redemption premium on any
4 bonds or notes, whether as such amounts become due or by
5 earlier redemption, issued prior to the effective date of
6 this Act by such transportation agency to construct or
7 acquire public transportation facilities or to provide
8 funds to purchase such bonds or notes;

9 (4) to provide funds for any transportation agency to
10 construct or acquire any public transportation facilities,
11 to repay advances made for such purposes, and to pay other
12 expenses incident to or incurred in connection with such
13 construction or acquisition; and

14 (5) to provide funds for payment of obligations,
15 including the funding of reserves, under any
16 self-insurance plan or joint self-insurance pool or
17 entity.

18 (c) In addition to any other borrowing as may be
19 authorized by this Section, the Authority may issue its notes,
20 from time to time, in anticipation of tax receipts of the
21 Authority or of other revenues or receipts of the Authority,
22 in order to provide money for the Authority to cover any cash
23 flow deficit which the Authority anticipates incurring. Any
24 such notes are referred to in this Section as "working cash
25 notes".

26 (d) Working cash notes may not be issued for a term of

1 longer than 24 months.

2 (e) Proceeds of working cash notes may be used to pay
3 day-to-day operating expenses of the Authority, consisting of
4 wages, salaries, and fringe benefits, professional and
5 technical services, including legal, audit, engineering, and
6 other consulting services, office rental, furniture, fixtures
7 and equipment, insurance premiums, claims for self-insured
8 amounts under insurance policies, public utility obligations
9 for telephone, light, heat, and similar items, travel
10 expenses, office supplies, postage, dues, subscriptions,
11 public hearings and information expenses, fuel purchases, and
12 payments of grants and payments under purchase of service
13 agreements for operations of transportation agencies, prior to
14 the receipt by the Authority from time to time of funds for
15 paying such expenses.

16 (f) The Authority may issue notes or bonds to pay, refund,
17 or redeem any of its notes and bonds, including to pay
18 redemption premiums or accrued interest on such bonds or notes
19 being renewed, paid or refunded, and other costs in connection
20 therewith.

21 (g) The Authority may use the proceeds of any bonds or
22 notes issued under this Section to pay the legal, financial,
23 administrative, and other expenses of such authorization,
24 issuance, sale, or delivery of bonds or notes or to provide or
25 increase a debt service reserve fund with respect to any or all
26 of its bonds or notes.

1 (h) The Authority may issue and deliver its bonds or notes
2 in exchange for any public transportation facilities,
3 including funds and rights relating thereto, or in exchange
4 for outstanding bonds or notes of the Authority, including any
5 accrued interest or redemption premium thereon, without
6 advertising or submitting such notes or bonds for public
7 bidding.

8 (i) The ordinance providing for the issuance of any bonds
9 or notes issued under this Section shall fix the date or dates
10 of maturity, the dates on which interest is payable, any
11 sinking fund account or reserve fund account provisions, and
12 all other details of such bonds or notes and may provide for
13 such covenants or agreements necessary or desirable with
14 regard to the issue, sale and security of such bonds or notes.
15 The rate or rates of interest on its bonds or notes may be
16 fixed or variable and the Authority shall determine or provide
17 for the determination of the rate or rates of interest of its
18 bonds or notes issued under this Act in an ordinance adopted by
19 the Authority prior to the issuance thereof, none of which
20 rates of interest shall exceed that permitted in the Bond
21 Authorization Act. Interest may be payable at such times as
22 are provided for by the Board.

23 (j) Bonds and notes issued under this Section may be
24 issued as serial or term obligations, shall be of such
25 denomination or denominations and form, including interest
26 coupons to be attached thereto, be executed in such manner,

1 shall be payable at such place or places and bear such date as
2 the Authority shall fix by the ordinance authorizing such bond
3 or note and shall mature at such time or times, within a period
4 not to exceed 40 years from the date of issue, and may be
5 redeemable prior to maturity with or without premium, at the
6 option of the Authority, upon such terms and conditions as the
7 Authority shall fix by the ordinance authorizing the issuance
8 of such bonds or notes.

9 (k) A bond anticipation note or any renewal thereof may
10 not mature at any time or times exceeding 5 years from the date
11 of the first issuance of such note.

12 (l) The Authority may provide for the registration of
13 bonds or notes in the name of the owner as to the principal
14 alone or as to both principal and interest, upon such terms and
15 conditions as the Authority may determine.

16 (m) The ordinance authorizing bonds or notes may provide
17 for the exchange of such bonds or notes which are fully
18 registered, as to both principal and interest, with bonds or
19 notes which are registrable as to principal only.

20 (n) All bonds or notes issued under this Section by the
21 Authority other than those issued in exchange for property or
22 for bonds or notes of the Authority shall be sold at a price
23 which may be at a premium or discount but such that the
24 interest cost, excluding any redemption premium, to the
25 Authority of the proceeds of an issue of such bonds or notes,
26 computed to stated maturity according to standard tables of

1 bond values, shall not exceed that permitted in the Bond
2 Authorization Act.

3 (o) The Authority shall notify the Governor's Office of
4 Management and Budget and the State Comptroller at least 30
5 days before any bond sale and shall file with the Governor's
6 Office of Management and Budget and the State Comptroller a
7 certified copy of any ordinance authorizing the issuance of
8 bonds at or before the issuance of the bonds.

9 (p) Any such bonds or notes of the Authority shall be sold
10 to the highest and best bidder on sealed bids as the Authority
11 shall deem. As such bonds or notes are to be sold the Authority
12 shall advertise for proposals to purchase the bonds or notes
13 which advertisement shall be published at least once in a
14 daily newspaper of general circulation published in the
15 metropolitan region at least 10 days before the time set for
16 the submission of bids. The Authority shall have the right to
17 reject any or all bids.

18 (q) Notwithstanding any other provisions of this Section,
19 working cash notes or bonds or notes to provide funds for
20 self-insurance or a joint self-insurance pool or entity may be
21 sold either upon competitive bidding or by negotiated sale,
22 without any requirement of publication of intention to
23 negotiate the sale of such Notes, as the Board shall determine
24 by ordinance.

25 (r) In case any officer whose signature appears on any
26 bonds, notes, or coupons authorized pursuant to this Section

1 shall cease to be such officer before delivery of such bonds or
2 notes, such signature shall nevertheless be valid and
3 sufficient for all purposes, the same as if such officer had
4 remained in office until such delivery. Neither the Directors
5 of the Authority nor any person executing any bonds or notes
6 thereof shall be liable personally on any such bonds or notes
7 or coupons by reason of the issuance thereof.

8 (s) All bonds or notes of the Authority issued pursuant to
9 this Section shall be general obligations of the Authority to
10 which shall be pledged the full faith and credit of the
11 Authority, as provided in this Section. Such bonds or notes
12 shall be secured as provided in the authorizing ordinance,
13 which may, notwithstanding any other provision of this Act,
14 include in addition to any other security, a specific pledge
15 or assignment of and lien on or security interest in any or all
16 tax receipts of the Authority and on any or all other revenues
17 or moneys of the Authority from whatever source, which may, by
18 law, be used for debt service purposes and a specific pledge or
19 assignment of and lien on or security interest in any funds or
20 accounts established or provided for by the ordinance of the
21 Authority authorizing the issuance of such bonds or notes. Any
22 such pledge, assignment, lien, or security interest for the
23 benefit of holders of bonds or notes of the Authority shall be
24 valid and binding from the time the bonds or notes are issued
25 without any physical delivery or further act and shall be
26 valid and binding as against and prior to the claims of all

1 other parties having claims of any kind against the Authority
2 or any other person irrespective of whether such other parties
3 have notice of such pledge, assignment, lien, or security
4 interest. The obligations of the Authority incurred pursuant
5 to this Section are superior to and have priority over any
6 other obligations of the Authority.

7 (t) The Authority may provide in the ordinance authorizing
8 the issuance of any bonds or notes issued pursuant to this
9 Section for the creation of, deposits in, and regulation and
10 disposition of sinking fund or reserve accounts relating to
11 such bonds or notes. The ordinance authorizing the issuance of
12 any bonds or notes pursuant to this Section may contain
13 provisions as part of the contract with the holders of the
14 bonds or notes, for the creation of a separate fund to provide
15 for the payment of principal and interest on such bonds or
16 notes and for the deposit in such fund from any or all the tax
17 receipts of the Authority and from any or all such other moneys
18 or revenues of the Authority from whatever source which may by
19 law be used for debt service purposes, all as provided in such
20 ordinance, of amounts to meet the debt service requirements on
21 such bonds or notes, including principal and interest, and any
22 sinking fund or reserve fund account requirements as may be
23 provided by such ordinance, and all expenses incident to or in
24 connection with such fund and accounts or the payment of such
25 bonds or notes. Such ordinance may also provide limitations on
26 the issuance of additional bonds or notes of the Authority.

1 Such bonds or notes of the Authority do not constitute a debt
2 of the State of Illinois. Nothing in this Act shall be
3 construed to enable the Authority to impose any ad valorem tax
4 on property.

5 (u) The ordinance of the Authority authorizing the
6 issuance of any bonds or notes may provide additional security
7 for such bonds or notes by providing for appointment of a
8 corporate trustee, which may be any trust company or bank
9 having the powers of a trust company within the State, with
10 respect to such bonds or notes. The ordinance shall prescribe
11 the rights, duties, and powers of the trustee to be exercised
12 for the benefit of the Authority and the protection of the
13 holders of such bonds or notes. The ordinance may provide for
14 the trustee to hold in trust, invest, and use amounts in funds
15 and accounts created as provided by the ordinance with respect
16 to the bonds or notes. The ordinance may provide for the
17 assignment and direct payment to the trustee of any or all
18 amounts produced from the sources provided in Sections 6.02
19 and 6.08 and provided in Section 6z-17 of the State Finance
20 Act. Upon receipt of notice of any such assignment, the
21 Department of Revenue and the Comptroller of the State of
22 Illinois shall thereafter, notwithstanding the provisions of
23 Sections 6.02 and 6.08 and Section 6z-17 of the State Finance
24 Act, provide for such assigned amounts to be paid directly to
25 the trustee instead of the Authority, all in accordance with
26 the terms of the ordinance making the assignment. The

1 ordinance shall provide that amounts so paid to the trustee
2 which are not required to be deposited, held, or invested in
3 funds and accounts created by the ordinance with respect to
4 bonds or notes or used for paying bonds or notes to be paid by
5 the trustee to the Authority.

6 (v) Any bonds or notes of the Authority issued pursuant to
7 this Section shall constitute a contract between the Authority
8 and the holders from time to time of such bonds or notes. In
9 issuing any bond or note, the Authority may include in the
10 ordinance authorizing such issue a covenant as part of the
11 contract with the holders of the bonds or notes, that as long
12 as such obligations are outstanding, it shall make such
13 deposits, as provided in subsection (c). It may also so
14 covenant that it shall impose and continue to impose taxes, as
15 provided in Section 6.02 and in addition thereto as
16 subsequently authorized by law, sufficient to make such
17 deposits and pay the principal and interest and to meet other
18 debt service requirements of such bonds or notes as they
19 become due. A certified copy of the ordinance authorizing the
20 issuance of any such obligations shall be filed at or prior to
21 the issuance of such obligations with the State Comptroller
22 and the Department of Revenue.

23 (w) The State of Illinois pledges to and agrees with the
24 holders of the bonds and notes of the Authority issued
25 pursuant to this Section that the State will not limit or alter
26 the rights and powers vested in the Authority by this Act to

1 impair the terms of any contract made by the Authority with
2 such holders or in any way impair the rights and remedies of
3 such holders until such bonds and notes, together with
4 interest thereon, with interest on any unpaid installments of
5 interest, and all costs and expenses in connection with any
6 action or proceedings by or on behalf of such holders, are
7 fully met and discharged. In addition, the State pledges to
8 and agrees with the holders of the bonds and notes of the
9 Authority issued pursuant to this Section that the State will
10 not limit or alter the basis on which State funds are to be
11 paid to the Authority as provided in this Act, or the use of
12 such funds, so as to impair the terms of any such contract. The
13 Authority may include these pledges and agreements of the
14 State in any contract with the holders of bonds or notes issued
15 pursuant to this Section.

16 (x) Except as provided in subsections (y) and (aa), the
17 Authority may not issue, sell, or deliver any bonds or notes,
18 other than working cash notes and lines of credit, pursuant to
19 this Section which will cause it to have issued and
20 outstanding at any time in excess of \$800,000,000 of such
21 bonds and notes, other than working cash notes and lines of
22 credit. The Authority shall not issue, sell, or deliver any
23 working cash notes or establish a line of credit pursuant to
24 this Section that will cause it to have issued and outstanding
25 at any time in excess of \$100,000,000. Bonds or notes which are
26 being paid or retired by such issuance, sale, or delivery of

1 bonds or notes, and bonds or notes for which sufficient funds
2 have been deposited with the paying agency of such bonds or
3 notes to provide for payment of principal and interest thereon
4 or to provide for the redemption thereof, all pursuant to the
5 ordinance authorizing the issuance of such bonds or notes,
6 shall not be considered to be outstanding for the purposes of
7 this subsection.

8 (y) The Authority may issue, sell, and deliver bonds or
9 notes in such amounts as are necessary to provide for the
10 refunding or advance refunding of bonds or notes issued for
11 Strategic Capital Improvement Projects under this subsection
12 if no such refunding bond or note shall mature later than the
13 final maturity date of the series of bonds or notes being
14 refunded and if the debt service requirements for such
15 refunding bonds or notes in the current or any future fiscal
16 year do not exceed the debt service requirements for that year
17 on the refunded bonds or notes.

18 (z) The Authority may also issue, sell, and deliver bonds
19 or notes in such amounts as are necessary to provide for the
20 refunding or advance refunding of bonds or notes issued for
21 Strategic Capital Improvement Projects under paragraph (3) of
22 subsection (g) of Section 4.04 of the Regional Transportation
23 Authority Act (repealed), provided that no such refunding bond
24 or note shall mature later than the final maturity date of the
25 series of bonds or notes being refunded, and provided further
26 that the debt service requirements for such refunding bonds or

1 notes in the current or any future fiscal year shall not exceed
2 the debt service requirements for that year on the refunded
3 bonds or notes.

4 (aa) The Authority, subject to the terms of any agreements
5 with noteholders or bondholders as may then exist, may, out of
6 any funds available therefore, purchase notes or bonds of the
7 Authority, which shall thereupon be canceled.

8 (bb) In addition to any other authority granted by law,
9 the State Treasurer may, with the approval of the Governor,
10 invest or reinvest, at a price not to exceed par, any State
11 money in the State treasury which is not needed for current
12 expenditures due or about to become due in working cash notes.
13 If there is a default on a working cash note issued by the
14 Authority in which State money in the State treasury was
15 invested, the Treasurer may, after giving notice to the
16 Authority, certify to the Comptroller the amounts of the
17 defaulted working cash note, in accordance with any applicable
18 rules of the Comptroller, and the Comptroller must deduct and
19 remit to the State treasury the certified amounts or a portion
20 of those amounts from the following proportions of payments of
21 State funds to the Authority:

22 (i) in the first year after default, one-third of the
23 total amount of any payments of State funds to the
24 Authority;

25 (ii) in the second year after default, two-thirds of
26 the total amount of any payments of State funds to the

1 Authority; and

2 (iii) in the third year after default and for each
3 year thereafter until the total invested amount is repaid,
4 the total amount of any payments of State funds to the
5 Authority.

6 (cc) The Authority may establish a line of credit with a
7 bank or other financial institution as may be evidenced by the
8 issuance of notes or other obligations, secured by and payable
9 from all tax receipts of the Authority and any or all other
10 revenues or moneys of the Authority, in an amount not to exceed
11 the limitations set forth in subsection (x). Money borrowed
12 under this subsection shall be used to provide money for the
13 Authority to cover any cash flow deficit that the Authority
14 anticipates incurring and shall be repaid within 24 months.

15 (dd) Before establishing a line of credit under subsection
16 (cc), the Authority shall authorize the line of credit by
17 ordinance. The ordinance shall set forth facts demonstrating
18 the need for the line of credit, state the amount to be
19 borrowed, establish a maximum interest rate limit not to
20 exceed the maximum rate authorized by the Bond Authorization
21 Act, and provide a date by which the borrowed funds shall be
22 repaid. The ordinance shall authorize and direct the relevant
23 officials to make arrangements to set apart and hold, as
24 applicable, the moneys that will be used to repay the
25 borrowing. In addition, the ordinance may authorize the
26 relevant officials to make partial repayments on the line of

1 credit as the moneys become available and may contain any
2 other terms, restrictions, or limitations desirable or
3 necessary to give effect to subsection (cc).

4 (ee) The Authority shall notify the Governor's Office of
5 Management and Budget and the State Comptroller at least 30
6 days before establishing a line of credit and shall file with
7 the Governor's Office of Management and Budget and the State
8 Comptroller a certified copy of any ordinance authorizing the
9 establishment of a line of credit upon or before establishing
10 the line of credit.

11 (ff) Moneys borrowed under a line of credit pursuant to
12 subsection (cc) are general obligations of the Authority that
13 are secured by the full faith and credit of the Authority.

14 Section 6.06. Bonds, notes, and certificates; legal
15 investments. The State, all units of local government, all
16 public officers, banks, bankers, trust companies, savings
17 banks and institutions, building and loan associations,
18 savings and loan associations, investment companies and other
19 persons carrying on a banking business, insurance companies,
20 insurance associations and other persons carrying on an
21 insurance business, and all executors, administrators,
22 guardians, trustees and other fiduciaries may legally invest
23 any sinking funds, moneys, or other funds belonging to them or
24 within their control in any bonds, notes, or equipment trust
25 certificates issued pursuant to this Act, it being the purpose

1 of this Section to authorize the investment in such bonds,
2 notes, or certificates of all sinking, insurance, retirement,
3 compensation, pension, and trust funds, whether owned or
4 controlled by private or public persons or officers. However,
5 nothing in this Section may be construed as relieving any
6 person, firm, or corporation from any duty of exercising
7 reasonable care in selecting securities for purchase or
8 investment.

9 Section 6.07. Exemption from taxation. The Authority is
10 exempt from all State and unit of local government taxes and
11 registration and license fees other than as required for motor
12 vehicle registration in accordance with the Illinois Vehicle
13 Code. All property of the Authority is declared to be public
14 property devoted to an essential public and governmental
15 function and purpose and is exempt from all taxes and special
16 assessments of the State, any subdivision thereof, or any unit
17 of local government.

18 Section 6.08. Public Transportation Fund and the
19 Metropolitan Mobility Authority Occupation and Use Tax
20 Replacement Fund.

21 (a) As soon as possible after the first day of each month,
22 upon certification of the Department of Revenue, the
23 Comptroller shall order transferred and the Treasurer shall
24 transfer from the General Revenue Fund to the Public

1 Transportation Fund, a special fund in the State treasury, an
2 amount equal to 25% of the net revenue, before the deduction of
3 the serviceman and retailer discounts pursuant to Section 9 of
4 the Service Occupation Tax Act and Section 3 of the Retailers'
5 Occupation Tax Act, realized from any tax imposed by the
6 Authority pursuant to Sections 6.02 and 6.03 and 25% of the
7 amounts deposited into the Metropolitan Mobility Authority
8 Occupation and Use Tax Replacement Fund created by Section
9 6.02, from the County and Mass Transit District Fund as
10 provided in Section 6z-20 of the State Finance Act and 25% of
11 the amounts deposited into the Metropolitan Mobility Authority
12 Occupation and Use Tax Replacement Fund from the State and
13 Local Sales Tax Reform Fund as provided in Section 6z-17 of the
14 State Finance Act. On the first day of the month following the
15 date that the Department receives revenues from increased
16 taxes under subsection (cc) of Section 6.02, in lieu of the
17 transfers authorized in the preceding sentence, upon
18 certification of the Department of Revenue, the Comptroller
19 shall order transferred and the Treasurer shall transfer from
20 the General Revenue Fund to the Public Transportation Fund an
21 amount equal to 25% of the net revenue, before the deduction of
22 the serviceman and retailer discounts pursuant to Section 9 of
23 the Service Occupation Tax Act and Section 3 of the Retailers'
24 Occupation Tax Act, realized from (i) 80% of the proceeds of
25 any tax imposed by the Authority at a rate of 1.25% in Cook
26 County, (ii) 75% of the proceeds of any tax imposed by the

1 Authority at the rate of 1% in Cook County, and (iii) one-third
2 of the proceeds of any tax imposed by the Authority at the rate
3 of 0.75% in the Counties of DuPage, Kane, Lake, McHenry, and
4 Will, all pursuant to Section 6.02, and 25% of the net revenue
5 realized from any tax imposed by the Authority pursuant to
6 Section 6.03, and 25% of the amounts deposited into the
7 Metropolitan Mobility Authority Occupation and Use Tax
8 Replacement Fund created by Section 6.02 from the County and
9 Mass Transit District Fund as provided in Section 6z-20 of the
10 State Finance Act, and 25% of the amounts deposited into the
11 Metropolitan Mobility Authority Occupation and Use Tax
12 Replacement Fund from the State and Local Sales Tax Reform
13 Fund as provided in Section 6z-17 of the State Finance Act. As
14 used in this Section, net revenue realized for a month shall be
15 the revenue collected by the State pursuant to Sections 6.02
16 and 6.03 during the previous month from within the
17 metropolitan region, less the amount paid out during that same
18 month as refunds to taxpayers for overpayment of liability in
19 the metropolitan region under Sections 6.02 and 6.03.

20 (b) Notwithstanding any provision of law to the contrary,
21 those amounts required under subsection (a) to be transferred
22 by the Treasurer into the Public Transportation Fund from the
23 General Revenue Fund shall be directly deposited into the
24 Public Transportation Fund as the revenues are realized from
25 the taxes indicated.

26 (c) Except as otherwise provided in subsection (c), on the

1 first day of each month, upon certification by the Department
2 of Revenue, the Comptroller shall order transferred and the
3 Treasurer shall transfer from the General Revenue Fund to the
4 Public Transportation Fund an amount equal to 5% of the net
5 revenue, before the deduction of the serviceman and retailer
6 discounts pursuant to Section 9 of the Service Occupation Tax
7 Act and Section 3 of the Retailers' Occupation Tax Act,
8 realized from any tax imposed by the Authority pursuant to
9 Sections 6.02 and 6.03 and certified by the Department of
10 Revenue under subsection (cc) of Section 6.02 to be paid to the
11 Authority and 5% of the amounts deposited into the
12 Metropolitan Mobility Authority Occupation and Use Tax
13 Replacement Fund created by subsection (cc) of Section 6.02
14 from the County and Mass Transit District Fund as provided in
15 Section 6z-20 of the State Finance Act, and 5% of the amounts
16 deposited into the Metropolitan Mobility Authority Occupation
17 and Use Tax Replacement Fund from the State and Local Sales Tax
18 Reform Fund as provided in Section 6z-17 of the State Finance
19 Act, and 5% of the revenue realized by the Authority as
20 financial assistance from the City of Chicago from the
21 proceeds of any tax imposed by the City of Chicago under
22 Section 8-3-19 of the Illinois Municipal Code.

23 (d) Notwithstanding any provision of law to the contrary,
24 those amounts required under subsection (e) to be transferred
25 by the Treasurer into the Public Transportation Fund from the
26 General Revenue Fund shall be directly deposited into the

1 Public Transportation Fund as the revenues are realized from
2 the taxes indicated.

3 (e) Except as otherwise provided in subsection (g), as
4 soon as possible after the first day of each month, upon
5 certification of the Department of Revenue with respect to the
6 taxes collected under Section 6.02, the Comptroller shall
7 order transferred and the Treasurer shall transfer from the
8 General Revenue Fund to the Public Transportation Fund an
9 amount equal to 25% of the net revenue, before the deduction of
10 the serviceman and retailer discounts pursuant to Section 9 of
11 the Service Occupation Tax Act and Section 3 of the Retailers'
12 Occupation Tax Act, realized from (i) 20% of the proceeds of
13 any tax imposed by the Authority at a rate of 1.25% in Cook
14 County, (ii) 25% of the proceeds of any tax imposed by the
15 Authority at the rate of 1% in Cook County, and (iii) one-third
16 of the proceeds of any tax imposed by the Authority at the rate
17 of 0.75% in the Counties of DuPage, Kane, Lake, McHenry, and
18 Will, all pursuant to Section 6.02, and the Comptroller shall
19 order transferred and the Treasurer shall transfer from the
20 General Revenue Fund to the Public Transportation Fund (iv) an
21 amount equal to 25% of the revenue realized by the Authority as
22 financial assistance from the City of Chicago from the
23 proceeds of any tax imposed by the City of Chicago under
24 Section 8-3-19 of the Illinois Municipal Code.

25 (f) Notwithstanding any provision of law to the contrary,
26 those amounts required under subsection (e) to be transferred

1 by the Treasurer into the Public Transportation Fund from the
2 General Revenue Fund shall be directly deposited into the
3 Public Transportation Fund as the revenues are realized from
4 the taxes indicated

5 (g) Notwithstanding any provision of law to the contrary,
6 of the transfers to be made under subsections (a), (c), and (e)
7 from the General Revenue Fund to the Public Transportation
8 Fund, the first \$150,000,000 that would have otherwise been
9 transferred from the General Revenue Fund shall be transferred
10 from the Road Fund. The remaining balance of such transfers
11 shall be made from the General Revenue Fund.

12 (h) All moneys deposited into the Public Transportation
13 Fund and the Metropolitan Mobility Authority Occupation and
14 Use Tax Replacement Fund, whether deposited pursuant to this
15 Section or otherwise, are allocated to the Authority, except
16 for amounts appropriated to the Office of the Executive
17 Inspector General under subsection (a) of Section 5.14 and
18 amounts transferred to the Audit Expense Fund pursuant to
19 Section 6z-27 of the State Finance Act. The Comptroller, as
20 soon as possible after each monthly transfer provided in this
21 Section and after each deposit into the Public Transportation
22 Fund, shall order the Treasurer to pay to the Authority out of
23 the Public Transportation Fund the amount so transferred or
24 deposited. Any additional state assistance and additional
25 financial assistance paid to the Authority under this Section
26 shall be expended by the Authority for its purposes as

1 provided in this Act. The balance of the amounts paid to the
2 Authority from the Public Transportation Fund shall be
3 expended by the Authority as provided in Section 6.04. The
4 Comptroller, as soon as possible after each deposit into the
5 Metropolitan Mobility Authority Occupation and Use Tax
6 Replacement Fund provided in this Section and Section 6z-17 of
7 the State Finance Act, shall order the Treasurer to pay to the
8 Authority out of the Metropolitan Mobility Authority
9 Occupation and Use Tax Replacement Fund the amount so
10 deposited. Such amounts paid to the Authority may be expended
11 by it for its purposes as provided in this Act. The provisions
12 directing the distributions from the Public Transportation
13 Fund and the Metropolitan Mobility Authority Occupation and
14 Use Tax Replacement Fund provided for in this Section shall
15 constitute an irrevocable and continuing appropriation of all
16 amounts as provided herein. The State Treasurer and State
17 Comptroller are authorized and directed to make distributions
18 as provided in this Section. However, no moneys deposited
19 under subsection (a) shall be paid from the Public
20 Transportation Fund to the Authority or its assignee for any
21 fiscal year until the Authority has certified to the Governor,
22 the Comptroller, and the Mayor of the City of Chicago that it
23 has adopted for that fiscal year an Annual Budget and Two-Year
24 Financial Plan meeting the requirements in Section 5.12.

25 (i) In recognition of the efforts of the Authority to
26 enhance the mass transportation facilities under its control,

1 the State shall provide financial assistance (hereinafter
2 "additional state assistance"). Additional state assistance
3 shall be calculated as provided in subsection (k), but may not
4 exceed \$55,000,000.

5 (j) The State shall provide financial assistance
6 (hereinafter "additional financial assistance") in addition to
7 the additional state assistance provided by subsection (i) and
8 the amounts transferred to the Authority under subsection (a).
9 Additional financial assistance provided by this subsection
10 shall be calculated as provided in subsection (k), but may not
11 exceed \$100,000,000.

12 (k) The Authority shall annually certify to the State
13 Comptroller and State Treasurer, separately with respect to
14 each of paragraphs (2) and (3) of subsection (g) of Section
15 4.04 of the Regional Transportation Act (repealed), the
16 following amounts:

17 (1) The amount necessary and required, during the
18 State fiscal year with respect to which the certification
19 is made, to pay its obligations for debt service on all
20 outstanding bonds or notes issued by the Authority or
21 under paragraphs (2) and (3) of subsection (g) of Section
22 4.04 of the Regional Transportation Authority Act
23 (repealed).

24 (2) An estimate of the amount necessary and required
25 to pay its obligations for debt service for any bonds or
26 notes which the Authority anticipates it will issue under

1 paragraphs (2) and (3) of subsection (g) of Section 4.04
2 of the Regional Transportation Authority Act (repealed)
3 during that State fiscal year.

4 (3) Its debt service savings during the preceding
5 State fiscal year from refunding or advance refunding of
6 bonds or notes issued under paragraphs (2) and (3) of
7 subsection (g) of Section 4.04 of the Regional
8 Transportation Authority Act (repealed) during that State
9 fiscal year.

10 (4) The amount of interest, if any, earned by the
11 Authority during the previous State fiscal year on the
12 proceeds of bonds or notes issued pursuant to paragraphs
13 (2) and (3) of subsection (g) of Section 4.04 of the
14 Regional Transportation Authority Act (repealed), other
15 than refunding or advance refunding bonds or notes.

16 (1) The certification under subsection (k) shall include a
17 specific schedule of debt service payments, including the date
18 and amount of each payment for all outstanding bonds or notes
19 and an estimated schedule of anticipated debt service for all
20 bonds and notes it intends to issue, if any, during that State
21 fiscal year, including the estimated date and estimated amount
22 of each payment.

23 (m) Immediately upon the issuance of bonds for which an
24 estimated schedule of debt service payments was prepared, the
25 Authority shall file an amended certification with respect to
26 paragraph (2) of subsection (k) to specify the actual schedule

1 of debt service payments, including the date and amount of
2 each payment, for the remainder of the State fiscal year.

3 (n) On the first day of each month of the State fiscal year
4 in which there are bonds outstanding with respect to which the
5 certification is made, the State Comptroller shall order
6 transferred and the State Treasurer shall transfer from the
7 Road Fund to the Public Transportation Fund the additional
8 state assistance and additional financial assistance in an
9 amount equal to the aggregate of (i) one-twelfth of the sum of
10 the amounts certified under paragraphs (1) and (3) of
11 subsection (k) less the amount certified under paragraph (4)
12 of subsection (k), plus (ii) the amount required to pay debt
13 service on bonds and notes issued during the fiscal year, if
14 any, divided by the number of months remaining in the fiscal
15 year after the date of issuance, or some smaller portion as may
16 be necessary under subsection (i) or (j) for the relevant
17 State fiscal year, plus (iii) any cumulative deficiencies in
18 transfers for prior months, until an amount equal to the sum of
19 the amounts certified under subsections (a) and (e), plus the
20 actual debt service certified under subsection (c), less the
21 amount certified under subsection (k), has been transferred;
22 except that these transfers are subject to the following
23 limits:

24 (1) The total transfers in any State fiscal year
25 relating to outstanding bonds and notes issued by the
26 Authority or under paragraph (2) of subsection (g) of

1 Section 4.04 of the Regional Transportation Authority Act
2 (repealed) may not exceed the lesser of the annual maximum
3 amount specified in subsection (e) or the sum of the
4 amounts certified under subsections (a) and (e), plus the
5 actual debt service certified under subsection (c), less
6 the amount certified under subsection (k), with respect to
7 those bonds and notes.

8 (2) The total transfers in any State fiscal year
9 relating to outstanding bonds and notes issued by the
10 Authority under paragraph (3) of subsection (g) of Section
11 4.04 of the Regional Transportation Authority Act
12 (repealed) may not exceed the lesser of the annual maximum
13 amount specified in subsection (j) or the sum of the
14 amounts certified under subsections (a) and (c), plus the
15 actual debt service certified under subsection (b), less
16 the amount certified under subsection (k), with respect to
17 those bonds and notes.

18 (o) As used in this Section, "outstanding" does not
19 include bonds or notes for which refunding or advance
20 refunding bonds or notes have been issued.

21 (p) Neither additional state assistance nor additional
22 financial assistance may be pledged, either directly or
23 indirectly, as general revenues of the Authority or as
24 security for any bonds issued by the Authority. The Authority
25 may not assign its right to receive additional state
26 assistance or additional financial assistance, or direct

1 payment of additional state assistance or additional financial
2 assistance, to a trustee or any other entity for the payment of
3 debt service on its bonds.

4 (q) The certification required under subsection (k) with
5 respect to outstanding bonds and notes of the Authority shall
6 be filed as early as practicable before the beginning of the
7 State fiscal year to which it relates. The certification shall
8 be revised as may be necessary to accurately state the debt
9 service requirements of the Authority.

10 Section 6.09. Strategic Capital Improvement Program.

11 (a) This Section and the Annual Capital Improvement Plan
12 created in Section 5.10 shall together be known as the
13 Strategic Capital Improvement Program. The Strategic Capital
14 Improvement Program shall enhance the ability of the Authority
15 to acquire, repair, or replace public transportation
16 facilities in the metropolitan region and shall be financed
17 through the issuance of bonds or notes authorized for
18 Strategic Capital Improvement Projects under Section 6.05. The
19 Program is intended as a supplement to the ongoing capital
20 development activities of the Authority financed with grants,
21 loans, and other moneys made available by the federal
22 government or the State of Illinois. The Authority shall
23 continue to seek, receive, and expend all available grants,
24 loans and other moneys.

25 (b) Any contracts for architectural or engineering

1 services for projects approved pursuant to Section 5.10 shall
2 comply with the requirements set forth in the Local Government
3 Professional Services Selection Act.

4 Section 6.10. Rate protection contracts.

5 (a) As used in this Section, "rate protection contracts"
6 means interest rate price exchange agreements; currency
7 exchange agreements; forward payment conversion agreements;
8 contracts providing for payment or receipt of funds based on
9 levels of, or changes in, interest rates, currency exchange
10 rates, stock or other indices; contracts to exchange cash
11 flows or a series of payments; contracts, including, without
12 limitation, interest rate caps; interest rate floor; interest
13 rate locks; interest rate collars; rate of return guarantees
14 or assurances, to manage payment, currency, rate, spread or
15 similar exposure; the obligation, right, or option to issue,
16 put, lend, sell, grant a security interest in, buy, borrow or
17 otherwise acquire, a bond, note or other security or interest
18 therein as an investment, as collateral, as a hedge, or
19 otherwise as a source or assurance of payment to or by the
20 Authority or as a reduction of the Authority's or an obligor's
21 risk exposure; repurchase agreements; securities lending
22 agreements; and other similar agreements or arrangements.

23 (b) Notwithstanding any provision in paragraph (2) of
24 Section 4.02 to the contrary, in connection with or incidental
25 to the issuance by the Authority of its bonds or notes under

1 the provisions of Section 6.05 or the exercise of its powers
2 under paragraph (2) of Section 4.02, the Authority, for its
3 own benefit or for the benefit of the holders of its
4 obligations or their trustee, may enter into rate protection
5 contracts. The Authority may enter into rate protection
6 contracts only pursuant to a determination by the Directors
7 that the terms of the contracts and any related agreements
8 reduce the risk of loss to the Authority, or protect, preserve
9 or enhance the value of its assets, or provide compensation to
10 the Authority for losses resulting from changes in interest
11 rates. The Authority's obligations under any rate protection
12 contract or credit enhancement or liquidity agreement shall
13 not be considered bonds or notes for purposes of this Act. For
14 purposes of this Section, a rate protection contract is a
15 contract determined by the Authority as necessary or
16 appropriate to permit it to manage payment, currency, or
17 interest rate risks or levels.

18 Section 6.11. Metropolitan Mobility Authority Additional
19 Operating Funding Fund. There is created the Metropolitan
20 Mobility Authority Additional Operating Funding Fund, a
21 special fund that is created in the State treasury, and,
22 subject to appropriation and as directed by the Board, moneys
23 in the Fund may be expended for any purpose allowed under this
24 Act.

1 Section 6.12. Nature of funds. The funds described in this
2 Act and the Equitable Transit-Supportive Development Act
3 generated from transportation sources and deposited into those
4 funds are protected under Section 11 of Article IX of the
5 Illinois Constitution and the uses of the funds allowed under
6 these Acts are deemed transportation purposes under Section 11
7 of Article IX and may not, by transfer, offset, or otherwise,
8 be diverted by any local government, including, without
9 limitation, any home rule unit of government, to any purpose
10 other than public transportation purposes. This Section is
11 declarative of existing law.

12 Article X. OFFICE OF TRANSIT-ORIENTED DEVELOPMENT

13 Section 10.01. Short title; references to Act; intent.

14 (a) Short title. This Article X may be cited as the
15 Equitable Transit-Supportive Development Act. References to
16 "this Act" in this Article X mean this Article X.

17 (b) References to Act. This Act, including both the new
18 and amendatory provisions, may be referred to as Clean and
19 Equitable Transportation Act.

20 (c) Intent. It is the intent of the General Assembly in
21 enacting this Act to (1) strengthen connections among people,
22 places, and transit, (2) establish a virtuous cycle of
23 increasing residential units and employment near transit that
24 supports increased transit service, which then makes nearby

1 property more attractive for development, (3) support
2 increased housing opportunities and other infill development
3 in transit-served locations, (4) enhance the resilience of
4 Illinois' transit assets and leverage the value of transit to
5 property owners and tenants, and (5) increase transit
6 availability and ridership to achieve quality of life,
7 economic development, and sustainability objectives.

8 Section 10.02. Definitions. As used in this Act:

9 "Affordable housing" means long-term income-restricted
10 housing units for households whose adjusted income is at or
11 below 60% of the metropolitan area median income, adjusted for
12 household size, for the transit agency service area in which
13 the housing units are to be built.

14 "Near high-quality transit" in the metropolitan region, as
15 defined in the Metropolitan Mobility Authority Act, refers to
16 parcels located within one-half mile of a rail transit station
17 or within one-eighth mile of a bus stop with headways of no
18 more than 15 minutes for at least 14 hours per day. The Office
19 may define "near high-quality transit" differently elsewhere
20 in the State.

21 "Office" means the Office of Transit-Oriented Development.

22 "Workforce housing" means long-term income-restricted
23 housing units for households whose adjusted income is at or
24 below 120% and above 60% of the metropolitan area, as that term
25 is defined in the Metropolitan Mobility Authority Act, median

1 income, adjusted for household size.

2 Section 10.03. Establishment of the Office of
3 Transit-Oriented Development and Transit-Supportive
4 Development Fund.

5 (a) There is established the Office of Transit-Oriented
6 Development and the Transit-Supportive Development Fund, a
7 special fund that is created in the State treasury, and,
8 subject to appropriation and as directed by the Office, may be
9 expended as provided in this Act.

10 (b) Amounts on deposit in the Fund and interest and other
11 earnings on those amounts may be used by the Office to aid
12 transit-supportive development near high-quality transit as
13 provided in this Act.

14 (c) Eligible uses of the Fund include, but are not limited
15 to, conversion of nonresidential uses to residential use,
16 redevelopment of underused parking lots, provision of
17 affordable housing and workforce housing, mixed-use
18 development, and joint development with a transit agency on
19 agency-owned property.

20 (d) In using moneys from the Fund, the Office shall
21 prioritize projects that leverage other funding sources and
22 promote equitable access to housing and jobs in transit-served
23 locations. To qualify for financial support from the Office,
24 local jurisdictions must identify opportunity sites with site
25 control or documented concurrence from property owners,

1 subject to specific standards to be defined by the Office, to
2 support these eligible uses:

3 (1) funding offered by the Office for predevelopment
4 work, including, but not limited to, site acquisition,
5 parcel assembly, environmental remediation, and utility
6 and supporting infrastructure installation, directly or
7 through grants and partnerships with other public or
8 private organizations;

9 (2) loans offered by the Office to provide financing
10 for construction in support of eligible development
11 projects; or

12 (3) technical assistance offered by the Office to
13 transit agencies, local jurisdictions with land use
14 authority, property owners, and developers to help best
15 accommodate transit-supportive development in areas near
16 high-quality transit. As used in this paragraph,
17 "technical assistance" includes, but is not limited to:
18 interagency expertise; development strategy and planning
19 assistance; market or value capture assessments; and
20 assistance with solicitations, ground leases, or revolving
21 funds; professional services, including, but not limited
22 to, marketing, financial analysis, design, engineering,
23 and land surveying.

24 (e) The Office and the State's metropolitan planning
25 organizations may partner to carry out this Act, including the
26 Office providing operating funding to metropolitan planning

1 organizations for personnel with expertise in
2 transit-supportive development in accordance with this Act.

3 Section 10.04. Transit support overlay districts.

4 (a) The metropolitan planning organization for each
5 municipality seeking eligibility for assistance by the Office
6 shall develop standards for a transit support overlay district
7 for that urban area, which may include, but are not limited to,
8 transit-supportive allowable uses and densities, restriction
9 of auto-oriented uses, removal of parking requirements, site
10 planning standards that support walkability, sidewalk network
11 connectivity and local funding commitments for sidewalks in
12 compliance with the requirements of the Americans with
13 Disabilities Act of 1990, as amended, and streetscape features
14 that encourage transit use.

15 (b) Assistance by the Office shall be exclusively for
16 projects in municipalities that have adopted the standards in
17 the transit support overlay district for that area or that
18 have adopted zoning and other changes that the Office
19 determines have benefits greater than or equal to such a
20 District.

21 Section 10.05. Standards and annual reporting. The Office
22 shall develop standards and procedures necessary to implement
23 this Act and shall annually publish a comprehensive annual
24 report that describes its transactions, holdings, and

1 financial position.

2 Section 10.06. Report to General Assembly. By no later
3 than 2 years after the effective date of this Act, the Office
4 shall submit to the General Assembly a comprehensive study of
5 State programs for affordable housing, economic development,
6 and other capital investments to determine how the criteria
7 for investment under those programs can be aligned to support
8 transit and transit-oriented development. The study shall also
9 identify opportunities to bundle or streamline access to other
10 State investments with the assistance provided by the Office.
11 The Illinois Housing Development Authority, Illinois Finance
12 Authority, Department of Commerce and Economic Opportunity,
13 Capital Development Board, and other relevant departments of
14 the State shall cooperate to provide any needed information to
15 complete the study and shall implement the recommendations of
16 the study.

17 Article XI. ZERO-EMISSION VEHICLES

18 Section 11.01. Short title; references to Act. (a)
19 Short title. This Article XI may be cited as the Zero-Emission
20 Vehicle Act. References to "this Act" in this Article XI mean
21 this Article XI.

22 (b) References to Act. This Act, including both the new
23 and amendatory provisions, may be referred to as Clean and

1 Equitable Transportation Act.

2 Section 11.02. Purpose. The purpose of this Act is to
3 accelerate the adoption of on-road zero-emission vehicles and
4 to reduce emissions of air pollution, including, but not
5 limited to, nitrogen oxides (NO_x), particulate matter,
6 hazardous air pollutants, and greenhouse gases from vehicles
7 owned and operated by governmental units in Illinois.

8 Section 11.03. Definitions. In this Act:

9 "Displaced worker" means any employee whose most recent
10 separation from active service was due to lack of business, a
11 reduction in force, or other economic, nondisciplinary reason
12 related to the transition from fossil-fuel reliant vehicles to
13 zero-emission or near zero-emissions vehicles.

14 "Governmental unit" means the State, a State agency, a
15 unit of local government, or any other political subdivision
16 of the State, which exercises limited governmental powers or
17 powers in respect to limited governmental subjects, but does
18 not include school districts.

19 "Individual facing barriers to employment" means either of
20 the following:

21 (1) An individual with a barrier to employment as
22 defined by 29 U.S.C. 3102(24).

23 (2) An individual from a demographic group that
24 represents less than 30% of their relevant industry

1 workforce according to the United States Bureau of Labor
2 Statistics.

3 "Non-temporary job" means a job other than those
4 classified as "day and temporary labor" as defined in the Day
5 and Temporary Labor Services Act.

6 "Near zero-emission vehicle" means an on-road hybrid
7 electric vehicle that has the capability to charge the battery
8 from an off-vehicle conductive or inductive electric source
9 and achieves all-electric range.

10 "On-road vehicles" means vehicles intended for use on
11 roads. These vehicles include passenger cars and commercial
12 vehicles, including vans, trucks, road tractors, specially
13 constructed vehicles, buses, trailers, and semi-trailers.

14 "Repower" means to replace the internal combustion engine
15 in a vehicle with a zero-emission powertrain.

16 "Zero-emission powertrain" means a powertrain that
17 produces zero exhaust emissions of any criteria pollutant,
18 precursor pollutant, or greenhouse gas in any mode of
19 operation or condition.

20 "Zero-emission vehicles" means on-road vehicles powered
21 with a zero-emission powertrain.

22 Section 11.04. Purchase of zero-emission vehicles and near
23 zero-emission vehicles.

24 (a) Notwithstanding any other provision of law, all
25 on-road vehicles purchased or leased by a governmental unit on

1 or after January 1, 2028 must be a manufactured zero-emission
2 vehicle, repowered zero-emission vehicle, manufactured near
3 zero-emission vehicle, or repowered near zero-emission
4 vehicle. On and after January 1, 2033, all on-road vehicles
5 purchased or leased by a governmental unit must be a
6 manufactured zero-emission vehicle or repowered zero-emission
7 vehicle. By January 1, 2048, all on-road vehicles operated by
8 a governmental unit must be a manufactured or repowered
9 zero-emission vehicle.

10 (b) By January 1, 2026, the Department of Central
11 Management Services shall establish guidance for governmental
12 units transitioning fleets to zero-emission and near
13 zero-emission vehicles, including, but not limited to, (1) a
14 periodically updated list of available zero-emission and near
15 zero-emission vehicle models; and (2) a quarterly updated list
16 of available incentives, grants, rebates from the federal
17 government and State government, VW diesel settlement, and
18 utility company programs.

19 (c) Notwithstanding any other provision of this Section, a
20 governmental unit may purchase a new internal combustion
21 engine vehicle if no zero-emission vehicles nor near
22 zero-emission vehicle of the needed configuration is
23 commercially available. A governmental unit from may not be
24 penalized for not taking immediate delivery of ordered
25 zero-emission vehicles for one year due to a construction
26 delay beyond the control of the governmental unit. The

1 Department of Central Management Services shall adopt rules
2 regarding the scope of any exception under this subsection
3 (c).

4 (d) Beginning January 1, 2026, all contracts by
5 governmental units for the purchase of zero-emission vehicles
6 or near zero-emission vehicles with a base-buy value of
7 \$10,000,000 or more shall be awarded using a competitive
8 best-value procurement process and shall require bidders to
9 submit a United States Jobs Plan as part of their solicitation
10 responses.

11 (1) The United States Jobs Plan shall include the
12 following information:

13 (A) The number of full-time non-temporary jobs
14 proposed to be retained and created, including an
15 accounting of the positions classified as employees,
16 and positions classified as independent contractors.

17 (B) The number of jobs specifically reserved for
18 individuals facing barriers to employment and the
19 number reserved for displaced workers.

20 (C) The minimum wage levels by job classification
21 for non-supervisory workers.

22 (D) Proposed amounts to be paid for fringe
23 benefits by job classification and the proposed
24 amounts for worker training by job classification.

25 (E) Description of what manuals, trainings, and
26 other resources would be provided to ensure existing

1 purchasing government unit employees are trained on
2 the service, maintenance, and operation of the
3 purchased vehicles.

4 (F) If a federal authority specifically authorizes
5 use of a geographic preference or when State or local
6 funds are used to fund a contract, proposed local jobs
7 created in the State or within an existing facility in
8 the State that are related to the manufacturing of
9 zero-emission and near zero-emissions vehicles and
10 vehicles and related equipment.

11 (2) The United States Jobs Plan shall be scored as a
12 part of the overall application for the covered public
13 contract. The content of United States Jobs Plans shall be
14 incorporated as material terms of the final contract. The
15 United States Jobs Plan and compliance documents shall be
16 made available to the public and subject to full
17 disclosure under the Freedom of Information Act.

18 (3) Contracting entities shall be required to submit
19 annual United States Jobs Plan reports to contracting
20 public agencies demonstrating compliance with their United
21 States Jobs Plan commitments. The terms of the final
22 contract as well as all compliance reporting shall be made
23 available to the public online.

24 (c) This Section does not apply to a contract awarded
25 based on a solicitation issued before January 1, 2026.

1 Article XX. MISCELLANEOUS

2 Section 20.01. The Open Meetings Act is amended by
3 changing Section 2 as follows:

4 (5 ILCS 120/2) (from Ch. 102, par. 42)

5 Sec. 2. Open meetings.

6 (a) Openness required. All meetings of public bodies shall
7 be open to the public unless excepted in subsection (c) and
8 closed in accordance with Section 2a.

9 (b) Construction of exceptions. The exceptions contained
10 in subsection (c) are in derogation of the requirement that
11 public bodies meet in the open, and therefore, the exceptions
12 are to be strictly construed, extending only to subjects
13 clearly within their scope. The exceptions authorize but do
14 not require the holding of a closed meeting to discuss a
15 subject included within an enumerated exception.

16 (c) Exceptions. A public body may hold closed meetings to
17 consider the following subjects:

18 (1) The appointment, employment, compensation,
19 discipline, performance, or dismissal of specific
20 employees, specific individuals who serve as independent
21 contractors in a park, recreational, or educational
22 setting, or specific volunteers of the public body or
23 legal counsel for the public body, including hearing
24 testimony on a complaint lodged against an employee, a

1 specific individual who serves as an independent
2 contractor in a park, recreational, or educational
3 setting, or a volunteer of the public body or against
4 legal counsel for the public body to determine its
5 validity. However, a meeting to consider an increase in
6 compensation to a specific employee of a public body that
7 is subject to the Local Government Wage Increase
8 Transparency Act may not be closed and shall be open to the
9 public and posted and held in accordance with this Act.

10 (2) Collective negotiating matters between the public
11 body and its employees or their representatives, or
12 deliberations concerning salary schedules for one or more
13 classes of employees.

14 (3) The selection of a person to fill a public office,
15 as defined in this Act, including a vacancy in a public
16 office, when the public body is given power to appoint
17 under law or ordinance, or the discipline, performance or
18 removal of the occupant of a public office, when the
19 public body is given power to remove the occupant under
20 law or ordinance.

21 (4) Evidence or testimony presented in open hearing,
22 or in closed hearing where specifically authorized by law,
23 to a quasi-adjudicative body, as defined in this Act,
24 provided that the body prepares and makes available for
25 public inspection a written decision setting forth its
26 determinative reasoning.

1 (4.5) Evidence or testimony presented to a school
2 board regarding denial of admission to school events or
3 property pursuant to Section 24-24 of the School Code,
4 provided that the school board prepares and makes
5 available for public inspection a written decision setting
6 forth its determinative reasoning.

7 (5) The purchase or lease of real property for the use
8 of the public body, including meetings held for the
9 purpose of discussing whether a particular parcel should
10 be acquired.

11 (6) The setting of a price for sale or lease of
12 property owned by the public body.

13 (7) The sale or purchase of securities, investments,
14 or investment contracts. This exception shall not apply to
15 the investment of assets or income of funds deposited into
16 the Illinois Prepaid Tuition Trust Fund.

17 (8) Security procedures, school building safety and
18 security, and the use of personnel and equipment to
19 respond to an actual, a threatened, or a reasonably
20 potential danger to the safety of employees, students,
21 staff, the public, or public property.

22 (9) Student disciplinary cases.

23 (10) The placement of individual students in special
24 education programs and other matters relating to
25 individual students.

26 (11) Litigation, when an action against, affecting or

1 on behalf of the particular public body has been filed and
2 is pending before a court or administrative tribunal, or
3 when the public body finds that an action is probable or
4 imminent, in which case the basis for the finding shall be
5 recorded and entered into the minutes of the closed
6 meeting.

7 (12) The establishment of reserves or settlement of
8 claims as provided in the Local Governmental and
9 Governmental Employees Tort Immunity Act, if otherwise the
10 disposition of a claim or potential claim might be
11 prejudiced, or the review or discussion of claims, loss or
12 risk management information, records, data, advice or
13 communications from or with respect to any insurer of the
14 public body or any intergovernmental risk management
15 association or self insurance pool of which the public
16 body is a member.

17 (13) Conciliation of complaints of discrimination in
18 the sale or rental of housing, when closed meetings are
19 authorized by the law or ordinance prescribing fair
20 housing practices and creating a commission or
21 administrative agency for their enforcement.

22 (14) Informant sources, the hiring or assignment of
23 undercover personnel or equipment, or ongoing, prior or
24 future criminal investigations, when discussed by a public
25 body with criminal investigatory responsibilities.

26 (15) Professional ethics or performance when

1 considered by an advisory body appointed to advise a
2 licensing or regulatory agency on matters germane to the
3 advisory body's field of competence.

4 (16) Self evaluation, practices and procedures or
5 professional ethics, when meeting with a representative of
6 a statewide association of which the public body is a
7 member.

8 (17) The recruitment, credentialing, discipline or
9 formal peer review of physicians or other health care
10 professionals, or for the discussion of matters protected
11 under the federal Patient Safety and Quality Improvement
12 Act of 2005, and the regulations promulgated thereunder,
13 including 42 CFR ~~C.F.R.~~ Part 3 (73 FR 70732), or the
14 federal Health Insurance Portability and Accountability
15 Act of 1996, and the regulations promulgated thereunder,
16 including 45 CFR ~~C.F.R.~~ Parts 160, 162, and 164, by a
17 hospital, or other institution providing medical care,
18 that is operated by the public body.

19 (18) Deliberations for decisions of the Prisoner
20 Review Board.

21 (19) Review or discussion of applications received
22 under the Experimental Organ Transplantation Procedures
23 Act.

24 (20) The classification and discussion of matters
25 classified as confidential or continued confidential by
26 the State Government Suggestion Award Board.

1 (21) Discussion of minutes of meetings lawfully closed
2 under this Act, whether for purposes of approval by the
3 body of the minutes or semi-annual review of the minutes
4 as mandated by Section 2.06.

5 (22) Deliberations for decisions of the State
6 Emergency Medical Services Disciplinary Review Board.

7 (23) The operation by a municipality of a municipal
8 utility or the operation of a municipal power agency or
9 municipal natural gas agency when the discussion involves
10 (i) contracts relating to the purchase, sale, or delivery
11 of electricity or natural gas or (ii) the results or
12 conclusions of load forecast studies.

13 (24) Meetings of a residential health care facility
14 resident sexual assault and death review team or the
15 Executive Council under the Abuse Prevention Review Team
16 Act.

17 (25) Meetings of an independent team of experts under
18 Brian's Law.

19 (26) Meetings of a mortality review team appointed
20 under the Department of Juvenile Justice Mortality Review
21 Team Act.

22 (27) (Blank).

23 (28) Correspondence and records (i) that may not be
24 disclosed under Section 11-9 of the Illinois Public Aid
25 Code or (ii) that pertain to appeals under Section 11-8 of
26 the Illinois Public Aid Code.

1 (29) Meetings between internal or external auditors
2 and governmental audit committees, finance committees, and
3 their equivalents, when the discussion involves internal
4 control weaknesses, identification of potential fraud risk
5 areas, known or suspected frauds, and fraud interviews
6 conducted in accordance with generally accepted auditing
7 standards of the United States of America.

8 (30) Those meetings or portions of meetings of a
9 fatality review team or the Illinois Fatality Review Team
10 Advisory Council during which a review of the death of an
11 eligible adult in which abuse or neglect is suspected,
12 alleged, or substantiated is conducted pursuant to Section
13 15 of the Adult Protective Services Act.

14 (31) Meetings and deliberations for decisions of the
15 Concealed Carry Licensing Review Board under the Firearm
16 Concealed Carry Act.

17 (32) (Blank). ~~Meetings between the Regional~~
18 ~~Transportation Authority Board and its Service Boards when~~
19 ~~the discussion involves review by the Regional~~
20 ~~Transportation Authority Board of employment contracts~~
21 ~~under Section 28d of the Metropolitan Transit Authority~~
22 ~~Act and Sections 3A.18 and 3B.26 of the Regional~~
23 ~~Transportation Authority Act.~~

24 (33) Those meetings or portions of meetings of the
25 advisory committee and peer review subcommittee created
26 under Section 320 of the Illinois Controlled Substances

1 Act during which specific controlled substance prescriber,
2 dispenser, or patient information is discussed.

3 (34) Meetings of the Tax Increment Financing Reform
4 Task Force under Section 2505-800 of the Department of
5 Revenue Law of the Civil Administrative Code of Illinois.

6 (35) Meetings of the group established to discuss
7 Medicaid capitation rates under Section 5-30.8 of the
8 Illinois Public Aid Code.

9 (36) Those deliberations or portions of deliberations
10 for decisions of the Illinois Gaming Board in which there
11 is discussed any of the following: (i) personal,
12 commercial, financial, or other information obtained from
13 any source that is privileged, proprietary, confidential,
14 or a trade secret; or (ii) information specifically
15 exempted from the disclosure by federal or State law.

16 (37) Deliberations for decisions of the Illinois Law
17 Enforcement Training Standards Board, the Certification
18 Review Panel, and the Illinois State Police Merit Board
19 regarding certification and decertification.

20 (38) Meetings of the Ad Hoc Statewide Domestic
21 Violence Fatality Review Committee of the Illinois
22 Criminal Justice Information Authority Board that occur in
23 closed executive session under subsection (d) of Section
24 35 of the Domestic Violence Fatality Review Act.

25 (39) Meetings of the regional review teams under
26 subsection (a) of Section 75 of the Domestic Violence

1 Fatality Review Act.

2 (40) Meetings of the Firearm Owner's Identification
3 Card Review Board under Section 10 of the Firearm Owners
4 Identification Card Act.

5 (d) Definitions. For purposes of this Section:

6 "Employee" means a person employed by a public body whose
7 relationship with the public body constitutes an
8 employer-employee relationship under the usual common law
9 rules, and who is not an independent contractor.

10 "Public office" means a position created by or under the
11 Constitution or laws of this State, the occupant of which is
12 charged with the exercise of some portion of the sovereign
13 power of this State. The term "public office" shall include
14 members of the public body, but it shall not include
15 organizational positions filled by members thereof, whether
16 established by law or by a public body itself, that exist to
17 assist the body in the conduct of its business.

18 "Quasi-judicative body" means an administrative body
19 charged by law or ordinance with the responsibility to conduct
20 hearings, receive evidence or testimony and make
21 determinations based thereon, but does not include local
22 electoral boards when such bodies are considering petition
23 challenges.

24 (e) Final action. No final action may be taken at a closed
25 meeting. Final action shall be preceded by a public recital of
26 the nature of the matter being considered and other

1 information that will inform the public of the business being
2 conducted.

3 (Source: P.A. 102-237, eff. 1-1-22; 102-520, eff. 8-20-21;
4 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 103-311, eff.
5 7-28-23.)

6 Section 20.02. The Freedom of Information Act is amended
7 by changing Section 7.5 as follows:

8 (5 ILCS 140/7.5)

9 (Text of Section before amendment by P.A. 103-472)

10 Sec. 7.5. Statutory exemptions. To the extent provided for
11 by the statutes referenced below, the following shall be
12 exempt from inspection and copying:

13 (a) All information determined to be confidential
14 under Section 4002 of the Technology Advancement and
15 Development Act.

16 (b) Library circulation and order records identifying
17 library users with specific materials under the Library
18 Records Confidentiality Act.

19 (c) Applications, related documents, and medical
20 records received by the Experimental Organ Transplantation
21 Procedures Board and any and all documents or other
22 records prepared by the Experimental Organ Transplantation
23 Procedures Board or its staff relating to applications it
24 has received.

1 (d) Information and records held by the Department of
2 Public Health and its authorized representatives relating
3 to known or suspected cases of sexually transmissible
4 disease or any information the disclosure of which is
5 restricted under the Illinois Sexually Transmissible
6 Disease Control Act.

7 (e) Information the disclosure of which is exempted
8 under Section 30 of the Radon Industry Licensing Act.

9 (f) Firm performance evaluations under Section 55 of
10 the Architectural, Engineering, and Land Surveying
11 Qualifications Based Selection Act.

12 (g) Information the disclosure of which is restricted
13 and exempted under Section 50 of the Illinois Prepaid
14 Tuition Act.

15 (h) Information the disclosure of which is exempted
16 under the State Officials and Employees Ethics Act, and
17 records of any lawfully created State or local inspector
18 general's office that would be exempt if created or
19 obtained by an Executive Inspector General's office under
20 that Act.

21 (i) Information contained in a local emergency energy
22 plan submitted to a municipality in accordance with a
23 local emergency energy plan ordinance that is adopted
24 under Section 11-21.5-5 of the Illinois Municipal Code.

25 (j) Information and data concerning the distribution
26 of surcharge moneys collected and remitted by carriers

1 under the Emergency Telephone System Act.

2 (k) Law enforcement officer identification information
3 or driver identification information compiled by a law
4 enforcement agency or the Department of Transportation
5 under Section 11-212 of the Illinois Vehicle Code.

6 (l) Records and information provided to a residential
7 health care facility resident sexual assault and death
8 review team or the Executive Council under the Abuse
9 Prevention Review Team Act.

10 (m) Information provided to the predatory lending
11 database created pursuant to Article 3 of the Residential
12 Real Property Disclosure Act, except to the extent
13 authorized under that Article.

14 (n) Defense budgets and petitions for certification of
15 compensation and expenses for court appointed trial
16 counsel as provided under Sections 10 and 15 of the
17 Capital Crimes Litigation Act (repealed). This subsection
18 (n) shall apply until the conclusion of the trial of the
19 case, even if the prosecution chooses not to pursue the
20 death penalty prior to trial or sentencing.

21 (o) Information that is prohibited from being
22 disclosed under Section 4 of the Illinois Health and
23 Hazardous Substances Registry Act.

24 (p) Security portions of system safety program plans,
25 investigation reports, surveys, schedules, lists, data, or
26 information compiled, collected, or prepared by or for the

1 Department of Transportation under Sections 2705-300 and
2 2705-616 of the Department of Transportation Law of the
3 Civil Administrative Code of Illinois, the Regional
4 Transportation Authority under Section 2.11 of the
5 Regional Transportation Authority Act, or the St. Clair
6 County Transit District under the Bi-State Transit Safety
7 Act (repealed).

8 (q) Information prohibited from being disclosed by the
9 Personnel Record Review Act.

10 (r) Information prohibited from being disclosed by the
11 Illinois School Student Records Act.

12 (s) Information the disclosure of which is restricted
13 under Section 5-108 of the Public Utilities Act.

14 (t) (Blank).

15 (u) Records and information provided to an independent
16 team of experts under the Developmental Disability and
17 Mental Health Safety Act (also known as Brian's Law).

18 (v) Names and information of people who have applied
19 for or received Firearm Owner's Identification Cards under
20 the Firearm Owners Identification Card Act or applied for
21 or received a concealed carry license under the Firearm
22 Concealed Carry Act, unless otherwise authorized by the
23 Firearm Concealed Carry Act; and databases under the
24 Firearm Concealed Carry Act, records of the Concealed
25 Carry Licensing Review Board under the Firearm Concealed
26 Carry Act, and law enforcement agency objections under the

1 Firearm Concealed Carry Act.

2 (v-5) Records of the Firearm Owner's Identification
3 Card Review Board that are exempted from disclosure under
4 Section 10 of the Firearm Owners Identification Card Act.

5 (w) Personally identifiable information which is
6 exempted from disclosure under subsection (g) of Section
7 19.1 of the Toll Highway Act.

8 (x) Information which is exempted from disclosure
9 under Section 5-1014.3 of the Counties Code or Section
10 8-11-21 of the Illinois Municipal Code.

11 (y) Confidential information under the Adult
12 Protective Services Act and its predecessor enabling
13 statute, the Elder Abuse and Neglect Act, including
14 information about the identity and administrative finding
15 against any caregiver of a verified and substantiated
16 decision of abuse, neglect, or financial exploitation of
17 an eligible adult maintained in the Registry established
18 under Section 7.5 of the Adult Protective Services Act.

19 (z) Records and information provided to a fatality
20 review team or the Illinois Fatality Review Team Advisory
21 Council under Section 15 of the Adult Protective Services
22 Act.

23 (aa) Information which is exempted from disclosure
24 under Section 2.37 of the Wildlife Code.

25 (bb) Information which is or was prohibited from
26 disclosure by the Juvenile Court Act of 1987.

1 (cc) Recordings made under the Law Enforcement
2 Officer-Worn Body Camera Act, except to the extent
3 authorized under that Act.

4 (dd) Information that is prohibited from being
5 disclosed under Section 45 of the Condominium and Common
6 Interest Community Ombudsperson Act.

7 (ee) Information that is exempted from disclosure
8 under Section 30.1 of the Pharmacy Practice Act.

9 (ff) Information that is exempted from disclosure
10 under the Revised Uniform Unclaimed Property Act.

11 (gg) Information that is prohibited from being
12 disclosed under Section 7-603.5 of the Illinois Vehicle
13 Code.

14 (hh) Records that are exempt from disclosure under
15 Section 1A-16.7 of the Election Code.

16 (ii) Information which is exempted from disclosure
17 under Section 2505-800 of the Department of Revenue Law of
18 the Civil Administrative Code of Illinois.

19 (jj) Information and reports that are required to be
20 submitted to the Department of Labor by registering day
21 and temporary labor service agencies but are exempt from
22 disclosure under subsection (a-1) of Section 45 of the Day
23 and Temporary Labor Services Act.

24 (kk) Information prohibited from disclosure under the
25 Seizure and Forfeiture Reporting Act.

26 (ll) Information the disclosure of which is restricted

1 and exempted under Section 5-30.8 of the Illinois Public
2 Aid Code.

3 (mm) Records that are exempt from disclosure under
4 Section 4.2 of the Crime Victims Compensation Act.

5 (nn) Information that is exempt from disclosure under
6 Section 70 of the Higher Education Student Assistance Act.

7 (oo) Communications, notes, records, and reports
8 arising out of a peer support counseling session
9 prohibited from disclosure under the First Responders
10 Suicide Prevention Act.

11 (pp) Names and all identifying information relating to
12 an employee of an emergency services provider or law
13 enforcement agency under the First Responders Suicide
14 Prevention Act.

15 (qq) Information and records held by the Department of
16 Public Health and its authorized representatives collected
17 under the Reproductive Health Act.

18 (rr) Information that is exempt from disclosure under
19 the Cannabis Regulation and Tax Act.

20 (ss) Data reported by an employer to the Department of
21 Human Rights pursuant to Section 2-108 of the Illinois
22 Human Rights Act.

23 (tt) Recordings made under the Children's Advocacy
24 Center Act, except to the extent authorized under that
25 Act.

26 (uu) Information that is exempt from disclosure under

1 Section 50 of the Sexual Assault Evidence Submission Act.

2 (vv) Information that is exempt from disclosure under
3 subsections (f) and (j) of Section 5-36 of the Illinois
4 Public Aid Code.

5 (ww) Information that is exempt from disclosure under
6 Section 16.8 of the State Treasurer Act.

7 (xx) Information that is exempt from disclosure or
8 information that shall not be made public under the
9 Illinois Insurance Code.

10 (yy) Information prohibited from being disclosed under
11 the Illinois Educational Labor Relations Act.

12 (zz) Information prohibited from being disclosed under
13 the Illinois Public Labor Relations Act.

14 (aaa) Information prohibited from being disclosed
15 under Section 1-167 of the Illinois Pension Code.

16 (bbb) Information that is prohibited from disclosure
17 by the Illinois Police Training Act and the Illinois State
18 Police Act.

19 (ccc) Records exempt from disclosure under Section
20 2605-304 of the Illinois State Police Law of the Civil
21 Administrative Code of Illinois.

22 (ddd) Information prohibited from being disclosed
23 under Section 35 of the Address Confidentiality for
24 Victims of Domestic Violence, Sexual Assault, Human
25 Trafficking, or Stalking Act.

26 (eee) Information prohibited from being disclosed

1 under subsection (b) of Section 75 of the Domestic
2 Violence Fatality Review Act.

3 (fff) Images from cameras under the Expressway Camera
4 Act. This subsection (fff) is inoperative on and after
5 July 1, 2025.

6 (ggg) Information prohibited from disclosure under
7 paragraph (3) of subsection (a) of Section 14 of the Nurse
8 Agency Licensing Act.

9 (hhh) Information submitted to the Illinois State
10 Police in an affidavit or application for an assault
11 weapon endorsement, assault weapon attachment endorsement,
12 .50 caliber rifle endorsement, or .50 caliber cartridge
13 endorsement under the Firearm Owners Identification Card
14 Act.

15 (iii) Data exempt from disclosure under Section 50 of
16 the School Safety Drill Act.

17 (jjj) ~~(hhh)~~ Information exempt from disclosure under
18 Section 30 of the Insurance Data Security Law.

19 (kkk) ~~(iii)~~ Confidential business information
20 prohibited from disclosure under Section 45 of the Paint
21 Stewardship Act.

22 (lll) (Reserved).

23 (mmm) ~~(iii)~~ Information prohibited from being
24 disclosed under subsection (e) of Section 1-129 of the
25 Illinois Power Agency Act.

26 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;

1 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.
2 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;
3 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.
4 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,
5 eff. 1-1-24; 103-508, eff. 8-4-23; 103-580, eff. 12-8-23;
6 revised 1-2-24.)

7 (Text of Section after amendment by P.A. 103-472)

8 Sec. 7.5. Statutory exemptions. To the extent provided for
9 by the statutes referenced below, the following shall be
10 exempt from inspection and copying:

11 (a) All information determined to be confidential
12 under Section 4002 of the Technology Advancement and
13 Development Act.

14 (b) Library circulation and order records identifying
15 library users with specific materials under the Library
16 Records Confidentiality Act.

17 (c) Applications, related documents, and medical
18 records received by the Experimental Organ Transplantation
19 Procedures Board and any and all documents or other
20 records prepared by the Experimental Organ Transplantation
21 Procedures Board or its staff relating to applications it
22 has received.

23 (d) Information and records held by the Department of
24 Public Health and its authorized representatives relating
25 to known or suspected cases of sexually transmissible

1 disease or any information the disclosure of which is
2 restricted under the Illinois Sexually Transmissible
3 Disease Control Act.

4 (e) Information the disclosure of which is exempted
5 under Section 30 of the Radon Industry Licensing Act.

6 (f) Firm performance evaluations under Section 55 of
7 the Architectural, Engineering, and Land Surveying
8 Qualifications Based Selection Act.

9 (g) Information the disclosure of which is restricted
10 and exempted under Section 50 of the Illinois Prepaid
11 Tuition Act.

12 (h) Information the disclosure of which is exempted
13 under the State Officials and Employees Ethics Act, and
14 records of any lawfully created State or local inspector
15 general's office that would be exempt if created or
16 obtained by an Executive Inspector General's office under
17 that Act.

18 (i) Information contained in a local emergency energy
19 plan submitted to a municipality in accordance with a
20 local emergency energy plan ordinance that is adopted
21 under Section 11-21.5-5 of the Illinois Municipal Code.

22 (j) Information and data concerning the distribution
23 of surcharge moneys collected and remitted by carriers
24 under the Emergency Telephone System Act.

25 (k) Law enforcement officer identification information
26 or driver identification information compiled by a law

1 enforcement agency or the Department of Transportation
2 under Section 11-212 of the Illinois Vehicle Code.

3 (l) Records and information provided to a residential
4 health care facility resident sexual assault and death
5 review team or the Executive Council under the Abuse
6 Prevention Review Team Act.

7 (m) Information provided to the predatory lending
8 database created pursuant to Article 3 of the Residential
9 Real Property Disclosure Act, except to the extent
10 authorized under that Article.

11 (n) Defense budgets and petitions for certification of
12 compensation and expenses for court appointed trial
13 counsel as provided under Sections 10 and 15 of the
14 Capital Crimes Litigation Act (repealed). This subsection
15 (n) shall apply until the conclusion of the trial of the
16 case, even if the prosecution chooses not to pursue the
17 death penalty prior to trial or sentencing.

18 (o) Information that is prohibited from being
19 disclosed under Section 4 of the Illinois Health and
20 Hazardous Substances Registry Act.

21 (p) Security portions of system safety program plans,
22 investigation reports, surveys, schedules, lists, data, or
23 information compiled, collected, or prepared by or for the
24 Department of Transportation under Sections 2705-300 and
25 2705-616 of the Department of Transportation Law of the
26 Civil Administrative Code of Illinois, the Metropolitan

1 Mobility Regional Transportation Authority under Section
2 4.33 of the Metropolitan Mobility Authority Act 2.11 of
3 ~~the Regional Transportation Authority Act~~, or the St.
4 Clair County Transit District under the Bi-State Transit
5 Safety Act (repealed).

6 (q) Information prohibited from being disclosed by the
7 Personnel Record Review Act.

8 (r) Information prohibited from being disclosed by the
9 Illinois School Student Records Act.

10 (s) Information the disclosure of which is restricted
11 under Section 5-108 of the Public Utilities Act.

12 (t) (Blank).

13 (u) Records and information provided to an independent
14 team of experts under the Developmental Disability and
15 Mental Health Safety Act (also known as Brian's Law).

16 (v) Names and information of people who have applied
17 for or received Firearm Owner's Identification Cards under
18 the Firearm Owners Identification Card Act or applied for
19 or received a concealed carry license under the Firearm
20 Concealed Carry Act, unless otherwise authorized by the
21 Firearm Concealed Carry Act; and databases under the
22 Firearm Concealed Carry Act, records of the Concealed
23 Carry Licensing Review Board under the Firearm Concealed
24 Carry Act, and law enforcement agency objections under the
25 Firearm Concealed Carry Act.

26 (v-5) Records of the Firearm Owner's Identification

1 Card Review Board that are exempted from disclosure under
2 Section 10 of the Firearm Owners Identification Card Act.

3 (w) Personally identifiable information which is
4 exempted from disclosure under subsection (g) of Section
5 19.1 of the Toll Highway Act.

6 (x) Information which is exempted from disclosure
7 under Section 5-1014.3 of the Counties Code or Section
8 8-11-21 of the Illinois Municipal Code.

9 (y) Confidential information under the Adult
10 Protective Services Act and its predecessor enabling
11 statute, the Elder Abuse and Neglect Act, including
12 information about the identity and administrative finding
13 against any caregiver of a verified and substantiated
14 decision of abuse, neglect, or financial exploitation of
15 an eligible adult maintained in the Registry established
16 under Section 7.5 of the Adult Protective Services Act.

17 (z) Records and information provided to a fatality
18 review team or the Illinois Fatality Review Team Advisory
19 Council under Section 15 of the Adult Protective Services
20 Act.

21 (aa) Information which is exempted from disclosure
22 under Section 2.37 of the Wildlife Code.

23 (bb) Information which is or was prohibited from
24 disclosure by the Juvenile Court Act of 1987.

25 (cc) Recordings made under the Law Enforcement
26 Officer-Worn Body Camera Act, except to the extent

1 authorized under that Act.

2 (dd) Information that is prohibited from being
3 disclosed under Section 45 of the Condominium and Common
4 Interest Community Ombudsperson Act.

5 (ee) Information that is exempted from disclosure
6 under Section 30.1 of the Pharmacy Practice Act.

7 (ff) Information that is exempted from disclosure
8 under the Revised Uniform Unclaimed Property Act.

9 (gg) Information that is prohibited from being
10 disclosed under Section 7-603.5 of the Illinois Vehicle
11 Code.

12 (hh) Records that are exempt from disclosure under
13 Section 1A-16.7 of the Election Code.

14 (ii) Information which is exempted from disclosure
15 under Section 2505-800 of the Department of Revenue Law of
16 the Civil Administrative Code of Illinois.

17 (jj) Information and reports that are required to be
18 submitted to the Department of Labor by registering day
19 and temporary labor service agencies but are exempt from
20 disclosure under subsection (a-1) of Section 45 of the Day
21 and Temporary Labor Services Act.

22 (kk) Information prohibited from disclosure under the
23 Seizure and Forfeiture Reporting Act.

24 (ll) Information the disclosure of which is restricted
25 and exempted under Section 5-30.8 of the Illinois Public
26 Aid Code.

1 (mm) Records that are exempt from disclosure under
2 Section 4.2 of the Crime Victims Compensation Act.

3 (nn) Information that is exempt from disclosure under
4 Section 70 of the Higher Education Student Assistance Act.

5 (oo) Communications, notes, records, and reports
6 arising out of a peer support counseling session
7 prohibited from disclosure under the First Responders
8 Suicide Prevention Act.

9 (pp) Names and all identifying information relating to
10 an employee of an emergency services provider or law
11 enforcement agency under the First Responders Suicide
12 Prevention Act.

13 (qq) Information and records held by the Department of
14 Public Health and its authorized representatives collected
15 under the Reproductive Health Act.

16 (rr) Information that is exempt from disclosure under
17 the Cannabis Regulation and Tax Act.

18 (ss) Data reported by an employer to the Department of
19 Human Rights pursuant to Section 2-108 of the Illinois
20 Human Rights Act.

21 (tt) Recordings made under the Children's Advocacy
22 Center Act, except to the extent authorized under that
23 Act.

24 (uu) Information that is exempt from disclosure under
25 Section 50 of the Sexual Assault Evidence Submission Act.

26 (vv) Information that is exempt from disclosure under

1 subsections (f) and (j) of Section 5-36 of the Illinois
2 Public Aid Code.

3 (ww) Information that is exempt from disclosure under
4 Section 16.8 of the State Treasurer Act.

5 (xx) Information that is exempt from disclosure or
6 information that shall not be made public under the
7 Illinois Insurance Code.

8 (yy) Information prohibited from being disclosed under
9 the Illinois Educational Labor Relations Act.

10 (zz) Information prohibited from being disclosed under
11 the Illinois Public Labor Relations Act.

12 (aaa) Information prohibited from being disclosed
13 under Section 1-167 of the Illinois Pension Code.

14 (bbb) Information that is prohibited from disclosure
15 by the Illinois Police Training Act and the Illinois State
16 Police Act.

17 (ccc) Records exempt from disclosure under Section
18 2605-304 of the Illinois State Police Law of the Civil
19 Administrative Code of Illinois.

20 (ddd) Information prohibited from being disclosed
21 under Section 35 of the Address Confidentiality for
22 Victims of Domestic Violence, Sexual Assault, Human
23 Trafficking, or Stalking Act.

24 (eee) Information prohibited from being disclosed
25 under subsection (b) of Section 75 of the Domestic
26 Violence Fatality Review Act.

1 (fff) Images from cameras under the Expressway Camera
2 Act. This subsection (fff) is inoperative on and after
3 July 1, 2025.

4 (ggg) Information prohibited from disclosure under
5 paragraph (3) of subsection (a) of Section 14 of the Nurse
6 Agency Licensing Act.

7 (hhh) Information submitted to the Illinois State
8 Police in an affidavit or application for an assault
9 weapon endorsement, assault weapon attachment endorsement,
10 .50 caliber rifle endorsement, or .50 caliber cartridge
11 endorsement under the Firearm Owners Identification Card
12 Act.

13 (iii) Data exempt from disclosure under Section 50 of
14 the School Safety Drill Act.

15 (jjj) ~~(hhh)~~ Information exempt from disclosure under
16 Section 30 of the Insurance Data Security Law.

17 (kkk) ~~(iii)~~ Confidential business information
18 prohibited from disclosure under Section 45 of the Paint
19 Stewardship Act.

20 (lll) ~~(iii)~~ Data exempt from disclosure under Section
21 2-3.196 of the School Code.

22 (mmm) ~~(iii)~~ Information prohibited from being
23 disclosed under subsection (e) of Section 1-129 of the
24 Illinois Power Agency Act.

25 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;
26 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.

1 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;
2 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.
3 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,
4 eff. 1-1-24; 103-472, eff. 8-1-24; 103-508, eff. 8-4-23;
5 103-580, eff. 12-8-23; revised 1-2-24.)

6 Section 20.03. The Transportation Cooperation Act of 1971
7 is amended by changing Section 2 as follows:

8 (5 ILCS 225/2) (from Ch. 111 2/3, par. 602)

9 Sec. 2. For the purposes of this Act:

10 (a) "Railroad passenger service" means any railroad
11 passenger service within the State of Illinois, including the
12 equipment and facilities used in connection therewith, with
13 the exception of the basic system operated by the National
14 Railroad Passenger Corporation pursuant to Title II and
15 Section 403(a) of the Federal Rail Passenger Service Act of
16 1970.

17 (b) "Federal Railroad Corporation" means the National
18 Railroad Passenger Corporation established pursuant to an Act
19 of Congress known as the "Rail Passenger Service Act of 1970."

20 (c) "Transportation system" means any and all modes of
21 public transportation within the State, including, but not
22 limited to, transportation of persons or property by rapid
23 transit, rail, bus, and aircraft, and all equipment,
24 facilities and property, real and personal, used in connection

1 therewith.

2 (d) "Carrier" means any corporation, authority,
3 partnership, association, person or district authorized to
4 maintain a transportation system within the State with the
5 exception of the Federal Railroad Corporation.

6 (e) "Units of local government" means cities, villages,
7 incorporated towns, counties, municipalities, townships, and
8 special districts, including any district created pursuant to
9 the "Local Mass Transit District Act", approved July 21, 1959,
10 as amended; the Metropolitan Mobility Authority; ~~any Authority~~
11 ~~created pursuant to the "Metropolitan Transit Authority Act",~~
12 ~~approved April 12, 1945, as amended;~~ and, any authority,
13 commission, or other entity which by virtue of an interstate
14 compact approved by Congress is authorized to provide mass
15 transportation.

16 (f) "Universities" means all public institutions of higher
17 education as defined in an "Act creating a Board of Higher
18 Education, defining its powers and duties, making an
19 appropriation therefor, and repealing an Act herein named",
20 approved August 22, 1961, as amended, and all private
21 institutions of higher education as defined in the Illinois
22 Finance Authority Act.

23 (g) "Department" means the Illinois Department of
24 Transportation, or such other department designated by law to
25 perform the duties and functions of the Illinois Department of
26 Transportation prior to January 1, 1972.

1 (h) "Association" means any Transportation Service
2 Association created pursuant to Section 4 of this Act.

3 (i) "Contracting Parties" means any units of local
4 government or universities which have associated and joined
5 together pursuant to Section 3 of this Act.

6 (j) "Governing authorities" means (1) the city council or
7 similar legislative body of a city; (2) the board of trustees
8 or similar body of a village or incorporated town; (3) the
9 council of a municipality under the commission form of
10 municipal government; (4) the board of trustees in a township;
11 (5) the Board of Trustees of the University of Illinois, the
12 Board of Trustees of Southern Illinois University, the Board
13 of Trustees of Chicago State University, the Board of Trustees
14 of Eastern Illinois University, the Board of Trustees of
15 Governors State University, the Board of Trustees of Illinois
16 State University, the Board of Trustees of Northeastern
17 Illinois University, the Board of Trustees of Northern
18 Illinois University, the Board of Trustees of Western Illinois
19 University, and the Illinois Community College Board; (6) the
20 county board of a county; and (7) the trustees, commissioners,
21 board members, or directors of a university, special district,
22 authority or similar agency.

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

24 Section 20.04. The Illinois Public Labor Relations Act is
25 amended by changing Sections 5 and 15 as follows:

1 (5 ILCS 315/5) (from Ch. 48, par. 1605)

2 Sec. 5. Illinois Labor Relations Board; State Panel; Local
3 Panel.

4 (a) There is created the Illinois Labor Relations Board.
5 The Board shall be comprised of 2 panels, to be known as the
6 State Panel and the Local Panel.

7 (a-5) The State Panel shall have jurisdiction over
8 collective bargaining matters between employee organizations
9 and the State of Illinois, excluding the General Assembly of
10 the State of Illinois, between employee organizations and
11 units of local government and school districts with a
12 population not in excess of 2 million persons, and between
13 employee organizations and the Metropolitan Mobility Regional
14 ~~Transportation~~ Authority.

15 The State Panel shall consist of 5 members appointed by
16 the Governor, with the advice and consent of the Senate. The
17 Governor shall appoint to the State Panel only persons who
18 have had a minimum of 5 years of experience directly related to
19 labor and employment relations in representing public
20 employers, private employers or labor organizations; or
21 teaching labor or employment relations; or administering
22 executive orders or regulations applicable to labor or
23 employment relations. At the time of his or her appointment,
24 each member of the State Panel shall be an Illinois resident.
25 The Governor shall designate one member to serve as the

1 Chairman of the State Panel and the Board.

2 Notwithstanding any other provision of this Section, the
3 term of each member of the State Panel who was appointed by the
4 Governor and is in office on June 30, 2003 shall terminate at
5 the close of business on that date or when all of the successor
6 members to be appointed pursuant to this amendatory Act of the
7 93rd General Assembly have been appointed by the Governor,
8 whichever occurs later. As soon as possible, the Governor
9 shall appoint persons to fill the vacancies created by this
10 amendatory Act.

11 The initial appointments under this amendatory Act of the
12 93rd General Assembly shall be for terms as follows: The
13 Chairman shall initially be appointed for a term ending on the
14 4th Monday in January, 2007; 2 members shall be initially
15 appointed for terms ending on the 4th Monday in January, 2006;
16 one member shall be initially appointed for a term ending on
17 the 4th Monday in January, 2005; and one member shall be
18 initially appointed for a term ending on the 4th Monday in
19 January, 2004. Each subsequent member shall be appointed for a
20 term of 4 years, commencing on the 4th Monday in January. Upon
21 expiration of the term of office of any appointive member,
22 that member shall continue to serve until a successor shall be
23 appointed and qualified. In case of a vacancy, a successor
24 shall be appointed to serve for the unexpired portion of the
25 term. If the Senate is not in session at the time the initial
26 appointments are made, the Governor shall make temporary

1 appointments in the same manner successors are appointed to
2 fill vacancies. A temporary appointment shall remain in effect
3 no longer than 20 calendar days after the commencement of the
4 next Senate session.

5 (b) The Local Panel shall have jurisdiction over
6 collective bargaining agreement matters between employee
7 organizations and units of local government with a population
8 in excess of 2 million persons, but excluding the Metropolitan
9 Mobility Regional Transportation Authority.

10 The Local Panel shall consist of one person appointed by
11 the Governor with the advice and consent of the Senate (or, if
12 no such person is appointed, the Chairman of the State Panel)
13 and two additional members, one appointed by the Mayor of the
14 City of Chicago and one appointed by the President of the Cook
15 County Board of Commissioners. Appointees to the Local Panel
16 must have had a minimum of 5 years of experience directly
17 related to labor and employment relations in representing
18 public employers, private employers or labor organizations; or
19 teaching labor or employment relations; or administering
20 executive orders or regulations applicable to labor or
21 employment relations. Each member of the Local Panel shall be
22 an Illinois resident at the time of his or her appointment. The
23 member appointed by the Governor (or, if no such person is
24 appointed, the Chairman of the State Panel) shall serve as the
25 Chairman of the Local Panel.

26 Notwithstanding any other provision of this Section, the

1 term of the member of the Local Panel who was appointed by the
2 Governor and is in office on June 30, 2003 shall terminate at
3 the close of business on that date or when his or her successor
4 has been appointed by the Governor, whichever occurs later. As
5 soon as possible, the Governor shall appoint a person to fill
6 the vacancy created by this amendatory Act. The initial
7 appointment under this amendatory Act of the 93rd General
8 Assembly shall be for a term ending on the 4th Monday in
9 January, 2007.

10 The initial appointments under this amendatory Act of the
11 91st General Assembly shall be for terms as follows: The
12 member appointed by the Governor shall initially be appointed
13 for a term ending on the 4th Monday in January, 2001; the
14 member appointed by the President of the Cook County Board
15 shall be initially appointed for a term ending on the 4th
16 Monday in January, 2003; and the member appointed by the Mayor
17 of the City of Chicago shall be initially appointed for a term
18 ending on the 4th Monday in January, 2004. Each subsequent
19 member shall be appointed for a term of 4 years, commencing on
20 the 4th Monday in January. Upon expiration of the term of
21 office of any appointive member, the member shall continue to
22 serve until a successor shall be appointed and qualified. In
23 the case of a vacancy, a successor shall be appointed by the
24 applicable appointive authority to serve for the unexpired
25 portion of the term.

26 (c) Three members of the State Panel shall at all times

1 constitute a quorum. Two members of the Local Panel shall at
2 all times constitute a quorum. A vacancy on a panel does not
3 impair the right of the remaining members to exercise all of
4 the powers of that panel. Each panel shall adopt an official
5 seal which shall be judicially noticed. The salary of the
6 Chairman of the State Panel shall be \$82,429 per year, or as
7 set by the Compensation Review Board, whichever is greater,
8 and that of the other members of the State and Local Panels
9 shall be \$74,188 per year, or as set by the Compensation Review
10 Board, whichever is greater.

11 (d) Each member shall devote his or her entire time to the
12 duties of the office, and shall hold no other office or
13 position of profit, nor engage in any other business,
14 employment, or vocation. No member shall hold any other public
15 office or be employed as a labor or management representative
16 by the State or any political subdivision of the State or of
17 any department or agency thereof, or actively represent or act
18 on behalf of an employer or an employee organization or an
19 employer in labor relations matters. Any member of the State
20 Panel may be removed from office by the Governor for
21 inefficiency, neglect of duty, misconduct or malfeasance in
22 office, and for no other cause, and only upon notice and
23 hearing. Any member of the Local Panel may be removed from
24 office by the applicable appointive authority for
25 inefficiency, neglect of duty, misconduct or malfeasance in
26 office, and for no other cause, and only upon notice and

1 hearing.

2 (e) Each panel at the end of every State fiscal year shall
3 make a report in writing to the Governor and the General
4 Assembly, stating in detail the work it has done in hearing and
5 deciding cases and otherwise.

6 (f) In order to accomplish the objectives and carry out
7 the duties prescribed by this Act, a panel or its authorized
8 designees may hold elections to determine whether a labor
9 organization has majority status; investigate and attempt to
10 resolve or settle charges of unfair labor practices; hold
11 hearings in order to carry out its functions; develop and
12 effectuate appropriate impasse resolution procedures for
13 purposes of resolving labor disputes; require the appearance
14 of witnesses and the production of evidence on any matter
15 under inquiry; and administer oaths and affirmations. The
16 panels shall sign and report in full an opinion in every case
17 which they decide.

18 (g) Each panel may appoint or employ an executive
19 director, attorneys, hearing officers, mediators,
20 fact-finders, arbitrators, and such other employees as it may
21 deem necessary to perform its functions. The governing boards
22 shall prescribe the duties and qualifications of such persons
23 appointed and, subject to the annual appropriation, fix their
24 compensation and provide for reimbursement of actual and
25 necessary expenses incurred in the performance of their
26 duties. The Board shall employ a minimum of 16 attorneys and 6

1 investigators.

2 (h) Each panel shall exercise general supervision over all
3 attorneys which it employs and over the other persons employed
4 to provide necessary support services for such attorneys. The
5 panels shall have final authority in respect to complaints
6 brought pursuant to this Act.

7 (i) The following rules and regulations shall be adopted
8 by the panels meeting in joint session: (1) procedural rules
9 and regulations which shall govern all Board proceedings; (2)
10 procedures for election of exclusive bargaining
11 representatives pursuant to Section 9, except for the
12 determination of appropriate bargaining units; and (3)
13 appointment of counsel pursuant to subsection (k) of this
14 Section.

15 (j) Rules and regulations may be adopted, amended or
16 rescinded only upon a vote of 5 of the members of the State and
17 Local Panels meeting in joint session. The adoption, amendment
18 or rescission of rules and regulations shall be in conformity
19 with the requirements of the Illinois Administrative Procedure
20 Act.

21 (k) The panels in joint session shall promulgate rules and
22 regulations providing for the appointment of attorneys or
23 other Board representatives to represent persons in unfair
24 labor practice proceedings before a panel. The regulations
25 governing appointment shall require the applicant to
26 demonstrate an inability to pay for or inability to otherwise

1 provide for adequate representation before a panel. Such rules
2 must also provide: (1) that an attorney may not be appointed in
3 cases which, in the opinion of a panel, are clearly without
4 merit; (2) the stage of the unfair labor proceeding at which
5 counsel will be appointed; and (3) the circumstances under
6 which a client will be allowed to select counsel.

7 (1) The panels in joint session may promulgate rules and
8 regulations which allow parties in proceedings before a panel
9 to be represented by counsel or any other representative of
10 the party's choice.

11 (m) The Chairman of the State Panel shall serve as
12 Chairman of a joint session of the panels. Attendance of at
13 least 2 members of the State Panel and at least one member of
14 the Local Panel, in addition to the Chairman, shall constitute
15 a quorum at a joint session. The panels shall meet in joint
16 session at least annually.

17 (Source: P.A. 96-813, eff. 10-30-09.)

18 (5 ILCS 315/15) (from Ch. 48, par. 1615)

19 (Text of Section WITHOUT the changes made by P.A. 98-599,
20 which has been held unconstitutional)

21 Sec. 15. Act Takes Precedence.

22 (a) In case of any conflict between the provisions of this
23 Act and any other law (other than Section 5 of the State
24 Employees Group Insurance Act of 1971 and other than the
25 changes made to the Illinois Pension Code by this amendatory

1 Act of the 96th General Assembly), executive order or
2 administrative regulation relating to wages, hours and
3 conditions of employment and employment relations, the
4 provisions of this Act or any collective bargaining agreement
5 negotiated thereunder shall prevail and control. Nothing in
6 this Act shall be construed to replace or diminish the rights
7 of employees established by Sections 4.14 through 4.18 of the
8 Metropolitan Mobility Authority Act ~~Sections 28 and 28a of the~~
9 ~~Metropolitan Transit Authority Act, Sections 2.15 through 2.19~~
10 ~~of the Regional Transportation Authority Act.~~ The provisions
11 of this Act are subject to Section 5 of the State Employees
12 Group Insurance Act of 1971. Nothing in this Act shall be
13 construed to replace the necessity of complaints against a
14 sworn peace officer, as defined in Section 2(a) of the Uniform
15 Peace Officer Disciplinary Act, from having a complaint
16 supported by a sworn affidavit.

17 (b) Except as provided in subsection (a) above, any
18 collective bargaining contract between a public employer and a
19 labor organization executed pursuant to this Act shall
20 supersede any contrary statutes, charters, ordinances, rules
21 or regulations relating to wages, hours and conditions of
22 employment and employment relations adopted by the public
23 employer or its agents. Any collective bargaining agreement
24 entered into prior to the effective date of this Act shall
25 remain in full force during its duration.

26 (c) It is the public policy of this State, pursuant to

1 paragraphs (h) and (i) of Section 6 of Article VII of the
2 Illinois Constitution, that the provisions of this Act are the
3 exclusive exercise by the State of powers and functions which
4 might otherwise be exercised by home rule units. Such powers
5 and functions may not be exercised concurrently, either
6 directly or indirectly, by any unit of local government,
7 including any home rule unit, except as otherwise authorized
8 by this Act.

9 (Source: P.A. 95-331, eff. 8-21-07; 96-889, eff. 1-1-11.)

10 Section 20.05. The State Employees Group Insurance Act of
11 1971 is amended by changing Section 2.5 as follows:

12 (5 ILCS 375/2.5)

13 Sec. 2.5. Application to Metropolitan Mobility ~~Regional~~
14 ~~Transportation~~ Authority Board members. Notwithstanding any
15 other provision of this Act to the contrary, this Act does not
16 apply to any member of the Regional Transportation Authority
17 Board or the Metropolitan Mobility Authority Board who first
18 becomes a member of either ~~that~~ Board on or after July 23, 2013
19 (the effective date of Public Act 98-108) with respect to
20 service of either ~~that~~ Board.

21 (Source: P.A. 98-108, eff. 7-23-13; 98-756, eff. 7-16-14.)

22 Section 20.06. The State Officials and Employees Ethics
23 Act is amended by changing Sections 1-5, 20-5, 20-10, 75-5,

1 and 75-10 and by changing the heading of Article 75 as follows:

2 (5 ILCS 430/1-5)

3 Sec. 1-5. Definitions. As used in this Act:

4 "Appointee" means a person appointed to a position in or
5 with a State agency, regardless of whether the position is
6 compensated.

7 "Board members of Regional Development Authorities" means
8 any person appointed to serve on the governing board of a
9 Regional Development Authority.

10 "Board members of the Regional Transit Board ~~Boards~~" means
11 any person appointed to serve on the governing board of the
12 Metropolitan Mobility Authority Board ~~a Regional Transit~~
13 ~~Board~~.

14 "Campaign for elective office" means any activity in
15 furtherance of an effort to influence the selection,
16 nomination, election, or appointment of any individual to any
17 federal, State, or local public office or office in a
18 political organization, or the selection, nomination, or
19 election of Presidential or Vice-Presidential electors, but
20 does not include activities (i) relating to the support or
21 opposition of any executive, legislative, or administrative
22 action (as those terms are defined in Section 2 of the Lobbyist
23 Registration Act), (ii) relating to collective bargaining, or
24 (iii) that are otherwise in furtherance of the person's
25 official State duties.

1 "Candidate" means a person who has filed nominating papers
2 or petitions for nomination or election to an elected State
3 office, or who has been appointed to fill a vacancy in
4 nomination, and who remains eligible for placement on the
5 ballot at either a general primary election or general
6 election.

7 "Collective bargaining" has the same meaning as that term
8 is defined in Section 3 of the Illinois Public Labor Relations
9 Act.

10 "Commission" means an ethics commission created by this
11 Act.

12 "Compensated time" means any time worked by or credited to
13 a State employee that counts toward any minimum work time
14 requirement imposed as a condition of employment with a State
15 agency, but does not include any designated State holidays or
16 any period when the employee is on a leave of absence.

17 "Compensatory time off" means authorized time off earned
18 by or awarded to a State employee to compensate in whole or in
19 part for time worked in excess of the minimum work time
20 required of that employee as a condition of employment with a
21 State agency.

22 "Contribution" has the same meaning as that term is
23 defined in Section 9-1.4 of the Election Code.

24 "Employee" means (i) any person employed full-time,
25 part-time, or pursuant to a contract and whose employment
26 duties are subject to the direction and control of an employer

1 with regard to the material details of how the work is to be
2 performed or (ii) any appointed or elected commissioner,
3 trustee, director, or board member of a board of a State
4 agency, including any retirement system or investment board
5 subject to the Illinois Pension Code or (iii) any other
6 appointee.

7 "Employment benefits" include but are not limited to the
8 following: modified compensation or benefit terms; compensated
9 time off; or change of title, job duties, or location of office
10 or employment. An employment benefit may also include
11 favorable treatment in determining whether to bring any
12 disciplinary or similar action or favorable treatment during
13 the course of any disciplinary or similar action or other
14 performance review.

15 "Executive branch constitutional officer" means the
16 Governor, Lieutenant Governor, Attorney General, Secretary of
17 State, Comptroller, and Treasurer.

18 "Gift" means any gratuity, discount, entertainment,
19 hospitality, loan, forbearance, or other tangible or
20 intangible item having monetary value including, but not
21 limited to, cash, food and drink, and honoraria for speaking
22 engagements related to or attributable to government
23 employment or the official position of an employee, member, or
24 officer. The value of a gift may be further defined by rules
25 adopted by the appropriate ethics commission or by the Auditor
26 General for the Auditor General and for employees of the

1 office of the Auditor General.

2 "Governmental entity" means a unit of local government
3 (including a community college district) or a school district
4 but not a State agency, a Regional Transit Board, or a Regional
5 Development Authority.

6 "Leave of absence" means any period during which a State
7 employee does not receive (i) compensation for State
8 employment, (ii) service credit towards State pension
9 benefits, and (iii) health insurance benefits paid for by the
10 State.

11 "Legislative branch constitutional officer" means a member
12 of the General Assembly and the Auditor General.

13 "Legislative leader" means the President and Minority
14 Leader of the Senate and the Speaker and Minority Leader of the
15 House of Representatives.

16 "Member" means a member of the General Assembly.

17 "Officer" means an executive branch constitutional officer
18 or a legislative branch constitutional officer.

19 "Political" means any activity in support of or in
20 connection with any campaign for elective office or any
21 political organization, but does not include activities (i)
22 relating to the support or opposition of any executive,
23 legislative, or administrative action (as those terms are
24 defined in Section 2 of the Lobbyist Registration Act), (ii)
25 relating to collective bargaining, or (iii) that are otherwise
26 in furtherance of the person's official State duties or

1 governmental and public service functions.

2 "Political organization" means a party, committee,
3 association, fund, or other organization (whether or not
4 incorporated) that is required to file a statement of
5 organization with the State Board of Elections or a county
6 clerk under Section 9-3 of the Election Code, but only with
7 regard to those activities that require filing with the State
8 Board of Elections or a county clerk.

9 "Prohibited political activity" means:

10 (1) Preparing for, organizing, or participating in any
11 political meeting, political rally, political
12 demonstration, or other political event.

13 (2) Soliciting contributions, including but not
14 limited to the purchase of, selling, distributing, or
15 receiving payment for tickets for any political
16 fundraiser, political meeting, or other political event.

17 (3) Soliciting, planning the solicitation of, or
18 preparing any document or report regarding any thing of
19 value intended as a campaign contribution.

20 (4) Planning, conducting, or participating in a public
21 opinion poll in connection with a campaign for elective
22 office or on behalf of a political organization for
23 political purposes or for or against any referendum
24 question.

25 (5) Surveying or gathering information from potential
26 or actual voters in an election to determine probable vote

1 outcome in connection with a campaign for elective office
2 or on behalf of a political organization for political
3 purposes or for or against any referendum question.

4 (6) Assisting at the polls on election day on behalf
5 of any political organization or candidate for elective
6 office or for or against any referendum question.

7 (7) Soliciting votes on behalf of a candidate for
8 elective office or a political organization or for or
9 against any referendum question or helping in an effort to
10 get voters to the polls.

11 (8) Initiating for circulation, preparing,
12 circulating, reviewing, or filing any petition on behalf
13 of a candidate for elective office or for or against any
14 referendum question.

15 (9) Making contributions on behalf of any candidate
16 for elective office in that capacity or in connection with
17 a campaign for elective office.

18 (10) Preparing or reviewing responses to candidate
19 questionnaires in connection with a campaign for elective
20 office or on behalf of a political organization for
21 political purposes.

22 (11) Distributing, preparing for distribution, or
23 mailing campaign literature, campaign signs, or other
24 campaign material on behalf of any candidate for elective
25 office or for or against any referendum question.

26 (12) Campaigning for any elective office or for or

1 against any referendum question.

2 (13) Managing or working on a campaign for elective
3 office or for or against any referendum question.

4 (14) Serving as a delegate, alternate, or proxy to a
5 political party convention.

6 (15) Participating in any recount or challenge to the
7 outcome of any election, except to the extent that under
8 subsection (d) of Section 6 of Article IV of the Illinois
9 Constitution each house of the General Assembly shall
10 judge the elections, returns, and qualifications of its
11 members.

12 "Prohibited source" means any person or entity who:

13 (1) is seeking official action (i) by the member or
14 officer or (ii) in the case of an employee, by the employee
15 or by the member, officer, State agency, or other employee
16 directing the employee;

17 (2) does business or seeks to do business (i) with the
18 member or officer or (ii) in the case of an employee, with
19 the employee or with the member, officer, State agency, or
20 other employee directing the employee;

21 (3) conducts activities regulated (i) by the member or
22 officer or (ii) in the case of an employee, by the employee
23 or by the member, officer, State agency, or other employee
24 directing the employee;

25 (4) has interests that may be substantially affected
26 by the performance or non-performance of the official

1 duties of the member, officer, or employee;

2 (5) is registered or required to be registered with
3 the Secretary of State under the Lobbyist Registration
4 Act, except that an entity not otherwise a prohibited
5 source does not become a prohibited source merely because
6 a registered lobbyist is one of its members or serves on
7 its board of directors; or

8 (6) is an agent of, a spouse of, or an immediate family
9 member who is living with a "prohibited source".

10 "Regional Development Authority" means the following
11 regional development authorities:

12 (1) the Central Illinois Economic Development
13 Authority created by the Central Illinois Economic
14 Development Authority Act;

15 (2) the Eastern Illinois Economic Development
16 Authority created by the Eastern Illinois Economic
17 Development Authority Act;

18 (3) the Joliet Arsenal Development Authority created
19 by the Joliet Arsenal Development Authority Act;

20 (4) the Quad Cities Regional Economic Development
21 Authority created by Quad Cities Regional Economic
22 Development Authority Act, approved September 22, 1987;

23 (5) the Riverdale Development Authority created by the
24 Riverdale Development Authority Act;

25 (6) the Southeastern Illinois Economic Development
26 Authority created by the Southeastern Illinois Economic

1 Development Authority Act;

2 (7) the Southern Illinois Economic Development
3 Authority created by the Southern Illinois Economic
4 Development Authority Act;

5 (8) the Southwestern Illinois Development Authority
6 created by the Southwestern Illinois Development Authority
7 Act;

8 (9) the Tri-County River Valley Development Authority
9 created by the Tri-County River Valley Development
10 Authority Law;

11 (10) the Upper Illinois River Valley Development
12 Authority created by the Upper Illinois River Valley
13 Development Authority Act;

14 (11) the Illinois Urban Development Authority created
15 by the Illinois Urban Development Authority Act;

16 (12) the Western Illinois Economic Development
17 Authority created by the Western Illinois Economic
18 Development Authority Act; and

19 (13) the Will-Kankakee Regional Development Authority
20 created by the Will-Kankakee Regional Development
21 Authority Law.

22 "Regional Transit Board Boards" means ~~(i)~~ the Metropolitan
23 Mobility Authority Board created by the Metropolitan Mobility
24 Authority Act ~~Regional Transportation Authority created by the~~
25 ~~Regional Transportation Authority Act, (ii) the Suburban Bus~~
26 ~~Division created by the Regional Transportation Authority Act,~~

1 ~~(iii) the Commuter Rail Division created by the Regional~~
2 ~~Transportation Authority Act, and (iv) the Chicago Transit~~
3 ~~Authority created by the Metropolitan Transit Authority Act.~~

4 "State agency" includes all officers, boards, commissions
5 and agencies created by the Constitution, whether in the
6 executive or legislative branch; all officers, departments,
7 boards, commissions, agencies, institutions, authorities,
8 public institutions of higher learning as defined in Section 2
9 of the Higher Education Cooperation Act (except community
10 colleges), and bodies politic and corporate of the State; and
11 administrative units or corporate outgrowths of the State
12 government which are created by or pursuant to statute, other
13 than units of local government (including community college
14 districts) and their officers, school districts, and boards of
15 election commissioners; and all administrative units and
16 corporate outgrowths of the above and as may be created by
17 executive order of the Governor. "State agency" includes the
18 General Assembly, the Senate, the House of Representatives,
19 the President and Minority Leader of the Senate, the Speaker
20 and Minority Leader of the House of Representatives, the
21 Senate Operations Commission, and the legislative support
22 services agencies. "State agency" includes the Office of the
23 Auditor General. "State agency" does not include the judicial
24 branch.

25 "State employee" means any employee of a State agency.

26 "Ultimate jurisdictional authority" means the following:

1 (1) For members, legislative partisan staff, and
2 legislative secretaries, the appropriate legislative
3 leader: President of the Senate, Minority Leader of the
4 Senate, Speaker of the House of Representatives, or
5 Minority Leader of the House of Representatives.

6 (2) For State employees who are professional staff or
7 employees of the Senate and not covered under item (1),
8 the Senate Operations Commission.

9 (3) For State employees who are professional staff or
10 employees of the House of Representatives and not covered
11 under item (1), the Speaker of the House of
12 Representatives.

13 (4) For State employees who are employees of the
14 legislative support services agencies, the Joint Committee
15 on Legislative Support Services.

16 (5) For State employees of the Auditor General, the
17 Auditor General.

18 (6) For State employees of public institutions of
19 higher learning as defined in Section 2 of the Higher
20 Education Cooperation Act (except community colleges), the
21 board of trustees of the appropriate public institution of
22 higher learning.

23 (7) For State employees of an executive branch
24 constitutional officer other than those described in
25 paragraph (6), the appropriate executive branch
26 constitutional officer.

1 (8) For State employees not under the jurisdiction of
2 paragraph (1), (2), (3), (4), (5), (6), or (7), the
3 Governor.

4 (9) (Blank). ~~For employees of Regional Transit Boards,~~
5 ~~the appropriate Regional Transit Board.~~

6 (10) For board members of the Regional Transit Board
7 ~~Boards~~, the Governor.

8 (11) For employees of Regional Development
9 Authorities, the appropriate Regional Development
10 Authority.

11 (12) For board members of Regional Development
12 Authorities, the Governor.

13 (Source: P.A. 103-517, eff. 8-11-23.)

14 (5 ILCS 430/20-5)

15 Sec. 20-5. Executive Ethics Commission.

16 (a) The Executive Ethics Commission is created.

17 (b) The Executive Ethics Commission shall consist of 9
18 commissioners. The Governor shall appoint 5 commissioners, and
19 the Attorney General, Secretary of State, Comptroller, and
20 Treasurer shall each appoint one commissioner. Appointments
21 shall be made by and with the advice and consent of the Senate
22 by three-fifths of the elected members concurring by record
23 vote. Any nomination not acted upon by the Senate within 60
24 session days of the receipt thereof shall be deemed to have
25 received the advice and consent of the Senate. If, during a

1 recess of the Senate, there is a vacancy in an office of
2 commissioner, the appointing authority shall make a temporary
3 appointment until the next meeting of the Senate when the
4 appointing authority shall make a nomination to fill that
5 office. No person rejected for an office of commissioner
6 shall, except by the Senate's request, be nominated again for
7 that office at the same session of the Senate or be appointed
8 to that office during a recess of that Senate. No more than 5
9 commissioners may be of the same political party.

10 The terms of the initial commissioners shall commence upon
11 qualification. Four initial appointees of the Governor, as
12 designated by the Governor, shall serve terms running through
13 June 30, 2007. One initial appointee of the Governor, as
14 designated by the Governor, and the initial appointees of the
15 Attorney General, Secretary of State, Comptroller, and
16 Treasurer shall serve terms running through June 30, 2008. The
17 initial appointments shall be made within 60 days after the
18 effective date of this Act.

19 After the initial terms, commissioners shall serve for
20 4-year terms commencing on July 1 of the year of appointment
21 and running through June 30 of the fourth following year.
22 Commissioners may be reappointed to one or more subsequent
23 terms.

24 Vacancies occurring other than at the end of a term shall
25 be filled by the appointing authority only for the balance of
26 the term of the commissioner whose office is vacant.

1 Terms shall run regardless of whether the position is
2 filled.

3 (c) The appointing authorities shall appoint commissioners
4 who have experience holding governmental office or employment
5 and shall appoint commissioners from the general public. A
6 person is not eligible to serve as a commissioner if that
7 person (i) has been convicted of a felony or a crime of
8 dishonesty or moral turpitude, (ii) is, or was within the
9 preceding 12 months, engaged in activities that require
10 registration under the Lobbyist Registration Act, (iii) is
11 related to the appointing authority, or (iv) is a State
12 officer or employee.

13 (d) The Executive Ethics Commission shall have
14 jurisdiction over all officers and employees of State agencies
15 other than the General Assembly, the Senate, the House of
16 Representatives, the President and Minority Leader of the
17 Senate, the Speaker and Minority Leader of the House of
18 Representatives, the Senate Operations Commission, the
19 legislative support services agencies, and the Office of the
20 Auditor General. The Executive Ethics Commission shall have
21 jurisdiction over all board members and employees of the
22 Regional Transit Board ~~Boards~~ and all board members and
23 employees of Regional Development Authorities. The
24 jurisdiction of the Commission is limited to matters arising
25 under this Act, except as provided in subsection (d-5).

26 A member or legislative branch State employee serving on

1 an executive branch board or commission remains subject to the
2 jurisdiction of the Legislative Ethics Commission and is not
3 subject to the jurisdiction of the Executive Ethics
4 Commission.

5 (d-5) The Executive Ethics Commission shall have
6 jurisdiction over all chief procurement officers and
7 procurement compliance monitors and their respective staffs.
8 The Executive Ethics Commission shall have jurisdiction over
9 any matters arising under the Illinois Procurement Code if the
10 Commission is given explicit authority in that Code.

11 (d-6) (1) The Executive Ethics Commission shall have
12 jurisdiction over the Illinois Power Agency and its staff. The
13 Director of the Agency shall be appointed by a majority of the
14 commissioners of the Executive Ethics Commission, subject to
15 Senate confirmation, for a term of 2 years. The Director is
16 removable for cause by a majority of the Commission upon a
17 finding of neglect, malfeasance, absence, or incompetence.

18 (2) In case of a vacancy in the office of Director of the
19 Illinois Power Agency during a recess of the Senate, the
20 Executive Ethics Commission may make a temporary appointment
21 until the next meeting of the Senate, at which time the
22 Executive Ethics Commission shall nominate some person to fill
23 the office, and any person so nominated who is confirmed by the
24 Senate shall hold office during the remainder of the term and
25 until his or her successor is appointed and qualified. Nothing
26 in this subsection shall prohibit the Executive Ethics

1 Commission from removing a temporary appointee or from
2 appointing a temporary appointee as the Director of the
3 Illinois Power Agency.

4 (3) Prior to June 1, 2012, the Executive Ethics Commission
5 may, until the Director of the Illinois Power Agency is
6 appointed and qualified or a temporary appointment is made
7 pursuant to paragraph (2) of this subsection, designate some
8 person as an acting Director to execute the powers and
9 discharge the duties vested by law in that Director. An acting
10 Director shall serve no later than 60 calendar days, or upon
11 the making of an appointment pursuant to paragraph (1) or (2)
12 of this subsection, whichever is earlier. Nothing in this
13 subsection shall prohibit the Executive Ethics Commission from
14 removing an acting Director or from appointing an acting
15 Director as the Director of the Illinois Power Agency.

16 (4) No person rejected by the Senate for the office of
17 Director of the Illinois Power Agency shall, except at the
18 Senate's request, be nominated again for that office at the
19 same session or be appointed to that office during a recess of
20 that Senate.

21 (d-7) The Executive Ethics Commission shall have
22 jurisdiction over complainants and respondents in violation of
23 subsection (d) of Section 20-90.

24 (e) The Executive Ethics Commission must meet, either in
25 person or by other technological means, at least monthly and
26 as often as necessary. At the first meeting of the Executive

1 Ethics Commission, the commissioners shall choose from their
2 number a chairperson and other officers that they deem
3 appropriate. The terms of officers shall be for 2 years
4 commencing July 1 and running through June 30 of the second
5 following year. Meetings shall be held at the call of the
6 chairperson or any 3 commissioners. Official action by the
7 Commission shall require the affirmative vote of 5
8 commissioners, and a quorum shall consist of 5 commissioners.
9 Commissioners shall receive compensation in an amount equal to
10 the compensation of members of the State Board of Elections
11 and may be reimbursed for their reasonable expenses actually
12 incurred in the performance of their duties.

13 (f) No commissioner or employee of the Executive Ethics
14 Commission may during his or her term of appointment or
15 employment:

16 (1) become a candidate for any elective office;

17 (2) hold any other elected or appointed public office
18 except for appointments on governmental advisory boards or
19 study commissions or as otherwise expressly authorized by
20 law;

21 (3) be actively involved in the affairs of any
22 political party or political organization; or

23 (4) advocate for the appointment of another person to
24 an appointed or elected office or position or actively
25 participate in any campaign for any elective office.

26 (g) An appointing authority may remove a commissioner only

1 for cause.

2 (h) The Executive Ethics Commission shall appoint an
3 Executive Director. The compensation of the Executive Director
4 shall be as determined by the Commission. The Executive
5 Director of the Executive Ethics Commission may employ and
6 determine the compensation of staff, as appropriations permit.

7 (i) The Executive Ethics Commission shall appoint, by a
8 majority of the members appointed to the Commission, chief
9 procurement officers and may appoint procurement compliance
10 monitors in accordance with the provisions of the Illinois
11 Procurement Code. The compensation of a chief procurement
12 officer and procurement compliance monitor shall be determined
13 by the Commission.

14 (Source: P.A. 103-517, eff. 8-11-23.)

15 (5 ILCS 430/20-10)

16 Sec. 20-10. Offices of Executive Inspectors General.

17 (a) Five independent Offices of the Executive Inspector
18 General are created, one each for the Governor, the Attorney
19 General, the Secretary of State, the Comptroller, and the
20 Treasurer. Each Office shall be under the direction and
21 supervision of an Executive Inspector General and shall be a
22 fully independent office with separate appropriations.

23 (b) The Governor, Attorney General, Secretary of State,
24 Comptroller, and Treasurer shall each appoint an Executive
25 Inspector General, without regard to political affiliation and

1 solely on the basis of integrity and demonstrated ability.
2 Appointments shall be made by and with the advice and consent
3 of the Senate by three-fifths of the elected members
4 concurring by record vote. Any nomination not acted upon by
5 the Senate within 60 session days of the receipt thereof shall
6 be deemed to have received the advice and consent of the
7 Senate. If, during a recess of the Senate, there is a vacancy
8 in an office of Executive Inspector General, the appointing
9 authority shall make a temporary appointment until the next
10 meeting of the Senate when the appointing authority shall make
11 a nomination to fill that office. No person rejected for an
12 office of Executive Inspector General shall, except by the
13 Senate's request, be nominated again for that office at the
14 same session of the Senate or be appointed to that office
15 during a recess of that Senate.

16 Nothing in this Article precludes the appointment by the
17 Governor, Attorney General, Secretary of State, Comptroller,
18 or Treasurer of any other inspector general required or
19 permitted by law. The Governor, Attorney General, Secretary of
20 State, Comptroller, and Treasurer each may appoint an existing
21 inspector general as the Executive Inspector General required
22 by this Article, provided that such an inspector general is
23 not prohibited by law, rule, jurisdiction, qualification, or
24 interest from serving as the Executive Inspector General
25 required by this Article. An appointing authority may not
26 appoint a relative as an Executive Inspector General.

1 Each Executive Inspector General shall have the following
2 qualifications:

3 (1) has not been convicted of any felony under the
4 laws of this State, another State, or the United States;

5 (2) has earned a baccalaureate degree from an
6 institution of higher education; and

7 (3) has 5 or more years of cumulative service (A) with
8 a federal, State, or local law enforcement agency, at
9 least 2 years of which have been in a progressive
10 investigatory capacity; (B) as a federal, State, or local
11 prosecutor; (C) as a senior manager or executive of a
12 federal, State, or local agency; (D) as a member, an
13 officer, or a State or federal judge; or (E) representing
14 any combination of items (A) through (D).

15 The term of each initial Executive Inspector General shall
16 commence upon qualification and shall run through June 30,
17 2008. The initial appointments shall be made within 60 days
18 after the effective date of this Act.

19 After the initial term, each Executive Inspector General
20 shall serve for 5-year terms commencing on July 1 of the year
21 of appointment and running through June 30 of the fifth
22 following year. An Executive Inspector General may be
23 reappointed to one or more subsequent terms.

24 A vacancy occurring other than at the end of a term shall
25 be filled by the appointing authority only for the balance of
26 the term of the Executive Inspector General whose office is

1 vacant.

2 Terms shall run regardless of whether the position is
3 filled.

4 (c) The Executive Inspector General appointed by the
5 Attorney General shall have jurisdiction over the Attorney
6 General and all officers and employees of, and vendors and
7 others doing business with, State agencies within the
8 jurisdiction of the Attorney General. The Executive Inspector
9 General appointed by the Secretary of State shall have
10 jurisdiction over the Secretary of State and all officers and
11 employees of, and vendors and others doing business with,
12 State agencies within the jurisdiction of the Secretary of
13 State. The Executive Inspector General appointed by the
14 Comptroller shall have jurisdiction over the Comptroller and
15 all officers and employees of, and vendors and others doing
16 business with, State agencies within the jurisdiction of the
17 Comptroller. The Executive Inspector General appointed by the
18 Treasurer shall have jurisdiction over the Treasurer and all
19 officers and employees of, and vendors and others doing
20 business with, State agencies within the jurisdiction of the
21 Treasurer. The Executive Inspector General appointed by the
22 Governor shall have jurisdiction over (i) the Governor, (ii)
23 the Lieutenant Governor, (iii) all officers and employees of,
24 and vendors and others doing business with, executive branch
25 State agencies under the jurisdiction of the Executive Ethics
26 Commission and not within the jurisdiction of the Attorney

1 General, the Secretary of State, the Comptroller, or the
2 Treasurer, (iv) all board members and employees of the
3 Regional Transit Board ~~Boards~~ and all vendors and others doing
4 business with the Regional Transit Board ~~Boards~~, and (v) all
5 board members and employees of the Regional Development
6 Authorities and all vendors and others doing business with the
7 Regional Development Authorities.

8 The jurisdiction of each Executive Inspector General is to
9 investigate allegations of fraud, waste, abuse, mismanagement,
10 misconduct, nonfeasance, misfeasance, malfeasance, or
11 violations of this Act or violations of other related laws and
12 rules.

13 Each Executive Inspector General shall have jurisdiction
14 over complainants in violation of subsection (e) of Section
15 20-63 for disclosing a summary report prepared by the
16 respective Executive Inspector General.

17 (d) The compensation for each Executive Inspector General
18 shall be determined by the Executive Ethics Commission and
19 shall be provided from appropriations made to the Comptroller
20 for this purpose. For terms of office beginning on or after
21 July 1, 2023, each Executive Inspector General shall receive,
22 on July 1 of each year, beginning on July 1, 2024, an increase
23 in salary based on a cost of living adjustment as authorized by
24 Senate Joint Resolution 192 of the 86th General Assembly.
25 Subject to Section 20-45 of this Act, each Executive Inspector
26 General has full authority to organize his or her Office of the

1 Executive Inspector General, including the employment and
2 determination of the compensation of staff, such as deputies,
3 assistants, and other employees, as appropriations permit. A
4 separate appropriation shall be made for each Office of
5 Executive Inspector General.

6 (e) No Executive Inspector General or employee of the
7 Office of the Executive Inspector General may, during his or
8 her term of appointment or employment:

9 (1) become a candidate for any elective office;

10 (2) hold any other elected or appointed public office
11 except for appointments on governmental advisory boards or
12 study commissions or as otherwise expressly authorized by
13 law;

14 (3) be actively involved in the affairs of any
15 political party or political organization; or

16 (4) advocate for the appointment of another person to
17 an appointed or elected office or position or actively
18 participate in any campaign for any elective office.

19 In this subsection an appointed public office means a
20 position authorized by law that is filled by an appointing
21 authority as provided by law and does not include employment
22 by hiring in the ordinary course of business.

23 (e-1) No Executive Inspector General or employee of the
24 Office of the Executive Inspector General may, for one year
25 after the termination of his or her appointment or employment:

26 (1) become a candidate for any elective office;

1 (2) hold any elected public office; or

2 (3) hold any appointed State, county, or local
3 judicial office.

4 (e-2) The requirements of item (3) of subsection (e-1) may
5 be waived by the Executive Ethics Commission.

6 (f) An Executive Inspector General may be removed only for
7 cause and may be removed only by the appointing constitutional
8 officer. At the time of the removal, the appointing
9 constitutional officer must report to the Executive Ethics
10 Commission the justification for the removal.

11 (Source: P.A. 102-558, eff. 8-20-21; 102-1115, eff. 1-9-23;
12 103-517, eff. 8-11-23.)

13 (5 ILCS 430/Art. 75 heading)

14 ARTICLE 75. REGIONAL TRANSIT BOARD ~~BOARDS~~

15 AND REGIONAL DEVELOPMENT AUTHORITIES

16 (Source: P.A. 103-517, eff. 8-11-23.)

17 (5 ILCS 430/75-5)

18 Sec. 75-5. Application of the State Officials and
19 Employees Ethics Act to the Regional Transit Board ~~Boards~~ and
20 Regional Development Authorities.

21 (a) The provisions of Articles 1, 5, 10, 20, and 50 of this
22 Act, as well as this Article, apply to the Regional Transit
23 Board ~~Boards~~ and Regional Development Authorities. As used in
24 Articles 1, 5, 10, 20, 50, and 75, (i) "appointee" and

1 "officer" include a person appointed to serve on the board of a
2 Regional Transit Board or a board of a Regional Development
3 Authority, and (ii) "employee" and "State employee" include:
4 (A) a full-time, part-time, or contractual employee of a
5 Regional Transit Board or a Regional Development Authority;
6 and (B) Authority leaders of a Regional Development Authority.
7 As used in this subsection, "Authority leader" has the meaning
8 given to that term in the various Acts and Laws creating the
9 Regional Development Authorities.

10 (b) The Executive Ethics Commission shall have
11 jurisdiction over all board members and employees of the
12 Regional Transit Board ~~Boards~~ and Regional Development
13 Authorities. The Executive Inspector General appointed by the
14 Governor shall have jurisdiction over all board members,
15 employees, vendors, and others doing business with the
16 Regional Transit Board ~~Boards~~ and Regional Development
17 Authorities to investigate allegations of fraud, waste, abuse,
18 mismanagement, misconduct, nonfeasance, misfeasance,
19 malfeasance, or violations of this Act.

20 (Source: P.A. 103-517, eff. 8-11-23.)

21 (5 ILCS 430/75-10)

22 Sec. 75-10. Coordination between Executive Inspector
23 General and Inspectors General appointed by Regional Transit
24 Board ~~Boards~~.

25 (a) Nothing in this amendatory Act of the 96th General

1 Assembly precludes the a Regional Transit Board from
2 appointing or employing an Inspector General to serve under
3 the jurisdiction of the a Regional Transit Board to receive
4 complaints and conduct investigations in accordance with an
5 ordinance or resolution adopted by that respective Board,
6 provided he or she is approved by the Executive Ethics
7 Commission. The A Regional Transit Board shall notify the
8 Executive Ethics Commission within 10 days after employing or
9 appointing a person to serve as Inspector General, and the
10 Executive Ethics Commission shall approve or reject the
11 appointment or employment of the Inspector General. Any
12 notification not acted upon by the Executive Ethics Commission
13 within 60 days after its receipt shall be deemed to have
14 received the approval of the Executive Ethics Commission.
15 ~~Within 30 days after the effective date of this amendatory Act~~
16 ~~of the 96th General Assembly, a Regional Transit Board shall~~
17 ~~notify the Executive Ethics Commission of any person serving~~
18 ~~on the effective date of this amendatory Act as an Inspector~~
19 ~~General for the Regional Transit Board, and the Executive~~
20 ~~Ethics Commission shall approve or reject the appointment or~~
21 ~~employment within 30 days after receipt of the notification,~~
22 ~~provided that any notification not acted upon by the Executive~~
23 ~~Ethics Commission within 30 days shall be deemed to have~~
24 ~~received approval.~~ No person rejected by the Executive Ethics
25 Commission shall serve as an Inspector General for the a
26 Regional Transit Board for a term of 5 years after being

1 rejected by the Commission. For purposes of this subsection
2 (a), any person appointed or employed by a Transit Board to
3 receive complaints and investigate allegations of fraud,
4 waste, abuse, mismanagement, misconduct, nonfeasance,
5 misfeasance, malfeasance, or violations of this Act shall be
6 considered an Inspector General and shall be subject to
7 approval of the Executive Ethics Commission.

8 (b) The Executive Inspector General appointed by the
9 Governor shall have exclusive jurisdiction to investigate
10 complaints or allegations of violations of this Act and, in
11 his or her discretion, may investigate other complaints or
12 allegations. Complaints or allegations of a violation of this
13 Act received by an Inspector General appointed or employed by
14 the ~~a~~ Regional Transit Board shall be immediately referred to
15 the Executive Inspector General. The Executive Inspector
16 General shall have authority to assume responsibility and
17 investigate any complaint or allegation received by an
18 Inspector General appointed or employed by the ~~a~~ Regional
19 Transit Board. In the event the Executive Inspector General
20 provides written notification of intent to assume
21 investigatory responsibility for a complaint, allegation, or
22 ongoing investigation, the Inspector General appointed or
23 employed by the ~~a~~ Regional Transit Board shall cease review of
24 the complaint, allegation, or ongoing investigation and
25 provide all information to the Executive Inspector General.
26 The Executive Inspector General may delegate responsibility

1 for an investigation to the Inspector General appointed or
2 employed by the a Regional Transit Board. In the event the
3 Executive Inspector General provides an Inspector General
4 appointed or employed by the a Regional Transit Board with
5 written notification of intent to delegate investigatory
6 responsibility for a complaint, allegation, or ongoing
7 investigation, the Executive Inspector General shall provide
8 all information to the Inspector General appointed or employed
9 by the a Regional Transit Board.

10 (c) An Inspector General appointed or employed by the a
11 Regional Transit Board shall provide a monthly activity report
12 to the Executive Inspector General indicating:

13 (1) the total number of complaints or allegations
14 received since the date of the last report and a
15 description of each complaint;

16 (2) the number of investigations pending as of the
17 reporting date and the status of each investigation;

18 (3) the number of investigations concluded since the
19 date of the last report and the result of each
20 investigation; and

21 (4) the status of any investigation delegated by the
22 Executive Inspector General.

23 An Inspector General appointed or employed by the a
24 Regional Transit Board and the Executive Inspector General
25 shall cooperate and share resources or information as
26 necessary to implement the provisions of this Article.

1 (d) Reports filed under this Section are exempt from the
2 Freedom of Information Act and shall be deemed confidential.
3 Investigatory files and reports prepared by the Office of the
4 Executive Inspector General and the Office of an Inspector
5 General appointed or employed by the ~~a~~ Regional Transit Board
6 may be disclosed between the Offices as necessary to implement
7 the provisions of this Article.

8 (Source: P.A. 96-1528, eff. 7-1-11.)

9 Section 20.07. The Illinois Act on the Aging is amended by
10 changing Section 4.15 as follows:

11 (20 ILCS 105/4.15)

12 Sec. 4.15. Eligibility determinations.

13 (a) The Department is authorized to make eligibility
14 determinations for benefits administered by other governmental
15 bodies based on the Senior Citizens and Persons with
16 Disabilities Property Tax Relief Act as follows:

17 (i) for the Secretary of State with respect to reduced
18 fees paid by qualified vehicle owners under the Illinois
19 Vehicle Code;

20 (ii) for special districts that offer free fixed-route
21 ~~fixed route~~ public transportation services for qualified
22 older adults under the Local Mass Transit District Act~~7~~
23 ~~the Metropolitan Transit Authority Act~~7~~~~ and the
24 Metropolitan Mobility Regional Transportation Authority

1 Act; and

2 (iii) for special districts that offer transit
3 services for qualified individuals with disabilities under
4 the Local Mass Transit District Act, ~~the Metropolitan~~
5 ~~Transit Authority Act,~~ and the Metropolitan Mobility
6 ~~Regional Transportation~~ Authority Act.

7 (b) The Department shall establish the manner by which
8 claimants shall apply for these benefits. The Department is
9 authorized to promulgate rules regarding the following
10 matters: the application cycle; the application process; the
11 content for an electronic application; required personal
12 identification information; acceptable proof of eligibility as
13 to age, disability status, marital status, residency, and
14 household income limits; household composition; calculating
15 income; use of social security numbers; duration of
16 eligibility determinations; and any other matters necessary
17 for such administrative operations.

18 (c) All information received by the Department from an
19 application or from any investigation to determine eligibility
20 for benefits shall be confidential, except for official
21 purposes.

22 (d) A person may not under any circumstances charge a fee
23 to a claimant for assistance in completing an application form
24 for these benefits.

25 (Source: P.A. 98-887, eff. 8-15-14; 99-143, eff. 7-27-15.)

1 Section 20.08. The Department of Public Health Powers and
2 Duties Law of the Civil Administrative Code of Illinois is
3 amended by changing Section 2310-55.5 as follows:

4 (20 ILCS 2310/2310-55.5)

5 Sec. 2310-55.5. Free and reduced fare services. The
6 Metropolitan Mobility ~~Regional Transportation~~ Authority shall
7 monthly provide the Department with a list of riders that
8 receive free or reduced fares under the Metropolitan Mobility
9 ~~Regional Transportation~~ Authority Act. The list shall include
10 an individual's name, address, and date of birth. The
11 Department shall, within 2 weeks after receipt of the list,
12 report back to the Metropolitan Mobility ~~Regional~~
13 ~~Transportation~~ Authority any discrepancies that indicate that
14 a rider receiving free or reduced fare services is deceased.

15 (Source: P.A. 97-781, eff. 1-1-13.)

16 (20 ILCS 2605/2605-340 rep.)

17 Section 20.09. The Illinois State Police Law of the Civil
18 Administrative Code of Illinois is amended by repealing
19 Section 2605-340.

20 Section 20.10. The Department of Transportation Law of the
21 Civil Administrative Code of Illinois is amended by changing
22 Sections 2705-203, 2705-300, 2705-305, 2705-310, 2705-315, and
23 2705-440 and by adding Sections 2705-204 and 2705-594 as

1 follows:

2 (20 ILCS 2705/2705-203)

3 Sec. 2705-203. Transportation asset management plan and
4 performance-based programming.

5 (a) The General Assembly declares it to be in the public
6 interest that a project prioritization process be developed
7 and implemented to: improve the efficiency and effectiveness
8 of the State's transportation system and transportation
9 safety; enhance movement and multi-modal connections of people
10 and goods; mitigate environmental impacts; and promote
11 inclusive economic growth throughout the State.

12 (b) In accordance with Section 2705-200, the Department of
13 Transportation shall develop and publish a statewide
14 multi-modal transportation improvement program for all
15 transportation facilities under its jurisdiction. The
16 development of the program shall use the following methods:

17 (1) use transportation system information to make
18 investment and policy decisions to achieve statewide and
19 regional performance goals established in the State's
20 long-range transportation plan;

21 (2) ensure transportation investment decisions emerge
22 from an objective and quantifiable technical analysis;

23 (3) evaluate the need and financial support necessary
24 for maintaining, expanding, and modernizing existing
25 transportation infrastructure;

1 (4) ensure that all State transportation funds
2 invested are directed to support progress toward the
3 achievement of performance targets established in the
4 State's long-range transportation plan;

5 (5) make investment decisions transparent and
6 accessible to the public;

7 (6) consider emissions and increase infrastructure
8 resilience to climate change; and

9 (7) reduce disparities in transportation system
10 performance experienced by racially marginalized
11 communities, low-income to moderate-income consumers, and
12 other disadvantaged groups and populations identified
13 under the Environmental Justice Act.

14 (c) The Department shall develop a risk-based, statewide
15 highway system asset management plan in accordance with 23
16 U.S.C. 119 and 23 CFR Part 515 to preserve and improve the
17 condition of highway and bridge assets and enhance the
18 performance of the system while minimizing the life-cycle
19 cost. The asset management plan shall be made publicly
20 available on the Department's website.

21 (d) The Department shall develop a needs-based transit
22 asset management plan for State-supported public
23 transportation assets, including vehicles, facilities,
24 equipment, and other infrastructure in accordance with 49 CFR
25 Part 625. The goal of the transit asset management plan is to
26 preserve and modernize capital transit assets that will

1 enhance the performance of the transit system. Federally
2 required transit asset management plans developed by the
3 Metropolitan Mobility Authority ~~Regional Transportation~~
4 ~~Authority (RTA) or service boards, as defined in Section 1.03~~
5 ~~of the Regional Transportation Authority Act,~~ shall become the
6 transportation asset management plans for all public
7 transportation assets owned and operated by the Authority
8 ~~service boards~~. The Department's transit asset management plan
9 shall be made publicly available on the Department's website.
10 The Metropolitan Mobility Authority ~~RTA~~ shall be responsible
11 for making public transit asset management plans for its
12 service area publicly available.

13 (e) The Department shall develop a performance-based
14 project selection process to prioritize taxpayer investment in
15 State-owned transportation assets that add capacity. The goal
16 of the process is to select projects through an evaluation
17 process. This process shall provide the ability to prioritize
18 projects based on geographic regions. The Department shall
19 solicit input from localities, metropolitan planning
20 organizations, transit authorities, transportation
21 authorities, representatives of labor and private businesses,
22 the public, community-based organizations, and other
23 stakeholders in its development of the prioritization process
24 pursuant to this subsection.

25 The selection process shall include a defined public
26 process by which candidate projects are evaluated and

1 selected. The process shall include both a quantitative
2 analysis of the evaluation factors and qualitative review by
3 the Department. The Department may apply different weights to
4 the performance measures based on regional geography or
5 project type. Projects selected as part of the process will be
6 considered for inclusion in the State's multi-year
7 transportation program and the annual element of the
8 multi-year program. Starting April 1, 2022, no new capacity
9 project shall be included in the multi-year transportation
10 plan or annual element without being evaluated under the
11 selection process described in this Section. Existing projects
12 in the multi-year highway improvement program may be included
13 regardless of the outcome of using the performance-based
14 project selection tool. The policies that guide the
15 performance-based project selection process shall be derived
16 from State and regional long-range transportation plans. The
17 Department shall certify that it is making progress toward the
18 goals included in the State's long-range transportation plan.
19 All plan and program development based on the project
20 selection process described in this subsection shall include
21 consideration of regional balance. The selection process shall
22 be based on an objective and quantifiable analysis that
23 considers, at a minimum, the goals identified in the
24 long-range transportation plan and shall:

- 25 (1) consider emissions and increase infrastructure
26 resilience due to climate change; and

1 (2) reduce disparities in transportation system
2 performance experienced by racially marginalized
3 communities, low-income to moderate-income consumers, and
4 other disadvantaged groups and populations identified
5 under the Environmental Justice Act.

6 (f) The prioritization process developed under subsection
7 (e) may apply only to State jurisdiction projects and not to:

8 (1) projects funded by the Congestion Mitigation and
9 Air Quality Improvement funds apportioned to the State
10 pursuant to 23 U.S.C. 104(b) (4) and State matching funds;

11 (2) projects funded by the Highway Safety Improvement
12 Program funds apportioned to the State pursuant to 23
13 U.S.C. 104(b) (3) and State matching funds;

14 (3) projects funded by the Transportation Alternatives
15 funds set-aside pursuant to 23 U.S.C. 133(h) and State
16 matching funds;

17 (4) projects funded by the National Highway Freight
18 Program pursuant to 23 U.S.C. 167 and State matching
19 funds;

20 (5) funds to be allocated to urban areas based on
21 population under federal law; and

22 (6) any new federal program that requires competitive
23 selection, distribution to local public agencies, or
24 specific eligibility.

25 (g) A summary of the project evaluation process, measures,
26 program, and scores for all candidate projects shall be

1 published on the Department website in a timely manner.

2 (Source: P.A. 102-573, eff. 8-24-21.)

3 (20 ILCS 2705/2705-204 new)

4 Sec. 2705-204. Transportation planning and greenhouse gas
5 reduction.

6 (a) The General Assembly finds that:

7 (1) Article XI of the Illinois Constitution provides
8 that the public policy of the State and the duty of each
9 person is to provide and maintain a healthful environment
10 for the benefit of this and future generations.

11 (2) The transportation sector is now the largest
12 source of greenhouse gas emissions in the State.

13 (3) The State has previously set a goal to have an
14 electric power sector that is free of greenhouse gas
15 emissions by 2045.

16 (4) Greenhouse gas pollution resulting from the
17 production, distribution, and use of motor vehicle fuels
18 produces many social costs, including, but not limited to,
19 adverse public health impacts, increased heat waves,
20 droughts, water supply shortages, flooding, biodiversity
21 loss, and forest health issues, such as forest fires.

22 (5) The Illinois State Climatologist is projecting
23 that, by the end of the 21st Century, average daily
24 temperatures in the State will increase between 4 and 9
25 degrees Fahrenheit under a lower emissions scenario and

1 between 8 and 14 degrees Fahrenheit under a higher
2 emissions scenario.

3 (6) Climate change of such speed and magnitude will
4 result in heat stress on animals, plants, and workers;
5 reduced crop yields from short-term and rapid-onset
6 drought; increased pestilence; and other challenges that
7 will adversely affect the State's agriculture sector.

8 (7) Increases in flooding, heat, and other factors
9 associated with climate change will stress the State's
10 transportation infrastructure, such as bridges and
11 roadways in low-lying areas, and will require more
12 resources to maintain roadways and other transportation
13 infrastructure.

14 (8) State investment in a clean transportation economy
15 in the State can expand equitable access to public health,
16 safety, a cleaner environment, quality jobs, and economic
17 opportunity.

18 (9) It is the public policy of the State to ensure that
19 State residents from communities disproportionately
20 impacted by climate change, communities facing automotive
21 plant closures, economically disadvantaged communities,
22 and individuals experiencing barriers to employment have
23 access to State programs and good jobs and career
24 opportunities in growing sectors of the State economy.

25 (10) To minimize any adverse environmental and health
26 impacts of planned transportation projects and to address

1 inequitable distribution of the burdens of those projects,
2 it is necessary, appropriate, and in the best interests of
3 the State and its citizens to require the Department and
4 MPOs, which are the State's primary transportation
5 planning entities with responsibility for selecting and
6 funding transportation projects, to engage in an enhanced
7 level of planning, modeling, and other analysis, community
8 engagement, and monitoring with respect to those projects
9 as required by this Section.

10 (11) Subsection (a) of Section 15 of the Regional
11 Planning Act provides that the Chicago Metropolitan Agency
12 for Planning, whose Policy Committee is the MPO for
13 Northeastern Illinois, shall be responsible for developing
14 and adopting a funding and implementation strategy for an
15 integrated land use and transportation planning process.

16 (12) Section 48 of the Regional Planning Act provides
17 that the Chicago Metropolitan Agency for Planning shall
18 establish an incentive program to enable local governments
19 and developers to create more affordable workforce housing
20 options near jobs and transit, create jobs near existing
21 affordable workforce housing, create transit-oriented
22 development, integrate transportation and land use
23 planning, provide a range of viable transportation choices
24 in addition to the car, encourage compact and mixed-use
25 development, and support neighborhood revitalization.

26 (13) Paragraph (1) of subsection (a) of Section 5303

1 of Title 49 of the United States Code (49 U.S.C.
2 5303(a)(1)) provides, in relevant part, that it is in the
3 national interest to better connect housing and
4 employment, while minimizing transportation-related fuel
5 consumption and air pollution through metropolitan and
6 statewide transportation planning processes.

7 (14) Subparagraph (A) of paragraph (4) of subsection
8 (k) of Section 5303 of Title 49 of the United States Code
9 (49 U.S.C. 5303(k)(4)(A)) provides that MPOs serving
10 transportation management areas may address the
11 integration of housing, transportation, and economic
12 development strategies through a process that provides for
13 effective integration, based on a cooperatively developed
14 and implemented strategy, of new and existing
15 transportation facilities eligible for funding.

16 (15) Subparagraph (C) of paragraph (4) of subsection
17 (k) of Section 5303 of Title 49 of the United States Code
18 (49 U.S.C. 5303(k)(4)(C)) provides that MPOs serving
19 transportation management areas may develop a housing
20 coordination plan that includes projects and strategies
21 that may be considered in the metropolitan transportation
22 plan of the MPO to develop regional goals for the
23 integration of housing, transportation, and economic
24 development strategies.

25 (16) Land use policies and practices that result in
26 shorter distances between where people reside and jobs and

1 other destinations they seek to access and that facilitate
2 multimodal transportation options for the public are one
3 of the most effective tools to reduce greenhouse gas
4 emissions from the transportation sector and provide more
5 affordable transportation options.

6 (17) Transportation is the second-largest expense
7 category for most households and the cost of owning,
8 operating, and maintaining personal vehicles is a
9 significant burden for many households.

10 (18) Reducing vehicle miles traveled per person
11 through more efficient land use and transportation systems
12 will help the State achieve its greenhouse gas reduction
13 goals and reduce the transportation cost burden on State
14 households.

15 (19) To the maximum extent practicable, actions taken
16 to achieve these goals must avoid causing disproportionate
17 adverse impacts to residents of communities that are or
18 have been disproportionately exposed to pollution
19 affecting human health and environmental quality.

20 (b) As used in this Section:

21 "Applicable planning document" means an MPO's Regional
22 Transportation Plan or the Department's Long-Range State
23 Transportation Plan. "Applicable planning document" includes
24 amendments to such plans that add capacity expansion projects
25 or other projects resulting in a net increase in GHG
26 emissions.

1 "Climate equity accessibility score" means a measurement
2 of the impact of certain transportation projects on (i) GHG
3 emissions, (ii) the accessibility of jobs and other
4 destinations to people residing in the project area, and (iii)
5 the affordability of transportation.

6 "CO₂e" means the number of metric tons of carbon dioxide
7 emissions with the same global warming potential as one metric
8 ton of another greenhouse gas, is calculated using Equation
9 A-1 in 40 CFR 98.2, and allows for the comparison of emissions
10 of various different greenhouse gases with different global
11 warming potentials and the calculation of the relative impact
12 of the emissions on the environment over a standard time
13 period.

14 "Disproportionately impacted community" means the
15 residents within a census block group in which, according to
16 the most recent federal decennial census, more than 40% of the
17 households are low-income households, more than 40% of the
18 households identify as minority households, or more than 40%
19 of the households are housing cost-burdened, as defined by the
20 United States Census Bureau.

21 "Greenhouse gas emissions" or "GHG emissions" means
22 emissions of carbon dioxide, methane, nitrous oxide,
23 hydrofluorocarbons, perfluorocarbons, nitrogen trifluoride,
24 and sulfur hexafluoride.

25 "Greenhouse gas emissions analysis" or "GHG emissions
26 analysis" means the analysis of the GHG emissions calculated

1 as being generated by the projects and programs contained in
2 an applicable planning document.

3 "Greenhouse gas mitigation measure" or "GHG mitigation
4 measure" means a project, program, or policy established by
5 the Environmental Protection Agency by rule under subparagraph
6 (G) of paragraph (3) of subsection (c) that can reasonably be
7 expected to result in a quantifiable reduction in GHG
8 emissions and that would not be undertaken absent the need by
9 the Department or an MPO to reduce GHG emissions to meet their
10 greenhouse gas targets. "Greenhouse gas mitigation measure" or
11 "GHG mitigation measure" does not include a roadway capacity
12 expansion project. "Greenhouse gas mitigation measure" or "GHG
13 mitigation measure" includes:

14 (1) the addition of transit and other mobility
15 resources, including, but not limited to, shared bicycle
16 and scooter service, in a manner that will reduce VMT;

17 (2) improving pedestrian and bicycle access,
18 particularly in areas that allow individuals to reduce
19 multiple daily trips and better access transit;

20 (3) transportation demand management to reduce VMT per
21 capita, including, but not limited to, vanpool and shared
22 vehicle programs, remote work and other forms of virtual
23 access, and use of pricing and other incentives for
24 employees and other travelers to use less greenhouse gas
25 intensive travel modes;

26 (4) improving first-and-final mile access to transit

1 stops and stations to make transit safer and more usable;

2 (5) improving the safety, efficiency, and Americans
3 with Disabilities Act compliance of crosswalks and
4 multiuse paths for pedestrians, bicyclists, and other
5 nonmotorized vehicles;

6 (6) changing parking and land use policies and
7 adjusting urban design requirements to encourage more
8 walking, bicycling, and transit trips per capita and
9 reduce VMT per capita;

10 (7) adoption or expansion of school bus, school
11 carpool, or school active transportation programs;

12 (8) electrifying loading docks to allow transportation
13 refrigeration units and auxiliary power units to be
14 plugged into the electric grid at the loading dock instead
15 of running on fossil fuels;

16 (9) accelerating the adoption of ebikes, neighborhood
17 electric carshare vehicles, and other forms of vehicles
18 that emit less greenhouse gas when manufactured and
19 operated; and

20 (10) other measures established or authorized by the
21 Environmental Protection Agency by rule that reduce GHG
22 emissions.

23 "Greenhouse gas target" or "GHG target" means the maximum
24 amount of greenhouse gas expressed as CO₂e at each of the
25 various specified times established by subsection (c) that the
26 Department and MPOs must attain through their transportation

1 planning and project prioritization and funding processes.

2 "Induced demand" means a concept from economics that as
3 supply increases and incurred costs decline, demand will
4 increase. This phenomenon has been widely observed and studied
5 in transportation systems where highways have been expanded to
6 alleviate road congestion problems, resulting in increases in
7 vehicle miles traveled.

8 "MPO" means a metropolitan planning organization
9 designated by agreement among the units of local government
10 and the Governor, charged with developing transportation plans
11 and programs in a metropolitan planning area under Section 134
12 of Title 23 of the United States Code.

13 "Mitigation action plan" means the plan for implementation
14 of GHG mitigation measures prepared by the Department or an
15 MPO.

16 "Other entities" means the entities referenced in
17 subsection (s).

18 "Roadway capacity expansion project" means a project that
19 would be included in the Department's State Transportation
20 Improvement Program as an MPO or significant project and that
21 (i) adds physical highway traffic capacity or provides for
22 grade separation at an intersection or (ii) uses intelligent
23 transportation system technology to increase the traffic
24 capacity of an existing highway by 10% or more. "Roadway
25 capacity expansion project" does not include a project whose
26 primary purpose is enhancing public transportation bus

1 infrastructure or services. "Roadway capacity expansion
2 project" includes all project types, including those described
3 as maintenance or rehabilitation projects.

4 "Social cost of carbon" means the estimates of the social
5 cost of carbon adopted by the United States Environmental
6 Protection Agency, or such higher figure as adopted by the
7 Environmental Protection Agency, Department, or MPO under
8 subsection (o).

9 "STIP" means a State Transportation Improvement Program.

10 "TIP" means a Transportation Improvement Program.

11 "VMT" means vehicle miles traveled.

12 (c) By January 1, 2026, the Environmental Protection
13 Agency, after consultation with the Department and MPOs, must
14 establish, by rule, a schedule of GHG targets for GHG
15 emissions from the transportation sector in the State that:

16 (1) do not allow GHG emissions in the transportation
17 sector to exceed the greenhouse gas performance targets
18 established by the Environmental Protection Agency for the
19 transportation sector under subsection (p) of Section 9.15
20 of the Environmental Protection Act;

21 (2) specify GHG targets on a 5-year or more frequent
22 compliance year basis; and

23 (3) allocate GHG targets across the transportation
24 sector of the State, which:

25 (A) must provide for an allocation to each MPO for
26 their metropolitan region;

1 (B) must provide for an allocation to the
2 Department for areas outside the boundaries of the
3 State's MPOs;

4 (C) must account for the differences in the
5 feasibility and extent of emissions reductions across
6 forms of land use and across regions of the State;

7 (D) must require that the Department and MPOs
8 factor in the impact of induced demand associated with
9 transportation projects and policies in calculating
10 the GHG emissions generated by their respective
11 transportation systems;

12 (E) must be based on the best available data and
13 modeling tools accessible to the Environmental
14 Protection Agency, such as the SHIFT calculator, after
15 consultation with other State agencies, universities,
16 the federal government, and other appropriate expert
17 sources;

18 (F) must include VMT targets necessary for the
19 Department and MPOs to meet their GHG targets;

20 (G) must set out standards and requirements for
21 acceptable GHG mitigation measures; and

22 (H) may include additional performance targets
23 based on Department district, metropolitan area,
24 geographic region, a per capita calculation,
25 transportation mode, or a combination thereof.

26 (d) When adopting or amending an applicable planning

1 document, the Department and an MPO must conduct a GHG
2 emissions analysis that:

3 (1) includes (i) the existing transportation network,
4 (ii) the anticipated changes to that network as a result
5 of the projects contained in the applicable planning
6 document, and (iii) the projects in their STIP or TIP;

7 (2) estimates total CO₂e emissions in millions of
8 metric tons for each applicable GHG target date
9 established under subsection (c);

10 (3) compares estimated total CO₂e emissions against
11 the GHG targets applicable to the Department or MPO;

12 (4) compares the social cost of carbon for total
13 estimated CO₂e emissions against the social cost of carbon
14 associated with each applicable GHG target;

15 (5) certifies whether the Department or MPO is in
16 compliance with its applicable GHG targets; and

17 (6) is published in full on the websites of the
18 Department or MPO.

19 (e) The Department, with assistance from the Environmental
20 Protection Agency, shall:

21 (1) provide technical assistance to MPOs in fulfilling
22 their responsibilities under this Section, including:

23 (A) assembling and sharing greenhouse gas-related
24 resources and transportation sector best practices in
25 managing GHG emissions;

26 (B) hosting peer reviews and exchanges of

1 technical data, information, assistance, and related
2 activities;

3 (C) making Department staff resources accessible
4 to answer questions and provide in-depth assistance to
5 MPOs on specific issues;

6 (D) providing information about grants and other
7 funding opportunities;

8 (E) conducting evaluations of GHG emissions
9 analyses against national best practices;

10 (F) connecting MPOs to resources in public
11 agencies, universities, and elsewhere; and

12 (H) conducting other similar and related
13 activities to assist MPOs in fulfilling their
14 responsibilities;

15 (2) encourage use of consistent GHG emissions data,
16 assumptions, and methodology by the Department and MPOs;

17 (3) ensure that its planning processes under Sections
18 2705-200, 2705-203, and 2705-205 and its guidance to MPOs
19 under this subsection provide that at least the same level
20 of analytical scrutiny is given to greenhouse gas
21 pollutants as is given to other air pollutants of concern
22 in the State, and include consideration of the impact on
23 GHG emissions of induced demand resulting from roadway
24 capacity expansion projects;

25 (4) update its Metropolitan Planning Organization
26 Cooperative Operations Manual, as necessary;

1 (5) review the GHG emissions analysis used by each MPO
2 to determine if the GHG emissions analysis is inclusive of
3 the complete, actual, and planned transportation network
4 in the applicable planning document and uses reasonable
5 GHG emissions forecasting data, assumptions, modeling, and
6 methodology:

7 (A) if the Department rejects the GHG emissions
8 analysis used by an MPO, the Department shall detail
9 the deficiencies and give the MPO an opportunity to
10 take corrective action;

11 (B) until the MPO takes appropriate corrective
12 action, the Department shall not approve the MPO's
13 applicable planning document, include the projects in
14 the MPO's applicable planning document in the
15 Department's STIP, or make a finding or otherwise
16 represent to the federal government or other
17 governmental agencies that the MPO is in compliance
18 with its legal obligations;

19 (C) if, after given an opportunity for corrective
20 action, an MPO does not submit an acceptable GHG
21 emissions analysis, the Department may substitute its
22 own GHG emissions analysis for planning and
23 programming purposes until the MPO produces an
24 acceptable GHG emissions analysis; and

25 (D) the Department shall establish an appropriate
26 process, including deadlines for timely completion of

1 its review of MPO GHG emissions analyses and for
2 corrective action by MPOs where such is necessary;

3 (6) upon request of an MPO, provide the MPO with a GHG
4 emissions analysis that the MPO can use for purposes of
5 this Section in lieu of the MPO conducting its own GHG
6 emissions analysis; and

7 (7) adopt rules applicable to itself, MPOs, and
8 recipients of Department funding so the State can achieve
9 the transportation sector greenhouse gas emissions
10 reduction goals and targets set forth in subsections (c)
11 and (p) of Section 9.15 of the Environmental Protection
12 Act and administer the various processes and requirements
13 set forth in this Section.

14 (f) The Department and each MPO must use a GHG emissions
15 analysis to determine if their applicable planning document
16 will result in the Department or MPO meeting its GHG targets.
17 If a GHG emissions analysis determines that the Department or
18 MPO is more likely than not to fail to meet one or more of its
19 GHG targets, then the Department or MPO shall identify GHG
20 mitigation measures that are needed for the Department or MPO
21 to meet its GHG targets as follows:

22 (1) The Department or MPO shall submit a mitigation
23 action plan that identifies GHG mitigation measures needed
24 to meet the GHG targets and that includes:

25 (A) the anticipated start and completion date of
26 each GHG mitigation measure;

1 (B) an estimate of the annual CO₂e emissions
2 reductions achieved per year by the GHG mitigation
3 measure;

4 (C) an estimate of the impact of the GHG
5 mitigation measure on VMT;

6 (D) quantification of the specific co-benefits
7 from each GHG mitigation measure, including reduction
8 of copollutants, such as PM_{2.5} and NO_x, as well as
9 travel impacts, such as changes to VMT, pedestrian or
10 bike use, and transit ridership;

11 (E) a description of any benefits to
12 disproportionately impacted communities from the GHG
13 mitigation measure, including an estimate of the total
14 amount spent on GHG mitigation measures in or designed
15 to serve disproportionately impacted communities; and

16 (F) a status report submitted annually and
17 published on its website for each GHG mitigation
18 measure that contains the following information
19 concerning each GHG mitigation measure:

20 (i) availability and timing of funding;

21 (ii) implementation timeline;

22 (iii) current status;

23 (iv) for GHG mitigation measures that are in
24 progress or completed, quantification of the
25 greenhouse gas impact of such GHG mitigation
26 measures and any co-benefits or detriments; and

1 (v) for GHG mitigation measures that are
2 delayed, canceled, or substituted, an explanation
3 of why that decision was made and how these GHG
4 mitigation measures or the equivalent will be
5 achieved.

6 (2) GHG mitigation measures are sufficient if the
7 total GHG emissions reduction from the GHG mitigation
8 measures, after accounting for the GHG emissions otherwise
9 resulting from existing and planned projects in the
10 applicable planning document, results in the Department or
11 MPO meeting its GHG targets. Each comparison of GHG
12 emissions reductions and GHG targets under this subsection
13 must be performed over equal comparison periods.

14 (3) In the annual GHG mitigation measures status
15 report under subparagraph (F) of paragraph (1), the
16 Department or MPO shall certify whether its GHG mitigation
17 measures will be sufficient for the Department or MPO to
18 meet its GHG targets.

19 (g) If an applicable planning document does not meet the
20 GHG targets for each compliance year even after consideration
21 of any GHG mitigation measures, the Department may deem the
22 applicable planning document in compliance with this Section
23 and approved only if the noncompliant Department or MPO
24 allocates funding to advance the achievement of the applicable
25 GHG targets as follows:

26 (1) in non-MPO areas, the Department (i) shall not

1 advance a roadway capacity expansion project from its
2 applicable planning document to a STIP or TIP, (ii) shall
3 not otherwise add a roadway capacity expansion project to
4 a STIP or TIP, (iii) shall reprogram funds allocated or
5 anticipated to be expended on roadway capacity expansion
6 projects awaiting inclusion in a STIP or TIP project to
7 GHG mitigation measures that reduce GHG emissions
8 sufficiently to achieve the GHG targets for each
9 compliance year, and (iv) shall amend its applicable
10 planning documents to reflect these changes;

11 (2) in MPO areas that are not in receipt of federal
12 suballocations under the Congestion Mitigation and Air
13 Quality Improvement Program or Surface Transportation
14 Board programs, the Department and MPO (i) shall not
15 advance a roadway capacity expansion project from its
16 applicable planning document to a STIP or TIP, (ii) shall
17 not otherwise add a roadway capacity expansion project to
18 a STIP or TIP, (iii) shall reprogram funds allocated or
19 anticipated to be expended on roadway capacity expansion
20 projects awaiting inclusion in a STIP or TIP project to
21 GHG mitigation measures that reduce GHG emissions
22 sufficiently to achieve the GHG targets for each
23 compliance year, and (iv) shall amend its applicable
24 planning documents to reflect these changes;

25 (3) in MPO areas that are in receipt of federal
26 suballocations under the Congestion Mitigation and Air

1 Quality Improve Program or Surface Transportation Board
2 programs, the Department and MPO (i) shall not advance a
3 roadway capacity expansion project from its applicable
4 planning document to a STIP or TIP, (ii) shall not
5 otherwise add a roadway capacity expansion project to a
6 STIP or TIP, (iii) shall reprogram funds allocated or
7 anticipated to be expended on roadway capacity expansion
8 projects awaiting inclusion in a STIP or TIP project to
9 GHG mitigation measures that reduce GHG emissions
10 sufficiently to achieve the GHG targets for each
11 compliance year, and (iv) shall amend its applicable
12 planning documents to reflect these changes; and

13 (4) the Department and MPOs shall administer
14 paragraphs (1) through (3) as a limitation on their
15 authority to advance roadway capacity expansion projects
16 or other projects that will materially increase GHG
17 emissions under paragraph (5) of subsection (k) of Section
18 5303 of Title 49 of the United States Code (49 U.S.C.
19 5303(k)(5)).

20 (h) Before including a roadway capacity expansion project
21 in an applicable planning document, the Department or MPO must
22 perform a GHG emissions analysis of the roadway capacity
23 expansion project. Following the GHG emissions analysis, the
24 Department or MPO must determine if, after consideration of
25 all relevant factors, including VMT and social cost of carbon
26 increases in the transportation network resulting from induced

1 demand, the project conforms with (i) the applicable GHG
2 targets and (ii) VMT targets established under subsection (c).

3 (1) If the Department or MPO determines that the
4 roadway capacity expansion project is not in conformance
5 with items (i) and (ii), the Department or MPO must:

6 (A) alter the scope or design of the roadway
7 capacity expansion project and perform a GHG emissions
8 analysis that shows that the roadway capacity
9 expansion project meets the requirements of items (i)
10 and (ii);

11 (B) incorporate sufficient GHG mitigation measures
12 to bring the Department or MPO into compliance with
13 its GHG targets, however, in order to be effective,
14 such GHG mitigation measures must be implemented no
15 later than contemporaneously with the implementation
16 of the roadway expansion project or, if not
17 implemented contemporaneously, a GHG mitigation
18 measure must provide a valid GHG emissions reduction
19 after the date it is implemented; or

20 (C) halt development of the roadway capacity
21 expansion project and remove the roadway capacity
22 expansion project from all applicable planning
23 documents.

24 (2) The Department and MPOs must establish a process
25 for performing roadway capacity expansion project GHG
26 emissions analysis. A GHG emissions analysis for a roadway

1 capacity expansion project must include, but shall not be
2 limited to, estimates resulting from the project for the
3 following:

4 (A) GHG emissions over a period of 20 years or the
5 last GHG target year, whichever is later;

6 (B) a net change in VMT and social cost of carbon
7 for the transportation network after factoring in the
8 effects of induced demand; and

9 (C) consideration of additional VMT in the
10 transportation network from additional capacity
11 resulting from roadway traffic capacity expansion,
12 intelligent transportation systems, or both.

13 (3) The Department or MPO must connect any GHG
14 mitigation measures associated with the roadway capacity
15 expansion project as follows:

16 (A) within or associated with at least one of the
17 communities impacted by the roadway capacity expansion
18 project;

19 (B) if there is not a reasonably feasible location
20 under subparagraph (A), in areas of persistent poverty
21 or historically disadvantaged communities, as measured
22 and defined by federal law, guidance and notices of
23 funding opportunity;

24 (C) if there is not a reasonably feasible location
25 under subparagraphs (A) and (B), in the region of the
26 roadway capacity expansion project; and

1 (D) if there is not a reasonably feasible location
2 under subparagraphs (A) through (C), on a statewide
3 basis.

4 (4) The Department or MPO must develop and use a
5 process for community consultation consistent with the
6 requirements of subsection (m) in the development of GHG
7 mitigation measures that the Department or MPO uses to
8 achieve compliance with its GHG targets.

9 (5) The Department or MPO must publish an explanation
10 regarding the feasibility and rationale for each GHG
11 mitigation measure under subparagraphs (B) through (D) of
12 paragraph (3).

13 (6) GHG mitigation measures connected to a roadway
14 expansion project are sufficient if the total greenhouse
15 gas reduction from the GHG mitigation measures is at least
16 equal to the total GHG emissions resulting from the
17 roadway capacity expansion project and consistent with the
18 Department or MPO meeting its GHG targets.

19 (A) Each comparison under this paragraph must be
20 performed over equal comparison periods.

21 (B) To avoid double counting, once a GHG
22 mitigation measure is connected to a roadway capacity
23 expansion project, that GHG mitigation measure shall
24 not be used to offset greenhouse gases associated with
25 other roadway capacity expansion projects or other
26 projects included in an applicable planning document.

1 (7) The Department and MPOs must publish information
2 regarding roadway capacity expansion project GHG emissions
3 analyses on their websites. The information must include:

4 (A) an identification of each roadway capacity
5 expansion project; and

6 (B) for each roadway capacity expansion project, a
7 summary that includes an overview of and link to the
8 roadway capacity expansion project GHG emissions
9 analysis, the greenhouse gas impact determination by
10 the Department or MPO, the social cost of carbon added
11 by the roadway capacity expansion project, and project
12 disposition, including a review of any GHG mitigation
13 measures.

14 (i) The Department and MPOs may use a GHG mitigation
15 measure as an offset against GHG emissions only after the date
16 the GHG mitigation measure has been implemented.

17 (j) By January 1, 2028, and every 3 years thereafter, the
18 Department shall prepare a comprehensive, publicly released
19 report on statewide transportation greenhouse gas reduction
20 accomplishments and challenges and make recommendations for
21 any legislative action or State agency rulemaking that would
22 assist the Department and MPOs in meeting their GHG targets.
23 The report, at a minimum, shall include:

24 (1) a description of whether the Department and MPOs
25 are on track to meet their GHG targets and VMT targets;

26 (2) an assessment of State and local laws,

1 regulations, rules, and practices and recommendations for
2 modifications that would help ensure that the Department
3 and MPOs meet their GHG targets and VMT targets;

4 (3) a description of the benefits from reductions in
5 GHG emissions and copollutants in the transportation
6 sector, diversification of energy sources used for
7 transportation, and substitution of other motorized and
8 nonmotorized modes of travel for VMT currently being
9 handled by vehicles powered by internal combustion
10 engines, and other economic, environmental, and public
11 health benefits;

12 (4) a description of the compliance costs borne by the
13 Department and MPOs in meeting their GHG targets and VMT
14 targets;

15 (5) a description of the social cost of carbon
16 associated with the transportation systems for which the
17 Department and each MPO is responsible and the social cost
18 of carbon reductions that result from GHG mitigation
19 measures and other steps being taken by the Department and
20 each MPO to reduce GHG emissions;

21 (6) a description of whether measures taken by the
22 Department and MPOs to meet GHG targets are equitable,
23 minimize costs, and maximize the total benefits to the
24 State and its citizens; and

25 (7) a description of whether activities undertaken to
26 meet GHG targets by the Department and MPOs have unduly

1 burdened disproportionately impacted communities.

2 (k) Before including any project that has an anticipated
3 cost of \$30,000,000 or more (i) in an applicable planning
4 document or (ii) as a GHG mitigation measure, the Department
5 or MPO shall calculate a climate equity accessibility score
6 for the project. The climate equity accessibility score shall
7 be based on a GHG emissions analysis of the project and a
8 measurement of (i) the current levels of access to jobs,
9 hospitals, schools, and food by available modes of
10 transportation and (ii) the current level of affordability of
11 transportation in the project area. The Department and MPO
12 shall then calculate a climate equity accessibility score
13 based on the projected change in GHG emissions, accessibility,
14 and affordability from the proposed project. Projects that
15 result in relatively high reductions of GHG emissions while
16 increasing access to jobs and other destinations and providing
17 more affordable transportation options will receive a higher
18 climate equity accessibility score than projects that fail to
19 deliver such benefits. To advance the goals of this Section
20 and optimize the use of public funds, the Department and MPOs
21 shall give priority to projects with high climate equity
22 accessibility scores, considering which project delivers the
23 most climate equity accessibility score benefit per dollar
24 invested. The Department, with the assistance of the
25 Environmental Protection Agency, shall provide technical
26 assistance to MPOs in fulfilling their responsibilities under

1 this subsection.

2 (1) To the full extent allowed by paragraph (4) of
3 subsection (k) of Section 5303 of Title 49 of the United States
4 Code and other applicable laws, and to extend the existing
5 authority under State law vested in the Chicago Metropolitan
6 Agency for Planning to MPOs throughout the State, MPOs, with
7 the full support of the Department, shall conduct housing
8 coordination planning to help the Department and MPOs meet
9 their GHG targets.

10 (1) MPOs shall develop housing coordination plans
11 consistent with subparagraph (C) of paragraph (4) of
12 subsection (k) of Section 5303 of Title 49 of the United
13 States Code (49 U.S.C. 5303(k)(4)(C)) to better integrate
14 housing, transportation, and economic development
15 strategies and to, among other things:

16 (A) better connect housing and employment while
17 mitigating commuting times;

18 (B) align transportation improvements with housing
19 needs, such as housing supply shortages, and proposed
20 housing development;

21 (C) align planning for housing and transportation
22 to address needs in relationship to household incomes
23 within the metropolitan planning area;

24 (D) expand housing and economic development within
25 the catchment areas of existing transportation
26 facilities and public transportation services when

1 appropriate, including higher-density development, as
2 locally determined;

3 (E) manage effects of VMT growth in the
4 metropolitan planning area related to housing
5 development and economic development; and

6 (F) increase the share of households with
7 sufficient and affordable access to the transportation
8 networks of the metropolitan planning area.

9 (2) MPOs shall identify the location of existing and
10 planned housing and employment and transportation options
11 that connect housing and employment.

12 (3) MPOs shall include a comparison of State,
13 regional, and local transportation plans in the region to
14 land use management plans, including zoning plans, that
15 may affect road use, public transportation ridership, and
16 housing development.

17 (4) In their housing coordination planning, MPOs shall
18 focus on the effect that land use policies and practices,
19 such as minimum parking requirements and exclusionary
20 zoning requirements, contribute to increases in VMT and
21 GHG emissions and consider how such policies affect
22 housing and transportation affordability.

23 (5) MPOs shall outline recommendations for land use
24 policies and best practices that have the effect of
25 increasing the affordability of housing and transportation
26 and reducing GHG emissions.

1 (6) The Department shall assist MPOs in their housing
2 coordination planning and make best efforts to align the
3 Department's planning and project programming with MPO
4 efforts to encourage land use policies and best practices
5 that have the effect of increasing the affordability of
6 housing and transportation, improving accessibility to
7 destinations, and reducing GHG emissions.

8 (7) The Department shall not advance to the STIP a
9 project in a metropolitan planning area that the MPO has
10 determined would conflict with its housing coordination
11 plan prepared under paragraph (1) or would have the effect
12 of decreasing the affordability of transportation or the
13 accessibility of destinations or of increasing GHG
14 emissions.

15 (8) In furtherance of Section 48 of the Regional
16 Planning Act, the Department and MPOs shall adopt
17 performance-based methods for allocating discretionary
18 funds that reward jurisdictions that have adopted land use
19 policies and practices associated with increasing the
20 affordability of housing and transportation, improving
21 accessibility to destinations, and reducing GHG emissions.

22 (A) The Department and MPOs may build on the
23 climate equity accessibility scoring tool developed
24 under subsection (k) or develop a separate tool for
25 identifying jurisdictions that have adopted land use
26 policies and practices associated with increasing the

1 affordability of housing and transportation, improving
2 accessibility to destinations, and reducing GHG
3 emissions.

4 (B) The Department and MPOs shall publicly
5 describe the methodology they use in allocating
6 discretionary funding under this paragraph.

7 (C) When allocating discretionary funding, the
8 Department and MPOs shall give at least equal weight
9 to land use policies and practices that facilitate
10 reductions in GHG emissions that they give to existing
11 factors, such as congestion relief, safety, and
12 traffic operations.

13 (D) The Department and MPOs shall consider land
14 use policies and practices as provided in this
15 subsection when allocating discretionary funding from
16 every source.

17 (9) When evaluating all projects for possible
18 inclusion in applicable planning documents or in a STIP or
19 TIP, the Department and MPOs shall adopt performance-based
20 project selection methods that give priority to projects
21 located in jurisdictions that have adopted land use
22 policies and practices associated with increasing the
23 affordability of housing and transportation, improving
24 accessibility to destinations, and reducing GHG emissions.

25 (10) This subsection shall not diminish or restrict
26 the existing authority of jurisdictions over their land

1 use policies and practices.

2 (m) The Department and MPOs shall provide early and
3 continuous opportunities for public participation in the
4 transportation planning process. The process shall be
5 proactive and provide timely information, adequate public
6 notice, reasonable public access, and opportunities for public
7 review and comment at key decision points in the process. The
8 objectives of public participation in the transportation
9 planning process include providing a mechanism for public
10 perspectives, needs, and ideas to be considered in the
11 planning process; developing the public's understanding of the
12 problems and opportunities facing the transportation system;
13 demonstrating explicit consideration and response to public
14 input through a variety of tools and techniques; and
15 developing a consensus on plans. The Department shall develop
16 a documented public participation process under 23 CFR 450.

17 (1) Under 23 CFR 450, Subpart B, the Department is
18 responsible, in cooperation with the MPOs, for carrying
19 out public participation for developing, amending, and
20 updating the Long-Range State Transportation Plan, the
21 STIP, and other statewide transportation planning
22 activities.

23 (2) Under 23 CFR 450, Subpart C, the MPOs, in
24 cooperation with the Department, are responsible for
25 carrying out public participation for the development of
26 Regional Transportation Plans, TIPs, and other regional

1 transportation planning activities for their respective
2 metropolitan planning areas.

3 (3) Public participation activities at both the MPO
4 and Department levels shall include, at a minimum:

5 (A) establishing and maintaining for the
6 geographic area of responsibility a list of all known
7 parties interested in transportation planning,
8 including, but not limited to: elected officials;
9 municipal and county planning staffs; affected public
10 agencies; local, State, and federal agencies eligible
11 for federal and State transportation funds; local
12 representatives of public transportation agency
13 employees and users; freight shippers and providers of
14 freight transportation services; public and private
15 transportation providers; representatives of users of
16 transit, bicycling, pedestrian, aviation, and train
17 facilities; private industry; environmental and other
18 interest groups; representatives of persons or groups
19 that may be underserved by existing transportation
20 systems, such as minority persons, low-income seniors,
21 persons with disabilities, and persons with limited
22 English proficiency; and members of the general public
23 expressing interest in the transportation planning
24 process;

25 (B) providing reasonable notice, which for notice
26 to a disproportionately impacted community requires

1 the notice to be translated into the primary language
2 spoken in the disproportionately impacted community,
3 and opportunity to comment through mailing lists and
4 other communication methods on upcoming transportation
5 planning-related activities and meetings;

6 (C) using reasonably available Internet or
7 traditional media opportunities, including minority
8 media and diverse media, to provide timely notices of
9 planning-related activities and meetings to members of
10 the public, including limited English proficiency
11 individuals and others who may require reasonable
12 accommodations. Methods that shall be used to the
13 maximum extent practicable for public participation
14 may include, but shall not be limited to, use of the
15 Internet, social media, news media, such as
16 newspapers, radio, or television, mailings to
17 disproportionately impacted communities by existing
18 transportation systems, including, but not limited to,
19 seniors and persons with disabilities, and notices,
20 including electronic mail and online newsletters;

21 (D) seeking out persons and groups, including
22 minority groups and those with disabilities,
23 low-income, and limited English proficiency, for the
24 purposes of exchanging information, increasing their
25 involvement, and considering their transportation
26 needs in the transportation planning process;

1 (E) consulting, as appropriate, with federal,
2 State, local, and tribal agencies responsible for land
3 use management, natural resources, environmental
4 protection, conservation, cultural resources, and
5 historic preservation concerning the development of
6 long-range transportation plans;

7 (F) providing reasonable public access to, and
8 appropriate opportunities for public review and
9 comment on, criteria, standards, and other
10 planning-related information. Reasonable public access
11 includes, but is not limited to, limited English
12 proficiency services and access to ADA-compliant
13 facilities, as well as to the Internet;

14 (G) where feasible, scheduling the development of
15 regional and statewide plans so that the release of
16 the draft plans may be coordinated to provide for the
17 opportunity for joint public outreach;

18 (H) responses, in writing, from the Department and
19 MPOs to all significant issues raised during the
20 review and comment period on transportation plans,
21 making the responses available to the public; and

22 (I) collaborating periodically with all interested
23 parties and the Department and MPOs to review the
24 effectiveness of the Department's and MPOs' public
25 involvement practices to ensure that they provide full
26 and open access to all members of the public. When

1 necessary, the Department or MPO shall revise their
2 public participation practices in the transportation
3 planning process and allow time for public review and
4 comment per 23 CFR 450.

5 (n) Beginning on January 1, 2025, each applicable planning
6 document from the Department or MPO must include a
7 consolidated and comprehensive list of all project types to be
8 funded using any federal, State, or local funding source,
9 including bicycle, pedestrian, bus, rail, and roadway
10 projects, and shall include a summary of planned expenditures
11 by project type.

12 (o) Beginning September 30, 2025, the Department and MPOs
13 shall establish a social cost of carbon and use the social cost
14 of carbon in their applicable planning documents and other
15 planning activities.

16 (1) The social cost of carbon shall serve as a
17 monetary estimate of the value of not emitting a ton of GHG
18 emissions.

19 (2) In developing the social cost of carbon applicable
20 to the projects and programs in their applicable planning
21 documents and for other planning and project programming
22 activities, the Department and MPOs shall consider the
23 social cost of carbon established by the Environmental
24 Protection Agency under subsection (q) of Section 9.15 of
25 the Environmental Protection Act and may consider prior or
26 existing estimates of the social cost of carbon issued or

1 adopted by the federal government, appropriate
2 international bodies, or other appropriate and reputable
3 scientific organizations.

4 (3) The Department may adopt the social cost of carbon
5 established by the Environmental Protection Agency under
6 subsection (g) of Section 9.15 of the Environmental
7 Protection Act or establish its own social cost of carbon
8 through the process set forth in paragraphs (1) and (2),
9 but the Department shall not adopt a social cost of carbon
10 that is lower than that established by the Environmental
11 Protection Agency.

12 (4) MPOs may adopt the social cost of carbon
13 established by the Environmental Protection Agency under
14 subsection (g) of Section 9.15 of the Environmental
15 Protection Act or by the Department under paragraph (3) or
16 establish their own social cost of carbon through the
17 process set forth in paragraphs (1) and (2), but an MPO
18 shall not adopt a social cost of carbon that is lower than
19 that established by the Environmental Protection Agency or
20 the Department.

21 (5) The Department shall incorporate the social cost
22 of carbon into its assessment of projects for possible
23 inclusion in its applicable planning document or for
24 inclusion in a STIP or TIP, giving priority to projects
25 that have a relatively low social cost of carbon:

26 (A) The Department shall not include any project

1 over \$30,000,000 in an applicable planning document or
2 a STIP or TIP unless it has calculated the social cost
3 of carbon resulting from the project over the useful
4 life of the project.

5 (B) Such calculations shall result in an estimate
6 of the social cost of carbon under a no-build scenario
7 and an estimate of the social cost of carbon if the
8 project is built, factoring in the effects of induced
9 demand and other appropriate factors.

10 (C) The estimate of the social cost of carbon must
11 include total additional GHG emissions attributable to
12 the proposed project and shall not be limited to GHG
13 emissions from within the physical boundaries of the
14 project.

15 (D) The Department shall publish in applicable
16 planning documents and STIPs the no-build and build
17 estimates of the social cost of carbon for each
18 project for which an estimate of the social cost of
19 carbon has been prepared.

20 (E) For purposes of its planning processes under
21 Sections 2705-200, 2705-203, and 2705-205, and after
22 factoring in the effects of induced demand on VMT
23 attributable to a proposed project, the Department
24 shall offset the social cost of carbon and the social
25 cost of crashes attributable to a project against its
26 projections of the value of the time savings from any

1 reduction in congestion attributable to the project
2 and shall publish its calculations and results.

3 (F) The Department may rely upon estimates of the
4 social cost of carbon prepared by MPOs for projects
5 included in a STIP that are located inside the MPO's
6 boundaries only if the Department finds that those
7 estimates of the social cost of carbon are based on
8 reasonable assumptions and methodology.

9 (6) Each MPO shall incorporate the social cost of
10 carbon into its assessment of projects for possible
11 inclusion in its applicable planning document or for
12 inclusion in a TIP, giving priority to projects that have
13 a relatively low social cost of carbon:

14 (A) An MPO shall not include any project over
15 \$30,000,000 in a TIP unless it has calculated the
16 social cost of carbon resulting from the project over
17 the useful life of the project.

18 (B) Such calculations shall result in an estimate
19 of the social cost of carbon under a no-build scenario
20 and an estimate of the social cost of carbon if the
21 project is built, factoring in the effects of induced
22 demand and other appropriate factors.

23 (C) The estimate of the social cost of carbon must
24 include total additional GHG emissions attributable to
25 the proposed project and shall not be limited to GHG
26 emissions from within the physical boundaries of the

1 project.

2 (D) Each MPO shall publish in its applicable
3 planning documents and TIPs the no-build and build
4 estimates of the social cost of carbon for each
5 project for which an estimate of the social cost of
6 carbon has been prepared.

7 (E) For purposes of its planning processes, and
8 after factoring in the effects of induced demand on
9 VMT attributable to a proposed project, an MPO shall
10 offset the social cost of carbon and the social cost of
11 crashes attributable to a project from its projection
12 of the value of the time savings from any reduction in
13 congestion attributable to the project and shall
14 publish its calculations and results.

15 (F) An MPO may rely upon the estimate of the social
16 cost of carbon prepared by the Department for projects
17 included in a TIP only if the MPO finds that the
18 Department's estimates of the social cost of carbon
19 are based on reasonable assumptions and methodologies.

20 (p) By no later than January 1, 2025, the Department shall
21 convene a Greenhouse Gas in Transportation Working Group.

22 (1) The Working Group shall assist the Department and
23 MPOs with:

24 (A) planning and implementing the requirements of
25 this Section;

26 (B) identifying opportunities to reduce GHG

1 emissions in the transportation sector;

2 (C) identifying promising GHG mitigation measures;

3 (D) preparing the Department's triennial report on
4 statewide transportation sector greenhouse gas
5 reduction accomplishments and challenges and make
6 recommendations for any legislative or regulatory
7 action that would assist the Department and MPOs in
8 meeting their GHG targets; and

9 (E) connecting the Department and MPOs with local,
10 regional, and national experts and best practices
11 relating to planning and programming transportation
12 projects to, among other things, reduce GHG emissions
13 from the transportation sector.

14 (2) The membership of the Working Group shall include
15 the following:

16 (A) the Secretary of Transportation or the
17 Secretary's designee;

18 (B) the Director of the Environmental Protection
19 Agency or the Director's designee;

20 (C) the Chair of the Chicago Metropolitan Agency
21 for Planning or the Chair's designee;

22 (D) the chair of another MPO or the chair's
23 designee, appointed by the Governor;

24 (E) a university representative with expertise in
25 GHG emissions in the transportation sector, appointed
26 by the Governor;

1 (F) a representative from an environmental justice
2 organization, appointed by the Governor;

3 (G) a representative from an active transportation
4 organization, appointed by the Governor;

5 (H) a representative from a transportation
6 planning organization, appointed by the Governor;

7 (I) a representative from a land use planning
8 organization, appointed by the Governor;

9 (J) a representative from the freight industry,
10 appointed by the Governor;

11 (K) a representative from a public transportation
12 agency, appointed by the Governor;

13 (L) a representative from a labor organization,
14 appointed by the Governor;

15 (M) a representative from a road building
16 contractor, appointed by the Governor;

17 (N) a representative from a chamber of commerce,
18 appointed by the Governor;

19 (P) a representative from the engineering sector,
20 appointed by the Governor; and

21 (Q) such other representatives, appointed by the
22 Governor, that will ensure that the Working Group will
23 provide the Department and MPOs with a sufficient
24 range and depth of expertise in GHG emissions
25 reduction in the transportation sector to assist the
26 Department and MPOs in carrying out their

1 responsibilities under this Section.

2 (3) The members of the Working Group must select a
3 Chair from its membership.

4 (4) Members of the Working Group shall serve without
5 compensation other than reimbursement for travel and other
6 expenses incurred in the performance of their duties.

7 (5) The Department shall provide sufficient staff
8 support and other resources for the Working Group to
9 perform its duties effectively, including a website
10 accessible to the public that contains an up-to-date
11 record of the activities, research, reports,
12 recommendations, and other materials assembled by the
13 Working Group.

14 (6) The Working Group shall first meet within 90 days
15 of the effective date of this amendatory Act of the 103rd
16 General Assembly. The Working Group shall hold public
17 meetings no less than quarterly, shall actively seek
18 public input, shall publish annual reports, and by June
19 30, 2027, shall publish a report with recommendations for
20 how the Department and MPOs can most effectively reduce
21 GHG emissions from the transportation sector.

22 (7) The Department shall consider and incorporate
23 recommendations from the Working Group in its triennial
24 reports under subsection (j), and both the Department and
25 MPOs shall consider and incorporate such recommendations
26 in their preparation of their applicable planning

1 documents.

2 (8) The Working Group shall operate through January
3 30, 2028, or 30 days after the Department's filing of its
4 first triennial report, whichever is later. The Working
5 Group shall continue in operation after that date to
6 further assist the Department and MPOs in fulfilling their
7 responsibilities under this Section unless abolished by
8 the Governor after receipt of abolition recommendations
9 from both the Environmental Protection Agency and the
10 Department.

11 (q) Except as otherwise provided, the requirements of this
12 Section shall commence with projects included in applicable
13 planning documents filed on or after January 1, 2027.

14 (r) The requirements of this Section are in addition to
15 and shall, to the extent practicable, be executed concurrently
16 with other requirements for transportation planning, project
17 prioritization, public outreach, project implementation, or
18 transparency and accountability established by law, rule, or
19 policy.

20 (s) The requirements of this Section shall extend to the
21 Illinois State Toll Highway Authority and any other builder or
22 operator of a public highway under a public-private
23 partnership agreement or other means authorized by State law.

24 (1) The requirements of this Section that apply to the
25 other entities include, but are not limited to, the
26 following:

1 (A) the Environmental Protection Agency shall
2 assign GHG targets to other entities under subsection
3 (c);

4 (B) other entities shall conduct GHG emissions
5 analysis and be subject to the other requirements set
6 forth in subsections (d), (e), (f), (g), and (h) with
7 respect to their applicable planning documents;

8 (C) other entities shall conduct climate equity
9 accessibility scoring as set forth in subsection (k);

10 (D) other entities shall follow the public
11 participation requirements set forth in subsection
12 (j); and

13 (E) other entities shall use the social cost of
14 carbon in their planning and project programming
15 processes as set forth in subsection (o).

16 (2) Other entities may request assistance in complying
17 with the requirements of this Section from the Department
18 under subsection (e) and from the Greenhouse Gas in
19 Transportation Working Group under subsection (p).

20 (3) With respect to other entities, "applicable
21 planning document" means the other entity's capital plan
22 or other document in which the other entity identifies
23 projects that it anticipates advancing for construction.

24 (4) The Department may adopt rules necessary to extend
25 the requirements of this Section to the other entities.

1 (20 ILCS 2705/2705-300) (was 20 ILCS 2705/49.18)

2 Sec. 2705-300. Powers concerning mass transportation. The
3 Department has the power to do the following:

4 (1) Advise and assist the Governor and the General
5 Assembly in formulating (i) a mass transportation policy
6 for the State, (ii) proposals designed to help meet and
7 resolve special problems of mass transportation within the
8 State, and (iii) programs of assistance for the
9 comprehensive planning, development, and administration of
10 mass transportation facilities and services.

11 (2) Appear and participate in proceedings before any
12 federal, State, or local regulatory agency involving or
13 affecting mass transportation in the State.

14 (3) Study mass transportation problems and provide
15 technical assistance to units of local government.

16 (4) Encourage experimentation in developing new mass
17 transportation facilities and services.

18 (5) Recommend policies, programs, and actions designed
19 to improve utilization of mass transportation services.

20 (6) Cooperate with mass transit districts and systems,
21 local governments, and other State agencies in meeting
22 those problems of air, noise, and water pollution
23 associated with transportation.

24 (7) Participate fully in a statewide effort to improve
25 transport safety, including, as the designated State
26 agency responsible for overseeing the safety and security

1 of rail fixed guideway public transportation systems in
2 compliance with 49 U.S.C. 5329 and 49 U.S.C. 5330:

3 (A) developing, adopting, and implementing a
4 system safety program standard and procedures meeting
5 the compliance requirements of 49 U.S.C. 5329 and 49
6 U.S.C. 5330, as now or hereafter amended, for the
7 safety and security of rail fixed guideway public
8 transportation systems within the State; and

9 (B) establishing procedures in accordance with 49
10 U.S.C. 5329 and 49 U.S.C. 5330 to review, approve,
11 oversee, investigate, audit, and enforce all other
12 necessary and incidental functions related to the
13 effectuation of 49 U.S.C. 5329 and 49 U.S.C. 5330, or
14 other federal law, pertaining to public transportation
15 oversight. The Department may contract for the
16 services of a qualified consultant to comply with this
17 subsection.

18 The security portion of the system safety program,
19 investigation reports, surveys, schedules, lists, or data
20 compiled, collected, or prepared by or for the Department
21 under this subsection shall not be subject to discovery or
22 admitted into evidence in federal or State court or
23 considered for other purposes in any civil action for
24 damages arising from any matter mentioned or addressed in
25 such reports, surveys, schedules, lists, data, or
26 information. Except for willful or wanton conduct, neither

1 the Department nor its employees, nor the Metropolitan
2 Mobility Regional Transportation Authority, nor the St.
3 Clair County Transit District, nor any mass transit
4 district ~~nor service board~~ subject to this Section, nor
5 their respective directors, officers, or employees, shall
6 be held liable in any civil action for any injury to or
7 death of any person or loss of or damage to property for
8 any act, omission, or failure to act under this Section or
9 49 U.S.C. 5329 or 49 U.S.C. 5330 as now or hereafter
10 amended.

11 (8) Conduct by contract or otherwise technical
12 studies, and demonstration and development projects which
13 shall be designed to test and develop methods for
14 increasing public use of mass transportation and for
15 providing mass transportation in an efficient,
16 coordinated, and convenient manner.

17 (9) Make applications for, receive, and make use of
18 grants for mass transportation.

19 (10) Make grants for mass transportation from the
20 Transportation Fund pursuant to the standards and
21 procedures of Sections 2705-305 and 2705-310.

22 Nothing in this Section alleviates an individual's duty to
23 comply with the State Officials and Employees Ethics Act.

24 (Source: P.A. 102-559, eff. 8-20-21.)

25 (20 ILCS 2705/2705-305)

1 Sec. 2705-305. Grants for mass transportation.

2 (a) For the purpose of mass transportation grants and
3 contracts, the following definitions apply:

4 "Carrier" means any corporation, authority, partnership,
5 association, person, or district authorized to provide mass
6 transportation within the State.

7 "District" means all of the following:

8 (i) Any district created pursuant to the Local Mass
9 Transit District Act.

10 (ii) (Blank). ~~The Authority created pursuant to the~~
11 ~~Metropolitan Transit Authority Act.~~

12 (iii) Any authority, commission, or other entity that
13 by virtue of an interstate compact approved by Congress is
14 authorized to provide mass transportation.

15 (iv) The Authority created pursuant to the
16 Metropolitan Mobility Regional Transportation Authority
17 Act.

18 "Facilities" comprise all real and personal property used
19 in or appurtenant to a mass transportation system, including
20 parking lots.

21 "Mass transportation" means transportation provided within
22 the State of Illinois by rail, bus, or other conveyance and
23 available to the general public on a regular and continuing
24 basis, including the transportation of persons with
25 disabilities or elderly persons as provided more specifically
26 in Section 2705-310.

1 "Unit of local government" means any city, village,
2 incorporated town, or county.

3 (b) Grants may be made to units of local government,
4 districts, and carriers for the acquisition, construction,
5 extension, reconstruction, and improvement of mass
6 transportation facilities. Grants shall be made upon the terms
7 and conditions that in the judgment of the Secretary are
8 necessary to ensure their proper and effective utilization.

9 (c) The Department shall make grants under this Law in a
10 manner designed, so far as is consistent with the maintenance
11 and development of a sound mass transportation system within
12 the State, to: (i) maximize federal funds for the assistance
13 of mass transportation in Illinois under the Federal Transit
14 Act and other federal Acts; (ii) facilitate the movement of
15 persons who because of age, economic circumstance, or physical
16 infirmity are unable to drive; (iii) contribute to an improved
17 environment through the reduction of air, water, and noise
18 pollution; and (iv) reduce traffic congestion.

19 (d) The Secretary shall establish procedures for making
20 application for mass transportation grants. The procedures
21 shall provide for public notice of all applications and give
22 reasonable opportunity for the submission of comments and
23 objections by interested parties. The procedures shall be
24 designed with a view to facilitating simultaneous application
25 for a grant to the Department and to the federal government.

26 (e) Grants may be made for mass transportation projects as

1 follows:

2 (1) In an amount not to exceed 100% of the nonfederal
3 share of projects for which a federal grant is made.

4 (2) In an amount not to exceed 100% of the net project
5 cost for projects for which a federal grant is not made.

6 (3) In an amount not to exceed five-sixths of the net
7 project cost for projects essential for the maintenance of
8 a sound transportation system and eligible for federal
9 assistance for which a federal grant application has been
10 made but a federal grant has been delayed. If and when a
11 federal grant is made, the amount in excess of the
12 nonfederal share shall be promptly returned to the
13 Department.

14 In no event shall the Department make a grant that,
15 together with any federal funds or funds from any other
16 source, is in excess of 100% of the net project cost.

17 (f) Regardless of whether any funds are available under a
18 federal grant, the Department shall not make a mass
19 transportation grant unless the Secretary finds that the
20 recipient has entered into an agreement with the Department in
21 which the recipient agrees not to engage in school bus
22 operations exclusively for the transportation of students and
23 school personnel in competition with private school bus
24 operators where those private school bus operators are able to
25 provide adequate transportation, at reasonable rates, in
26 conformance with applicable safety standards, provided that

1 this requirement shall not apply to a recipient that operates
2 a school system in the area to be served and operates a
3 separate and exclusive school bus program for the school
4 system.

5 (g) Grants may be made for mass transportation purposes
6 with funds appropriated from the Build Illinois Bond Fund
7 consistent with the specific purposes for which those funds
8 are appropriated by the General Assembly. Grants under this
9 subsection (g) are not subject to any limitations or
10 conditions imposed upon grants by any other provision of this
11 Section, except that the Secretary may impose the terms and
12 conditions that in his or her judgment are necessary to ensure
13 the proper and effective utilization of the grants under this
14 subsection.

15 (h) The Department may let contracts for mass
16 transportation purposes and facilities for the purpose of
17 reducing urban congestion funded in whole or in part with
18 bonds described in subdivision (b)(1) of Section 4 of the
19 General Obligation Bond Act, not to exceed \$75,000,000 in
20 bonds.

21 (i) The Department may make grants to carriers, districts,
22 and units of local government for the purpose of reimbursing
23 them for providing reduced fares for mass transportation
24 services for students, persons with disabilities, and the
25 elderly. Grants shall be made upon the terms and conditions
26 that in the judgment of the Secretary are necessary to ensure

1 their proper and effective utilization.

2 (j) The Department may make grants to carriers, districts,
3 and units of local government for costs of providing ADA
4 paratransit service.

5 (Source: P.A. 99-143, eff. 7-27-15.)

6 (20 ILCS 2705/2705-310)

7 Sec. 2705-310. Grants for transportation for persons with
8 disabilities.

9 (a) For the purposes of this Section, the following
10 definitions apply:

11 "Carrier" means a district or a not for profit
12 corporation providing mass transportation for persons with
13 disabilities on a regular and continuing basis.

14 "Person with a disability" means any individual who, by
15 reason of illness, injury, age, congenital malfunction, or
16 other permanent or temporary incapacity or disability, is
17 unable without special mass transportation facilities or
18 special planning or design to utilize ordinary mass
19 transportation facilities and services as effectively as
20 persons who are not so affected.

21 "Unit of local government", "district", and "facilities"
22 have the meanings ascribed to them in Section 2705-305.

23 (b) The Department may make grants from the Transportation
24 Fund and the General Revenue Fund (i) to units of local
25 government, districts, and carriers for vehicles, equipment,

1 and the acquisition, construction, extension, reconstruction,
2 and improvement of mass transportation facilities for persons
3 with disabilities and (ii) during State fiscal years 1986 and
4 1987, to the Regional Transportation Authority (now the
5 Metropolitan Mobility Authority) for operating assistance for
6 mass transportation for mobility limited persons, including
7 paratransit services for the mobility limited. The grants
8 shall be made upon the terms and conditions that in the
9 judgment of the Secretary are necessary to ensure their proper
10 and effective utilization. The procedures, limitations, and
11 safeguards provided in Section 2705-305 to govern grants for
12 mass transportation shall apply to grants made under this
13 Section.

14 For the efficient administration of grants, the
15 Department, on behalf of grant recipients under this Section
16 and on behalf of recipients receiving funds under Sections
17 5309 and 5311 of the Federal Transit Act and State funds, may
18 administer and consolidate procurements and may enter into
19 contracts with manufacturers of vehicles and equipment.

20 (c) The Department may make operating assistance grants
21 from the Transportation Fund to those carriers that, during
22 federal fiscal year 1986, directly received operating
23 assistance pursuant to Section 5307 or Section 5311 of the
24 Federal Transit Act, or under contracts with a unit of local
25 government or mass transit district that received operating
26 expenses under Section 5307 or Section 5311 of the Federal

1 Transit Act, to provide public paratransit services to the
2 general mobility limited population. The Secretary shall take
3 into consideration the reduction in federal operating expense
4 grants to carriers when considering the grant applications.
5 The procedures, limitations, and safeguards provided in
6 Section 2705-305 to govern grants for mass transportation
7 shall apply to grants made under this Section.

8 (Source: P.A. 99-143, eff. 7-27-15.)

9 (20 ILCS 2705/2705-315) (was 20 ILCS 2705/49.19b)

10 Sec. 2705-315. Grants for passenger security. The
11 Department may make grants from the Transportation Fund and
12 the General Revenue Fund to the Metropolitan Mobility Regional
13 ~~Transportation~~ Authority created under the Metropolitan
14 Mobility Regional Transportation Authority Act to be used to
15 provide protection against crime for the consumers of public
16 transportation, and for the employees and facilities of public
17 transportation providers, in the metropolitan region. The
18 grants may be used (1) to provide that protection directly, ~~or~~
19 (2) to contract with any municipality or county in the
20 metropolitan region to provide that protection, or (3) ~~except~~
21 ~~for the Chicago Transit Authority created under the~~
22 ~~Metropolitan Transit Authority Act,~~ to contract with a private
23 security agency to provide that protection.

24 The grants shall be made upon the terms and conditions
25 that in the judgment of the Secretary are necessary to ensure

1 their proper and effective utilization. The procedures
2 provided in Section 2705-305 to govern grants for mass
3 transportation shall apply to grants made under this Section.
4 (Source: P.A. 91-239, eff. 1-1-00.)

5 (20 ILCS 2705/2705-440) (was 20 ILCS 2705/49.25h)

6 Sec. 2705-440. Intercity Rail Service.

7 (a) For the purposes of providing intercity railroad
8 passenger service within this State and throughout the United
9 States, the Department is authorized to enter into agreements
10 with any state, state agency, units of local government or
11 political subdivisions, Metropolitan Mobility Authority ~~the~~
12 ~~Commuter Rail Division of the Regional Transportation~~
13 ~~Authority~~ (or a public corporation on behalf of that Authority
14 ~~Division~~), architecture or engineering firms, the National
15 Railroad Passenger Corporation, any carrier, or any
16 individual, corporation, partnership, or public or private
17 entity. The cost related to such services shall be borne in
18 such proportion as, by agreement or contract the parties may
19 desire.

20 (b) In providing any intercity railroad passenger service
21 as provided in this Section, the Department shall have the
22 following additional powers:

23 (1) to enter into trackage use agreements with rail
24 carriers;

25 (1.5) to freely lease or otherwise contract for any

1 purpose any of the locomotives, passenger railcars, and
2 other rolling stock equipment or accessions to any state
3 or state agency, public or private entity, or quasi-public
4 entities;

5 (2) to enter into haulage agreements with rail
6 carriers;

7 (3) to lease or otherwise contract for use,
8 maintenance, servicing, and repair of any needed
9 locomotives, rolling stock, stations, or other facilities,
10 the lease or contract having a term not to exceed 50 years
11 (but any multi-year contract shall recite that the
12 contract is subject to termination and cancellation,
13 without any penalty, acceleration payment, or other
14 recoupment mechanism, in any fiscal year for which the
15 General Assembly fails to make an adequate appropriation
16 to cover the contract obligation);

17 (4) to enter into management agreements;

18 (5) to include in any contract indemnification of
19 carriers or other parties for any liability with regard to
20 intercity railroad passenger service;

21 (6) to obtain insurance for any losses or claims with
22 respect to the service;

23 (7) to promote the use of the service;

24 (8) to make grants to any body politic and corporate,
25 any unit of local government, or the Metropolitan Mobility
26 Authority ~~Commuter Rail Division of the Regional~~

1 ~~Transportation Authority~~ to cover all or any part of any
2 capital or operating costs of the service and to enter
3 into agreements with respect to those grants;

4 (9) to set any fares or make other regulations with
5 respect to the service, consistent with any contracts for
6 the service; and

7 (10) to otherwise enter into any contracts necessary
8 or convenient to provide rail services, operate or
9 maintain locomotives, passenger railcars, and other
10 rolling stock equipment or accessions, including the lease
11 or use of such locomotives, railcars, equipment, or
12 accessions.

13 (c) All service provided under this Section shall be
14 exempt from all regulations by the Illinois Commerce
15 Commission (other than for safety matters). To the extent the
16 service is provided by the Metropolitan Mobility Authority
17 ~~Commuter Rail Division of the Regional Transportation~~
18 ~~Authority~~ (or a public corporation on behalf of that Authority
19 ~~Division~~), it shall be exempt from safety regulations of the
20 Illinois Commerce Commission to the extent the Authority
21 ~~Commuter Rail Division~~ adopts its own safety regulations.

22 (d) In connection with any powers exercised under this
23 Section, the Department

24 (1) shall not have the power of eminent domain; and

25 (2) shall not directly operate any railroad service
26 with its own employees.

1 (e) Any contract with the Metropolitan Mobility Authority
2 ~~Commuter Rail Division of the Regional Transportation~~
3 ~~Authority~~ (or a public corporation on behalf of the Authority
4 ~~Division~~) under this Section shall provide that all costs in
5 excess of revenue received by the Division generated from
6 intercity rail service provided by the Division shall be fully
7 borne by the Department, and no funds for operation of
8 commuter rail service shall be used, directly or indirectly,
9 or for any period of time, to subsidize the intercity rail
10 operation. If at any time the Division does not have
11 sufficient funds available to satisfy the requirements of this
12 Section, the Division shall forthwith terminate the operation
13 of intercity rail service. The payments made by the Department
14 to the Division for the intercity rail passenger service shall
15 not be made in excess of those costs or as a subsidy for costs
16 of commuter rail operations. This shall not prevent the
17 contract from providing for efficient coordination of service
18 and facilities to promote cost-effective ~~cost-effective~~
19 operations of both intercity rail passenger service and
20 commuter rail services with cost allocations as provided in
21 this paragraph.

22 (f) Whenever the Department enters into an agreement with
23 any carrier, state or state agency, any public or private
24 entity, or quasi-public entity for either the Department's
25 payment of such railroad required maintenance expenses
26 necessary for intercity passenger service or for the lease or

1 use of locomotives, passenger railcars, and other rolling
2 stock equipment or accessions, the Department may deposit such
3 required maintenance funds, use fees, or rental payments into
4 any escrow account. For purposes of this subsection, an escrow
5 account means any fiduciary account established with (i) any
6 banking corporation which is both organized under the Illinois
7 Banking Act and authorized to accept and administer trusts in
8 this State, or (ii) any national banking association which has
9 its principal place of business in this State and which also is
10 authorized to accept and administer trusts in this State. The
11 funds in any required maintenance escrow account may be
12 withdrawn by the carrier or entity in control of the railroad
13 being maintained, only with the consent of the Department,
14 pursuant to a written maintenance agreement and pursuant to a
15 maintenance plan that shall be updated each year. Funds in an
16 escrow account holding lease, use fees, or rental payments may
17 be withdrawn by the Department to be used or expended on
18 acquisition, offsets, overhaul fees, or costs of locomotives,
19 railcars, equipment or accessions, including any future
20 equipment purchase, expenses, fees, or costs, or any other
21 purpose permitted or required by the escrow agreement or any
22 other agreement regarding disbursement of funds. The moneys
23 deposited in the escrow accounts shall be invested and
24 reinvested, pursuant to the direction of the Department, in
25 bonds and other interest bearing obligations of this State, or
26 in such accounts, certificates, bills, obligations, shares,

1 pools or other securities as are authorized for the investment
2 of public funds under the Public Funds Investment Act. Escrow
3 accounts created under this subsection shall not have terms
4 that exceed 20 years. At the end of the term of an escrow
5 account, the remaining balance shall be deposited in the
6 High-Speed Rail Rolling Stock Fund, a special fund that is
7 created in the State treasury ~~Treasury~~. Moneys in the
8 High-Speed Rail Rolling Stock Fund may be used for any purpose
9 related to locomotives, passenger railcars, and other rolling
10 stock equipment. The Department shall prepare a report for
11 presentation to the Comptroller and the Treasurer each year
12 that shows the amounts deposited and withdrawn, the purposes
13 for withdrawal, the balance, and the amounts derived from
14 investment.

15 (Source: P.A. 100-773, eff. 1-1-19.)

16 (20 ILCS 2705/2705-594 new)

17 Sec. 2705-594. Office of Public Transportation Support.

18 (a) As used in this Section, "metropolitan region" has the
19 meaning given to that term in the Metropolitan Mobility
20 Authority Act.

21 (b) The Department shall establish, staff, and support an
22 Office of Public Transportation Support within District 1. The
23 Office's purpose is to optimize the operation of public
24 transportation vehicles and the delivery of public
25 transportation services on highways, as defined by Section

1 2-202 of the Illinois Highway Code, under the Department's
2 jurisdiction in the metropolitan region.

3 (c) The Office of Public Transportation Support shall have
4 the following duties:

5 (1) reviewing Department plans for the construction,
6 rehabilitation, and repair of roadways under the
7 Department's jurisdiction to identify opportunities for
8 enhancements that will improve public transportation
9 operations and safety on such highways, and making
10 recommendations for implementing such enhancements;

11 (2) reviewing the plans by other governmental entities
12 for the construction, rehabilitation, and repair of
13 highways under the Department's jurisdiction or that
14 intersect with such highways to identify opportunities for
15 enhancements that will improve public transportation
16 operations and safety on such highways, and making
17 recommendations for implementing such enhancements;

18 (3) facilitating the implementation of intelligent
19 transportation system solutions, such as bus priority at
20 signalized intersections, to improve public transportation
21 vehicle operations and safety on highways under the
22 Department's jurisdiction;

23 (4) facilitating the implementation of highway
24 infrastructure enhancements such as sidewalks, bus
25 shelters, and bicycle paths and lanes that help connect
26 people to public transportation services on highways under

1 the Department's jurisdiction;

2 (5) identifying and pursuing grant funding
3 opportunities for projects that will improve public
4 transportation operations and safety on highways under the
5 Department's jurisdiction;

6 (6) coordinating with the Metropolitan Mobility
7 Authority on the implementation of bus speed and
8 reliability improvements and other enhancements to
9 highways under the Department's jurisdiction to improve
10 public transportation operations and safety; and

11 (7) coordinating with the Metropolitan Mobility
12 Authority on the pursuit of grant opportunities for
13 projects that will improve public transportation on
14 highways under the Department's jurisdiction.

15 (d) To fulfill its obligations under this Section, and
16 notwithstanding any of its current policies and practices to
17 the contrary, the Department shall in its design and operation
18 of highways under its jurisdiction in the metropolitan region
19 give priority to public transportation vehicles and other
20 vehicles, such as school buses, designed to carry a sizable
21 number of people over the priority the Department gives to
22 standard light duty vehicles typically used to carry one or a
23 few people at a time.

24 (e) The Department shall prioritize maximizing the
25 throughput of people on highways under its jurisdiction in the
26 metropolitan region where public transportation is provided or

1 planned over maximizing the number and speeds of vehicles on
2 such highways.

3 (f) On highways in the metropolitan region under its
4 jurisdiction served by public transportation or where public
5 transportation is planned, the Department shall identify and
6 implement highway design, infrastructure, and operations
7 enhancements that maximize the attractiveness and efficacy of
8 public transportation compared to travel by single occupancy
9 vehicles on such highways and coordinate with the Metropolitan
10 Mobility Authority on such enhancements.

11 (g) The Department shall give the Metropolitan Mobility
12 Authority a timely opportunity to review, comment, and concur
13 on plans for the construction, rehabilitation, or repair of
14 highways under the jurisdiction of the Department in the
15 metropolitan region where public transportation is being
16 provided or is planned by the Metropolitan Mobility Authority.

17 (h) The Department shall not advance a project subject to
18 the process set forth in subsections (d) through (g) to
19 construction until it has received the Metropolitan Mobility
20 Authority's concurrence.

21 (i) The Chicago Metropolitan Agency for Planning shall
22 make appropriate changes to its travel demand model, project
23 scoring and prioritization processes, long-range plan, and
24 transportation improvement program to reflect the requirements
25 of subsections (d) through (h).

1 Section 20.11. The Illinois Finance Authority Act is
2 amended by changing Section 820-50 as follows:

3 (20 ILCS 3501/820-50)

4 Sec. 820-50. Pledge of Funds by Units of Local Government.

5 (a) Pledge of Funds. Any unit of local government which
6 receives funds from the Department of Revenue, including
7 without limitation funds received pursuant to Sections 8-11-1,
8 8-11-1.4, 8-11-5 or 8-11-6 of the Illinois Municipal Code, the
9 Home Rule County Retailers' Occupation Tax Act, the Home Rule
10 County Service Occupation Tax Act, Sections 25.05-2, 25.05-3
11 or 25.05-10 of "An Act to revise the law in relation to
12 counties", Section 5.01 of the Local Mass Transit District
13 Act, Section 4.03 of the Metropolitan Mobility ~~Regional~~
14 ~~Transportation~~ Authority Act, Sections 2 or 12 of the State
15 Revenue Sharing Act, or from the Department of Transportation
16 pursuant to Section 8 of the Motor Fuel Tax Law, or from the
17 State Superintendent of Education (directly or indirectly
18 through regional superintendents of schools) pursuant to
19 Article 18 of the School Code, or any unit of government which
20 receives other funds which are at any time in the custody of
21 the State Treasurer, the State Comptroller, the Department of
22 Revenue, the Department of Transportation or the State
23 Superintendent of Education may by appropriate proceedings,
24 pledge to the Authority or any entity acting on behalf of the
25 Authority (including, without limitation, any trustee), any or

1 all of such receipts to the extent that such receipts are
2 necessary to provide revenues to pay the principal of,
3 premium, if any, and interest on, and other fees related to, or
4 to secure, any of the local government securities of such unit
5 of local government which have been sold or delivered to the
6 Authority or its designee or to pay lease rental payments to be
7 made by such unit of local government to the extent that such
8 lease rental payments secure the payment of the principal of,
9 premium, if any, and interest on, and other fees related to,
10 any local government securities which have been sold or
11 delivered to the Authority or its designee. Any pledge of such
12 receipts (or any portion thereof) shall constitute a first and
13 prior lien thereon and shall be binding from the time the
14 pledge is made.

15 (b) Direct Payment of Pledged Receipts. Any such unit of
16 local government may, by such proceedings, direct that all or
17 any of such pledged receipts payable to such unit of local
18 government be paid directly to the Authority or such other
19 entity (including, without limitation, any trustee) for the
20 purpose of paying the principal of, premium, if any, and
21 interest on, and fees relating to, such local government
22 securities or for the purpose of paying such lease rental
23 payments to the extent necessary to pay the principal of,
24 premium, if any, and interest on, and other fees related to,
25 such local government securities secured by such lease rental
26 payments. Upon receipt of a certified copy of such proceedings

1 by the State Treasurer, the State Comptroller, the Department
2 of Revenue, the Department of Transportation or the State
3 Superintendent of Education, as the case may be, such
4 Department or State Superintendent shall direct the State
5 Comptroller and State Treasurer to pay to, or on behalf of, the
6 Authority or such other entity (including, without limitation,
7 any trustee) all or such portion of the pledged receipts from
8 the Department of Revenue, or the Department of Transportation
9 or the State Superintendent of Education (directly or
10 indirectly through regional superintendents of schools), as
11 the case may be, sufficient to pay the principal of and
12 premium, if any, and interest on, and other fees related to,
13 the local governmental securities for which the pledge was
14 made or to pay such lease rental payments securing such local
15 government securities for which the pledge was made. The
16 proceedings shall constitute authorization for such a
17 directive to the State Comptroller to cause orders to be drawn
18 and to the State Treasurer to pay in accordance with such
19 directive. To the extent that the Authority or its designee
20 notifies the Department of Revenue, the Department of
21 Transportation or the State Superintendent of Education, as
22 the case may be, that the unit of local government has
23 previously paid to the Authority or its designee the amount of
24 any principal, premium, interest and fees payable from such
25 pledged receipts, the State Comptroller shall cause orders to
26 be drawn and the State Treasurer shall pay such pledged

1 receipts to the unit of local government as if they were not
2 pledged receipts. To the extent that such receipts are pledged
3 and paid to the Authority or such other entity, any taxes which
4 have been levied or fees or charges assessed pursuant to law on
5 account of the issuance of such local government securities
6 shall be paid to the unit of local government and may be used
7 for the purposes for which the pledged receipts would have
8 been used.

9 (c) Payment of Pledged Receipts upon Default. Any such
10 unit of local government may, by such proceedings, direct that
11 such pledged receipts payable to such unit of local government
12 be paid to the Authority or such other entity (including,
13 without limitation, any trustee) upon a default in the payment
14 of any principal of, premium, if any, or interest on, or fees
15 relating to, any of the local government securities of such
16 unit of local government which have been sold or delivered to
17 the Authority or its designee or any of the local government
18 securities which have been sold or delivered to the Authority
19 or its designee and which are secured by such lease rental
20 payments. If such local governmental security is in default as
21 to the payment of principal thereof, premium, if any, or
22 interest thereon, or fees relating thereto, to the extent that
23 the State Treasurer, the State Comptroller, the Department of
24 Revenue, the Department of Transportation or the State
25 Superintendent of Education (directly or indirectly through
26 regional superintendents of schools) shall be the custodian at

1 any time of any other available funds or moneys pledged to the
2 payment of such local government securities or such lease
3 rental payments securing such local government securities
4 pursuant to this Section and due or payable to such a unit of
5 local government at any time subsequent to written notice to
6 the State Comptroller and State Treasurer from the Authority
7 or any entity acting on behalf of the Authority (including,
8 without limitation, any trustee) to the effect that such unit
9 of local government has not paid or is in default as to payment
10 of the principal of, premium, if any, or interest on, or fees
11 relating to, any local government security sold or delivered
12 to the Authority or any such entity (including, without
13 limitation, any trustee) or has not paid or is in default as to
14 the payment of such lease rental payments securing the payment
15 of the principal of, premium, if any, or interest on, or other
16 fees relating to, any local government security sold or
17 delivered to the Authority or such other entity (including,
18 without limitation, any trustee):

19 (i) The State Comptroller and the State Treasurer
20 shall withhold the payment of such funds or moneys from
21 such unit of local government until the amount of such
22 principal, premium, if any, interest or fees then due and
23 unpaid has been paid to the Authority or any such entity
24 (including, without limitation, any trustee), or the State
25 Comptroller and the State Treasurer have been advised that
26 arrangements, satisfactory to the Authority or such

1 entity, have been made for the payment of such principal,
2 premium, if any, interest and fees; and

3 (ii) Within 10 days after a demand for payment by the
4 Authority or such entity given to such unit of local
5 government, the State Treasurer and the State Comptroller,
6 the State Treasurer shall pay such funds or moneys as are
7 legally available therefor to the Authority or such entity
8 for the payment of principal of, premium, if any, or
9 interest on, or fees relating to, such local government
10 securities. The Authority or any such entity may carry out
11 this Section and exercise all the rights, remedies and
12 provisions provided or referred to in this Section.

13 (d) Remedies. Upon the sale or delivery of any local
14 government securities of the Authority or its designee, the
15 local government which issued such local government securities
16 shall be deemed to have agreed that upon its failure to pay
17 interest or premium, if any, on, or principal of, or fees
18 relating to, the local government securities sold or delivered
19 to the Authority or any entity acting on behalf of the
20 Authority (including, without limitation, any trustee) when
21 payable, all statutory defenses to nonpayment are thereby
22 waived. Upon a default in payment of principal of or interest
23 on any local government securities issued by a unit of local
24 government and sold or delivered to the Authority or its
25 designee, and upon demand on the unit of local government for
26 payment, if the local government securities are payable from

1 property taxes and funds are not legally available in the
2 treasury of the unit of local government to make payment, an
3 action in mandamus for the levy of a tax by the unit of local
4 government to pay the principal of or interest on the local
5 government securities shall lie, and the Authority or such
6 entity shall be constituted a holder or owner of the local
7 government securities as being in default. Upon the occurrence
8 of any failure or default with respect to any local government
9 securities issued by a unit of local government, the Authority
10 or such entity may thereupon avail itself of all remedies,
11 rights and provisions of law applicable in the circumstances,
12 and the failure to exercise or exert any rights or remedies
13 within a time or period provided by law may not be raised as a
14 defense by the unit of local government.

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

16 Section 20.12. The Illinois State Auditing Act is amended
17 by changing Section 3-1 as follows:

18 (30 ILCS 5/3-1) (from Ch. 15, par. 303-1)

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

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

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

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

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

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

26 The audit shall determine whether they are operating in

1 accordance with all applicable laws and regulations. Subject
2 to the limitations of this Act, the Legislative Audit
3 Commission may by resolution specify additional determinations
4 to be included in the scope of the audit.

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

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

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

21 As soon as practical after the effective date of this
22 amendatory Act of 1995, the Auditor General shall conduct a
23 compliance and management audit of the City of Chicago and any
24 other entity with regard to the operation of Chicago O'Hare
25 International Airport, Chicago Midway Airport and Merrill C.
26 Meigs Field. The audit shall include, but not be limited to, an

1 examination of revenues, expenses, and transfers of funds;
2 purchasing and contracting policies and practices; staffing
3 levels; and hiring practices and procedures. When completed,
4 the audit required by this paragraph shall be distributed in
5 accordance with Section 3-14.

6 The Auditor General shall conduct a financial and
7 compliance and program audit of distributions from the
8 Municipal Economic Development Fund during the immediately
9 preceding calendar year pursuant to Section 8-403.1 of the
10 Public Utilities Act at no cost to the city, village, or
11 incorporated town that received the distributions.

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

15 The Auditor General of the State of Illinois shall
16 annually conduct or cause to be conducted a financial and
17 compliance audit of the books and records of any county water
18 commission organized pursuant to the Water Commission Act of
19 1985 and shall file a copy of the report of that audit with the
20 Governor and the Legislative Audit Commission. The filed audit
21 shall be open to the public for inspection. The cost of the
22 audit shall be charged to the county water commission in
23 accordance with Section 6z-27 of the State Finance Act. The
24 county water commission shall make available to the Auditor
25 General its books and records and any other documentation,
26 whether in the possession of its trustees or other parties,

1 necessary to conduct the audit required. These audit
2 requirements apply only through July 1, 2007.

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

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

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

13 (Source: P.A. 95-331, eff. 8-21-07; 96-31, eff. 6-30-09;
14 96-939, eff. 6-24-10.)

15 (30 ILCS 5/3-2.3 rep.)

16 Section 20.12a. The Illinois State Auditing Act is amended
17 by repealing Section 3-2.3.

18 Section 20.13. The State Finance Act is amended by
19 changing Sections 5.277, 5.918, 6z-17, 6z-20, 6z-27, 6z-109,
20 8.25g, and 8.3 and by adding Sections 5.1015 and 5.1016 as
21 follows:

22 (30 ILCS 105/5.277) (from Ch. 127, par. 141.277)

23 Sec. 5.277. The Metropolitan Mobility ~~Regional~~

1 ~~Transportation~~ Authority Occupation and Use Tax Replacement
2 Fund.

3 (Source: P.A. 86-928; 86-1028.)

4 (30 ILCS 105/5.918)

5 Sec. 5.918. The Metropolitan Mobility ~~Regional~~
6 ~~Transportation~~ Authority Capital Improvement Fund.

7 (Source: P.A. 101-31, eff. 6-28-19; 101-32, eff. 6-28-19;
8 102-558, eff. 8-20-21.)

9 (30 ILCS 105/5.1015 new)

10 Sec. 5.1015. The Transit-Supportive Development Fund.

11 (30 ILCS 105/5.1016 new)

12 Sec. 5.1016. The Metropolitan Mobility Authority
13 Additional Operating Funding Fund.

14 (30 ILCS 105/6z-17) (from Ch. 127, par. 142z-17)

15 Sec. 6z-17. State and Local Sales Tax Reform Fund.

16 (a) After deducting the amount transferred to the Tax
17 Compliance and Administration Fund under subsection (b), of
18 the money paid into the State and Local Sales Tax Reform Fund:
19 (i) subject to appropriation to the Department of Revenue,
20 Municipalities having 1,000,000 or more inhabitants shall
21 receive 20% and may expend such amount to fund and establish a
22 program for developing and coordinating public and private

1 resources targeted to meet the affordable housing needs of
 2 low-income and very low-income households within such
 3 municipality, (ii) 10% shall be transferred into the
 4 Metropolitan Mobility ~~Regional Transportation~~ Authority
 5 Occupation and Use Tax Replacement Fund, a special fund in the
 6 State treasury which is hereby created, (iii) until July 1,
 7 2013, subject to appropriation to the Department of
 8 Transportation, the Madison County Mass Transit District shall
 9 receive .6%, and beginning on July 1, 2013, subject to
 10 appropriation to the Department of Revenue, 0.6% shall be
 11 distributed each month out of the Fund to the Madison County
 12 Mass Transit District, (iv) the following amounts, plus any
 13 cumulative deficiency in such transfers for prior months,
 14 shall be transferred monthly into the Build Illinois Fund and
 15 credited to the Build Illinois Bond Account therein:

16 Fiscal Year	Amount
17 1990	\$2,700,000
18 1991	1,850,000
19 1992	2,750,000
20 1993	2,950,000

21 From Fiscal Year 1994 through Fiscal Year 2025 the
 22 transfer shall total \$3,150,000 monthly, plus any cumulative
 23 deficiency in such transfers for prior months, and (v) the
 24 remainder of the money paid into the State and Local Sales Tax
 25 Reform Fund shall be transferred into the Local Government
 26 Distributive Fund and, except for municipalities with

1 1,000,000 or more inhabitants which shall receive no portion
2 of such remainder, shall be distributed, subject to
3 appropriation, in the manner provided by Section 2 of "An Act
4 in relation to State revenue sharing with local government
5 entities", approved July 31, 1969, as now or hereafter
6 amended. Municipalities with more than 50,000 inhabitants
7 according to the 1980 U.S. Census and located within the Metro
8 East Mass Transit District receiving funds pursuant to
9 provision (v) of this paragraph may expend such amounts to
10 fund and establish a program for developing and coordinating
11 public and private resources targeted to meet the affordable
12 housing needs of low-income and very low-income households
13 within such municipality.

14 Moneys transferred from the Grocery Tax Replacement Fund
15 to the State and Local Sales Tax Reform Fund under Section
16 6z-130 shall be treated under this Section in the same manner
17 as if they had been remitted with the return on which they were
18 reported.

19 (b) Beginning on the first day of the first calendar month
20 to occur on or after the effective date of this amendatory Act
21 of the 98th General Assembly, each month the Department of
22 Revenue shall certify to the State Comptroller and the State
23 Treasurer, and the State Comptroller shall order transferred
24 and the State Treasurer shall transfer from the State and
25 Local Sales Tax Reform Fund to the Tax Compliance and
26 Administration Fund, an amount equal to 1/12 of 5% of 20% of

1 the cash receipts collected during the preceding fiscal year
2 by the Audit Bureau of the Department of Revenue under the Use
3 Tax Act, the Service Use Tax Act, the Service Occupation Tax
4 Act, the Retailers' Occupation Tax Act, and associated local
5 occupation and use taxes administered by the Department. The
6 amount distributed under subsection (a) each month shall first
7 be reduced by the amount transferred to the Tax Compliance and
8 Administration Fund under this subsection (b). Moneys
9 transferred to the Tax Compliance and Administration Fund
10 under this subsection (b) shall be used, subject to
11 appropriation, to fund additional auditors and compliance
12 personnel at the Department of Revenue.

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

14 (30 ILCS 105/6z-20) (from Ch. 127, par. 142z-20)

15 Sec. 6z-20. County and Mass Transit District Fund. Of the
16 money received from the 6.25% general rate (and, beginning
17 July 1, 2000 and through December 31, 2000, the 1.25% rate on
18 motor fuel and gasohol, and beginning on August 6, 2010
19 through August 15, 2010, and beginning again on August 5, 2022
20 through August 14, 2022, the 1.25% rate on sales tax holiday
21 items) on sales subject to taxation under the Retailers'
22 Occupation Tax Act and Service Occupation Tax Act and paid
23 into the County and Mass Transit District Fund, distribution
24 to the Metropolitan Mobility Authority Occupation and Use Tax
25 Replacement Fund ~~Regional Transportation Authority tax fund,~~

1 created pursuant to Section 6.02 ~~4.03~~ of the Metropolitan
2 Mobility ~~Regional Transportation~~ Authority Act, for deposit
3 therein shall be made based upon the retail sales occurring in
4 a county having more than 3,000,000 inhabitants. The remainder
5 shall be distributed to each county having 3,000,000 or fewer
6 inhabitants based upon the retail sales occurring in each such
7 county.

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

17 Of the money received from the 6.25% general use tax rate
18 on tangible personal property which is purchased outside
19 Illinois at retail from a retailer and which is titled or
20 registered by any agency of this State's government and paid
21 into the County and Mass Transit District Fund, the amount for
22 which Illinois addresses for titling or registration purposes
23 are given as being in each county having more than 3,000,000
24 inhabitants shall be distributed into the Metropolitan
25 Mobility Authority Occupation and Use Tax Replacement Fund
26 ~~Regional Transportation Authority tax fund~~, created pursuant

1 to Section 6.02 ~~4.03~~ of the Metropolitan Mobility Regional
2 ~~Transportation~~ Authority Act. The remainder of the money paid
3 from such sales shall be distributed to each county based on
4 sales for which Illinois addresses for titling or registration
5 purposes are given as being located in the county. ~~Any money~~
6 ~~paid into the Regional Transportation Authority Occupation and~~
7 ~~Use Tax Replacement Fund from the County and Mass Transit~~
8 ~~District Fund prior to January 14, 1991, which has not been~~
9 ~~paid to the Authority prior to that date, shall be transferred~~
10 ~~to the Regional Transportation Authority tax fund.~~

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

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

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

6 After the monthly transfer to the STAR Bonds Revenue Fund,
7 on or before the 25th day of each calendar month, the
8 Department shall prepare and certify to the Comptroller the
9 disbursement of stated sums of money to the Metropolitan
10 Mobility ~~Regional Transportation~~ Authority and to named
11 counties, the counties to be those entitled to distribution,
12 as hereinabove provided, of taxes or penalties paid to the
13 Department during the second preceding calendar month. The
14 amount to be paid to the Metropolitan Mobility ~~Regional~~
15 ~~Transportation~~ Authority and each county having 3,000,000 or
16 fewer inhabitants shall be the amount (not including credit
17 memoranda) collected during the second preceding calendar
18 month by the Department and paid into the County and Mass
19 Transit District Fund, plus an amount the Department
20 determines is necessary to offset any amounts which were
21 erroneously paid to a different taxing body, and not including
22 an amount equal to the amount of refunds made during the second
23 preceding calendar month by the Department, and not including
24 any amount which the Department determines is necessary to
25 offset any amounts which were payable to a different taxing
26 body but were erroneously paid to the Metropolitan Mobility

1 ~~Regional Transportation~~ Authority or county, and not including
2 any amounts that are transferred to the STAR Bonds Revenue
3 Fund, less 1.5% of the amount to be paid to the Metropolitan
4 Mobility ~~Regional Transportation~~ Authority, which shall be
5 transferred into the Tax Compliance and Administration Fund.
6 The Department, at the time of each monthly disbursement to
7 the Metropolitan Mobility ~~Regional Transportation~~ Authority,
8 shall prepare and certify to the State Comptroller the amount
9 to be transferred into the Tax Compliance and Administration
10 Fund under this Section. Within 10 days after receipt, by the
11 Comptroller, of the disbursement certification to the
12 Metropolitan Mobility ~~Regional Transportation~~ Authority,
13 counties, and the Tax Compliance and Administration Fund
14 provided for in this Section to be given to the Comptroller by
15 the Department, the Comptroller shall cause the orders to be
16 drawn for the respective amounts in accordance with the
17 directions contained in such certification.

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

25 The provisions directing the distributions from the
26 special fund in the State treasury ~~Treasury~~ provided for in

1 this Section and from the Metropolitan Mobility Authority
2 Occupation and Use Tax Replacement Fund ~~Regional~~
3 ~~Transportation Authority tax fund~~ created by Section 6.02 ~~4.03~~
4 of the Metropolitan Mobility ~~Regional Transportation~~ Authority
5 Act shall constitute an irrevocable and continuing
6 appropriation of all amounts as provided herein. The State
7 Treasurer and State Comptroller are hereby authorized to make
8 distributions as provided in this Section.

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

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

19 (30 ILCS 105/6z-27)

20 Sec. 6z-27. All moneys in the Audit Expense Fund shall be
21 transferred, appropriated and used only for the purposes
22 authorized by, and subject to the limitations and conditions
23 prescribed by, the Illinois State Auditing Act.

24 Within 30 days after July 1, 2023, or as soon thereafter as
25 practical, the State Comptroller shall order transferred and

1 the State Treasurer shall transfer from the following funds
 2 moneys in the specified amounts for deposit into the Audit
 3 Expense Fund:

4	African-American HIV/AIDS Response RESP Fund	\$1,421
5	Agricultural Premium Fund.....	\$122,719
6	Alzheimer's Awareness Fund	\$1,499
7	Alzheimer's Disease Research, Care, and Support Fund	\$662
8	Amusement Ride and Patron Safety Fund	\$6,315
9	Assisted Living and & Shared Housing Regulatory	
10	House Regulation Fund.....	\$2,564
11	Capital Development Board Revolving Fund	\$15,118
12	Care Provider Fund for Persons with a Developmental	
13	Disability	\$15,392
14	Carolyn Adams Ticket For The Cure Grant Fund	\$927
15	CDLIS/AAMVANET/NMVTIS Trust Fund (Commercial	
16	Driver's License Information	
17	System/American Association of	
18	Motor Vehicle Administrators	
19	network/National Motor Vehicle	
20	Title Information Service Trust Fund)	\$5,236
21	Chicago Police Memorial Foundation Fund.....	\$708
22	Chicago State University Education Improvement Fund..	\$13,666
23	Child Labor and Day and Temporary Labor	
24	Services Enforcement Fund.....	\$11,991
25	Child Support Administrative Fund.....	\$5,287
26	Clean Air Act Permit Fund	\$1,556

1	Coal Technology Development Assistance Fund.....	\$6,936
2	Common School Fund	\$343,892
3	Community Mental Health Medicaid Trust Fund	\$14,084
4	Corporate Franchise Tax Refund Fund	\$1,096
5	DCFS Children's Services Fund	\$8,766
6	Death Certificate Surcharge Fund	\$2,060
7	Death Penalty Abolition Fund	\$2,448
8	Department of Business Services Service Special Operations Fund.....	\$13,889
10	Department of Human Services DHS Community Services Fund.....	\$7,970
12	Downstate Public Transportation Fund	\$11,631
13	Dram Shop Fund	\$142,500
14	Driver Services Administration Fund.....	\$1,873
15	Drug Rebate Fund	\$42,473
16	Drug Treatment Fund.....	\$1,767
17	Education Assistance Fund.....	\$2,031,292
18	Emergency Public Health Fund	\$5,162
19	Environmental Protection Permit and Inspection Fund	\$1,447
20	Estate Tax Refund Fund	\$852
21	Facilities Management Revolving Fund	\$50,148
22	Facility Licensing Fund.....	\$5,522
23	Fair and & Exposition Fund	\$4,248
24	Feed Control Fund.....	\$7,709
25	Fertilizer Control Fund.....	\$6,849
26	Fire Prevention Fund	\$3,859

1	Fund for the Advancement of Education	\$24,772
2	General Assembly Operations Revolving Rev Fund	\$1,146
3	General Professions Dedicated Fund	\$4,039
4	General Revenue Fund	\$17,653,153
5	Governor's Administrative Fund	\$2,832
6	Governor's Grant Fund.....	\$17,709
7	Grade Crossing Protection Fund	\$930
8	Grant Accountability and + Transparency Fund	\$805
9	Guardianship and + Advocacy Fund	\$14,843
10	Hazardous Waste Fund	\$835
11	Health Facility Plan Review Fund	\$1,776
12	Health and Human Services Service Medicaid Trust Fund ..	\$6,554
13	Healthcare Provider Relief Fund.....	\$407,107
14	Healthy Smiles Fund.....	\$738
15	Home Care Services Agency Licensure Fund	\$3,101
16	Hospital Licensure Fund.....	\$1,688
17	Hospital Provider Fund	\$138,829
18	ICCB Federal Trust Fund.....	\$9,968
19	ICJIA Violence Prevention Fund	\$932
20	Illinois ++ Affordable Housing Trust Fund	\$17,236
21	Illinois ++ Clean Water Fund	\$2,152
22	<u>Illinois</u> ++ Community College Board	
23	Contracts and Grants <u>Fund</u>	<u>\$9,968</u>
24	Illinois ++ Health Facilities Planning Fund	\$3,094
25	IMSA Income Fund	\$12,417
26	Illinois ++ Power Agency Operations Fund	\$62,583

1	Illinois HB School Asbestos Abatement Fund	\$784
2	Illinois HB State Fair Fund	\$29,752
3	Illinois HB State Police Memorial Park Fund	\$681
4	Illinois Telecommunications HL Telecom Access	
5	Corporation Fund	\$1,668
6	Illinois HB Underground Utility Facilities	
7	Facility Damage Prevention Fund	\$4,276
8	Illinois HB Veterans' Rehabilitation Fund	\$5,943
9	Illinois HB Workers' Compensation Commission	
10	Operations Fund	\$243,187
11	Income Tax Refund Fund	\$54,420
12	Lead Poisoning Screening, Prevention, and	
13	Abatement Fund	\$16,379
14	Live and Learn Fund	\$25,492
15	Lobbyist Registration Administration Fund	\$1,471
16	Local Government Distributive Fund	\$44,025
17	Long Term Care Monitor/Receiver Receive Fund	\$42,016
18	Long-Term Long Term Care Provider Fund	\$13,537
19	Low-Level Radioactive Low Level Rad Facility	
20	Development and Operation Dev & Op Fund	\$618
21	Mandatory Arbitration Fund	\$2,104
22	Medical Special Purposes Purpose Trust Fund	\$786
23	Mental Health Fund	\$9,376
24	Mental Health Reporting Fund	\$1,443
25	Metabolic Screening and & Treatment Fund	\$32,049
26	Monitoring Device Driving Permit Administration	

1	Fee Fund	\$1,616
2	Motor Fuel Tax Fund	\$36,238
3	Motor Vehicle License Plate Fund	\$17,694
4	Motor Vehicle Theft Prevention and Insurance	
5	Verification Trust	10,970
6	Multiple Sclerosis Research Fund	\$758
7	Nuclear Safety Emergency Preparedness Fund	\$26,117
8	Nursing Dedicated and Professional Fund	\$2,420
9	Open Space Lands Acquisition and & Development Fund	\$658
10	Partners For Conservation Fund	\$89,847
11	Pension Stabilization Fund	\$1,031
12	Personal Property Tax Replacement Fund	\$290,755
13	Pesticide Control Fund	\$30,513
14	Plumbing Licensure and & Program Fund	\$6,276
15	Police Memorial Committee Fund	\$813
16	Professional Services Fund	\$72,029
17	Public Health Laboratory Lab Services Revolving	
18	Rev Fund	\$5,816
19	Public Transportation Fund	\$46,826
20	Public Utility Fund	\$198,423
21	Radiation Protection Fund	\$11,034
22	Renewable Energy Resources Trust Fund	\$7,834
23	Road Fund	\$226,150
24	Regional Transportation Authority RTA Occupation	
25	and & Use Tax Replacement Fund <u>(now the</u>	
26	<u>Metropolitan Mobility Authority Occupation</u>	

1	<u>and Use Tax Replacement Fund)</u>	\$1,167
2	School Infrastructure Fund	\$7,749
3	Secretary of State DUI Administration Fund	\$2,694
4	Secretary of State Identification & Security	
5	and Theft Prevention Fund	\$12,676
6	Secretary of State Police Services Fund	\$717
7	Secretary of State Special License Plate Fund	\$4,203
8	Secretary of State Special Services Fund	\$34,491
9	Securities Audit and Enforcement Fund	\$8,198
10	Solid Waste Management Fund	\$1,613
11	Special Olympics Illinois and Special	
12	Children's Charities Fund	\$852
13	Special Education Medicaid Matching Fund	\$5,131
14	Sports Wagering Fund	\$4,450
15	State and Local Sales Tax Reform Fund	\$2,361
16	State Construction Account Fund	\$37,865
17	State Gaming Fund	\$94,435
18	State Garage Revolving Fund	\$8,977
19	State Lottery Fund	\$340,323
20	State Pensions Fund	\$500,000
21	State Treasurer's Bank Services Trust Fund	\$1,295
22	Supreme Court Special Purposes Fund	\$1,722
23	Tattoo and & Body Piercing Establishment	
24	Registration Fund	\$950
25	Tax Compliance and & Administration Fund	\$1,483
26	Technology Management Revolving Fund	\$186,193

1	Tobacco Settlement Recovery Fund	\$29,864
2	Tourism Promotion Fund	\$50,155
3	Transportation Regulatory Fund	\$78,256
4	Trauma Center Fund	\$1,960
5	Underground Storage Tank Fund	\$3,630
6	University of Illinois HH Hospital Services Fund	\$6,712
7	Vehicle Hijacking and Motor Vehicle	
8	Theft Prevention and Insurance	
9	Verification Trust Fund.....	\$10,970
10	Vehicle Inspection Fund.....	\$5,069
11	Weights and Measures Fund.....	\$22,129
12	Youth Alcoholism and & Substance Abuse Prevention Fund ..	\$526

13 Notwithstanding any provision of the law to the contrary,
14 the General Assembly hereby authorizes the use of such funds
15 for the purposes set forth in this Section.

16 These provisions do not apply to funds classified by the
17 Comptroller as federal trust funds or State trust funds. The
18 Audit Expense Fund may receive transfers from those trust
19 funds only as directed herein, except where prohibited by the
20 terms of the trust fund agreement. The Auditor General shall
21 notify the trustees of those funds of the estimated cost of the
22 audit to be incurred under the Illinois State Auditing Act for
23 the fund. The trustees of those funds shall direct the State
24 Comptroller and Treasurer to transfer the estimated amount to
25 the Audit Expense Fund.

26 The Auditor General may bill entities that are not subject

1 to the above transfer provisions, including private entities,
2 related organizations and entities whose funds are
3 locally-held, for the cost of audits, studies, and
4 investigations incurred on their behalf. Any revenues received
5 under this provision shall be deposited into the Audit Expense
6 Fund.

7 In the event that moneys on deposit in any fund are
8 unavailable, by reason of deficiency or any other reason
9 preventing their lawful transfer, the State Comptroller shall
10 order transferred and the State Treasurer shall transfer the
11 amount deficient or otherwise unavailable from the General
12 Revenue Fund for deposit into the Audit Expense Fund.

13 On or before December 1, 1992, and each December 1
14 thereafter, the Auditor General shall notify the Governor's
15 Office of Management and Budget (formerly Bureau of the
16 Budget) of the amount estimated to be necessary to pay for
17 audits, studies, and investigations in accordance with the
18 Illinois State Auditing Act during the next succeeding fiscal
19 year for each State fund for which a transfer or reimbursement
20 is anticipated.

21 Beginning with fiscal year 1994 and during each fiscal
22 year thereafter, the Auditor General may direct the State
23 Comptroller and Treasurer to transfer moneys from funds
24 authorized by the General Assembly for that fund. In the event
25 funds, including federal and State trust funds but excluding
26 the General Revenue Fund, are transferred, during fiscal year

1 1994 and during each fiscal year thereafter, in excess of the
2 amount to pay actual costs attributable to audits, studies,
3 and investigations as permitted or required by the Illinois
4 State Auditing Act or specific action of the General Assembly,
5 the Auditor General shall, on September 30, or as soon
6 thereafter as is practicable, direct the State Comptroller and
7 Treasurer to transfer the excess amount back to the fund from
8 which it was originally transferred.

9 (Source: P.A. 102-16, eff. 6-17-21; 102-699, eff. 4-19-22;
10 103-8, eff. 6-7-23; 103-129, eff. 6-30-23; revised 11-21-23.)

11 (30 ILCS 105/6z-109)

12 Sec. 6z-109. Metropolitan Mobility ~~Regional Transportation~~
13 Authority Capital Improvement Fund.

14 (a) The Metropolitan Mobility ~~Regional Transportation~~
15 Authority Capital Improvement Fund is created as a special
16 fund in the State treasury and shall receive a portion of the
17 moneys deposited into the Transportation Renewal Fund from
18 Motor Fuel Tax revenues pursuant to Section 8b of the Motor
19 Fuel Tax Law.

20 (b) Money in the Metropolitan Mobility ~~Regional~~
21 ~~Transportation~~ Authority Capital Improvement Fund shall be
22 used exclusively for transportation-related purposes as
23 described in Section 11 of Article IX of the Illinois
24 Constitution of 1970.

25 (Source: P.A. 101-30, eff. 6-28-19.)

1 (30 ILCS 105/8.3)

2 Sec. 8.3. Money in the Road Fund shall, if and when the
3 State of Illinois incurs any bonded indebtedness for the
4 construction of permanent highways, be set aside and used for
5 the purpose of paying and discharging annually the principal
6 and interest on that bonded indebtedness then due and payable,
7 and for no other purpose. The surplus, if any, in the Road Fund
8 after the payment of principal and interest on that bonded
9 indebtedness then annually due shall be used as follows:

10 first -- to pay the cost of administration of Chapters
11 2 through 10 of the Illinois Vehicle Code, except the cost
12 of administration of Articles I and II of Chapter 3 of that
13 Code, and to pay the costs of the Executive Ethics
14 Commission for oversight and administration of the Chief
15 Procurement Officer appointed under paragraph (2) of
16 subsection (a) of Section 10-20 of the Illinois
17 Procurement Code for transportation; and

18 secondly -- for expenses of the Department of
19 Transportation for construction, reconstruction,
20 improvement, repair, maintenance, operation, and
21 administration of highways in accordance with the
22 provisions of laws relating thereto, or for any purpose
23 related or incident to and connected therewith, including
24 the separation of grades of those highways with railroads
25 and with highways and including the payment of awards made

1 by the Illinois Workers' Compensation Commission under the
2 terms of the Workers' Compensation Act or Workers'
3 Occupational Diseases Act for injury or death of an
4 employee of the Division of Highways in the Department of
5 Transportation; or for the acquisition of land and the
6 erection of buildings for highway purposes, including the
7 acquisition of highway right-of-way or for investigations
8 to determine the reasonably anticipated future highway
9 needs; or for making of surveys, plans, specifications and
10 estimates for and in the construction and maintenance of
11 flight strips and of highways necessary to provide access
12 to military and naval reservations, to defense industries
13 and defense-industry sites, and to the sources of raw
14 materials and for replacing existing highways and highway
15 connections shut off from general public use at military
16 and naval reservations and defense-industry sites, or for
17 the purchase of right-of-way, except that the State shall
18 be reimbursed in full for any expense incurred in building
19 the flight strips; or for the operating and maintaining of
20 highway garages; or for patrolling and policing the public
21 highways and conserving the peace; or for the operating
22 expenses of the Department relating to the administration
23 of public transportation programs; or, during fiscal year
24 2023, for the purposes of a grant not to exceed \$8,394,800
25 to the Regional Transportation Authority (now the
26 Metropolitan Mobility Transportation Authority) on behalf

1 of PACE for the purpose of ADA/Para-transit expenses; or,
2 during fiscal year 2024, for the purposes of a grant not to
3 exceed \$9,108,400 to the Regional Transportation Authority
4 (now the Metropolitan Mobility Transportation Authority)
5 on behalf of PACE for the purpose of ADA/Para-transit
6 expenses; or for any of those purposes or any other
7 purpose that may be provided by law.

8 Appropriations for any of those purposes are payable from
9 the Road Fund. Appropriations may also be made from the Road
10 Fund for the administrative expenses of any State agency that
11 are related to motor vehicles or arise from the use of motor
12 vehicles.

13 Beginning with fiscal year 1980 and thereafter, no Road
14 Fund monies shall be appropriated to the following Departments
15 or agencies of State government for administration, grants, or
16 operations; but this limitation is not a restriction upon
17 appropriating for those purposes any Road Fund monies that are
18 eligible for federal reimbursement:

19 1. Department of Public Health;

20 2. Department of Transportation, only with respect to
21 subsidies for one-half fare Student Transportation and
22 Reduced Fare for Elderly, except fiscal year 2023 when no
23 more than \$17,570,000 may be expended and except fiscal
24 year 2024 when no more than \$19,063,500 may be expended;

25 3. Department of Central Management Services, except
26 for expenditures incurred for group insurance premiums of

1 appropriate personnel;

2 4. Judicial Systems and Agencies.

3 Beginning with fiscal year 1981 and thereafter, no Road
4 Fund monies shall be appropriated to the following Departments
5 or agencies of State government for administration, grants, or
6 operations; but this limitation is not a restriction upon
7 appropriating for those purposes any Road Fund monies that are
8 eligible for federal reimbursement:

9 1. Illinois State Police, except for expenditures with
10 respect to the Division of Patrol and Division of Criminal
11 Investigation;

12 2. Department of Transportation, only with respect to
13 Intercity Rail Subsidies, except fiscal year 2023 when no
14 more than \$55,000,000 may be expended and except fiscal
15 year 2024 when no more than \$60,000,000 may be expended,
16 and Rail Freight Services.

17 Beginning with fiscal year 1982 and thereafter, no Road
18 Fund monies shall be appropriated to the following Departments
19 or agencies of State government for administration, grants, or
20 operations; but this limitation is not a restriction upon
21 appropriating for those purposes any Road Fund monies that are
22 eligible for federal reimbursement: Department of Central
23 Management Services, except for awards made by the Illinois
24 Workers' Compensation Commission under the terms of the
25 Workers' Compensation Act or Workers' Occupational Diseases
26 Act for injury or death of an employee of the Division of

1 Highways in the Department of Transportation.

2 Beginning with fiscal year 1984 and thereafter, no Road
3 Fund monies shall be appropriated to the following Departments
4 or agencies of State government for administration, grants, or
5 operations; but this limitation is not a restriction upon
6 appropriating for those purposes any Road Fund monies that are
7 eligible for federal reimbursement:

8 1. Illinois State Police, except not more than 40% of
9 the funds appropriated for the Division of Patrol and
10 Division of Criminal Investigation;

11 2. State Officers.

12 Beginning with fiscal year 1984 and thereafter, no Road
13 Fund monies shall be appropriated to any Department or agency
14 of State government for administration, grants, or operations
15 except as provided hereafter; but this limitation is not a
16 restriction upon appropriating for those purposes any Road
17 Fund monies that are eligible for federal reimbursement. It
18 shall not be lawful to circumvent the above appropriation
19 limitations by governmental reorganization or other methods.
20 Appropriations shall be made from the Road Fund only in
21 accordance with the provisions of this Section.

22 Money in the Road Fund shall, if and when the State of
23 Illinois incurs any bonded indebtedness for the construction
24 of permanent highways, be set aside and used for the purpose of
25 paying and discharging during each fiscal year the principal
26 and interest on that bonded indebtedness as it becomes due and

1 payable as provided in the Transportation Bond Act, and for no
2 other purpose. The surplus, if any, in the Road Fund after the
3 payment of principal and interest on that bonded indebtedness
4 then annually due shall be used as follows:

5 first -- to pay the cost of administration of Chapters
6 2 through 10 of the Illinois Vehicle Code; and

7 secondly -- no Road Fund monies derived from fees,
8 excises, or license taxes relating to registration,
9 operation and use of vehicles on public highways or to
10 fuels used for the propulsion of those vehicles, shall be
11 appropriated or expended other than for costs of
12 administering the laws imposing those fees, excises, and
13 license taxes, statutory refunds and adjustments allowed
14 thereunder, administrative costs of the Department of
15 Transportation, including, but not limited to, the
16 operating expenses of the Department relating to the
17 administration of public transportation programs, payment
18 of debts and liabilities incurred in construction and
19 reconstruction of public highways and bridges, acquisition
20 of rights-of-way for and the cost of construction,
21 reconstruction, maintenance, repair, and operation of
22 public highways and bridges under the direction and
23 supervision of the State, political subdivision, or
24 municipality collecting those monies, or during fiscal
25 year 2023 for the purposes of a grant not to exceed
26 \$8,394,800 to the Regional Transportation Authority (now

1 the Metropolitan Mobility Transportation Authority) on
2 behalf of PACE for the purpose of ADA/Para-transit
3 expenses, or during fiscal year 2024 for the purposes of a
4 grant not to exceed \$9,108,400 to the Regional
5 Transportation Authority (now the Metropolitan Mobility
6 Transportation Authority) on behalf of PACE for the
7 purpose of ADA/Para-transit expenses, and the costs for
8 patrolling and policing the public highways (by the State,
9 political subdivision, or municipality collecting that
10 money) for enforcement of traffic laws. The separation of
11 grades of such highways with railroads and costs
12 associated with protection of at-grade highway and
13 railroad crossing shall also be permissible.

14 Appropriations for any of such purposes are payable from
15 the Road Fund or the Grade Crossing Protection Fund as
16 provided in Section 8 of the Motor Fuel Tax Law.

17 Except as provided in this paragraph, beginning with
18 fiscal year 1991 and thereafter, no Road Fund monies shall be
19 appropriated to the Illinois State Police for the purposes of
20 this Section in excess of its total fiscal year 1990 Road Fund
21 appropriations for those purposes unless otherwise provided in
22 Section 5g of this Act. For fiscal years 2003, 2004, 2005,
23 2006, and 2007 only, no Road Fund monies shall be appropriated
24 to the Department of State Police for the purposes of this
25 Section in excess of \$97,310,000. For fiscal year 2008 only,
26 no Road Fund monies shall be appropriated to the Department of

1 State Police for the purposes of this Section in excess of
2 \$106,100,000. For fiscal year 2009 only, no Road Fund monies
3 shall be appropriated to the Department of State Police for
4 the purposes of this Section in excess of \$114,700,000.
5 Beginning in fiscal year 2010, no Road Fund ~~road fund~~ moneys
6 shall be appropriated to the Illinois State Police. It shall
7 not be lawful to circumvent this limitation on appropriations
8 by governmental reorganization or other methods unless
9 otherwise provided in Section 5g of this Act.

10 In fiscal year 1994, no Road Fund monies shall be
11 appropriated to the Secretary of State for the purposes of
12 this Section in excess of the total fiscal year 1991 Road Fund
13 appropriations to the Secretary of State for those purposes,
14 plus \$9,800,000. It shall not be lawful to circumvent this
15 limitation on appropriations by governmental reorganization or
16 other method.

17 Beginning with fiscal year 1995 and thereafter, no Road
18 Fund monies shall be appropriated to the Secretary of State
19 for the purposes of this Section in excess of the total fiscal
20 year 1994 Road Fund appropriations to the Secretary of State
21 for those purposes. It shall not be lawful to circumvent this
22 limitation on appropriations by governmental reorganization or
23 other methods.

24 Beginning with fiscal year 2000, total Road Fund
25 appropriations to the Secretary of State for the purposes of
26 this Section shall not exceed the amounts specified for the

1 following fiscal years:

2	Fiscal Year 2000	\$80,500,000;
3	Fiscal Year 2001	\$80,500,000;
4	Fiscal Year 2002	\$80,500,000;
5	Fiscal Year 2003	\$130,500,000;
6	Fiscal Year 2004	\$130,500,000;
7	Fiscal Year 2005	\$130,500,000;
8	Fiscal Year 2006	\$130,500,000;
9	Fiscal Year 2007	\$130,500,000;
10	Fiscal Year 2008	\$130,500,000;
11	Fiscal Year 2009	\$130,500,000.

12 For fiscal year 2010, no road fund moneys shall be
13 appropriated to the Secretary of State.

14 Beginning in fiscal year 2011, moneys in the Road Fund
15 shall be appropriated to the Secretary of State for the
16 exclusive purpose of paying refunds due to overpayment of fees
17 related to Chapter 3 of the Illinois Vehicle Code unless
18 otherwise provided for by law.

19 It shall not be lawful to circumvent this limitation on
20 appropriations by governmental reorganization or other
21 methods.

22 No new program may be initiated in fiscal year 1991 and
23 thereafter that is not consistent with the limitations imposed
24 by this Section for fiscal year 1984 and thereafter, insofar
25 as appropriation of Road Fund monies is concerned.

26 Nothing in this Section prohibits transfers from the Road

1 Fund to the State Construction Account Fund under Section 5e
2 of this Act; nor to the General Revenue Fund, as authorized by
3 Public Act 93-25.

4 The additional amounts authorized for expenditure in this
5 Section by Public Acts 92-0600, 93-0025, 93-0839, and 94-91
6 shall be repaid to the Road Fund from the General Revenue Fund
7 in the next succeeding fiscal year that the General Revenue
8 Fund has a positive budgetary balance, as determined by
9 generally accepted accounting principles applicable to
10 government.

11 The additional amounts authorized for expenditure by the
12 Secretary of State and the Department of State Police in this
13 Section by Public Act 94-91 shall be repaid to the Road Fund
14 from the General Revenue Fund in the next succeeding fiscal
15 year that the General Revenue Fund has a positive budgetary
16 balance, as determined by generally accepted accounting
17 principles applicable to government.

18 (Source: P.A. 102-16, eff. 6-17-21; 102-538, eff. 8-20-21;
19 102-699, eff. 4-19-22; 102-813, eff. 5-13-22; 103-8, eff.
20 6-7-23; 103-34, eff. 1-1-24; revised 12-12-23.)

21 (30 ILCS 105/8.25g)

22 Sec. 8.25g. The Civic and Transit Infrastructure Fund. The
23 Civic and Transit Infrastructure Fund is created as a special
24 fund in the State treasury ~~Treasury~~. Money in the Civic and
25 Transit Infrastructure Fund shall, when the State of Illinois

1 incurs infrastructure indebtedness pursuant to the
2 public-private partnership entered into by the public agency
3 on behalf of the State of Illinois with private entity
4 pursuant to the Public-Private Partnership for Civic and
5 Transit Infrastructure Project Act, be used for the purpose of
6 paying and discharging monthly the principal and interest on
7 that infrastructure indebtedness then due and payable
8 consistent with the term established in the public-private
9 agreement entered into by the public agency on behalf of the
10 State of Illinois. The public agency shall, pursuant to its
11 authority under the Public-Private Partnership for Civic and
12 Transit Infrastructure Project Act, annually certify to the
13 State Comptroller and the State Treasurer the amount necessary
14 and required, during the fiscal year with respect to which the
15 certification is made, to pay the amounts due under the
16 Public-Private Partnership for Civic and Transit
17 Infrastructure Project Act. On or before the last day of each
18 month, the State Comptroller and State Treasurer shall
19 transfer the moneys required to be deposited into the Fund
20 under Section 3 of the Retailers' Occupation Tax Act and the
21 Public-Private Partnership for Civic and Transit
22 Infrastructure Project Act and shall pay from that Fund the
23 required amount certified by the public agency, plus any
24 cumulative deficiency in such transfers and payments for prior
25 months, to the public agency for distribution pursuant to the
26 Public-Private Partnership for Civic and Transit

1 Infrastructure Project Act. Such transferred amount shall be
2 sufficient to pay all amounts due under the Public-Private
3 Partnership for Civic and Transit Infrastructure Project Act.
4 Provided that all amounts deposited in the Fund have been paid
5 accordingly under the Public-Private Partnership for Civic and
6 Transit Infrastructure Project Act, all amounts remaining in
7 the Civic and Transit Infrastructure Fund shall be held in
8 that Fund for other subsequent payments required under the
9 Public-Private Partnership for Civic and Transit
10 Infrastructure Project Act. In the event the State fails to
11 pay the amount necessary and required under the Public-Private
12 Partnership for Civic and Transit Infrastructure Project Act
13 for any reason during the fiscal year with respect to which the
14 certification is made or if the State takes any steps that
15 result in an impact to the irrevocable, first priority pledge
16 of and lien on moneys on deposit in the Civic and Transit
17 Infrastructure Fund, the public agency shall certify such
18 delinquent amounts to the State Comptroller and the State
19 Treasurer and the State Comptroller and the State Treasurer
20 shall take all steps required to intercept the tax revenues
21 collected from within the boundary of the civic transit
22 infrastructure project pursuant to Section 3 of the Retailers'
23 Occupation Tax Act, Section 9 of the Use Tax Act, Section 9 of
24 the Service Use Tax Act, Section 9 of the Service Occupation
25 Tax Act, Section 6.02 ~~4.03~~ of the Metropolitan Mobility
26 ~~Regional Transportation~~ Authority Act, and Section 6 of the

1 Hotel Operators' Occupation Tax Act, and shall pay such
2 amounts to the Fund for distribution by the public agency for
3 the time period required to ensure that the State's
4 distribution requirements under the Public-Private Partnership
5 for Civic and Transit Infrastructure Project Act are fully
6 met.

7 As used in the Section, "private entity", "public-private
8 agreement", and "public agency" have meanings provided in
9 Section 25-10 of the Public-Private Partnership for Civic and
10 Transit Infrastructure Project Act.

11 (Source: P.A. 101-10, eff. 6-5-19; 102-558, eff. 8-20-21.)

12 Section 20.14. The State Officers and Employees Money
13 Disposition Act is amended by changing Section 2a as follows:

14 (30 ILCS 230/2a) (from Ch. 127, par. 172)

15 Sec. 2a. Every officer, board, commission, commissioner,
16 department, institute, arm, or agency to whom or to which this
17 Act applies is to notify the State Treasurer as to money paid
18 to him, her, or it under protest as provided in Section 2a.1,
19 and the Treasurer is to place the money in a special fund to be
20 known as the protest fund. At the expiration of 30 days from
21 the date of payment, the money is to be transferred from the
22 protest fund to the appropriate fund in which it would have
23 been placed had there been payment without protest unless the
24 party making that payment under protest has filed a complaint

1 and secured within that 30 days a temporary restraining order
2 or a preliminary injunction, restraining the making of that
3 transfer and unless, in addition, within that 30 days, a copy
4 of the temporary restraining order or preliminary injunction
5 has been served upon the State Treasurer and also upon the
6 officer, board, commission, commissioner, department,
7 institute, arm, or agency to whom or to which the payment under
8 protest was made, in which case the payment and such other
9 payments as are subsequently made under notice of protest, as
10 provided in Section 2a.1, by the same person, the transfer of
11 which payments is restrained by such temporary restraining
12 order or preliminary injunction, are to be held in the protest
13 fund until the final order or judgment of the court. The
14 judicial remedy herein provided, however, relates only to
15 questions which must be decided by the court in determining
16 the proper disposition of the moneys paid under protest. Any
17 authorized payment from the protest fund shall bear simple
18 interest at a rate equal to the average of the weekly rates at
19 issuance on 13-week U.S. Treasury Bills from the date of
20 deposit into the protest fund to the date of disbursement from
21 the protest fund. In cases involving temporary restraining
22 orders or preliminary injunctions entered March 10, 1982, or
23 thereafter, pursuant to this Section, when the party paying
24 under protest fails in the protest action the State Treasurer
25 shall determine if any moneys paid under protest were paid as a
26 result of assessments under the following provisions: the

1 Municipal Retailers' Occupation Tax Act, the Municipal Service
2 Occupation Tax Act, the Municipal Use Tax Act, the Municipal
3 Automobile Renting Occupation Tax Act, the Municipal
4 Automobile Renting Use Tax Act, Section 8-11-9 of the Illinois
5 Municipal Code, the Tourism, Conventions and Other Special
6 Events Promotion Act of 1967, the County Automobile Renting
7 Occupation Tax Act, the County Automobile Renting Use Tax Act,
8 Section 5-1034 of the Counties Code, Section 5.01 of the Local
9 Mass Transit District Act, the Downstate Public Transportation
10 Act, Section 6.02 ~~4.03~~ of the Metropolitan Mobility Regional
11 ~~Transportation~~ Authority Act, subsections (c) and (d) of
12 Section 201 of the Illinois Income Tax Act, Section 2a.1 of the
13 Messages Tax Act, Section 2a.1 of the Gas Revenue Tax Act,
14 Section 2a.1 of the Public Utilities Revenue Act, and the
15 Water Company Invested Capital Tax Act. Any such moneys paid
16 under protest shall bear simple interest at a rate equal to the
17 average of the weekly rates at issuance on 13-week U.S.
18 Treasury Bills from the date of deposit into the protest fund
19 to the date of disbursement from the protest fund.

20 It is unlawful for the Clerk of a court, a bank or any
21 person other than the State Treasurer to be appointed as
22 trustee with respect to any purported payment under protest,
23 or otherwise to be authorized by a court to hold any purported
24 payment under protest, during the pendency of the litigation
25 involving such purported payment under protest, it being the
26 expressed intention of the General Assembly that no one is to

1 act as custodian of any such purported payment under protest
2 except the State Treasurer.

3 No payment under protest within the meaning of this Act
4 has been made unless paid to an officer, board, commission,
5 commissioner, department, institute, arm or agency brought
6 within this Act by Section 1 and unless made in the form
7 specified by Section 2a.1. No payment into court or to a
8 circuit clerk or other court-appointed trustee is a payment
9 under protest within the meaning of this Act.

10 (Source: P.A. 87-950.)

11 Section 20.15. The Transportation Bond Act is amended by
12 changing Section 2 as follows:

13 (30 ILCS 415/2) (from Ch. 127, par. 702)

14 Sec. 2. The State of Illinois is authorized to issue, sell
15 and provide for the retirement of bonds of the State of
16 Illinois in the amount of \$1,729,000,000, hereinafter called
17 the "Bonds", for the specific purpose of promoting and
18 assuring rapid, efficient, and safe highway, air and mass
19 transportation for the inhabitants of the State by providing
20 monies, including the making of grants and loans, to be used
21 for the acquisition, construction, reconstruction, extension
22 and improvement of the following transportation facilities and
23 equipment and for the acquisition of real property and
24 interests in real property required or expected to be required

1 in connection therewith, and within the limitations set forth
2 in Section 5.1 of this Act for the specific purpose set forth
3 in Section 2(b) (2) and (3) of this Act:

4 (a) (1) the acquisition, construction, reconstruction,
5 extension and improvement of State highways, arterial
6 highways, freeways, roads, structures separating highways and
7 railroads and bridges; and

8 (2) the repair and reconstruction of bridges on roads
9 maintained by counties, municipalities, townships or road
10 districts;

11 (b) (1) the acquisition, construction, extension,
12 reconstruction and improvement of mass transportation
13 facilities including rapid transit, rail, bus and other
14 equipment used in connection therewith by the State or any
15 unit of local government, special transportation district,
16 municipal corporation or other corporation or public authority
17 authorized to provide and promote public transportation within
18 the State or two or more of the foregoing acting jointly; and

19 (2) for the purpose of providing immediate relief from
20 existing or impending inability to meet principal and interest
21 payments and thereby aiding in achieving the maximum benefit
22 for the public from the transportation capital improvement
23 program, to provide funds for any payments required to be made
24 for principal of and interest on bonds, certificates,
25 equipment trust certificates or other evidences of
26 indebtedness issued or guaranteed prior to the passage of this

1 Act by the State or any unit of local government, special
2 transportation district, municipal corporation or other
3 corporation or public authority authorized to provide public
4 transportation within the State, or two or more of the
5 foregoing acting jointly, pursuant to any indenture,
6 ordinance, resolution, agreement or contract to obtain and
7 finance transportation facilities; and,

8 (3) for the purpose of reimbursing the General Revenue
9 Fund for monies paid from the General Revenue Fund after
10 passage of this Act for the purpose described in Section 2(b)
11 (2).

12 (c) the acquisition, construction, extension,
13 reconstruction, and improvement of airport or aviation
14 facilities and any equipment used in connection therewith,
15 including reimbursement for certain engineering and land
16 acquisition costs as provided in Section 34a of the "Illinois
17 Aeronautics Act", approved July 24, 1945, as amended, by the
18 State or any unit of local government, special transportation
19 district, municipal corporation or other corporation or public
20 authority authorized to provide public transportation within
21 the State or two or more of the foregoing acting jointly.

22 \$1,326,000,000 of the Bonds will be used for State highway
23 acquisition, construction, reconstruction, extension and
24 improvement as specifically described herein, hereinafter
25 called the "Transportation Bonds, Series A". \$363,000,000 of
26 the Bonds will be used for the mass transportation purposes

1 specifically described herein and \$40,000,000 of the Bonds
2 will be used for the aviation purposes specifically described
3 herein, such \$403,000,000 of Bonds collectively hereinafter
4 called the "Transportation Bonds, Series B".

5 The \$75,000,000 authorized for mass transportation
6 purposes by this amendatory Act of 1973 shall be used for the
7 acquisition of mass transportation equipment including rail
8 and bus, and other equipment used in connection therewith for
9 the area comprising the counties of DuPage, Kane, Lake,
10 McHenry and Will, and that portion of the County of Cook
11 outside the City of Chicago, as determined by the Metropolitan
12 Mobility Regional ~~Transportation~~ Authority established
13 pursuant to the Metropolitan Mobility ~~"The Regional~~
14 ~~Transportation~~ Authority Act", ~~enacted by the 78th General~~
15 ~~Assembly~~. The proceeds of the sale of such bonds shall be
16 expended only to, or with the approval of, such Authority.
17 Nothing in this paragraph prohibits that Authority from using
18 or approving the use of such proceeds for purposes of
19 acquisition of mass transportation equipment for use between
20 such area and other areas.

21 Of the Bonds authorized to be used for highway purposes,
22 the proceeds of \$14,965,100 of such bonds shall be used by the
23 Department of Transportation for the purpose of the repair and
24 reconstruction of unsafe and substandard bridges on roads
25 maintained by counties, municipalities, townships and road
26 districts under the Illinois Highway Code and the proceeds of

1 \$12,000,000 of such bonds shall be used by the Department of
2 Transportation for the same purposes as provided in Sections
3 6-902 through 6-905 of the Illinois Highway Code.

4 Of the Bonds authorized to be sold for highway purposes,
5 the proceeds of \$36,939,400 of the Bonds shall be used for such
6 purposes within the City of Chicago, the proceeds of
7 \$42,457,000 of the Bonds shall be used for such purposes in the
8 Chicago urbanized area, the proceeds of \$46,359,000 of the
9 bonds shall be used for such purposes outside the Chicago
10 urbanized area, the proceeds of \$142,105,500 of the Bonds
11 shall be used for such purposes within the Counties of Cook,
12 DuPage, Kane, Lake, McHenry and Will, the proceeds of
13 \$181,139,100 of the Bonds shall be used for such purposes
14 within the Counties of the State outside the Counties of Cook,
15 DuPage, Kane, Lake, McHenry and Will.

16 Of the \$106,000,000 of Bonds authorized to be sold for
17 mass transportation purposes by this amendatory Act of 1979,
18 \$98,000,000 of the Bonds shall be used for such purposes
19 within the Counties of Cook, DuPage, Kane, Lake, McHenry and
20 Will and the proceeds of \$8,000,000 of the Bonds shall be used
21 for such purposes within the Counties of the State outside the
22 Counties of Cook, DuPage, Kane, Lake, McHenry and Will.

23 (Source: P.A. 86-453.)

24 Section 20.16. The Downstate Public Transportation Act is
25 amended by changing Sections 2-2.02, 3-1.02, and 4-1.7 as

1 follows:

2 (30 ILCS 740/2-2.02) (from Ch. 111 2/3, par. 662.02)

3 Sec. 2-2.02. "Participant" means:

4 (1) a city, village, or incorporated town, a county, or a
5 local mass transit district organized under the Local Mass
6 Transit District Act (a) serving an urbanized area of over
7 50,000 population or (b) serving a nonurbanized area; or

8 (2) any Metro-East Transit District established pursuant
9 to Section 3 of the Local Mass Transit District Act and serving
10 one or more of the Counties of Madison, Monroe, and St. Clair
11 during Fiscal Year 1989, all located outside the boundaries of
12 the Metropolitan Mobility ~~Regional Transportation~~ Authority as
13 established pursuant to the Metropolitan Mobility ~~Regional~~
14 ~~Transportation~~ Authority Act.

15 (Source: P.A. 94-70, eff. 6-22-05.)

16 (30 ILCS 740/3-1.02) (from Ch. 111 2/3, par. 683)

17 Sec. 3-1.02. "Participant" means any county located
18 outside the boundaries of the Metropolitan Mobility ~~Regional~~
19 ~~Transportation~~ Authority as established under the Metropolitan
20 Mobility ~~Regional Transportation~~ Authority Act and outside the
21 Bi-State Metropolitan Development District established under
22 an Act approved July 26, 1949, except that beginning, July 1,
23 1987 the counties within the boundaries of the Bi-State
24 Metropolitan Development District may be eligible for capital

1 assistance only, or within such county any municipality with
2 20,000 or more population that is not included in an urbanized
3 area or the boundaries of a local mass transit district; or
4 within such county any municipality with 20,000 or less
5 population receiving State mass transportation operating
6 assistance under the Downstate Public Transportation Act
7 during Fiscal Year 1979; or within such county or counties a
8 local mass transit district organized under the Local ~~local~~
9 Mass Transit District Act which is not included in an
10 urbanized area or the boundaries of a local mass transit
11 district which includes an urbanized area; provided, however,
12 that no such entity shall be eligible to participate unless it
13 agrees to adhere to the regulations and requirements of the
14 Secretary of Transportation of the federal Department of
15 Transportation affecting Section 18 assistance or any other
16 conditions as deemed reasonable and necessary by the Illinois
17 Department of Transportation.

18 (Source: P.A. 87-1235.)

19 (30 ILCS 740/4-1.7) (from Ch. 111 2/3, par. 699.7)

20 Sec. 4-1.7. "Participant" means (1) a city, village or
21 incorporated town, or a local mass transit district organized
22 under the Local Mass Transit District Act, that is named as a
23 designated recipient by the Governor, or is eligible to
24 receive federal UMTA Section 9 funds, or (2) the recipient
25 designated by the Governor within the Bi-State Metropolitan

1 Development District; provided that such entity is all located
2 outside the boundaries of the Metropolitan Mobility Regional
3 ~~Transportation~~ Authority as established pursuant to the
4 Metropolitan Mobility Regional Transportation Authority Act,
5 ~~as amended,~~ and has formally requested to participate in the
6 program defined in this Article. However, no such entity shall
7 be eligible to participate unless it agrees to adhere to the
8 regulations and requirements of the Secretary of
9 Transportation of the federal Department of Transportation
10 affecting UMTA Section 9 assistance or any other conditions
11 that are deemed reasonable and necessary by the Illinois
12 Department of Transportation.

13 (Source: P.A. 86-16.)

14 Section 20.17. The State Mandates Act is amended by
15 changing Section 8.47 and by adding Section 8.48 as follows:

16 (30 ILCS 805/8.47)

17 Sec. 8.47. Exempt mandate.

18 (a) Notwithstanding Sections 6 and 8 of this Act, no
19 reimbursement by the State is required for the implementation
20 of any mandate created by Public Act 103-2, 103-110, 103-409,
21 103-455, 103-529, 103-552, 103-553, 103-579, or 103-582 ~~this~~
22 ~~amendatory Act of the 103rd General Assembly.~~

23 (b) Notwithstanding Sections 6 and 8 of this Act, no
24 reimbursement by the State is required for the implementation

1 of any mandate created by the Decennial Committees on Local
2 Government Efficiency Act.

3 (c) Notwithstanding Sections 6 and 8 of this Act, no
4 reimbursement by the State is required for the implementation
5 of the mandate created by Section 2.10a of the Regional
6 Transportation Authority Act (now Section 4.25 of the
7 Metropolitan Mobility Authority Act) in Public Act 103-281
8 ~~this amendatory Act of the 103rd General Assembly.~~

9 (Source: P.A. 102-1136, eff. 2-10-23; 103-2, eff. 5-10-23;
10 103-110, eff. 6-29-23; 103-281, eff. 1-1-24; 103-409, eff.
11 1-1-24; 103-455, eff. 1-1-24; 103-529, eff. 8-11-23; 103-552,
12 eff. 8-11-23; 103-553, eff. 8-11-23; 103-579, eff. 12-8-23;
13 103-582, eff. 12-8-23; revised 1-2-24.)

14 (30 ILCS 805/8.48 new)

15 Sec. 8.48. Exempt mandate. Notwithstanding Sections 6 and
16 8 of this Act, no reimbursement by the State is required for
17 the implementation of any mandate created by this amendatory
18 Act of the 103rd General Assembly.

19 Section 20.18. The Use Tax Act is amended by changing
20 Sections 2b and 22 as follows:

21 (35 ILCS 105/2b) (from Ch. 120, par. 439.2b)

22 Sec. 2b. "Selling price" does ~~shall~~ not include any
23 amounts added to prices by sellers on account of the seller's

1 duty to collect any tax imposed under the Metropolitan
2 Mobility ~~"Regional Transportation Authority Act", enacted by~~
3 ~~the 78th General Assembly.~~

4 (Source: P.A. 78-3rd S.S.-12.)

5 (35 ILCS 105/22) (from Ch. 120, par. 439.22)

6 Sec. 22. If it is determined that the Department should
7 issue a credit or refund under this Act, the Department may
8 first apply the amount thereof against any amount of tax or
9 penalty or interest due hereunder, or under the Retailers'
10 Occupation Tax Act, the Service Occupation Tax Act, the
11 Service Use Tax Act, any local occupation or use tax
12 administered by the Department, Section 4 of the Water
13 Commission Act of 1985, subsections (b), (c) and (d) of
14 Section 5.01 of the Local Mass Transit District Act, or
15 subsections (e), (m), and (r) of Section 6.02 of the
16 Metropolitan Mobility Authority Act ~~(e), (f) and (g) of~~
17 ~~Section 4.03 of the Regional Transportation Authority Act,~~
18 from the person entitled to such credit or refund. For this
19 purpose, if proceedings are pending to determine whether or
20 not any tax or penalty or interest is due under this Act or
21 under the Retailers' Occupation Tax Act, the Service
22 Occupation Tax Act, the Service Use Tax Act, any local
23 occupation or use tax administered by the Department, Section
24 4 of the Water Commission Act of 1985, subsections (b), (c) and
25 (d) of Section 5.01 of the Local Mass Transit District Act, or

1 subsections (e), (m), and (r) of Section 6.02 of the
2 Metropolitan Mobility Authority Act ~~(e), (f) and (g) of~~
3 ~~Section 4.03 of the Regional Transportation Authority Act,~~
4 from such person, the Department may withhold issuance of the
5 credit or refund pending the final disposition of such
6 proceedings and may apply such credit or refund against any
7 amount found to be due to the Department as a result of such
8 proceedings. The balance, if any, of the credit or refund
9 shall be issued to the person entitled thereto.

10 Any credit memorandum issued hereunder may be used by the
11 authorized holder thereof to pay any tax or penalty or
12 interest due or to become due under this Act or under the
13 Retailers' Occupation Tax Act, the Service Occupation Tax Act,
14 the Service Use Tax Act, any local occupation or use tax
15 administered by the Department, Section 4 of the Water
16 Commission Act of 1985, subsections (b), (c) and (d) of
17 Section 5.01 of the Local Mass Transit District Act, or
18 subsections (e), (m), and (r) of Section 6.02 of the
19 Metropolitan Mobility Authority Act ~~(e), (f) and (g) of~~
20 ~~Section 4.03 of the Regional Transportation Authority Act,~~
21 from such holder. Subject to reasonable rules of the
22 Department, a credit memorandum issued hereunder may be
23 assigned by the holder thereof to any other person for use in
24 paying tax or penalty or interest which may be due or become
25 due under this Act or under the Retailers' Occupation Tax Act,
26 the Service Occupation Tax Act or the Service Use Tax Act, from

1 the assignee.

2 In any case in which there has been an erroneous refund of
3 tax payable under this Act, a notice of tax liability may be
4 issued at any time within 3 years from the making of that
5 refund, or within 5 years from the making of that refund if it
6 appears that any part of the refund was induced by fraud or the
7 misrepresentation of a material fact. The amount of any
8 proposed assessment set forth in the notice shall be limited
9 to the amount of the erroneous refund.

10 (Source: P.A. 91-901, eff. 1-1-01.)

11 Section 20.19. The Service Use Tax Act is amended by
12 changing Section 20 as follows:

13 (35 ILCS 110/20) (from Ch. 120, par. 439.50)

14 Sec. 20. If it is determined that the Department should
15 issue a credit or refund hereunder, the Department may first
16 apply the amount thereof against any amount of tax or penalty
17 or interest due hereunder, or under the Service Occupation Tax
18 Act, the Retailers' Occupation Tax Act, the Use Tax Act, any
19 local occupation or use tax administered by the Department,
20 Section 4 of the Water Commission Act of 1985, subsections
21 (b), (c) and (d) of Section 5.01 of the Local Mass Transit
22 District Act, or subsections (e), (m), and (r) of Section 6.02
23 of the Metropolitan Mobility Authority Act ~~(e), (f) and (g) of~~
24 ~~Section 4.03 of the Regional Transportation Authority Act,~~

1 from the person entitled to such credit or refund. For this
2 purpose, if proceedings are pending to determine whether or
3 not any tax or penalty or interest is due hereunder, or under
4 the Service Occupation Tax Act, the Retailers' Occupation Tax
5 Act, the Use Tax Act, any local occupation or use tax
6 administered by the Department, Section 4 of the Water
7 Commission Act of 1985, subsections (b), (c) and (d) of
8 Section 5.01 of the Local Mass Transit District Act, or
9 subsections (e), (m), and (r) of Section 6.02 of the
10 Metropolitan Mobility Authority Act ~~(e), (f) and (g) of~~
11 ~~Section 4.03 of the Regional Transportation Authority Act,~~
12 from such person, the Department may withhold issuance of the
13 credit or refund pending the final disposition of such
14 proceedings and may apply such credit or refund against any
15 amount found to be due to the Department as a result of such
16 proceedings. The balance, if any, of the credit or refund
17 shall be issued to the person entitled thereto.

18 Any credit memorandum issued hereunder may be used by the
19 authorized holder thereof to pay any tax or penalty or
20 interest due or to become due under this Act, the Service
21 Occupation Tax Act, the Retailers' Occupation Tax Act, the Use
22 Tax Act, any local occupation or use tax administered by the
23 Department, Section 4 of the Water Commission Act of 1985,
24 subsections (b), (c) and (d) of Section 5.01 of the Local Mass
25 Transit District Act, or subsections (e), (m), and (r) of
26 Section 6.02 of the Metropolitan Mobility Authority Act ~~(e),~~

1 ~~(f) and (g) of Section 4.03 of the Regional Transportation~~
2 ~~Authority Act~~, from such holder. Subject to reasonable rules
3 of the Department, a credit memorandum issued hereunder may be
4 assigned by the holder thereof to any other person for use in
5 paying tax or penalty or interest which may be due or become
6 due under this Act, the Service Occupation Tax Act, the
7 Retailers' Occupation Tax Act, the Use Tax Act, any local
8 occupation or use tax administered by the Department, Section
9 4 of the Water Commission Act of 1985, subsections (b), (c) and
10 (d) of Section 5.01 of the Local Mass Transit District Act, or
11 subsections (e), (m), and (r) of Section 6.02 of the
12 Metropolitan Mobility Authority Act ~~(e), (f) and (g) of~~
13 ~~Section 4.03 of the Regional Transportation Authority Act~~,
14 from the assignee.

15 In any case which there has been an erroneous refund of tax
16 payable under this Act, a notice of tax liability may be issued
17 at any time within 3 years from the making of that refund, or
18 within 5 years from the making of that refund if it appears
19 that any part of the refund was induced by fraud or the
20 misrepresentation of a material fact. The amount of any
21 proposed assessment set forth in the notice shall be limited
22 to the amount of the erroneous refund.

23 (Source: P.A. 91-901, eff. 1-1-01.)

24 Section 20.20. The Service Occupation Tax Act is amended
25 by changing Section 20 as follows:

1 (35 ILCS 115/20) (from Ch. 120, par. 439.120)

2 Sec. 20. If it is determined that the Department should
3 issue a credit or refund hereunder, the Department may first
4 apply the amount thereof against any amount of tax or penalty
5 or interest due hereunder, or under the Service Use Tax Act,
6 the Retailers' Occupation Tax Act, the Use Tax Act, any local
7 occupation or use tax administered by the Department, Section
8 4 of the Water Commission Act of 1985, subsections (b), (c) and
9 (d) of Section 5.01 of the Local Mass Transit District Act, or
10 subsections (e), (m), and (r) of Section 6.02 of the
11 Metropolitan Mobility Authority Act ~~(e), (f) and (g) of~~
12 ~~Section 4.03 of the Regional Transportation Authority Act,~~
13 from the person entitled to such credit or refund. For this
14 purpose, if proceedings are pending to determine whether or
15 not any tax or penalty or interest is due hereunder, or under
16 the Service Use Tax Act, the Retailers' Occupation Tax Act,
17 the Use Tax Act, any local occupation or use tax administered
18 by the Department, Section 4 of the Water Commission Act of
19 1985, subsections (b), (c) and (d) of Section 5.01 of the Local
20 Mass Transit District Act, or subsections (e), (m), and (r) of
21 Section 6.02 of the Metropolitan Mobility Authority Act ~~(e),~~
22 ~~(f) and (g) of Section 4.03 of the Regional Transportation~~
23 ~~Authority Act,~~ from such person, the Department may withhold
24 issuance of the credit or refund pending the final disposition
25 of such proceedings and may apply such credit or refund

1 against any amount found to be due to the Department as a
2 result of such proceedings. The balance, if any, of the credit
3 or refund shall be issued to the person entitled thereto.

4 Any credit memorandum issued hereunder may be used by the
5 authorized holder thereof to pay any tax or penalty or
6 interest due or to become due under this Act, or under the
7 Service Use Tax Act, the Retailers' Occupation Tax Act, the
8 Use Tax Act, any local occupation or use tax administered by
9 the Department, Section 4 of the Water Commission Act of 1985,
10 subsections (b), (c) and (d) of Section 5.01 of the Local Mass
11 Transit District Act, or subsections (e), (m), and (r) of
12 Section 6.02 of the Metropolitan Mobility Authority Act ~~(e),~~
13 ~~(f) and (g) of Section 4.03 of the Regional Transportation~~
14 ~~Authority Act~~, from such holder. Subject to reasonable rules
15 of the Department, a credit memorandum issued hereunder may be
16 assigned by the holder thereof to any other person for use in
17 paying tax or penalty or interest which may be due or become
18 due under this Act, the Service Use Tax Act, the Retailers'
19 Occupation Tax Act, the Use Tax Act, any local occupation or
20 use tax administered by the Department, Section 4 of the Water
21 Commission Act of 1985, subsections (b), (c) and (d) of
22 Section 5.01 of the Local Mass Transit District Act, or
23 subsections (e), (m), and (r) of Section 6.02 of the
24 Metropolitan Mobility Authority Act ~~(e), (f) and (g) of~~
25 ~~Section 4.03 of the Regional Transportation Authority Act,~~
26 from the assignee.

1 In any case in which there has been an erroneous refund of
2 tax payable under this Act, a notice of tax liability may be
3 issued at any time within 3 years from the making of that
4 refund, or within 5 years from the making of that refund if it
5 appears that any part of the refund was induced by fraud or the
6 misrepresentation of a material fact. The amount of any
7 proposed assessment set forth in the notice shall be limited
8 to the amount of the erroneous refund.

9 (Source: P.A. 91-901, eff. 1-1-01.)

10 Section 20.21. The Retailers' Occupation Tax Act is
11 amended by changing Section 6 as follows:

12 (35 ILCS 120/6) (from Ch. 120, par. 445)

13 Sec. 6. Credit memorandum or refund. If it appears, after
14 claim therefor filed with the Department, that an amount of
15 tax or penalty or interest has been paid which was not due
16 under this Act, whether as the result of a mistake of fact or
17 an error of law, except as hereinafter provided, then the
18 Department shall issue a credit memorandum or refund to the
19 person who made the erroneous payment or, if that person died
20 or became a person under legal disability, to his or her legal
21 representative, as such. For purposes of this Section, the tax
22 is deemed to be erroneously paid by a retailer when the
23 manufacturer of a motor vehicle sold by the retailer accepts
24 the return of that automobile and refunds to the purchaser the

1 selling price of that vehicle as provided in the New Vehicle
2 Buyer Protection Act. When a motor vehicle is returned for a
3 refund of the purchase price under the New Vehicle Buyer
4 Protection Act, the Department shall issue a credit memorandum
5 or a refund for the amount of tax paid by the retailer under
6 this Act attributable to the initial sale of that vehicle.
7 Claims submitted by the retailer are subject to the same
8 restrictions and procedures provided for in this Act. If it is
9 determined that the Department should issue a credit
10 memorandum or refund, the Department may first apply the
11 amount thereof against any tax or penalty or interest due or to
12 become due under this Act or under the Use Tax Act, the Service
13 Occupation Tax Act, the Service Use Tax Act, any local
14 occupation or use tax administered by the Department, Section
15 4 of the Water Commission Act of 1985, subsections (b), (c) and
16 (d) of Section 5.01 of the Local Mass Transit District Act, or
17 subsections (e), (m), and (r) of Section 6.02 of the
18 Metropolitan Mobility Authority Act ~~(e), (f) and (g) of~~
19 ~~Section 4.03 of the Regional Transportation Authority Act,~~
20 from the person who made the erroneous payment. If no tax or
21 penalty or interest is due and no proceeding is pending to
22 determine whether such person is indebted to the Department
23 for tax or penalty or interest, the credit memorandum or
24 refund shall be issued to the claimant; or (in the case of a
25 credit memorandum) the credit memorandum may be assigned and
26 set over by the lawful holder thereof, subject to reasonable

1 rules of the Department, to any other person who is subject to
2 this Act, the Use Tax Act, the Service Occupation Tax Act, the
3 Service Use Tax Act, any local occupation or use tax
4 administered by the Department, Section 4 of the Water
5 Commission Act of 1985, subsections (b), (c) and (d) of
6 Section 5.01 of the Local Mass Transit District Act, or
7 subsections (e), (m), and (r) of Section 6.02 of the
8 Metropolitan Mobility Authority Act ~~(e), (f) and (g) of~~
9 ~~Section 4.03 of the Regional Transportation Authority Act~~, and
10 the amount thereof applied by the Department against any tax
11 or penalty or interest due or to become due under this Act or
12 under the Use Tax Act, the Service Occupation Tax Act, the
13 Service Use Tax Act, any local occupation or use tax
14 administered by the Department, Section 4 of the Water
15 Commission Act of 1985, subsections (b), (c) and (d) of
16 Section 5.01 of the Local Mass Transit District Act, or
17 subsections (e), (m), and (r) of Section 6.02 of the
18 Metropolitan Mobility Authority Act ~~(e), (f) and (g) of~~
19 ~~Section 4.03 of the Regional Transportation Authority Act~~,
20 from such assignee. However, as to any claim for credit or
21 refund filed with the Department on and after each January 1
22 and July 1 no amount of tax or penalty or interest erroneously
23 paid (either in total or partial liquidation of a tax or
24 penalty or amount of interest under this Act) more than 3 years
25 prior to such January 1 and July 1, respectively, shall be
26 credited or refunded, except that if both the Department and

1 the taxpayer have agreed to an extension of time to issue a
2 notice of tax liability as provided in Section 4 of this Act,
3 such claim may be filed at any time prior to the expiration of
4 the period agreed upon. Notwithstanding any other provision of
5 this Act to the contrary, for any period included in a claim
6 for credit or refund for which the statute of limitations for
7 issuing a notice of tax liability under this Act will expire
8 less than 6 months after the date a taxpayer files the claim
9 for credit or refund, the statute of limitations is
10 automatically extended for 6 months from the date it would
11 have otherwise expired.

12 No claim may be allowed for any amount paid to the
13 Department, whether paid voluntarily or involuntarily, if paid
14 in total or partial liquidation of an assessment which had
15 become final before the claim for credit or refund to recover
16 the amount so paid is filed with the Department, or if paid in
17 total or partial liquidation of a judgment or order of court.
18 No credit may be allowed or refund made for any amount paid by
19 or collected from any claimant unless it appears (a) that the
20 claimant bore the burden of such amount and has not been
21 relieved thereof nor reimbursed therefor and has not shifted
22 such burden directly or indirectly through inclusion of such
23 amount in the price of the tangible personal property sold by
24 him or her or in any manner whatsoever; and that no
25 understanding or agreement, written or oral, exists whereby he
26 or she or his or her legal representative may be relieved of

1 the burden of such amount, be reimbursed therefor or may shift
2 the burden thereof; or (b) that he or she or his or her legal
3 representative has repaid unconditionally such amount to his
4 or her vendee (1) who bore the burden thereof and has not
5 shifted such burden directly or indirectly, in any manner
6 whatsoever; (2) who, if he or she has shifted such burden, has
7 repaid unconditionally such amount to his own vendee; and (3)
8 who is not entitled to receive any reimbursement therefor from
9 any other source than from his or her vendor, nor to be
10 relieved of such burden in any manner whatsoever. No credit
11 may be allowed or refund made for any amount paid by or
12 collected from any claimant unless it appears that the
13 claimant has unconditionally repaid, to the purchaser, any
14 amount collected from the purchaser and retained by the
15 claimant with respect to the same transaction under the Use
16 Tax Act.

17 Any credit or refund that is allowed under this Section
18 shall bear interest at the rate and in the manner specified in
19 the Uniform Penalty and Interest Act.

20 In case the Department determines that the claimant is
21 entitled to a refund, such refund shall be made only from the
22 Aviation Fuel Sales Tax Refund Fund or from such appropriation
23 as may be available for that purpose, as appropriate. If it
24 appears unlikely that the amount available would permit
25 everyone having a claim allowed during the period covered by
26 such appropriation or from the Aviation Fuel Sales Tax Refund

1 Fund, as appropriate, to elect to receive a cash refund, the
2 Department, by rule or regulation, shall provide for the
3 payment of refunds in hardship cases and shall define what
4 types of cases qualify as hardship cases.

5 If a retailer who has failed to pay retailers' occupation
6 tax on gross receipts from retail sales is required by the
7 Department to pay such tax, such retailer, without filing any
8 formal claim with the Department, shall be allowed to take
9 credit against such retailers' occupation tax liability to the
10 extent, if any, to which such retailer has paid an amount
11 equivalent to retailers' occupation tax or has paid use tax in
12 error to his or her vendor or vendors of the same tangible
13 personal property which such retailer bought for resale and
14 did not first use before selling it, and no penalty or interest
15 shall be charged to such retailer on the amount of such credit.
16 However, when such credit is allowed to the retailer by the
17 Department, the vendor is precluded from refunding any of that
18 tax to the retailer and filing a claim for credit or refund
19 with respect thereto with the Department. The provisions of
20 this amendatory Act shall be applied retroactively, regardless
21 of the date of the transaction.

22 (Source: P.A. 101-10, eff. 6-5-19; 102-40, eff. 6-25-21.)

23 Section 20.22. The Governmental Tax Reform Validation Act
24 is amended by changing Section 10 as follows:

1 (35 ILCS 165/10)

2 Sec. 10. Re-enactment; findings; purpose; validation.

3 (a) The General Assembly finds and declares that:

4 (1) The amendatory provisions of this Act were first
5 enacted by Public Act 85-1135 and all related to taxation.

6 (A) Article I of Public Act 85-1135, effective
7 July 28, 1988, contained provisions stating
8 legislative intent.

9 (B) Article II of Public Act 85-1135, effective
10 January 1, 1990, contained provisions amending or
11 creating Sections 8-11-1, 8-11-1.1, 8-11-1.2,
12 8-11-1.3, 8-11-1.4, 8-11-5, 8-11-6, 8-11-6a, 8-11-16,
13 and 11-74.4-8a of the Illinois Municipal Code;
14 Sections 24a-1, 24a-2, 24a-3, 24a-4, and 25.05 of "An
15 Act to revise the law in relation to counties";
16 Section 4 of the Water Commission Act of 1985; Section
17 5.01 of the Local Mass Transit District Act; Sections
18 5.12, 6.02, 6.05, and 6.08 of the Metropolitan
19 Mobility Authority Act ~~Sections 4.01, 4.03, 4.04, and~~
20 ~~4.09 of the Regional Transportation Authority Act;~~
21 Sections 3, 9, and 10b of the Use Tax Act; Sections 2,
22 3, 3d, 7a, 9, 10, 10b, and 15 of the Service Use Tax
23 Act; Sections 2, 3, 9, 13, 15, and 20.1 of the Service
24 Occupation Tax Act; Sections 2, 3, 5k, and 6d of the
25 Retailers' Occupation Tax Act; and Sections 5.240,
26 5.241, 6z-16, and 6z-17 of the State Finance Act.

1 Article II of Public Act 85-1135, effective January 1,
2 1990, also contained provisions repealing Sections
3 25.05a, 25.05-2, 25.05-2a, 25.05-3, 25.05-3a,
4 25.05-10, 25.05-10a, and 25.05-10.1 of "An Act to
5 revise the law in relation to counties" and Sections
6 10 and 14 of the Service Occupation Tax Act.

7 (C) Article III of Public Act 85-1135, effective
8 September 1, 1988, contained provisions further
9 amending Sections 3 and 9 of the Use Tax Act; Sections
10 2, 3, and 9 of the Service Use Tax Act; Sections 2, 3,
11 and 9 of the Service Occupation Tax Act; and Sections 2
12 and 3 of the Retailers' Occupation Tax Act; and
13 amending Section 2 of the State Revenue Sharing Act.

14 (D) Article IV of Public Act 85-1135, effective
15 July 28, 1988, contained provisions amending Section
16 6z-9 of the State Finance Act and creating Section .01
17 of the State Revenue Sharing Act.

18 (E) Article V of Public Act 85-1135, effective
19 July 28, 1988, contained provisions precluding any
20 effect on a pre-existing right, remedy, or liability
21 and authorizing enactment of home rule municipality
22 ordinances.

23 (2) Public Act 85-1135 also contained provisions
24 relating to State bonds and creating the Water Pollution
25 Control Revolving Fund loan program.

26 (3) On August 26, 1998, the Cook County Circuit Court

1 entered an order in the case of Oak Park Arms Associates v.
2 Whitley (No. 92 L 51045), in which it found that Public Act
3 85-1135 violates the single subject clause of the Illinois
4 Constitution (Article IV, Section 8(d)). As of the time
5 this Act was prepared, the order declaring P.A. 85-1135
6 invalid has been vacated but the case is subject to
7 appeal.

8 (4) The tax provisions of Public Act 85-1135 affect
9 many areas of vital concern to the people of this State.
10 The disruption of the tax reform contained in those
11 provisions could constitute a grave threat to the
12 continued health, safety, and welfare of the people of
13 this State.

14 (b) It is the purpose of this Act to prevent or minimize
15 any problems relating to taxation that may result from
16 challenges to the constitutional validity of Public Act
17 85-1135, by (1) re-enacting provisions from Public Act 85-1135
18 and (2) validating all actions taken in reliance on those
19 provisions from Public Act 85-1135.

20 (c) Because Public Act 86-962, effective January 1, 1990,
21 renumbered Sections 24a-1, 24a-2, 24a-3, 24a-4, and 25.05 of
22 the Counties Code, this Act contains those provisions as
23 renumbered under Sections 5-1006, 5-1007, 5-1008, 5-1009, and
24 5-1024 of the Counties Code. Because Public Act 86-1475,
25 effective January 10, 1991, resectioned Section 3 of the Use
26 Tax Act, Section 3 of the Service Use Tax Act, Section 3 of the

1 Service Occupation Tax Act, and Section 2 of the Retailers'
2 Occupation Tax Act, this Act contains those provisions as
3 resectioned under Sections 3, 3-5, 3-10, 3-15, 3-20, 3-25,
4 3-30, 3-35, 3-40, 3-45, 3-50, 3-55, 3-60, 3-65, 3-70, 3-75,
5 and 3-80 of the Use Tax Act; Sections 3, 3-5, 3-10, 3-15, 3-20,
6 3-25, 3-30, 3-35, 3-40, 3-45, 3-50, 3-55, 3-60, and 3-65 of the
7 Service Use Tax Act; Sections 3, 3-5, 3-10, 3-15, 3-20, 3-25,
8 3-30, 3-35, 3-40, 3-45, and 3-50 of the Service Occupation Tax
9 Act; and Sections 2, 2-5, 2-10, 2-15, 2-20, 2-25, 2-30, 2-35,
10 2-40, 2-45, 2-50, 2-55, 2-60, 2-65 of the Retailers'
11 Occupation Tax Act. Because Public Act 85-1440, effective
12 February 1, 1989, renumbered Section 6z-16 of the State
13 Finance Act and Section .01 of the State Revenue Sharing Act,
14 this Act contains those provisions as renumbered under Section
15 6z-18 of the State Finance Act and Section 0.1 of the State
16 Revenue Sharing Act. Sections 10b of the Use Tax Act, 10b of
17 the Service Use Tax Act, 20.1 of the Service Occupation Tax
18 Act, and 6d of the Retailers' Occupation Tax Act have been
19 omitted from this Act because they were repealed by Public Act
20 87-1258, effective January 7, 1993.

21 (d) This Act re-enacts Section 1 of Article I of Public Act
22 85-1135; Sections 8-11-1, 8-11-1.1, 8-11-1.2, 8-11-1.3,
23 8-11-1.4, 8-11-5, 8-11-6, 8-11-6a, 8-11-16, and 11-74.4-8a of
24 the Illinois Municipal Code; Sections 5-1006, 5-1007, 5-1008,
25 5-1009, and 5-1024 of the Counties Code; Section 4 of the Water
26 Commission Act of 1985; Section 5.01 of the Local Mass Transit

1 District Act; Sections 5.12, 6.02, 6.05, and 6.08 of the
2 Metropolitan Mobility Authority Act ~~Sections 4.01, 4.03, 4.04,~~
3 ~~and 4.09 of the Regional Transportation Authority Act;~~
4 Sections 3, 3-5, 3-10, 3-15, 3-20, 3-25, 3-30, 3-35, 3-40,
5 3-45, 3-50, 3-55, 3-60, 3-65, 3-70, 3-75, 3-80, 9, and 10b of
6 the Use Tax Act; Sections 2, 3, 3-5, 3-10, 3-15, 3-20, 3-25,
7 3-30, 3-35, 3-40, 3-45, 3-50, 3-55, 3-60, 3-65, 3d, 7a, 9, 10,
8 10b, and 15 of the Service Use Tax Act; Sections 2, 3, 3-5,
9 3-10, 3-15, 3-20, 3-25, 3-30, 3-35, 3-40, 3-45, 3-50, 9, 13,
10 15, and 20.1 of the Service Occupation Tax Act; Sections 2,
11 2-5, 2-10, 2-15, 2-20, 2-25, 2-30, 2-35, 2-40, 2-45, 2-50,
12 2-55, 2-60, 2-65, 3, 5k, and 6d of the Retailers' Occupation
13 Tax Act; Sections 5.240, 5.241, 6z-9, 6z-17, and 6z-18 of the
14 State Finance Act; Sections 0.1 and 2 of the State Revenue
15 Sharing Act; and Sections 1 and 2 of Article V of Public Act
16 85-1135 as they have been amended. It also re-repeals Sections
17 25.05a, 25.05-2, 25.05-2a, 25.05-3, 25.05-3a, 25.05-10,
18 25.05-10a, and 25.05-10.1 of "An Act to revise the law in
19 relation to counties" and Sections 10 and 14 of the Service
20 Occupation Tax Act. This re-enactment and re-repeal is
21 intended to remove any questions as to the validity or content
22 of those Sections; it is not intended to supersede any other
23 Public Act that amends the text of a Section as set forth in
24 this Act. The re-enacted material in this Act is shown as
25 existing text (i.e., without underscoring) because, as of the
26 time this Act was prepared, the order declaring P.A. 85-1135

1 invalid has been vacated.

2 (e) In Sections 100 and 900 of this Act, references to
3 "this amendatory Act of 1988" mean Public Act 85-1135, as
4 re-enacted by this Act.

5 (f) The re-enactment or re-repeal of Sections of Public
6 Act 85-1135 by this Act is not intended, and shall not be
7 construed, to imply that Public Act 85-1135 is invalid or to
8 limit or impair any legal argument (1) upholding the validity
9 of Public Act 85-1135 or (2) concerning whether the provisions
10 of Public Act 85-1135 were substantially re-enacted by other
11 Public Acts.

12 (g) All otherwise lawful actions taken in reasonable
13 reliance on or pursuant to the Sections re-enacted by this
14 Act, as set forth in Public Act 85-1135 or subsequently
15 amended, by any officer, employee, agency, or unit of State or
16 local government or by any other person or entity, are hereby
17 validated.

18 With respect to actions taken in relation to matters
19 arising under the Sections re-enacted by this Act, as set
20 forth in Public Act 85-1135 or subsequently amended, a person
21 is rebuttably presumed to have acted in reasonable reliance on
22 and pursuant to the provisions of Public Act 85-1135, as those
23 provisions had been amended at the time the action was taken.

24 (h) With respect to its administration of matters arising
25 under the Sections re-enacted by this Act, the Department of
26 Revenue shall continue to apply the provisions of Public Act

1 85-1135, as those provisions had been amended at the relevant
2 time.

3 (i) This Act applies, without limitation, to proceedings
4 pending on or after the effective date of this Act.

5 (Source: P.A. 91-51, eff. 6-30-99.)

6 Section 20.23. The Simplified Sales and Use Tax
7 Administration Act is amended by changing Section 2 as
8 follows:

9 (35 ILCS 171/2)

10 Sec. 2. Definitions. As used in this Act:

11 (a) "Agreement" means the Streamlined Sales and Use Tax
12 Agreement as amended and adopted on January 27, 2001.

13 (b) "Certified Automated System" means software certified
14 jointly by the states that are signatories to the Agreement to
15 calculate the tax imposed by each jurisdiction on a
16 transaction, determine the amount of tax to remit to the
17 appropriate state, and maintain a record of the transaction.

18 (c) "Certified Service Provider" means an agent certified
19 jointly by the states that are signatories to the Agreement to
20 perform all of the seller's sales tax functions.

21 (d) "Person" means an individual, trust, estate,
22 fiduciary, partnership, limited liability company, limited
23 liability partnership, corporation, or any other legal entity.

24 (e) "Sales Tax" means the tax levied under the Service

1 Occupation Tax Act (35 ILCS 115/) and the Retailers'
2 Occupation Tax Act (35 ILCS 120/). "Sales tax" also means any
3 local sales tax levied under the Home Rule Municipal
4 Retailers' Occupation Tax Act (65 ILCS 5/8-11-1), the Non-Home
5 Rule Municipal Retailers' Occupation Tax Act (65 ILCS
6 5/8-11-1.3), the Non-Home Rule Municipal Service Occupation
7 Tax Act (65 ILCS 5/8-11-1.4), the Home Rule Municipal Service
8 Occupation Tax (65 ILCS 5/8-11-5), the Home Rule County
9 Retailers' Occupation Tax Law (55 ILCS 5/5-1006), the Special
10 County Occupation Tax for Public Safety, Public Facilities,
11 Mental Health, Substance Abuse, or Transportation Law (55 ILCS
12 5/5-1006.5), the Home Rule County Service Occupation Tax Law
13 (55 ILCS 5/5-1007), subsection (b) of the Rock Island County
14 Use and Occupation Tax Law (55 ILCS 5/5-1008.5(b)), the Metro
15 East Mass Transit District Retailers' Occupation Tax (70 ILCS
16 3610/5.01(b)), the Metro East Mass Transit District Service
17 Occupation Tax (70 ILCS 3610/5.01(c)), the Metropolitan
18 Mobility Regional Transportation Authority Retailers'
19 Occupation Tax (subsection (e) of Section 6.02 of the
20 Metropolitan Mobility Authority Act) ~~70 ILCS 3615/4.03(e)~~,
21 the Metropolitan Mobility Regional Transportation Authority
22 Service Occupation Tax ~~(70 ILCS 3615/4.03(f))~~, the County
23 Water Commission Retailers' Occupation Tax (70 ILCS
24 3720/4(b)), or the County Water Commission Service Occupation
25 Tax (70 ILCS 3720/4(c)).

26 (f) "Seller" means any person making sales of personal

1 property or services.

2 (g) "State" means any state of the United States and the
3 District of Columbia.

4 (h) "Use tax" means the tax levied under the Use Tax Act
5 (35 ILCS 105/) and the Service Use Tax Act (35 ILCS 110/). "Use
6 tax" also means any local use tax levied under the Home Rule
7 Municipal Use Tax Act (65 ILCS 5/8-11-6(b)), provided that the
8 State and the municipality have entered into an agreement that
9 provides for administration of the tax by the State.
10 (Source: P.A. 100-1167, eff. 1-4-19.)

11 Section 20.24. The Property Tax Code is amended by
12 changing Section 15-100 as follows:

13 (35 ILCS 200/15-100)

14 Sec. 15-100. Public transportation systems.

15 (a) All property belonging to any municipal corporation
16 created for the sole purpose of owning and operating a
17 transportation system for public service is exempt.

18 (b) Property owned by (i) a municipal corporation of
19 500,000 or more inhabitants, used for public transportation
20 purposes, and operated by the Metropolitan Mobility ~~Chicago~~
21 ~~Transit~~ Authority; (ii) the Metropolitan Mobility ~~Regional~~
22 ~~Transportation~~ Authority; (iii) (blank); or any service board
23 ~~or division of the Regional Transportation Authority;~~ (iv) the
24 Northeast Illinois Regional Commuter Railroad Corporation, ~~or~~

1 ~~(v) the Chicago Transit Authority~~ shall be exempt. For
2 purposes of this Section alone, the Metropolitan Mobility
3 Authority ~~Regional Transportation Authority, any service board~~
4 ~~or division of the Regional Transportation Authority,~~ the
5 Northeast Illinois Regional Commuter Railroad Corporation, ~~the~~
6 ~~Chicago Transit Authority,~~ or a municipal corporation, as
7 defined in item (i), shall be deemed an "eligible
8 transportation authority". The exemption provided in this
9 subsection shall not be affected by any transaction in which,
10 for the purpose of obtaining financing, the eligible
11 transportation authority, directly or indirectly, leases or
12 otherwise transfers such property to another whose property is
13 not exempt and immediately thereafter enters into a leaseback
14 or other agreement that directly or indirectly gives the
15 eligible transportation authority a right to use, control, and
16 possess the property. In the case of a conveyance of such
17 property, the eligible transportation authority must retain an
18 option to purchase the property at a future date or, within the
19 limitations period for reverters, the property must revert
20 back to the eligible transportation authority.

21 (c) If such property has been conveyed as described in
22 subsection (b), the property will no longer be exempt pursuant
23 to this Section as of the date when:

24 (1) the right of the eligible transportation authority
25 to use, control, and possess the property has been
26 terminated;

1 (2) the eligible transportation authority no longer
2 has an option to purchase or otherwise acquire the
3 property; and

4 (3) there is no provision for a reverter of the
5 property to the eligible transportation authority within
6 the limitations period for reverters.

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

19 (e) No provision of this Section shall be construed to
20 affect the obligation of the eligible transportation authority
21 to which an exemption certificate has been issued under this
22 Section from its obligation under Section 15-10 of this Code
23 to file an annual certificate of status or to notify the chief
24 county assessment officer of transfers of interest or other
25 changes in the status of the property as required by this Code.

26 (f) The changes made by this amendatory Act of 1997 are

1 declarative of existing law and shall not be construed as a new
2 enactment.

3 (Source: P.A. 90-562, eff. 12-16-97.)

4 Section 20.25. The Motor Fuel Tax Law is amended by
5 changing Section 8b as follows:

6 (35 ILCS 505/8b)

7 Sec. 8b. Transportation Renewal Fund; creation;
8 distribution of proceeds.

9 (a) The Transportation Renewal Fund is hereby created as a
10 special fund in the State treasury. Moneys in the Fund shall be
11 used as provided in this Section:

12 (1) 80% of the moneys in the Fund shall be used for
13 highway maintenance, highway construction, bridge repair,
14 congestion relief, and construction of aviation
15 facilities; of that 80%:

16 (A) the State Comptroller shall order transferred
17 and the State Treasurer shall transfer 60% to the
18 State Construction Account Fund; those moneys shall be
19 used solely for construction, reconstruction,
20 improvement, repair, maintenance, operation, and
21 administration of highways and are limited to payments
22 made pursuant to design and construction contracts
23 awarded by the Department of Transportation;

24 (B) 40% shall be distributed by the Department of

1 Transportation to municipalities, counties, and road
2 districts of the State using the percentages set forth
3 in subdivisions (A), (B), (C), and (D) of paragraph
4 (2) of subsection (e) of Section 8; distributions to
5 particular municipalities, counties, and road
6 districts under this subdivision (B) shall be made
7 according to the allocation procedures described for
8 municipalities, counties, and road districts in
9 subsection (e) of Section 8 and shall be subject to the
10 same requirements and limitations described in that
11 subsection; and

12 (2) 20% of the moneys in the Fund shall be used for
13 projects related to rail facilities and mass transit
14 facilities, as defined in Section 2705-305 of the
15 Department of Transportation Law of the Civil
16 Administrative Code of Illinois, including rapid transit,
17 rail, high-speed rail, bus and other equipment in
18 connection with the State or a unit of local government,
19 special district, municipal corporation, or other public
20 agency authorized to provide and promote public
21 transportation within the State; of that 20%:

22 (A) 90% shall be deposited into the Metropolitan
23 Mobility ~~Regional Transportation~~ Authority Capital
24 Improvement Fund, a special fund created in the State
25 treasury ~~Treasury~~; moneys in the Metropolitan Mobility
26 ~~Regional Transportation~~ Authority Capital Improvement

1 Fund shall be used by the Metropolitan Mobility
2 ~~Regional Transportation~~ Authority for construction,
3 improvements, and deferred maintenance on mass transit
4 facilities and acquisition of buses and other
5 equipment; and

6 (B) 10% shall be deposited into the Downstate Mass
7 Transportation Capital Improvement Fund, a special
8 fund created in the State treasury ~~Treasury~~; moneys in
9 the Downstate Mass Transportation Capital Improvement
10 Fund shall be used by local mass transit districts
11 other than the Metropolitan Mobility ~~Regional~~
12 ~~Transportation~~ Authority for construction,
13 improvements, and deferred maintenance on mass transit
14 facilities and acquisition of buses and other
15 equipment.

16 (b) Beginning on July 1, 2020, the Auditor General shall
17 conduct an annual financial audit of the obligations,
18 expenditures, receipt, and use of the funds deposited into the
19 Transportation Renewal Fund and provide specific
20 recommendations to help ensure compliance with State and
21 federal statutes, rules, and regulations.

22 (Source: P.A. 101-32, eff. 6-28-19; 101-604, eff. 12-13-19.)

23 Section 20.26. The Postage Stamp Vending Machine Act is
24 amended by changing Section 1 as follows:

1 (35 ILCS 815/1) (from Ch. 121 1/2, par. 911)

2 Sec. 1. Vending machines which vend only United States
3 postage stamps are exempt from license fees or any excise or
4 license tax levied by the State of Illinois or any county or
5 municipality or other taxing district thereof, but are not
6 exempt from State, county, municipal, or Metropolitan Mobility
7 ~~Regional Transportation~~ Authority occupation and use taxes.

8 (Source: P.A. 82-985.)

9 Section 20.27. The Illinois Pension Code is amended by
10 changing Sections 8-230.1, 11-221.1, 18-112, 22-101, 22-101B,
11 22-103, and 22-105 as follows:

12 (40 ILCS 5/8-230.1) (from Ch. 108 1/2, par. 8-230.1)

13 Sec. 8-230.1. Right of employees to contribute for certain
14 other service. Any employee in the service, after having made
15 contributions covering a period of 10 or more years to the
16 annuity and benefit fund herein provided for, may elect to pay
17 for and receive credit for all annuity purposes for service
18 theretofore rendered by the employee to the Chicago Transit
19 Authority created by the Metropolitan Transit Authority Act
20 (repealed) or its predecessor public utilities; provided that
21 the last 5 years of service prior to retirement on annuity
22 shall have been as an employee of the City and a contributor to
23 this Fund. Such service credit may be paid for and granted on
24 the same basis and conditions as are applicable in the case of

1 employees who make payment for past service under the
2 provisions of Section 8-230, but on the assumption that the
3 employee's salary throughout all of his or her service with
4 the Authority or its predecessor public utilities was at the
5 rate of the employee's salary at the later of the date of his
6 or her entrance or reentrance into the service as a municipal
7 employee, as applicable. In no event, however, shall such
8 service be credited if the employee has not forfeited and
9 relinquished pension credit for service covering such period
10 under any pension or retirement plan applicable to the
11 Authority or its predecessor public utilities and instituted
12 and maintained by the Authority or its predecessor public
13 utilities for the benefit of its employees.

14 (Source: P.A. 103-455, eff. 1-1-24.)

15 (40 ILCS 5/11-221.1) (from Ch. 108 1/2, par. 11-221.1)

16 Sec. 11-221.1. Right of employees to contribute for
17 certain other service. Any employee in the service, after
18 having made contributions covering a period of 10 or more
19 years to the annuity and benefit fund herein provided for, may
20 elect to pay for and receive credit for all annuity purposes
21 for service theretofore rendered by the employee to the
22 Chicago Transit Authority created by the Metropolitan Transit
23 Authority Act (repealed); provided that if the employee has
24 more than 10 years of such service, only the last 10 years of
25 such service shall be credited. Such service credit may be

1 paid for and granted on the same basis and conditions as are
2 applicable in the case of employees who make payment for past
3 service under the provisions of Section 11-221, but on the
4 assumption that the employee's salary throughout all of his or
5 her service with the Authority was at the rate of the
6 employee's salary at the date of his or her entrance into the
7 service as an employee. In no event, however, shall such
8 service be credited if the employee has not forfeited and
9 relinquished pension credit for service covering such period
10 under any pension or retirement plan applicable to the
11 Authority and instituted and maintained by the Authority for
12 the benefit of its employees.

13 (Source: P.A. 90-655, eff. 7-30-98.)

14 (40 ILCS 5/18-112) (from Ch. 108 1/2, par. 18-112)

15 Sec. 18-112. Service. "Service": The period beginning on
16 the day a person first became a judge, whether prior or
17 subsequent to the effective date, and ending on the date under
18 consideration, excluding all intervening periods during which
19 he or she was not a judge following resignation or expiration
20 of any term of election or appointment.

21 Service also includes the following: (a) Any period prior
22 to January 1, 1964 during which a judge served as a justice of
23 the peace, police magistrate or master in chancery, or as a
24 civil referee, commissioner or trial assistant to the chief
25 judge in the Municipal Court of Chicago, or performed judicial

1 duties as an assistant to the judge of the Probate Court of
2 Cook County. A judge shall be entitled to credit for all or as
3 much as the judge may desire of such service, not exceeding 8
4 years, upon payment of the participant's contribution covering
5 such service at the contribution rates in effect on July 1,
6 1969, together with interest at 4% per annum compounded
7 annually, from the dates the service was rendered to the date
8 of payment, provided credit for such service had not been
9 granted in any public pension fund or retirement system in the
10 State. The required contributions shall be based upon the rate
11 of salary in effect for the judge on the date he or she entered
12 the system or on January 1, 1964, whichever is later.

13 (b) Service rendered after January 1, 1964, as a holdover
14 magistrate or master in chancery of the Circuit Court. A judge
15 shall be entitled to credit for any period of such service, not
16 exceeding a total of 8 years, together with the period of
17 service taken into account in paragraph (a). Service credit
18 under this paragraph is subject to the same contribution
19 requirements and other limitations that are prescribed for
20 service credit under paragraph (a).

21 (c) Any period that a participant served as a member of the
22 General Assembly, subject to the following conditions:

23 (1) He or she has been a participant in this system for at
24 least 4 years and has contributed to the system for service
25 rendered as a member of the General Assembly subsequent to
26 November 1, 1941, at the contribution rates in effect for a

1 judge on the date of becoming a participant, including
2 interest at 3% per annum compounded annually from the date
3 such service was rendered to the date of payment, based on the
4 salary in effect during such period of service; and

5 (2) The participant is not entitled to credit for such
6 service in any other public retirement system in the State.

7 (d) Any period a participant served as a judge or
8 commissioner of the Court of Claims of this State after
9 November 1, 1941, provided he or she contributes to the system
10 at the contribution rates in effect on the date of becoming a
11 participant, based on salary received during such service,
12 including interest at 3% per annum compounded annually from
13 the date such service was rendered to the date of payment.

14 (e) Any period that a participant served as State's
15 Attorney or Public Defender of any county of this State,
16 subject to the following conditions: (1) such service was not
17 credited under any public pension fund or retirement system;
18 (2) the maximum service to be credited in this system shall be
19 8 years; (3) the participant must have at least 6 years of
20 service as a judge and as a participant of this system; and (4)
21 the participant has made contributions to the system for such
22 service at the contribution rates in effect on the date of
23 becoming a participant in this system based upon the salary of
24 the judge on such date, including interest at 4% per annum
25 compounded annually from such date to the date of payment.

26 A judge who terminated service before January 26, 1988 and

1 whose retirement annuity began after January 1, 1988 may
2 establish credit for service as a Public Defender in
3 accordance with the other provisions of this subsection by
4 making application and paying the required contributions to
5 the Board not later than 30 days after August 23, 1989. In such
6 cases, the Board shall recalculate the retirement annuity,
7 effective on the first day of the next calendar month
8 beginning at least 30 days after the application is received.

9 (f) Any period as a participating policeman, employee or
10 teacher under Article 5, 14 or 16 of this Code, subject to the
11 following conditions: (1) the credits accrued under Article 5,
12 14 or 16 have been transferred to this system; and (2) the
13 participant has contributed to the system an amount equal to
14 (A) contributions at the rate in effect for participants at
15 the date of membership in this system based upon the salary of
16 the judge on such date, (B) the employer's share of the normal
17 cost under this system for each year that credit is being
18 established, based on the salary in effect at the date of
19 membership in this system, and (C) interest at 6% per annum,
20 compounded annually, from the date of membership to the date
21 of payment; less (D) the amount transferred on behalf of the
22 participant from Article 5, 14 or 16.

23 (g) Any period that a participant served as the
24 Administrative Director of the Circuit Court of Cook County,
25 as Executive Director of the Home Rule Commission, as
26 assistant corporation counsel in the Chicago Law Department,

1 or as an employee of the Cook County Treasurer, subject to the
2 following conditions: (1) the maximum amount of such service
3 which may be credited is 10 years; (2) in order to qualify for
4 such credit in this system, a judge must have at least 6 years
5 of service as a judge and participant of this system; (3) the
6 last 6 years of service credited in this system shall be as a
7 judge and a participant in this system; (4) credits accrued to
8 the participant under any other public pension fund or public
9 retirement system in the State, if any, by reason of the
10 service to be established under this paragraph (g) has been
11 transferred to this system; and (5) the participant has
12 contributed to this system the amount, if any, by which the
13 amount transferred pursuant to subdivision (4) of this
14 paragraph, if any, is less than the amount which the
15 participant would have contributed to the system during the
16 period of time being counted as service under this paragraph
17 had the participant been a judge participating in this system
18 during that time, based on the rate of contribution in effect
19 and the salary earned by the participant on the date he or she
20 became a participant, with interest accruing on such
21 deficiency at a rate of 5% per annum from the date he or she
22 became a participant through the date on which such deficiency
23 is paid.

24 (h) Any period that a participant served as a full-time
25 attorney employed by the Chicago Transit Authority created by
26 the Metropolitan Transit Authority Act (repealed), subject to

1 the following conditions: (1) any credit received for such
2 service in the pension fund established under Section 22-101
3 has been terminated; (2) the maximum amount of such service to
4 be credited in this system shall be 10 years; (3) the
5 participant must have at least 6 years of service as a judge
6 and as a participant of this system; and (4) the participant
7 has made contributions to the system for such service at the
8 contribution rates in effect on the date of becoming a
9 participant in this system based upon the salary of the judge
10 on such date, including interest at 5% per annum compounded
11 annually from such date to the date of payment.

12 (i) Any period during which a participant received
13 temporary total disability benefit payments, as provided in
14 Section 18-126.1.

15 Service during a fraction of a month shall be considered a
16 month of service, but no more than one month of service shall
17 be credited for all service during any calendar month.

18 (Source: P.A. 86-272; 86-273; 86-1028; 87-1265.)

19 (40 ILCS 5/22-101) (from Ch. 108 1/2, par. 22-101)

20 Sec. 22-101. Retirement Plan for Chicago Transit Authority
21 Employees.

22 (a) There shall be ~~established and~~ maintained by the
23 Metropolitan Mobility Authority created by the Metropolitan
24 Mobility Authority Act ~~the Authority created by the~~
25 ~~"Metropolitan Transit Authority Act", approved April 12, 1945,~~

1 ~~as amended,~~ (referred to in this Section as the "Authority") a
2 financially sound pension and retirement system adequate to
3 provide for all payments when due under such established
4 system or as modified from time to time by ordinance of the
5 Authority ~~Chicago Transit Board~~ or collective bargaining
6 agreement. For this purpose, the Metropolitan Mobility
7 Authority Board must make contributions to the established
8 system as required under this Section and may make any
9 additional contributions provided for by Board ordinance or
10 collective bargaining agreement. The participating employees
11 shall make such periodic payments to the established system as
12 required under this Section and may make any additional
13 contributions provided for by Board ordinance or collective
14 bargaining agreement.

15 Provisions shall be made by the Board for all officers,
16 except those who first become members on or after January 1,
17 2012, and employees of the Authority appointed pursuant to the
18 "Metropolitan Transit Authority Act" (repealed) to become,
19 subject to reasonable rules and regulations, participants of
20 the pension or retirement system with uniform rights,
21 privileges, obligations and status as to the class in which
22 such officers and employees belong. The terms, conditions and
23 provisions of any pension or retirement system or of any
24 amendment or modification thereof affecting employees who are
25 members of any labor organization may be established, amended
26 or modified by agreement with such labor organization,

1 provided the terms, conditions and provisions must be
2 consistent with this Act, the annual funding levels for the
3 retirement system established by law must be met and the
4 benefits paid to future participants in the system may not
5 exceed the benefit ceilings set for future participants under
6 this Act and the contribution levels required by the Authority
7 and its employees may not be less than the contribution levels
8 established under this Act.

9 (b) The Board of Trustees shall consist of 11 members
10 appointed as follows: (i) 6 ~~5~~ trustees shall be appointed by
11 the Metropolitan Mobility Authority Board ~~Chicago Transit~~
12 ~~Board~~; (ii) 3 trustees shall be appointed by an organization
13 representing the highest number of Chicago Transit Authority
14 participants; (iii) one trustee shall be appointed by an
15 organization representing the second-highest number of Chicago
16 Transit Authority participants; and (iv) one trustee shall be
17 appointed by the recognized coalition representatives of
18 participants who are not represented by an organization with
19 the highest or second-highest number of Chicago Transit
20 Authority participants; ~~and (v) one trustee shall be selected~~
21 ~~by the Regional Transportation Authority Board of Directors,~~
22 and the trustee shall be a professional fiduciary who has
23 experience in the area of collectively bargained pension
24 plans. Those trustees serving on the effective date of this
25 amendatory Act of the 103rd General Assembly appointed by the
26 Chicago Transit Board and the Regional Transportation

1 Authority Board of Directors shall continue serving until
2 their terms end or they are replaced by the Metropolitan
3 Mobility Authority Board. Trustees shall serve until a
4 successor has been appointed and qualified, or until
5 resignation, death, incapacity, or disqualification.

6 Any person appointed as a trustee of the board shall
7 qualify by taking an oath of office that he or she will
8 diligently and honestly administer the affairs of the system
9 and will not knowingly violate or willfully permit the
10 violation of any of the provisions of law applicable to the
11 Plan, including Sections 1-109, 1-109.1, 1-109.2, 1-110,
12 1-111, 1-114, and 1-115 of the Illinois Pension Code.

13 Each trustee shall cast individual votes, and a majority
14 vote shall be final and binding upon all interested parties,
15 provided that the Board of Trustees may require a
16 supermajority vote with respect to the investment of the
17 assets of the Retirement Plan, and may set forth that
18 requirement in the Retirement Plan documents, by-laws, or
19 rules of the Board of Trustees. Each trustee shall have the
20 rights, privileges, authority, and obligations as are usual
21 and customary for such fiduciaries.

22 The Board of Trustees may cause amounts on deposit in the
23 Retirement Plan to be invested in those investments that are
24 permitted investments for the investment of moneys held under
25 any one or more of the pension or retirement systems of the
26 State, any unit of local government or school district, or any

1 agency or instrumentality thereof. The Board, by a vote of at
2 least two-thirds of the trustees, may transfer investment
3 management to the Illinois State Board of Investment, which is
4 hereby authorized to manage these investments when so
5 requested by the Board of Trustees.

6 Notwithstanding any other provision of this Article or any
7 law to the contrary, any person who first became ~~becomes~~ a
8 member of the Chicago Transit Board on or after January 1, 2012
9 shall not be eligible to participate in this Retirement Plan.

10 (c) All individuals who were previously participants in
11 the Retirement Plan for Chicago Transit Authority Employees
12 shall remain participants, and shall receive the same benefits
13 established by the Retirement Plan for Chicago Transit
14 Authority Employees, except as provided in this amendatory Act
15 or by subsequent legislative enactment or amendment to the
16 Retirement Plan. For Authority employees hired on or after the
17 effective date of this amendatory Act of the 95th General
18 Assembly, the Retirement Plan for Chicago Transit Authority
19 Employees shall be the exclusive retirement plan and such
20 employees shall not be eligible for any supplemental plan,
21 except for a deferred compensation plan funded only by
22 employee contributions.

23 For all Authority employees who are first hired on or
24 after the effective date of this amendatory Act of the 95th
25 General Assembly and are participants in the Retirement Plan
26 for Chicago Transit Authority Employees, the following terms,

1 conditions and provisions with respect to retirement shall be
2 applicable:

3 (1) Such participant shall be eligible for an
4 unreduced retirement allowance for life upon the
5 attainment of age 64 with 25 years of continuous service.

6 (2) Such participant shall be eligible for a reduced
7 retirement allowance for life upon the attainment of age
8 55 with 10 years of continuous service.

9 (3) For the purpose of determining the retirement
10 allowance to be paid to a retiring employee, the term
11 "Continuous Service" as used in the Retirement Plan for
12 Chicago Transit Authority Employees shall also be deemed
13 to include all pension credit for service with any
14 retirement system established under Article 8 or Article
15 11 of this Code, provided that the employee forfeits and
16 relinquishes all pension credit under Article 8 or Article
17 11 of this Code, and the contribution required under this
18 subsection is made by the employee. The Retirement Plan's
19 actuary shall determine the contribution paid by the
20 employee as an amount equal to the normal cost of the
21 benefit accrued, had the service been rendered as an
22 employee, plus interest per annum from the time such
23 service was rendered until the date the payment is made.

24 (d) From the effective date of this amendatory Act through
25 December 31, 2008, all participating employees shall
26 contribute to the Retirement Plan in an amount not less than 6%

1 of compensation, and the Authority shall contribute to the
2 Retirement Plan in an amount not less than 12% of
3 compensation.

4 (e)(1) Beginning January 1, 2009 the Authority shall make
5 contributions to the Retirement Plan in an amount equal to
6 twelve percent (12%) of compensation and participating
7 employees shall make contributions to the Retirement Plan in
8 an amount equal to six percent (6%) of compensation. These
9 contributions may be paid by the Authority and participating
10 employees on a payroll or other periodic basis, but shall in
11 any case be paid to the Retirement Plan at least monthly.

12 (2) For the period ending December 31, 2040, the amount
13 paid by the Authority in any year with respect to debt service
14 on bonds issued for the purposes of funding a contribution to
15 the Retirement Plan under Section 12c of the Metropolitan
16 Transit Authority Act (repealed), other than debt service paid
17 with the proceeds of bonds or notes issued by the Authority for
18 any year after calendar year 2008, shall be treated as a credit
19 against the amount of required contribution to the Retirement
20 Plan by the Authority under subsection (e)(1) for the
21 following year up to an amount not to exceed 6% of compensation
22 paid by the Authority in that following year.

23 (3) By September 15 of each year beginning in 2009 and
24 ending on December 31, 2039, on the basis of a report prepared
25 by an enrolled actuary retained by the Plan, the Board of
26 Trustees of the Retirement Plan shall determine the estimated

1 funded ratio of the total assets of the Retirement Plan to its
2 total actuarially determined liabilities. A report containing
3 that determination and the actuarial assumptions on which it
4 is based shall be filed with the Authority, the
5 representatives of its participating employees, the Auditor
6 General of the State of Illinois, and the Metropolitan
7 Mobility ~~Regional Transportation~~ Authority. If the funded
8 ratio is projected to decline below 60% in any year before
9 2040, the Board of Trustees shall also determine the increased
10 contribution required each year as a level percentage of
11 payroll over the years remaining until 2040 using the
12 projected unit credit actuarial cost method so the funded
13 ratio does not decline below 60% and include that
14 determination in its report. If the actual funded ratio
15 declines below 60% in any year prior to 2040, the Board of
16 Trustees shall also determine the increased contribution
17 required each year as a level percentage of payroll during the
18 years after the then current year using the projected unit
19 credit actuarial cost method so the funded ratio is projected
20 to reach at least 60% no later than 10 years after the then
21 current year and include that determination in its report.
22 Within 60 days after receiving the report, the Auditor General
23 shall review the determination and the assumptions on which it
24 is based, and if he finds that the determination and the
25 assumptions on which it is based are unreasonable in the
26 aggregate, he shall issue a new determination of the funded

1 ratio, the assumptions on which it is based and the increased
2 contribution required each year as a level percentage of
3 payroll over the years remaining until 2040 using the
4 projected unit credit actuarial cost method so the funded
5 ratio does not decline below 60%, or, in the event of an actual
6 decline below 60%, so the funded ratio is projected to reach
7 60% by no later than 10 years after the then current year. If
8 the Board of Trustees or the Auditor General determine that an
9 increased contribution is required to meet the funded ratio
10 required by the subsection, effective January 1 following the
11 determination or 30 days after such determination, whichever
12 is later, one-third of the increased contribution shall be
13 paid by participating employees and two-thirds by the
14 Authority, in addition to the contributions required by this
15 subsection (1).

16 (4) For the period beginning 2040, the minimum
17 contribution to the Retirement Plan for each fiscal year shall
18 be an amount determined by the Board of Trustees of the
19 Retirement Plan to be sufficient to bring the total assets of
20 the Retirement Plan up to 90% of its total actuarial
21 liabilities by the end of 2059. Participating employees shall
22 be responsible for one-third of the required contribution and
23 the Authority shall be responsible for two-thirds of the
24 required contribution. In making these determinations, the
25 Board of Trustees shall calculate the required contribution
26 each year as a level percentage of payroll over the years

1 remaining to and including fiscal year 2059 using the
2 projected unit credit actuarial cost method. A report
3 containing that determination and the actuarial assumptions on
4 which it is based shall be filed by September 15 of each year
5 with the Authority, the representatives of its participating
6 employees, the Auditor General of the State of Illinois and
7 the Metropolitan Mobility ~~Regional Transportation~~ Authority.
8 If the funded ratio is projected to fail to reach 90% by
9 December 31, 2059, the Board of Trustees shall also determine
10 the increased contribution required each year as a level
11 percentage of payroll over the years remaining until December
12 31, 2059 using the projected unit credit actuarial cost method
13 so the funded ratio will meet 90% by December 31, 2059 and
14 include that determination in its report. Within 60 days after
15 receiving the report, the Auditor General shall review the
16 determination and the assumptions on which it is based and if
17 he finds that the determination and the assumptions on which
18 it is based are unreasonable in the aggregate, he shall issue a
19 new determination of the funded ratio, the assumptions on
20 which it is based and the increased contribution required each
21 year as a level percentage of payroll over the years remaining
22 until December 31, 2059 using the projected unit credit
23 actuarial cost method so the funded ratio reaches no less than
24 90% by December 31, 2059. If the Board of Trustees or the
25 Auditor General determine that an increased contribution is
26 required to meet the funded ratio required by this subsection,

1 effective January 1 following the determination or 30 days
2 after such determination, whichever is later, one-third of the
3 increased contribution shall be paid by participating
4 employees and two-thirds by the Authority, in addition to the
5 contributions required by subsection (e) (1).

6 (5) Beginning in 2060, the minimum contribution for each
7 year shall be the amount needed to maintain the total assets of
8 the Retirement Plan at 90% of the total actuarial liabilities
9 of the Plan, and the contribution shall be funded two-thirds
10 by the Authority and one-third by the participating employees
11 in accordance with this subsection.

12 (f) The Authority shall take the steps necessary to comply
13 with Section 414(h) (2) of the Internal Revenue Code of 1986,
14 as amended, to permit the pick-up of employee contributions
15 under subsections (d) and (e) on a tax-deferred basis.

16 (g) The Board of Trustees shall certify to the Governor,
17 the General Assembly, the Auditor General, the Board of the
18 Metropolitan Mobility ~~Regional Transportation~~ Authority, and
19 the Authority at least 90 days prior to the end of each fiscal
20 year the amount of the required contributions to the
21 retirement system for the next retirement system fiscal year
22 under this Section. The certification shall include a copy of
23 the actuarial recommendations upon which it is based. In
24 addition, copies of the certification shall be sent to the
25 Commission on Government Forecasting and Accountability and
26 the Mayor of Chicago.

1 (h) (1) As to an employee who first becomes entitled to a
2 retirement allowance commencing on or after November 30, 1989,
3 the retirement allowance shall be the amount determined in
4 accordance with the following formula:

5 (A) One percent (1%) of his "Average Annual
6 Compensation in the highest four (4) completed Plan Years"
7 for each full year of continuous service from the date of
8 original employment to the effective date of the Plan;
9 plus

10 (B) One and seventy-five hundredths percent (1.75%) of
11 his "Average Annual Compensation in the highest four (4)
12 completed Plan Years" for each year (including fractions
13 thereof to completed calendar months) of continuous
14 service as provided for in the Retirement Plan for Chicago
15 Transit Authority Employees.

16 Provided, however that:

17 (2) As to an employee who first becomes entitled to a
18 retirement allowance commencing on or after January 1, 1993,
19 the retirement allowance shall be the amount determined in
20 accordance with the following formula:

21 (A) One percent (1%) of his "Average Annual
22 Compensation in the highest four (4) completed Plan Years"
23 for each full year of continuous service from the date of
24 original employment to the effective date of the Plan;
25 plus

26 (B) One and eighty hundredths percent (1.80%) of his

1 "Average Annual Compensation in the highest four (4)
2 completed Plan Years" for each year (including fractions
3 thereof to completed calendar months) of continuous
4 service as provided for in the Retirement Plan for Chicago
5 Transit Authority Employees.

6 Provided, however that:

7 (3) As to an employee who first becomes entitled to a
8 retirement allowance commencing on or after January 1, 1994,
9 the retirement allowance shall be the amount determined in
10 accordance with the following formula:

11 (A) One percent (1%) of his "Average Annual
12 Compensation in the highest four (4) completed Plan Years"
13 for each full year of continuous service from the date of
14 original employment to the effective date of the Plan;
15 plus

16 (B) One and eighty-five hundredths percent (1.85%) of
17 his "Average Annual Compensation in the highest four (4)
18 completed Plan Years" for each year (including fractions
19 thereof to completed calendar months) of continuous
20 service as provided for in the Retirement Plan for Chicago
21 Transit Authority Employees.

22 Provided, however that:

23 (4) As to an employee who first becomes entitled to a
24 retirement allowance commencing on or after January 1, 2000,
25 the retirement allowance shall be the amount determined in
26 accordance with the following formula:

1 (A) One percent (1%) of his "Average Annual
2 Compensation in the highest four (4) completed Plan Years"
3 for each full year of continuous service from the date of
4 original employment to the effective date of the Plan;
5 plus

6 (B) Two percent (2%) of his "Average Annual
7 Compensation in the highest four (4) completed Plan Years"
8 for each year (including fractions thereof to completed
9 calendar months) of continuous service as provided for in
10 the Retirement Plan for Chicago Transit Authority
11 Employees.

12 Provided, however that:

13 (5) As to an employee who first becomes entitled to a
14 retirement allowance commencing on or after January 1, 2001,
15 the retirement allowance shall be the amount determined in
16 accordance with the following formula:

17 (A) One percent (1%) of his "Average Annual
18 Compensation in the highest four (4) completed Plan Years"
19 for each full year of continuous service from the date of
20 original employment to the effective date of the Plan;
21 plus

22 (B) Two and fifteen hundredths percent (2.15%) of his
23 "Average Annual Compensation in the highest four (4)
24 completed Plan Years" for each year (including fractions
25 thereof to completed calendar months) of continuous
26 service as provided for in the Retirement Plan for Chicago

1 Transit Authority Employees.

2 The changes made by this amendatory Act of the 95th
3 General Assembly, to the extent that they affect the rights or
4 privileges of Authority employees that are currently the
5 subject of collective bargaining, have been agreed to between
6 the authorized representatives of these employees and of the
7 Authority prior to enactment of this amendatory Act, as
8 evidenced by a Memorandum of Understanding between these
9 representatives that will be filed with the Secretary of State
10 Index Department and designated as "95-GA-C05". The General
11 Assembly finds and declares that those changes are consistent
12 with 49 U.S.C. 5333(b) (also known as Section 13(c) of the
13 Federal Transit Act) because of this agreement between
14 authorized representatives of these employees and of the
15 Authority, and that any future amendments to the provisions of
16 this amendatory Act of the 95th General Assembly, to the
17 extent those amendments would affect the rights and privileges
18 of Authority employees that are currently the subject of
19 collective bargaining, would be consistent with 49 U.S.C.
20 5333(b) if and only if those amendments were agreed to between
21 these authorized representatives prior to enactment.

22 (i) Early retirement incentive plan; funded ratio.

23 (1) Beginning on the effective date of this Section,
24 no early retirement incentive shall be offered to
25 participants of the Plan unless the Funded Ratio of the
26 Plan is at least 80% or more.

1 (2) For the purposes of this Section, the Funded Ratio
2 shall be the Adjusted Assets divided by the Actuarial
3 Accrued Liability developed in accordance with Statement
4 #25 promulgated by the Government Accounting Standards
5 Board and the actuarial assumptions described in the Plan.
6 The Adjusted Assets shall be calculated based on the
7 methodology described in the Plan.

8 (j) Nothing in this amendatory Act of the 95th General
9 Assembly shall impair the rights or privileges of Authority
10 employees under any other law.

11 (k) Any individual who, on or after August 19, 2011 (the
12 effective date of Public Act 97-442), first becomes a
13 participant of the Retirement Plan shall not be paid any of the
14 benefits provided under this Code if he or she is convicted of
15 a felony relating to, arising out of, or in connection with his
16 or her service as a participant.

17 This subsection (k) shall not operate to impair any
18 contract or vested right acquired before August 19, 2011 (the
19 effective date of Public Act 97-442) under any law or laws
20 continued in this Code, and it shall not preclude the right to
21 refund.

22 (Source: P.A. 97-442, eff. 8-19-11; 97-609, eff. 1-1-12;
23 97-813, eff. 7-13-12.)

24 (40 ILCS 5/22-101B)

25 Sec. 22-101B. Health Care Benefits.

1 (a) The Metropolitan Mobility ~~Chicago Transit~~ Authority
2 (hereinafter referred to in this Section as the "Authority")
3 shall take all actions lawfully available to it to separate
4 the funding of health care benefits for retirees and their
5 dependents and survivors from the funding for its retirement
6 system. ~~The Authority shall endeavor to achieve this~~
7 ~~separation as soon as possible, and in any event no later than~~
8 ~~July 1, 2009.~~

9 (b) Effective 90 days after the effective date of this
10 amendatory Act of the 95th General Assembly, a Retiree Health
11 Care Trust is established for the purpose of providing health
12 care benefits to eligible retirees and their dependents and
13 survivors in accordance with the terms and conditions set
14 forth in this Section 22-101B. The Retiree Health Care Trust
15 shall be solely responsible for providing health care benefits
16 to eligible retirees and their dependents and survivors upon
17 the exhaustion of the account established by the Retirement
18 Plan for Chicago Transit Authority Employees pursuant to
19 Section 401(h) of the Internal Revenue Code of 1986, but no
20 earlier than January 1, 2009 and no later than July 1, 2009.

21 (1) The Board of Trustees shall consist of 7 members
22 appointed as follows: (i) ~~4~~ 3 trustees shall be appointed
23 by the Metropolitan Mobility Authority Board ~~Chicago~~
24 ~~Transit Board~~; (ii) one trustee shall be appointed by an
25 organization representing the highest number of former
26 Chicago Transit Authority participants; (iii) one trustee

1 shall be appointed by an organization representing the
2 second-highest number of former Chicago Transit Authority
3 participants; and (iv) one trustee shall be appointed by
4 the recognized coalition representatives of participants
5 who are not represented by an organization with the
6 highest or second-highest number of former Chicago Transit
7 Authority participants; ~~and (v) one trustee shall be~~
8 ~~selected by the Regional Transportation Authority Board of~~
9 ~~Directors,~~ and the trustee shall be a professional
10 fiduciary who has experience in the area of collectively
11 bargained retiree health plans. Those trustees serving on
12 the effective date of this amendatory Act of the 103rd
13 General Assembly appointed by the Chicago Transit Board
14 and the Regional Transportation Authority Board of
15 Directors shall continue serving until their terms end or
16 they are replaced by the Metropolitan Mobility Authority
17 Board. Trustees shall serve until a successor has been
18 appointed and qualified, or until resignation, death,
19 incapacity, or disqualification.

20 Any person appointed as a trustee of the board shall
21 qualify by taking an oath of office that he or she will
22 diligently and honestly administer the affairs of the
23 system, and will not knowingly violate or willfully permit
24 the violation of any of the provisions of law applicable
25 to the Plan, including Sections 1-109, 1-109.1, 1-109.2,
26 1-110, 1-111, 1-114, and 1-115 of Article 1 of the

1 Illinois Pension Code.

2 Each trustee shall cast individual votes, and a
3 majority vote shall be final and binding upon all
4 interested parties, provided that the Board of Trustees
5 may require a supermajority vote with respect to the
6 investment of the assets of the Retiree Health Care Trust,
7 and may set forth that requirement in the trust agreement
8 or by-laws of the Board of Trustees. Each trustee shall
9 have the rights, privileges, authority and obligations as
10 are usual and customary for such fiduciaries.

11 (2) The Board of Trustees shall establish and
12 administer a health care benefit program for eligible
13 retirees and their dependents and survivors. Any health
14 care benefit program established by the Board of Trustees
15 for eligible retirees and their dependents and survivors
16 effective on or after July 1, 2009 shall not contain any
17 plan which provides for more than 90% coverage for
18 in-network services or 70% coverage for out-of-network
19 services after any deductible has been paid, except that
20 coverage through a health maintenance organization ("HMO")
21 may be provided at 100%.

22 (2.5) The Board of Trustees may also establish and
23 administer a health reimbursement arrangement for retirees
24 and for former employees of the Authority or the
25 Retirement Plan, and their survivors, who have contributed
26 to the Retiree Health Care Trust but do not satisfy the

1 years of service requirement of subdivision (b) (4) and the
2 terms of the retiree health care plan; or for those who do
3 satisfy the requirements of subdivision (b) (4) and the
4 terms of the retiree health care plan but who decline
5 coverage under the plan prior to retirement. Any such
6 health reimbursement arrangement may provide that: the
7 retirees or former employees of the Authority or the
8 Retirement Plan, and their survivors, must have reached
9 age 65 to be eligible to participate in the health
10 reimbursement arrangement; contributions by the retirees
11 or former employees of the Authority or the Retirement
12 Plan to the Retiree Health Care Trust shall be considered
13 assets of the Retiree Health Care Trust only;
14 contributions shall not accrue interest for the benefit of
15 the retiree or former employee of the Authority or the
16 Retirement Plan or survivor; benefits shall be payable in
17 accordance with the Internal Revenue Code of 1986; the
18 amounts paid to or on account of the retiree or former
19 employee of the Authority or the Retirement Plan or
20 survivor shall not exceed the total amount which the
21 retiree or former employee of the Authority or the
22 Retirement Plan contributed to the Retiree Health Care
23 Trust; the Retiree Health Care Trust may charge a
24 reasonable administrative fee for processing the benefits.
25 The Board of Trustees of the Retiree Health Care Trust may
26 establish such rules, limitations and requirements as the

1 Board of Trustees deems appropriate.

2 (3) The Retiree Health Care Trust shall be
3 administered by the Board of Trustees according to the
4 following requirements:

5 (i) The Board of Trustees may cause amounts on
6 deposit in the Retiree Health Care Trust to be
7 invested in those investments that are permitted
8 investments for the investment of moneys held under
9 any one or more of the pension or retirement systems of
10 the State, any unit of local government or school
11 district, or any agency or instrumentality thereof.
12 The Board, by a vote of at least two-thirds of the
13 trustees, may transfer investment management to the
14 Illinois State Board of Investment, which is hereby
15 authorized to manage these investments when so
16 requested by the Board of Trustees.

17 (ii) The Board of Trustees shall establish and
18 maintain an appropriate funding reserve level which
19 shall not be less than the amount of incurred and
20 unreported claims plus 12 months of expected claims
21 and administrative expenses.

22 (iii) The Board of Trustees shall make an annual
23 assessment of the funding levels of the Retiree Health
24 Care Trust and shall submit a report to the Auditor
25 General at least 90 days prior to the end of the fiscal
26 year. The report shall provide the following:

1 (A) the actuarial present value of projected
2 benefits expected to be paid to current and future
3 retirees and their dependents and survivors;

4 (B) the actuarial present value of projected
5 contributions and trust income plus assets;

6 (C) the reserve required by subsection
7 (b) (3) (ii); and

8 (D) an assessment of whether the actuarial
9 present value of projected benefits expected to be
10 paid to current and future retirees and their
11 dependents and survivors exceeds or is less than
12 the actuarial present value of projected
13 contributions and trust income plus assets in
14 excess of the reserve required by subsection
15 (b) (3) (ii).

16 If the actuarial present value of projected
17 benefits expected to be paid to current and future
18 retirees and their dependents and survivors exceeds
19 the actuarial present value of projected contributions
20 and trust income plus assets in excess of the reserve
21 required by subsection (b) (3) (ii), then the report
22 shall provide a plan, to be implemented over a period
23 of not more than 10 years from each valuation date,
24 which would make the actuarial present value of
25 projected contributions and trust income plus assets
26 equal to or exceed the actuarial present value of

1 projected benefits expected to be paid to current and
2 future retirees and their dependents and survivors.
3 The plan may consist of increases in employee,
4 retiree, dependent, or survivor contribution levels,
5 decreases in benefit levels, or other plan changes or
6 any combination thereof. If the actuarial present
7 value of projected benefits expected to be paid to
8 current and future retirees and their dependents and
9 survivors is less than the actuarial present value of
10 projected contributions and trust income plus assets
11 in excess of the reserve required by subsection
12 (b) (3) (ii), then the report may provide a plan of
13 decreases in employee, retiree, dependent, or survivor
14 contribution levels, increases in benefit levels, or
15 other plan changes, or any combination thereof, to the
16 extent of the surplus.

17 (iv) The Auditor General shall review the report
18 and plan provided in subsection (b) (3) (iii) and issue
19 a determination within 90 days after receiving the
20 report and plan, with a copy of such determination
21 provided to the General Assembly and the Metropolitan
22 Mobility ~~Regional Transportation~~ Authority, as
23 follows:

24 (A) In the event of a projected shortfall, if
25 the Auditor General determines that the
26 assumptions stated in the report are not

1 unreasonable in the aggregate and that the plan of
2 increases in employee, retiree, dependent, or
3 survivor contribution levels, decreases in benefit
4 levels, or other plan changes, or any combination
5 thereof, to be implemented over a period of not
6 more than 10 years from each valuation date, is
7 reasonably projected to make the actuarial present
8 value of projected contributions and trust income
9 plus assets equal to or in excess of the actuarial
10 present value of projected benefits expected to be
11 paid to current and future retirees and their
12 dependents and survivors, then the Board of
13 Trustees shall implement the plan. If the Auditor
14 General determines that the assumptions stated in
15 the report are unreasonable in the aggregate, or
16 that the plan of increases in employee, retiree,
17 dependent, or survivor contribution levels,
18 decreases in benefit levels, or other plan changes
19 to be implemented over a period of not more than 10
20 years from each valuation date, is not reasonably
21 projected to make the actuarial present value of
22 projected contributions and trust income plus
23 assets equal to or in excess of the actuarial
24 present value of projected benefits expected to be
25 paid to current and future retirees and their
26 dependents and survivors, then the Board of

1 Trustees shall not implement the plan, the Auditor
2 General shall explain the basis for such
3 determination to the Board of Trustees, and the
4 Auditor General may make recommendations as to an
5 alternative report and plan.

6 (B) In the event of a projected surplus, if
7 the Auditor General determines that the
8 assumptions stated in the report are not
9 unreasonable in the aggregate and that the plan of
10 decreases in employee, retiree, dependent, or
11 survivor contribution levels, increases in benefit
12 levels, or both, is not unreasonable in the
13 aggregate, then the Board of Trustees shall
14 implement the plan. If the Auditor General
15 determines that the assumptions stated in the
16 report are unreasonable in the aggregate, or that
17 the plan of decreases in employee, retiree,
18 dependent, or survivor contribution levels,
19 increases in benefit levels, or both, is
20 unreasonable in the aggregate, then the Board of
21 Trustees shall not implement the plan, the Auditor
22 General shall explain the basis for such
23 determination to the Board of Trustees, and the
24 Auditor General may make recommendations as to an
25 alternative report and plan.

26 (C) The Board of Trustees shall submit an

1 alternative report and plan within 45 days after
2 receiving a rejection determination by the Auditor
3 General. A determination by the Auditor General on
4 any alternative report and plan submitted by the
5 Board of Trustees shall be made within 90 days
6 after receiving the alternative report and plan,
7 and shall be accepted or rejected according to the
8 requirements of this subsection (b)(3)(iv). The
9 Board of Trustees shall continue to submit
10 alternative reports and plans to the Auditor
11 General, as necessary, until a favorable
12 determination is made by the Auditor General.

13 (4) For any retiree who first retires effective on or
14 after January 18, 2008, to be eligible for retiree health
15 care benefits upon retirement, the retiree must be at
16 least 55 years of age, retire with 10 or more years of
17 continuous service and satisfy the preconditions
18 established by Public Act 95-708 in addition to any rules
19 or regulations promulgated by the Board of Trustees.
20 Notwithstanding the foregoing, any retiree hired on or
21 before September 5, 2001 who retires with 25 years or more
22 of continuous service shall be eligible for retiree health
23 care benefits upon retirement in accordance with any rules
24 or regulations adopted by the Board of Trustees; provided
25 he or she retires prior to the full execution of the
26 successor collective bargaining agreement to the

1 collective bargaining agreement that became effective
2 January 1, 2007 between the Authority and the
3 organizations representing the highest and second-highest
4 number of former Chicago Transit Authority participants.
5 This paragraph (4) shall not apply to a disability
6 allowance.

7 (5) Effective January 1, 2009, the aggregate amount of
8 retiree, dependent and survivor contributions to the cost
9 of their health care benefits shall not exceed more than
10 45% of the total cost of such benefits. The Board of
11 Trustees shall have the discretion to provide different
12 contribution levels for retirees, dependents and survivors
13 based on their years of service, level of coverage or
14 Medicare eligibility, provided that the total contribution
15 from all retirees, dependents, and survivors shall be not
16 more than 45% of the total cost of such benefits. The term
17 "total cost of such benefits" for purposes of this
18 subsection shall be the total amount expended by the
19 retiree health benefit program in the prior plan year, as
20 calculated and certified in writing by the Retiree Health
21 Care Trust's enrolled actuary to be appointed and paid for
22 by the Board of Trustees.

23 (6) Effective January 1, 2022, all employees of the
24 Authority shall contribute to the Retiree Health Care
25 Trust in an amount not less than 1% of compensation.

26 (7) No earlier than January 1, 2009 and no later than

1 July 1, 2009 as the Retiree Health Care Trust becomes
2 solely responsible for providing health care benefits to
3 eligible retirees and their dependents and survivors in
4 accordance with subsection (b) of this Section 22-101B,
5 the Authority shall not have any obligation to provide
6 health care to current or future retirees and their
7 dependents or survivors. Employees, retirees, dependents,
8 and survivors who are required to make contributions to
9 the Retiree Health Care Trust shall make contributions at
10 the level set by the Board of Trustees pursuant to the
11 requirements of this Section 22-101B.

12 (Source: P.A. 102-415, eff. 1-1-22.)

13 (40 ILCS 5/22-103)

14 Sec. 22-103. Metropolitan Mobility ~~Regional Transportation~~
15 Authority and related pension plans.

16 (a) As used in this Section:

17 "Affected pension plan" means a defined-benefit pension
18 plan supported in whole or in part by employer contributions
19 and maintained by the Metropolitan Mobility Authority ~~Regional~~
20 ~~Transportation Authority, the Suburban Bus Division, or the~~
21 ~~Commuter Rail Division, or any combination thereof,~~ under the
22 general authority of the Metropolitan Mobility ~~Regional~~
23 ~~Transportation~~ Authority Act, including but not limited to any
24 such plan that has been established under or is subject to a
25 collective bargaining agreement or is limited to employees

1 covered by a collective bargaining agreement. "Affected
2 pension plan" does not include any pension fund or retirement
3 system subject to Section 22-101 of this Section.

4 "Authority" means the Metropolitan Mobility Regional
5 ~~Transportation~~ Authority created under the Metropolitan
6 Mobility Regional Transportation Authority Act.

7 "Contributing employer" means an employer that is required
8 to make contributions to an affected pension plan under the
9 terms of that plan.

10 "Funding ratio" means the ratio of an affected pension
11 plan's assets to the present value of its actuarial
12 liabilities, as determined at its latest actuarial valuation
13 in accordance with applicable actuarial assumptions and
14 recommendations.

15 "Under-funded pension plan" or "under-funded" means an
16 affected pension plan that, at the time of its last actuarial
17 valuation, has a funding ratio of less than 90%.

18 (b) The contributing employers of each affected pension
19 plan have a general duty to make the required employer
20 contributions to the affected pension plan in a timely manner
21 in accordance with the terms of the plan. A contributing
22 employer must make contributions to the affected pension plan
23 as required under this subsection and, if applicable,
24 subsection (c); a contributing employer may make any
25 additional contributions provided for by the board of the
26 employer or collective bargaining agreement.

1 (c) In the case of an affected pension plan that is
2 under-funded on January 1, 2009 or becomes under-funded at any
3 time after that date, the contributing employers shall
4 contribute to the affected pension plan, in addition to all
5 amounts otherwise required, amounts sufficient to bring the
6 funding ratio of the affected pension plan up to 90% in
7 accordance with an amortization schedule adopted jointly by
8 the contributing employers and the trustee of the affected
9 pension plan. The amortization schedule may extend for any
10 period up to a maximum of 50 years and shall provide for
11 additional employer contributions in substantially equal
12 annual amounts over the selected period. If the contributing
13 employers and the trustee of the affected pension plan do not
14 agree on an appropriate period for the amortization schedule
15 within 6 months of the date of determination that the plan is
16 under-funded, then the amortization schedule shall be based on
17 a period of 50 years.

18 In the case of an affected pension plan that has more than
19 one contributing employer, each contributing employer's share
20 of the total additional employer contributions required under
21 this subsection shall be determined: (i) in proportion to the
22 amounts, if any, by which the respective contributing
23 employers have failed to meet their contribution obligations
24 under the terms of the affected pension plan; or (ii) if all of
25 the contributing employers have met their contribution
26 obligations under the terms of the affected pension plan, then

1 in the same proportion as they are required to contribute
2 under the terms of that plan. In the case of an affected
3 pension plan that has only one contributing employer, that
4 contributing employer is responsible for all of the additional
5 employer contributions required under this subsection.

6 If an under-funded pension plan is determined to have
7 achieved a funding ratio of at least 90% during the period when
8 an amortization schedule is in force under this Section, the
9 contributing employers and the trustee of the affected pension
10 plan, acting jointly, may cancel the amortization schedule and
11 the contributing employers may cease making additional
12 contributions under this subsection for as long as the
13 affected pension plan retains a funding ratio of at least 90%.

14 (d) Beginning January 1, 2009, if the Authority fails to
15 pay to an affected pension fund within 30 days after it is due
16 (i) any employer contribution that it is required to make as a
17 contributing employer, (ii) any additional employer
18 contribution that it is required to pay under subsection (c),
19 or (iii) any payment that it is required to make under
20 subsection (d) of Section 3.03 of the Metropolitan Mobility
21 Authority Act as a result of Section 4.02a or 4.02b of the
22 Regional Transportation Authority Act (repealed), the trustee
23 of the affected pension fund shall promptly so notify the
24 Commission on Government Forecasting and Accountability, the
25 Mayor of Chicago, the Governor, and the General Assembly.

26 (e) For purposes of determining employer contributions,

1 assets, and actuarial liabilities under this subsection,
2 contributions, assets, and liabilities relating to health care
3 benefits shall not be included.

4 (f) This amendatory Act of the 94th General Assembly does
5 not affect or impair the right of any contributing employer or
6 its employees to collectively bargain the amount or level of
7 employee contributions to an affected pension plan, to the
8 extent that the plan includes employees subject to collective
9 bargaining.

10 (g) Any individual who, on or after August 19, 2011 (the
11 effective date of Public Act 97-442), first becomes a
12 participant of an affected pension plan shall not be paid any
13 of the benefits provided under this Code if he or she is
14 convicted of a felony relating to, arising out of, or in
15 connection with his or her service as a participant.

16 This subsection shall not operate to impair any contract
17 or vested right acquired before August 19, 2011 (the effective
18 date of Public Act 97-442) under any law or laws continued in
19 this Code, and it shall not preclude the right to refund.

20 (h) Notwithstanding any other provision of this Article or
21 any law to the contrary, a person who, on or after January 1,
22 2012 (the effective date of Public Act 97-609), first becomes
23 a director on the Suburban Bus Board, the Commuter Rail Board,
24 ~~or~~ the Board of Directors of the Regional Transportation
25 Authority, or the Board of Directors of the Metropolitan
26 Mobility Authority shall not be eligible to participate in an

1 affected pension plan.

2 (Source: P.A. 97-442, eff. 8-19-11; 97-609, eff. 1-1-12;
3 97-813, eff. 7-13-12.)

4 (40 ILCS 5/22-105)

5 Sec. 22-105. Application to Metropolitan Mobility ~~Regional~~
6 ~~Transportation~~ Authority Board members. This Code does not
7 apply to any individual who first becomes a member of the
8 Regional Transportation Authority Board on or after the
9 effective date of this amendatory Act of the 98th General
10 Assembly with respect to service on that Board or the
11 Metropolitan Mobility Authority Board on or after the
12 effective date of this amendatory Act of the 103rd General
13 Assembly with respect to service on that Board.

14 (Source: P.A. 98-108, eff. 7-23-13.)

15 Section 20.28. The Illinois Municipal Budget Law is
16 amended by changing Section 2 as follows:

17 (50 ILCS 330/2) (from Ch. 85, par. 802)

18 Sec. 2. The following terms, unless the context otherwise
19 indicates, have the following meaning:

20 (1) "Municipality" means and includes all municipal
21 corporations and political subdivisions of this State, or any
22 such unit or body hereafter created by authority of law,
23 except the following: (a) The State of Illinois; (b) counties;

1 (c) cities, villages and incorporated towns; (d) sanitary
2 districts created under "An Act to create sanitary districts
3 and to remove obstructions in the Des Plaines and Illinois
4 Rivers", approved May 29, 1889, as amended; (e) forest
5 preserve districts having a population of 500,000 or more,
6 created under "An Act to provide for the creation and
7 management of forest preserve districts and repealing certain
8 Acts therein named", approved June 27, 1913, as amended; (f)
9 school districts; (g) the Chicago Park District created under
10 "An Act in relation to the creation, maintenance, operation
11 and improvement of the Chicago Park District", approved, June
12 10, 1933, as amended; (h) park districts created under "The
13 Park District Code", approved July 8, 1947, as amended; (i)
14 the Metropolitan Mobility ~~Regional Transportation~~ Authority
15 created under the Metropolitan Mobility ~~"Regional~~
16 ~~Transportation~~ Authority Act", ~~enacted by the 78th General~~
17 ~~Assembly~~; and (j) the Illinois Sports Facilities Authority.

18 (2) "Governing body" means the corporate authorities,
19 body, or other officer of the municipality authorized by law
20 to raise revenue, appropriate funds, or levy taxes for the
21 operation and maintenance thereof.

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

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

25 Section 20.29. The Counties Code is amended by changing

1 Section 6-34000 as follows:

2 (55 ILCS 5/6-34000)

3 Sec. 6-34000. Report on funds received under the
4 Metropolitan Mobility ~~Regional Transportation~~ Authority Act.

5 If the Board of the Metropolitan Mobility ~~Regional~~
6 ~~Transportation~~ Authority adopts an ordinance under Section

7 6.02 ~~4.03~~ of the Metropolitan Mobility ~~Regional Transportation~~

8 Authority Act imposing a retailers' occupation tax and a
9 service occupation tax at the rate of 0.75% in the counties of

10 DuPage, Kane, Lake, McHenry, and Will, then the County Boards

11 of DuPage, Kane, Lake, McHenry, and Will counties shall each

12 report to the General Assembly and the Commission on

13 Government Forecasting and Accountability by March 1 of the

14 year following the adoption of the ordinance and March 1 of

15 each year thereafter. That report shall include the total

16 amounts received by the County under subsection (cc) of

17 Section 6.02 ~~(n)~~ of ~~Section 4.03~~ of the Metropolitan Mobility

18 ~~Regional Transportation~~ Authority Act and the expenditures and

19 obligations of the County using those funds during the

20 previous calendar year.

21 (Source: P.A. 95-906, eff. 8-26-08.)

22 Section 20.30. The Illinois Municipal Code is amended by

23 changing Sections 11-1-11, 11-74.4-3 and 11-122.2-1 and

24 changing the heading of Division 122.2 of Article 11 as

1 follows:

2 (65 ILCS 5/11-1-11) (from Ch. 24, par. 11-1-11)

3 Sec. 11-1-11. Agreement with another entity to enforce
4 traffic ordinances. The corporate authorities of a
5 municipality with a population greater than 1,000,000 may
6 enter into an agreement with the Metropolitan Mobility ~~Chicago~~
7 ~~Transit~~ Authority, created under the Metropolitan Mobility
8 ~~Metropolitan Transit~~ Authority Act, whereby ~~Chicago Transit~~
9 Authority supervisory employees are empowered to enforce
10 certain traffic ordinances enacted by the municipality.

11 (Source: P.A. 87-597.)

12 (65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)

13 Sec. 11-74.4-3. Definitions. The following terms, wherever
14 used or referred to in this Division 74.4 shall have the
15 following respective meanings, unless in any case a different
16 meaning clearly appears from the context.

17 (a) For any redevelopment project area that has been
18 designated pursuant to this Section by an ordinance adopted
19 prior to November 1, 1999 (the effective date of Public Act
20 91-478), "blighted area" shall have the meaning set forth in
21 this Section prior to that date.

22 On and after November 1, 1999, "blighted area" means any
23 improved or vacant area within the boundaries of a
24 redevelopment project area located within the territorial

1 limits of the municipality where:

2 (1) If improved, industrial, commercial, and
3 residential buildings or improvements are detrimental to
4 the public safety, health, or welfare because of a
5 combination of 5 or more of the following factors, each of
6 which is (i) present, with that presence documented, to a
7 meaningful extent so that a municipality may reasonably
8 find that the factor is clearly present within the intent
9 of the Act and (ii) reasonably distributed throughout the
10 improved part of the redevelopment project area:

11 (A) Dilapidation. An advanced state of disrepair
12 or neglect of necessary repairs to the primary
13 structural components of buildings or improvements in
14 such a combination that a documented building
15 condition analysis determines that major repair is
16 required or the defects are so serious and so
17 extensive that the buildings must be removed.

18 (B) Obsolescence. The condition or process of
19 falling into disuse. Structures have become ill-suited
20 for the original use.

21 (C) Deterioration. With respect to buildings,
22 defects including, but not limited to, major defects
23 in the secondary building components such as doors,
24 windows, porches, gutters and downspouts, and fascia.
25 With respect to surface improvements, that the
26 condition of roadways, alleys, curbs, gutters,

1 sidewalks, off-street parking, and surface storage
2 areas evidence deterioration, including, but not
3 limited to, surface cracking, crumbling, potholes,
4 depressions, loose paving material, and weeds
5 protruding through paved surfaces.

6 (D) Presence of structures below minimum code
7 standards. All structures that do not meet the
8 standards of zoning, subdivision, building, fire, and
9 other governmental codes applicable to property, but
10 not including housing and property maintenance codes.

11 (E) Illegal use of individual structures. The use
12 of structures in violation of applicable federal,
13 State, or local laws, exclusive of those applicable to
14 the presence of structures below minimum code
15 standards.

16 (F) Excessive vacancies. The presence of buildings
17 that are unoccupied or under-utilized and that
18 represent an adverse influence on the area because of
19 the frequency, extent, or duration of the vacancies.

20 (G) Lack of ventilation, light, or sanitary
21 facilities. The absence of adequate ventilation for
22 light or air circulation in spaces or rooms without
23 windows, or that require the removal of dust, odor,
24 gas, smoke, or other noxious airborne materials.
25 Inadequate natural light and ventilation means the
26 absence of skylights or windows for interior spaces or

1 rooms and improper window sizes and amounts by room
2 area to window area ratios. Inadequate sanitary
3 facilities refers to the absence or inadequacy of
4 garbage storage and enclosure, bathroom facilities,
5 hot water and kitchens, and structural inadequacies
6 preventing ingress and egress to and from all rooms
7 and units within a building.

8 (H) Inadequate utilities. Underground and overhead
9 utilities such as storm sewers and storm drainage,
10 sanitary sewers, water lines, and gas, telephone, and
11 electrical services that are shown to be inadequate.
12 Inadequate utilities are those that are: (i) of
13 insufficient capacity to serve the uses in the
14 redevelopment project area, (ii) deteriorated,
15 antiquated, obsolete, or in disrepair, or (iii)
16 lacking within the redevelopment project area.

17 (I) Excessive land coverage and overcrowding of
18 structures and community facilities. The
19 over-intensive use of property and the crowding of
20 buildings and accessory facilities onto a site.
21 Examples of problem conditions warranting the
22 designation of an area as one exhibiting excessive
23 land coverage are: (i) the presence of buildings
24 either improperly situated on parcels or located on
25 parcels of inadequate size and shape in relation to
26 present-day standards of development for health and

1 safety and (ii) the presence of multiple buildings on
2 a single parcel. For there to be a finding of excessive
3 land coverage, these parcels must exhibit one or more
4 of the following conditions: insufficient provision
5 for light and air within or around buildings,
6 increased threat of spread of fire due to the close
7 proximity of buildings, lack of adequate or proper
8 access to a public right-of-way, lack of reasonably
9 required off-street parking, or inadequate provision
10 for loading and service.

11 (J) Deleterious land use or layout. The existence
12 of incompatible land-use relationships, buildings
13 occupied by inappropriate mixed-uses, or uses
14 considered to be noxious, offensive, or unsuitable for
15 the surrounding area.

16 (K) Environmental clean-up. The proposed
17 redevelopment project area has incurred Illinois
18 Environmental Protection Agency or United States
19 Environmental Protection Agency remediation costs for,
20 or a study conducted by an independent consultant
21 recognized as having expertise in environmental
22 remediation has determined a need for, the clean-up of
23 hazardous waste, hazardous substances, or underground
24 storage tanks required by State or federal law,
25 provided that the remediation costs constitute a
26 material impediment to the development or

1 redevelopment of the redevelopment project area.

2 (L) Lack of community planning. The proposed
3 redevelopment project area was developed prior to or
4 without the benefit or guidance of a community plan.
5 This means that the development occurred prior to the
6 adoption by the municipality of a comprehensive or
7 other community plan or that the plan was not followed
8 at the time of the area's development. This factor
9 must be documented by evidence of adverse or
10 incompatible land-use relationships, inadequate street
11 layout, improper subdivision, parcels of inadequate
12 shape and size to meet contemporary development
13 standards, or other evidence demonstrating an absence
14 of effective community planning.

15 (M) The total equalized assessed value of the
16 proposed redevelopment project area has declined for 3
17 of the last 5 calendar years prior to the year in which
18 the redevelopment project area is designated or is
19 increasing at an annual rate that is less than the
20 balance of the municipality for 3 of the last 5
21 calendar years for which information is available or
22 is increasing at an annual rate that is less than the
23 Consumer Price Index for All Urban Consumers published
24 by the United States Department of Labor or successor
25 agency for 3 of the last 5 calendar years prior to the
26 year in which the redevelopment project area is

1 designated.

2 (2) If vacant, the sound growth of the redevelopment
3 project area is impaired by a combination of 2 or more of
4 the following factors, each of which is (i) present, with
5 that presence documented, to a meaningful extent so that a
6 municipality may reasonably find that the factor is
7 clearly present within the intent of the Act and (ii)
8 reasonably distributed throughout the vacant part of the
9 redevelopment project area to which it pertains:

10 (A) Obsolete platting of vacant land that results
11 in parcels of limited or narrow size or configurations
12 of parcels of irregular size or shape that would be
13 difficult to develop on a planned basis and in a manner
14 compatible with contemporary standards and
15 requirements, or platting that failed to create
16 rights-of-ways for streets or alleys or that created
17 inadequate right-of-way widths for streets, alleys, or
18 other public rights-of-way or that omitted easements
19 for public utilities.

20 (B) Diversity of ownership of parcels of vacant
21 land sufficient in number to retard or impede the
22 ability to assemble the land for development.

23 (C) Tax and special assessment delinquencies exist
24 or the property has been the subject of tax sales under
25 the Property Tax Code within the last 5 years.

26 (D) Deterioration of structures or site

1 improvements in neighboring areas adjacent to the
2 vacant land.

3 (E) The area has incurred Illinois Environmental
4 Protection Agency or United States Environmental
5 Protection Agency remediation costs for, or a study
6 conducted by an independent consultant recognized as
7 having expertise in environmental remediation has
8 determined a need for, the clean-up of hazardous
9 waste, hazardous substances, or underground storage
10 tanks required by State or federal law, provided that
11 the remediation costs constitute a material impediment
12 to the development or redevelopment of the
13 redevelopment project area.

14 (F) The total equalized assessed value of the
15 proposed redevelopment project area has declined for 3
16 of the last 5 calendar years prior to the year in which
17 the redevelopment project area is designated or is
18 increasing at an annual rate that is less than the
19 balance of the municipality for 3 of the last 5
20 calendar years for which information is available or
21 is increasing at an annual rate that is less than the
22 Consumer Price Index for All Urban Consumers published
23 by the United States Department of Labor or successor
24 agency for 3 of the last 5 calendar years prior to the
25 year in which the redevelopment project area is
26 designated.

1 (3) If vacant, the sound growth of the redevelopment
2 project area is impaired by one of the following factors
3 that (i) is present, with that presence documented, to a
4 meaningful extent so that a municipality may reasonably
5 find that the factor is clearly present within the intent
6 of the Act and (ii) is reasonably distributed throughout
7 the vacant part of the redevelopment project area to which
8 it pertains:

9 (A) The area consists of one or more unused
10 quarries, mines, or strip mine ponds.

11 (B) The area consists of unused rail yards, rail
12 tracks, or railroad rights-of-way.

13 (C) The area, prior to its designation, is subject
14 to (i) chronic flooding that adversely impacts on real
15 property in the area as certified by a registered
16 professional engineer or appropriate regulatory agency
17 or (ii) surface water that discharges from all or a
18 part of the area and contributes to flooding within
19 the same watershed, but only if the redevelopment
20 project provides for facilities or improvements to
21 contribute to the alleviation of all or part of the
22 flooding.

23 (D) The area consists of an unused or illegal
24 disposal site containing earth, stone, building
25 debris, or similar materials that were removed from
26 construction, demolition, excavation, or dredge sites.

1 (E) Prior to November 1, 1999, the area is not less
2 than 50 nor more than 100 acres and 75% of which is
3 vacant (notwithstanding that the area has been used
4 for commercial agricultural purposes within 5 years
5 prior to the designation of the redevelopment project
6 area), and the area meets at least one of the factors
7 itemized in paragraph (1) of this subsection, the area
8 has been designated as a town or village center by
9 ordinance or comprehensive plan adopted prior to
10 January 1, 1982, and the area has not been developed
11 for that designated purpose.

12 (F) The area qualified as a blighted improved area
13 immediately prior to becoming vacant, unless there has
14 been substantial private investment in the immediately
15 surrounding area.

16 (b) For any redevelopment project area that has been
17 designated pursuant to this Section by an ordinance adopted
18 prior to November 1, 1999 (the effective date of Public Act
19 91-478), "conservation area" shall have the meaning set forth
20 in this Section prior to that date.

21 On and after November 1, 1999, "conservation area" means
22 any improved area within the boundaries of a redevelopment
23 project area located within the territorial limits of the
24 municipality in which 50% or more of the structures in the area
25 have an age of 35 years or more. Such an area is not yet a
26 blighted area but because of a combination of 3 or more of the

1 following factors is detrimental to the public safety, health,
2 morals or welfare and such an area may become a blighted area:

3 (1) Dilapidation. An advanced state of disrepair or
4 neglect of necessary repairs to the primary structural
5 components of buildings or improvements in such a
6 combination that a documented building condition analysis
7 determines that major repair is required or the defects
8 are so serious and so extensive that the buildings must be
9 removed.

10 (2) Obsolescence. The condition or process of falling
11 into disuse. Structures have become ill-suited for the
12 original use.

13 (3) Deterioration. With respect to buildings, defects
14 including, but not limited to, major defects in the
15 secondary building components such as doors, windows,
16 porches, gutters and downspouts, and fascia. With respect
17 to surface improvements, that the condition of roadways,
18 alleys, curbs, gutters, sidewalks, off-street parking, and
19 surface storage areas evidence deterioration, including,
20 but not limited to, surface cracking, crumbling, potholes,
21 depressions, loose paving material, and weeds protruding
22 through paved surfaces.

23 (4) Presence of structures below minimum code
24 standards. All structures that do not meet the standards
25 of zoning, subdivision, building, fire, and other
26 governmental codes applicable to property, but not

1 including housing and property maintenance codes.

2 (5) Illegal use of individual structures. The use of
3 structures in violation of applicable federal, State, or
4 local laws, exclusive of those applicable to the presence
5 of structures below minimum code standards.

6 (6) Excessive vacancies. The presence of buildings
7 that are unoccupied or under-utilized and that represent
8 an adverse influence on the area because of the frequency,
9 extent, or duration of the vacancies.

10 (7) Lack of ventilation, light, or sanitary
11 facilities. The absence of adequate ventilation for light
12 or air circulation in spaces or rooms without windows, or
13 that require the removal of dust, odor, gas, smoke, or
14 other noxious airborne materials. Inadequate natural light
15 and ventilation means the absence or inadequacy of
16 skylights or windows for interior spaces or rooms and
17 improper window sizes and amounts by room area to window
18 area ratios. Inadequate sanitary facilities refers to the
19 absence or inadequacy of garbage storage and enclosure,
20 bathroom facilities, hot water and kitchens, and
21 structural inadequacies preventing ingress and egress to
22 and from all rooms and units within a building.

23 (8) Inadequate utilities. Underground and overhead
24 utilities such as storm sewers and storm drainage,
25 sanitary sewers, water lines, and gas, telephone, and
26 electrical services that are shown to be inadequate.

1 Inadequate utilities are those that are: (i) of
2 insufficient capacity to serve the uses in the
3 redevelopment project area, (ii) deteriorated, antiquated,
4 obsolete, or in disrepair, or (iii) lacking within the
5 redevelopment project area.

6 (9) Excessive land coverage and overcrowding of
7 structures and community facilities. The over-intensive
8 use of property and the crowding of buildings and
9 accessory facilities onto a site. Examples of problem
10 conditions warranting the designation of an area as one
11 exhibiting excessive land coverage are: the presence of
12 buildings either improperly situated on parcels or located
13 on parcels of inadequate size and shape in relation to
14 present-day standards of development for health and safety
15 and the presence of multiple buildings on a single parcel.
16 For there to be a finding of excessive land coverage,
17 these parcels must exhibit one or more of the following
18 conditions: insufficient provision for light and air
19 within or around buildings, increased threat of spread of
20 fire due to the close proximity of buildings, lack of
21 adequate or proper access to a public right-of-way, lack
22 of reasonably required off-street parking, or inadequate
23 provision for loading and service.

24 (10) Deleterious land use or layout. The existence of
25 incompatible land-use relationships, buildings occupied by
26 inappropriate mixed-uses, or uses considered to be

1 noxious, offensive, or unsuitable for the surrounding
2 area.

3 (11) Lack of community planning. The proposed
4 redevelopment project area was developed prior to or
5 without the benefit or guidance of a community plan. This
6 means that the development occurred prior to the adoption
7 by the municipality of a comprehensive or other community
8 plan or that the plan was not followed at the time of the
9 area's development. This factor must be documented by
10 evidence of adverse or incompatible land-use
11 relationships, inadequate street layout, improper
12 subdivision, parcels of inadequate shape and size to meet
13 contemporary development standards, or other evidence
14 demonstrating an absence of effective community planning.

15 (12) The area has incurred Illinois Environmental
16 Protection Agency or United States Environmental
17 Protection Agency remediation costs for, or a study
18 conducted by an independent consultant recognized as
19 having expertise in environmental remediation has
20 determined a need for, the clean-up of hazardous waste,
21 hazardous substances, or underground storage tanks
22 required by State or federal law, provided that the
23 remediation costs constitute a material impediment to the
24 development or redevelopment of the redevelopment project
25 area.

26 (13) The total equalized assessed value of the

1 proposed redevelopment project area has declined for 3 of
2 the last 5 calendar years for which information is
3 available or is increasing at an annual rate that is less
4 than the balance of the municipality for 3 of the last 5
5 calendar years for which information is available or is
6 increasing at an annual rate that is less than the
7 Consumer Price Index for All Urban Consumers published by
8 the United States Department of Labor or successor agency
9 for 3 of the last 5 calendar years for which information is
10 available.

11 (c) "Industrial park" means an area in a blighted or
12 conservation area suitable for use by any manufacturing,
13 industrial, research or transportation enterprise, of
14 facilities to include but not be limited to factories, mills,
15 processing plants, assembly plants, packing plants,
16 fabricating plants, industrial distribution centers,
17 warehouses, repair overhaul or service facilities, freight
18 terminals, research facilities, test facilities or railroad
19 facilities.

20 (d) "Industrial park conservation area" means an area
21 within the boundaries of a redevelopment project area located
22 within the territorial limits of a municipality that is a
23 labor surplus municipality or within 1 1/2 miles of the
24 territorial limits of a municipality that is a labor surplus
25 municipality if the area is annexed to the municipality; which
26 area is zoned as industrial no later than at the time the

1 municipality by ordinance designates the redevelopment project
2 area, and which area includes both vacant land suitable for
3 use as an industrial park and a blighted area or conservation
4 area contiguous to such vacant land.

5 (e) "Labor surplus municipality" means a municipality in
6 which, at any time during the 6 months before the municipality
7 by ordinance designates an industrial park conservation area,
8 the unemployment rate was over 6% and was also 100% or more of
9 the national average unemployment rate for that same time as
10 published in the United States Department of Labor Bureau of
11 Labor Statistics publication entitled "The Employment
12 Situation" or its successor publication. For the purpose of
13 this subsection, if unemployment rate statistics for the
14 municipality are not available, the unemployment rate in the
15 municipality shall be deemed to be the same as the
16 unemployment rate in the principal county in which the
17 municipality is located.

18 (f) "Municipality" shall mean a city, village,
19 incorporated town, or a township that is located in the
20 unincorporated portion of a county with 3 million or more
21 inhabitants, if the county adopted an ordinance that approved
22 the township's redevelopment plan.

23 (g) "Initial Sales Tax Amounts" means the amount of taxes
24 paid under the Retailers' Occupation Tax Act, Use Tax Act,
25 Service Use Tax Act, the Service Occupation Tax Act, the
26 Municipal Retailers' Occupation Tax Act, and the Municipal

1 Service Occupation Tax Act by retailers and servicemen on
2 transactions at places located in a State Sales Tax Boundary
3 during the calendar year 1985.

4 (g-1) "Revised Initial Sales Tax Amounts" means the amount
5 of taxes paid under the Retailers' Occupation Tax Act, Use Tax
6 Act, Service Use Tax Act, the Service Occupation Tax Act, the
7 Municipal Retailers' Occupation Tax Act, and the Municipal
8 Service Occupation Tax Act by retailers and servicemen on
9 transactions at places located within the State Sales Tax
10 Boundary revised pursuant to Section 11-74.4-8a(9) of this
11 Act.

12 (h) "Municipal Sales Tax Increment" means an amount equal
13 to the increase in the aggregate amount of taxes paid to a
14 municipality from the Local Government Tax Fund arising from
15 sales by retailers and servicemen within the redevelopment
16 project area or State Sales Tax Boundary, as the case may be,
17 for as long as the redevelopment project area or State Sales
18 Tax Boundary, as the case may be, exist over and above the
19 aggregate amount of taxes as certified by the Illinois
20 Department of Revenue and paid under the Municipal Retailers'
21 Occupation Tax Act and the Municipal Service Occupation Tax
22 Act by retailers and servicemen, on transactions at places of
23 business located in the redevelopment project area or State
24 Sales Tax Boundary, as the case may be, during the base year
25 which shall be the calendar year immediately prior to the year
26 in which the municipality adopted tax increment allocation

1 financing. For purposes of computing the aggregate amount of
2 such taxes for base years occurring prior to 1985, the
3 Department of Revenue shall determine the Initial Sales Tax
4 Amounts for such taxes and deduct therefrom an amount equal to
5 4% of the aggregate amount of taxes per year for each year the
6 base year is prior to 1985, but not to exceed a total deduction
7 of 12%. The amount so determined shall be known as the
8 "Adjusted Initial Sales Tax Amounts". For purposes of
9 determining the Municipal Sales Tax Increment, the Department
10 of Revenue shall for each period subtract from the amount paid
11 to the municipality from the Local Government Tax Fund arising
12 from sales by retailers and servicemen on transactions located
13 in the redevelopment project area or the State Sales Tax
14 Boundary, as the case may be, the certified Initial Sales Tax
15 Amounts, the Adjusted Initial Sales Tax Amounts or the Revised
16 Initial Sales Tax Amounts for the Municipal Retailers'
17 Occupation Tax Act and the Municipal Service Occupation Tax
18 Act. For the State Fiscal Year 1989, this calculation shall be
19 made by utilizing the calendar year 1987 to determine the tax
20 amounts received. For the State Fiscal Year 1990, this
21 calculation shall be made by utilizing the period from January
22 1, 1988, until September 30, 1988, to determine the tax
23 amounts received from retailers and servicemen pursuant to the
24 Municipal Retailers' Occupation Tax and the Municipal Service
25 Occupation Tax Act, which shall have deducted therefrom
26 nine-twelfths of the certified Initial Sales Tax Amounts, the

1 Adjusted Initial Sales Tax Amounts or the Revised Initial
2 Sales Tax Amounts as appropriate. For the State Fiscal Year
3 1991, this calculation shall be made by utilizing the period
4 from October 1, 1988, to June 30, 1989, to determine the tax
5 amounts received from retailers and servicemen pursuant to the
6 Municipal Retailers' Occupation Tax and the Municipal Service
7 Occupation Tax Act which shall have deducted therefrom
8 nine-twelfths of the certified Initial Sales Tax Amounts,
9 Adjusted Initial Sales Tax Amounts or the Revised Initial
10 Sales Tax Amounts as appropriate. For every State Fiscal Year
11 thereafter, the applicable period shall be the 12 months
12 beginning July 1 and ending June 30 to determine the tax
13 amounts received which shall have deducted therefrom the
14 certified Initial Sales Tax Amounts, the Adjusted Initial
15 Sales Tax Amounts or the Revised Initial Sales Tax Amounts, as
16 the case may be.

17 (i) "Net State Sales Tax Increment" means the sum of the
18 following: (a) 80% of the first \$100,000 of State Sales Tax
19 Increment annually generated within a State Sales Tax
20 Boundary; (b) 60% of the amount in excess of \$100,000 but not
21 exceeding \$500,000 of State Sales Tax Increment annually
22 generated within a State Sales Tax Boundary; and (c) 40% of all
23 amounts in excess of \$500,000 of State Sales Tax Increment
24 annually generated within a State Sales Tax Boundary. If,
25 however, a municipality established a tax increment financing
26 district in a county with a population in excess of 3,000,000

1 before January 1, 1986, and the municipality entered into a
2 contract or issued bonds after January 1, 1986, but before
3 December 31, 1986, to finance redevelopment project costs
4 within a State Sales Tax Boundary, then the Net State Sales Tax
5 Increment means, for the fiscal years beginning July 1, 1990,
6 and July 1, 1991, 100% of the State Sales Tax Increment
7 annually generated within a State Sales Tax Boundary; and
8 notwithstanding any other provision of this Act, for those
9 fiscal years the Department of Revenue shall distribute to
10 those municipalities 100% of their Net State Sales Tax
11 Increment before any distribution to any other municipality
12 and regardless of whether or not those other municipalities
13 will receive 100% of their Net State Sales Tax Increment. For
14 Fiscal Year 1999, and every year thereafter until the year
15 2007, for any municipality that has not entered into a
16 contract or has not issued bonds prior to June 1, 1988 to
17 finance redevelopment project costs within a State Sales Tax
18 Boundary, the Net State Sales Tax Increment shall be
19 calculated as follows: By multiplying the Net State Sales Tax
20 Increment by 90% in the State Fiscal Year 1999; 80% in the
21 State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60%
22 in the State Fiscal Year 2002; 50% in the State Fiscal Year
23 2003; 40% in the State Fiscal Year 2004; 30% in the State
24 Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in
25 the State Fiscal Year 2007. No payment shall be made for State
26 Fiscal Year 2008 and thereafter.

1 Municipalities that issued bonds in connection with a
2 redevelopment project in a redevelopment project area within
3 the State Sales Tax Boundary prior to July 29, 1991, or that
4 entered into contracts in connection with a redevelopment
5 project in a redevelopment project area before June 1, 1988,
6 shall continue to receive their proportional share of the
7 Illinois Tax Increment Fund distribution until the date on
8 which the redevelopment project is completed or terminated.
9 If, however, a municipality that issued bonds in connection
10 with a redevelopment project in a redevelopment project area
11 within the State Sales Tax Boundary prior to July 29, 1991
12 retires the bonds prior to June 30, 2007 or a municipality that
13 entered into contracts in connection with a redevelopment
14 project in a redevelopment project area before June 1, 1988
15 completes the contracts prior to June 30, 2007, then so long as
16 the redevelopment project is not completed or is not
17 terminated, the Net State Sales Tax Increment shall be
18 calculated, beginning on the date on which the bonds are
19 retired or the contracts are completed, as follows: By
20 multiplying the Net State Sales Tax Increment by 60% in the
21 State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40%
22 in the State Fiscal Year 2004; 30% in the State Fiscal Year
23 2005; 20% in the State Fiscal Year 2006; and 10% in the State
24 Fiscal Year 2007. No payment shall be made for State Fiscal
25 Year 2008 and thereafter. Refunding of any bonds issued prior
26 to July 29, 1991, shall not alter the Net State Sales Tax

1 Increment.

2 (j) "State Utility Tax Increment Amount" means an amount
3 equal to the aggregate increase in State electric and gas tax
4 charges imposed on owners and tenants, other than residential
5 customers, of properties located within the redevelopment
6 project area under Section 9-222 of the Public Utilities Act,
7 over and above the aggregate of such charges as certified by
8 the Department of Revenue and paid by owners and tenants,
9 other than residential customers, of properties within the
10 redevelopment project area during the base year, which shall
11 be the calendar year immediately prior to the year of the
12 adoption of the ordinance authorizing tax increment allocation
13 financing.

14 (k) "Net State Utility Tax Increment" means the sum of the
15 following: (a) 80% of the first \$100,000 of State Utility Tax
16 Increment annually generated by a redevelopment project area;
17 (b) 60% of the amount in excess of \$100,000 but not exceeding
18 \$500,000 of the State Utility Tax Increment annually generated
19 by a redevelopment project area; and (c) 40% of all amounts in
20 excess of \$500,000 of State Utility Tax Increment annually
21 generated by a redevelopment project area. For the State
22 Fiscal Year 1999, and every year thereafter until the year
23 2007, for any municipality that has not entered into a
24 contract or has not issued bonds prior to June 1, 1988 to
25 finance redevelopment project costs within a redevelopment
26 project area, the Net State Utility Tax Increment shall be

1 calculated as follows: By multiplying the Net State Utility
2 Tax Increment by 90% in the State Fiscal Year 1999; 80% in the
3 State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60%
4 in the State Fiscal Year 2002; 50% in the State Fiscal Year
5 2003; 40% in the State Fiscal Year 2004; 30% in the State
6 Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in
7 the State Fiscal Year 2007. No payment shall be made for the
8 State Fiscal Year 2008 and thereafter.

9 Municipalities that issue bonds in connection with the
10 redevelopment project during the period from June 1, 1988
11 until 3 years after the effective date of this Amendatory Act
12 of 1988 shall receive the Net State Utility Tax Increment,
13 subject to appropriation, for 15 State Fiscal Years after the
14 issuance of such bonds. For the 16th through the 20th State
15 Fiscal Years after issuance of the bonds, the Net State
16 Utility Tax Increment shall be calculated as follows: By
17 multiplying the Net State Utility Tax Increment by 90% in year
18 16; 80% in year 17; 70% in year 18; 60% in year 19; and 50% in
19 year 20. Refunding of any bonds issued prior to June 1, 1988,
20 shall not alter the revised Net State Utility Tax Increment
21 payments set forth above.

22 (l) "Obligations" mean bonds, loans, debentures, notes,
23 special certificates or other evidence of indebtedness issued
24 by the municipality to carry out a redevelopment project or to
25 refund outstanding obligations.

26 (m) "Payment in lieu of taxes" means those estimated tax

1 revenues from real property in a redevelopment project area
2 derived from real property that has been acquired by a
3 municipality which according to the redevelopment project or
4 plan is to be used for a private use which taxing districts
5 would have received had a municipality not acquired the real
6 property and adopted tax increment allocation financing and
7 which would result from levies made after the time of the
8 adoption of tax increment allocation financing to the time the
9 current equalized value of real property in the redevelopment
10 project area exceeds the total initial equalized value of real
11 property in said area.

12 (n) "Redevelopment plan" means the comprehensive program
13 of the municipality for development or redevelopment intended
14 by the payment of redevelopment project costs to reduce or
15 eliminate those conditions the existence of which qualified
16 the redevelopment project area as a "blighted area" or
17 "conservation area" or combination thereof or "industrial park
18 conservation area," and thereby to enhance the tax bases of
19 the taxing districts which extend into the redevelopment
20 project area, provided that, with respect to redevelopment
21 project areas described in subsections (p-1) and (p-2),
22 "redevelopment plan" means the comprehensive program of the
23 affected municipality for the development of qualifying
24 transit facilities. On and after November 1, 1999 (the
25 effective date of Public Act 91-478), no redevelopment plan
26 may be approved or amended that includes the development of

1 vacant land (i) with a golf course and related clubhouse and
2 other facilities or (ii) designated by federal, State, county,
3 or municipal government as public land for outdoor
4 recreational activities or for nature preserves and used for
5 that purpose within 5 years prior to the adoption of the
6 redevelopment plan. For the purpose of this subsection,
7 "recreational activities" is limited to mean camping and
8 hunting. Each redevelopment plan shall set forth in writing
9 the program to be undertaken to accomplish the objectives and
10 shall include but not be limited to:

11 (A) an itemized list of estimated redevelopment
12 project costs;

13 (B) evidence indicating that the redevelopment project
14 area on the whole has not been subject to growth and
15 development through investment by private enterprise,
16 provided that such evidence shall not be required for any
17 redevelopment project area located within a transit
18 facility improvement area established pursuant to Section
19 11-74.4-3.3;

20 (C) an assessment of any financial impact of the
21 redevelopment project area on or any increased demand for
22 services from any taxing district affected by the plan and
23 any program to address such financial impact or increased
24 demand;

25 (D) the sources of funds to pay costs;

26 (E) the nature and term of the obligations to be

1 issued;

2 (F) the most recent equalized assessed valuation of
3 the redevelopment project area;

4 (G) an estimate as to the equalized assessed valuation
5 after redevelopment and the general land uses to apply in
6 the redevelopment project area;

7 (H) a commitment to fair employment practices and an
8 affirmative action plan;

9 (I) if it concerns an industrial park conservation
10 area, the plan shall also include a general description of
11 any proposed developer, user and tenant of any property, a
12 description of the type, structure and general character
13 of the facilities to be developed, a description of the
14 type, class and number of new employees to be employed in
15 the operation of the facilities to be developed; and

16 (J) if property is to be annexed to the municipality,
17 the plan shall include the terms of the annexation
18 agreement.

19 The provisions of items (B) and (C) of this subsection (n)
20 shall not apply to a municipality that before March 14, 1994
21 (the effective date of Public Act 88-537) had fixed, either by
22 its corporate authorities or by a commission designated under
23 subsection (k) of Section 11-74.4-4, a time and place for a
24 public hearing as required by subsection (a) of Section
25 11-74.4-5. No redevelopment plan shall be adopted unless a
26 municipality complies with all of the following requirements:

1 (1) The municipality finds that the redevelopment
2 project area on the whole has not been subject to growth
3 and development through investment by private enterprise
4 and would not reasonably be anticipated to be developed
5 without the adoption of the redevelopment plan, provided,
6 however, that such a finding shall not be required with
7 respect to any redevelopment project area located within a
8 transit facility improvement area established pursuant to
9 Section 11-74.4-3.3.

10 (2) The municipality finds that the redevelopment plan
11 and project conform to the comprehensive plan for the
12 development of the municipality as a whole, or, for
13 municipalities with a population of 100,000 or more,
14 regardless of when the redevelopment plan and project was
15 adopted, the redevelopment plan and project either: (i)
16 conforms to the strategic economic development or
17 redevelopment plan issued by the designated planning
18 authority of the municipality, or (ii) includes land uses
19 that have been approved by the planning commission of the
20 municipality.

21 (3) The redevelopment plan establishes the estimated
22 dates of completion of the redevelopment project and
23 retirement of obligations issued to finance redevelopment
24 project costs. Those dates may not be later than the dates
25 set forth under Section 11-74.4-3.5.

26 A municipality may by municipal ordinance amend an

1 existing redevelopment plan to conform to this paragraph
2 (3) as amended by Public Act 91-478, which municipal
3 ordinance may be adopted without further hearing or notice
4 and without complying with the procedures provided in this
5 Act pertaining to an amendment to or the initial approval
6 of a redevelopment plan and project and designation of a
7 redevelopment project area.

8 (3.5) The municipality finds, in the case of an
9 industrial park conservation area, also that the
10 municipality is a labor surplus municipality and that the
11 implementation of the redevelopment plan will reduce
12 unemployment, create new jobs and by the provision of new
13 facilities enhance the tax base of the taxing districts
14 that extend into the redevelopment project area.

15 (4) If any incremental revenues are being utilized
16 under Section 8(a)(1) or 8(a)(2) of this Act in
17 redevelopment project areas approved by ordinance after
18 January 1, 1986, the municipality finds: (a) that the
19 redevelopment project area would not reasonably be
20 developed without the use of such incremental revenues,
21 and (b) that such incremental revenues will be exclusively
22 utilized for the development of the redevelopment project
23 area.

24 (5) If: (a) the redevelopment plan will not result in
25 displacement of residents from 10 or more inhabited
26 residential units, and the municipality certifies in the

1 plan that such displacement will not result from the plan;
2 or (b) the redevelopment plan is for a redevelopment
3 project area or a qualifying transit facility located
4 within a transit facility improvement area established
5 pursuant to Section 11-74.4-3.3, and the applicable
6 project is subject to the process for evaluation of
7 environmental effects under the National Environmental
8 Policy Act of 1969, 42 U.S.C. 4321 et seq., then a housing
9 impact study need not be performed. If, however, the
10 redevelopment plan would result in the displacement of
11 residents from 10 or more inhabited residential units, or
12 if the redevelopment project area contains 75 or more
13 inhabited residential units and no certification is made,
14 then the municipality shall prepare, as part of the
15 separate feasibility report required by subsection (a) of
16 Section 11-74.4-5, a housing impact study.

17 Part I of the housing impact study shall include (i)
18 data as to whether the residential units are single family
19 or multi-family units, (ii) the number and type of rooms
20 within the units, if that information is available, (iii)
21 whether the units are inhabited or uninhabited, as
22 determined not less than 45 days before the date that the
23 ordinance or resolution required by subsection (a) of
24 Section 11-74.4-5 is passed, and (iv) data as to the
25 racial and ethnic composition of the residents in the
26 inhabited residential units. The data requirement as to

1 the racial and ethnic composition of the residents in the
2 inhabited residential units shall be deemed to be fully
3 satisfied by data from the most recent federal census.

4 Part II of the housing impact study shall identify the
5 inhabited residential units in the proposed redevelopment
6 project area that are to be or may be removed. If inhabited
7 residential units are to be removed, then the housing
8 impact study shall identify (i) the number and location of
9 those units that will or may be removed, (ii) the
10 municipality's plans for relocation assistance for those
11 residents in the proposed redevelopment project area whose
12 residences are to be removed, (iii) the availability of
13 replacement housing for those residents whose residences
14 are to be removed, and shall identify the type, location,
15 and cost of the housing, and (iv) the type and extent of
16 relocation assistance to be provided.

17 (6) On and after November 1, 1999, the housing impact
18 study required by paragraph (5) shall be incorporated in
19 the redevelopment plan for the redevelopment project area.

20 (7) On and after November 1, 1999, no redevelopment
21 plan shall be adopted, nor an existing plan amended, nor
22 shall residential housing that is occupied by households
23 of low-income and very low-income persons in currently
24 existing redevelopment project areas be removed after
25 November 1, 1999 unless the redevelopment plan provides,
26 with respect to inhabited housing units that are to be

1 removed for households of low-income and very low-income
2 persons, affordable housing and relocation assistance not
3 less than that which would be provided under the federal
4 Uniform Relocation Assistance and Real Property
5 Acquisition Policies Act of 1970 and the regulations under
6 that Act, including the eligibility criteria. Affordable
7 housing may be either existing or newly constructed
8 housing. For purposes of this paragraph (7), "low-income
9 households", "very low-income households", and "affordable
10 housing" have the meanings set forth in the Illinois
11 Affordable Housing Act. The municipality shall make a good
12 faith effort to ensure that this affordable housing is
13 located in or near the redevelopment project area within
14 the municipality.

15 (8) On and after November 1, 1999, if, after the
16 adoption of the redevelopment plan for the redevelopment
17 project area, any municipality desires to amend its
18 redevelopment plan to remove more inhabited residential
19 units than specified in its original redevelopment plan,
20 that change shall be made in accordance with the
21 procedures in subsection (c) of Section 11-74.4-5.

22 (9) For redevelopment project areas designated prior
23 to November 1, 1999, the redevelopment plan may be amended
24 without further joint review board meeting or hearing,
25 provided that the municipality shall give notice of any
26 such changes by mail to each affected taxing district and

1 registrant on the interested party registry, to authorize
2 the municipality to expend tax increment revenues for
3 redevelopment project costs defined by paragraphs (5) and
4 (7.5), subparagraphs (E) and (F) of paragraph (11), and
5 paragraph (11.5) of subsection (q) of Section 11-74.4-3,
6 so long as the changes do not increase the total estimated
7 redevelopment project costs set out in the redevelopment
8 plan by more than 5% after adjustment for inflation from
9 the date the plan was adopted.

10 (o) "Redevelopment project" means any public and private
11 development project in furtherance of the objectives of a
12 redevelopment plan. On and after November 1, 1999 (the
13 effective date of Public Act 91-478), no redevelopment plan
14 may be approved or amended that includes the development of
15 vacant land (i) with a golf course and related clubhouse and
16 other facilities or (ii) designated by federal, State, county,
17 or municipal government as public land for outdoor
18 recreational activities or for nature preserves and used for
19 that purpose within 5 years prior to the adoption of the
20 redevelopment plan. For the purpose of this subsection,
21 "recreational activities" is limited to mean camping and
22 hunting.

23 (p) "Redevelopment project area" means an area designated
24 by the municipality, which is not less in the aggregate than 1
25 1/2 acres and in respect to which the municipality has made a
26 finding that there exist conditions which cause the area to be

1 classified as an industrial park conservation area or a
2 blighted area or a conservation area, or a combination of both
3 blighted areas and conservation areas.

4 (p-1) Notwithstanding any provision of this Act to the
5 contrary, on and after August 25, 2009 (the effective date of
6 Public Act 96-680), a redevelopment project area may include
7 areas within a one-half mile radius of an existing or proposed
8 Metropolitan Mobility Regional Transportation Authority
9 Suburban Transit Access Route (STAR Line) station without a
10 finding that the area is classified as an industrial park
11 conservation area, a blighted area, a conservation area, or a
12 combination thereof, but only if the municipality receives
13 unanimous consent from the joint review board created to
14 review the proposed redevelopment project area.

15 (p-2) Notwithstanding any provision of this Act to the
16 contrary, on and after the effective date of this amendatory
17 Act of the 99th General Assembly, a redevelopment project area
18 may include areas within a transit facility improvement area
19 that has been established pursuant to Section 11-74.4-3.3
20 without a finding that the area is classified as an industrial
21 park conservation area, a blighted area, a conservation area,
22 or any combination thereof.

23 (q) "Redevelopment project costs", except for
24 redevelopment project areas created pursuant to subsection
25 (p-1) or (p-2), means and includes the sum total of all
26 reasonable or necessary costs incurred or estimated to be

1 incurred, and any such costs incidental to a redevelopment
2 plan and a redevelopment project. Such costs include, without
3 limitation, the following:

4 (1) Costs of studies, surveys, development of plans,
5 and specifications, implementation and administration of
6 the redevelopment plan including but not limited to staff
7 and professional service costs for architectural,
8 engineering, legal, financial, planning or other services,
9 provided however that no charges for professional services
10 may be based on a percentage of the tax increment
11 collected; except that on and after November 1, 1999 (the
12 effective date of Public Act 91-478), no contracts for
13 professional services, excluding architectural and
14 engineering services, may be entered into if the terms of
15 the contract extend beyond a period of 3 years. In
16 addition, "redevelopment project costs" shall not include
17 lobbying expenses. After consultation with the
18 municipality, each tax increment consultant or advisor to
19 a municipality that plans to designate or has designated a
20 redevelopment project area shall inform the municipality
21 in writing of any contracts that the consultant or advisor
22 has entered into with entities or individuals that have
23 received, or are receiving, payments financed by tax
24 increment revenues produced by the redevelopment project
25 area with respect to which the consultant or advisor has
26 performed, or will be performing, service for the

1 municipality. This requirement shall be satisfied by the
2 consultant or advisor before the commencement of services
3 for the municipality and thereafter whenever any other
4 contracts with those individuals or entities are executed
5 by the consultant or advisor;

6 (1.5) After July 1, 1999, annual administrative costs
7 shall not include general overhead or administrative costs
8 of the municipality that would still have been incurred by
9 the municipality if the municipality had not designated a
10 redevelopment project area or approved a redevelopment
11 plan;

12 (1.6) The cost of marketing sites within the
13 redevelopment project area to prospective businesses,
14 developers, and investors;

15 (2) Property assembly costs, including but not limited
16 to acquisition of land and other property, real or
17 personal, or rights or interests therein, demolition of
18 buildings, site preparation, site improvements that serve
19 as an engineered barrier addressing ground level or below
20 ground environmental contamination, including, but not
21 limited to parking lots and other concrete or asphalt
22 barriers, and the clearing and grading of land;

23 (3) Costs of rehabilitation, reconstruction or repair
24 or remodeling of existing public or private buildings,
25 fixtures, and leasehold improvements; and the cost of
26 replacing an existing public building if pursuant to the

1 implementation of a redevelopment project the existing
2 public building is to be demolished to use the site for
3 private investment or devoted to a different use requiring
4 private investment; including any direct or indirect costs
5 relating to Green Globes or LEED certified construction
6 elements or construction elements with an equivalent
7 certification;

8 (4) Costs of the construction of public works or
9 improvements, including any direct or indirect costs
10 relating to Green Globes or LEED certified construction
11 elements or construction elements with an equivalent
12 certification, except that on and after November 1, 1999,
13 redevelopment project costs shall not include the cost of
14 constructing a new municipal public building principally
15 used to provide offices, storage space, or conference
16 facilities or vehicle storage, maintenance, or repair for
17 administrative, public safety, or public works personnel
18 and that is not intended to replace an existing public
19 building as provided under paragraph (3) of subsection (q)
20 of Section 11-74.4-3 unless either (i) the construction of
21 the new municipal building implements a redevelopment
22 project that was included in a redevelopment plan that was
23 adopted by the municipality prior to November 1, 1999,
24 (ii) the municipality makes a reasonable determination in
25 the redevelopment plan, supported by information that
26 provides the basis for that determination, that the new

1 municipal building is required to meet an increase in the
2 need for public safety purposes anticipated to result from
3 the implementation of the redevelopment plan, or (iii) the
4 new municipal public building is for the storage,
5 maintenance, or repair of transit vehicles and is located
6 in a transit facility improvement area that has been
7 established pursuant to Section 11-74.4-3.3;

8 (5) Costs of job training and retraining projects,
9 including the cost of "welfare to work" programs
10 implemented by businesses located within the redevelopment
11 project area;

12 (6) Financing costs, including but not limited to all
13 necessary and incidental expenses related to the issuance
14 of obligations and which may include payment of interest
15 on any obligations issued hereunder including interest
16 accruing during the estimated period of construction of
17 any redevelopment project for which such obligations are
18 issued and for not exceeding 36 months thereafter and
19 including reasonable reserves related thereto;

20 (7) To the extent the municipality by written
21 agreement accepts and approves the same, all or a portion
22 of a taxing district's capital costs resulting from the
23 redevelopment project necessarily incurred or to be
24 incurred within a taxing district in furtherance of the
25 objectives of the redevelopment plan and project;

26 (7.5) For redevelopment project areas designated (or

1 redevelopment project areas amended to add or increase the
2 number of tax-increment-financing assisted housing units)
3 on or after November 1, 1999, an elementary, secondary, or
4 unit school district's increased costs attributable to
5 assisted housing units located within the redevelopment
6 project area for which the developer or redeveloper
7 receives financial assistance through an agreement with
8 the municipality or because the municipality incurs the
9 cost of necessary infrastructure improvements within the
10 boundaries of the assisted housing sites necessary for the
11 completion of that housing as authorized by this Act, and
12 which costs shall be paid by the municipality from the
13 Special Tax Allocation Fund when the tax increment revenue
14 is received as a result of the assisted housing units and
15 shall be calculated annually as follows:

16 (A) for foundation districts, excluding any school
17 district in a municipality with a population in excess
18 of 1,000,000, by multiplying the district's increase
19 in attendance resulting from the net increase in new
20 students enrolled in that school district who reside
21 in housing units within the redevelopment project area
22 that have received financial assistance through an
23 agreement with the municipality or because the
24 municipality incurs the cost of necessary
25 infrastructure improvements within the boundaries of
26 the housing sites necessary for the completion of that

1 housing as authorized by this Act since the
2 designation of the redevelopment project area by the
3 most recently available per capita tuition cost as
4 defined in Section 10-20.12a of the School Code less
5 any increase in general State aid as defined in
6 Section 18-8.05 of the School Code or evidence-based
7 funding as defined in Section 18-8.15 of the School
8 Code attributable to these added new students subject
9 to the following annual limitations:

10 (i) for unit school districts with a district
11 average 1995-96 Per Capita Tuition Charge of less
12 than \$5,900, no more than 25% of the total amount
13 of property tax increment revenue produced by
14 those housing units that have received tax
15 increment finance assistance under this Act;

16 (ii) for elementary school districts with a
17 district average 1995-96 Per Capita Tuition Charge
18 of less than \$5,900, no more than 17% of the total
19 amount of property tax increment revenue produced
20 by those housing units that have received tax
21 increment finance assistance under this Act; and

22 (iii) for secondary school districts with a
23 district average 1995-96 Per Capita Tuition Charge
24 of less than \$5,900, no more than 8% of the total
25 amount of property tax increment revenue produced
26 by those housing units that have received tax

1 increment finance assistance under this Act.

2 (B) For alternate method districts, flat grant
3 districts, and foundation districts with a district
4 average 1995-96 Per Capita Tuition Charge equal to or
5 more than \$5,900, excluding any school district with a
6 population in excess of 1,000,000, by multiplying the
7 district's increase in attendance resulting from the
8 net increase in new students enrolled in that school
9 district who reside in housing units within the
10 redevelopment project area that have received
11 financial assistance through an agreement with the
12 municipality or because the municipality incurs the
13 cost of necessary infrastructure improvements within
14 the boundaries of the housing sites necessary for the
15 completion of that housing as authorized by this Act
16 since the designation of the redevelopment project
17 area by the most recently available per capita tuition
18 cost as defined in Section 10-20.12a of the School
19 Code less any increase in general state aid as defined
20 in Section 18-8.05 of the School Code or
21 evidence-based funding as defined in Section 18-8.15
22 of the School Code attributable to these added new
23 students subject to the following annual limitations:

24 (i) for unit school districts, no more than
25 40% of the total amount of property tax increment
26 revenue produced by those housing units that have

1 received tax increment finance assistance under
2 this Act;

3 (ii) for elementary school districts, no more
4 than 27% of the total amount of property tax
5 increment revenue produced by those housing units
6 that have received tax increment finance
7 assistance under this Act; and

8 (iii) for secondary school districts, no more
9 than 13% of the total amount of property tax
10 increment revenue produced by those housing units
11 that have received tax increment finance
12 assistance under this Act.

13 (C) For any school district in a municipality with
14 a population in excess of 1,000,000, the following
15 restrictions shall apply to the reimbursement of
16 increased costs under this paragraph (7.5):

17 (i) no increased costs shall be reimbursed
18 unless the school district certifies that each of
19 the schools affected by the assisted housing
20 project is at or over its student capacity;

21 (ii) the amount reimbursable shall be reduced
22 by the value of any land donated to the school
23 district by the municipality or developer, and by
24 the value of any physical improvements made to the
25 schools by the municipality or developer; and

26 (iii) the amount reimbursed may not affect

1 amounts otherwise obligated by the terms of any
2 bonds, notes, or other funding instruments, or the
3 terms of any redevelopment agreement.

4 Any school district seeking payment under this
5 paragraph (7.5) shall, after July 1 and before
6 September 30 of each year, provide the municipality
7 with reasonable evidence to support its claim for
8 reimbursement before the municipality shall be
9 required to approve or make the payment to the school
10 district. If the school district fails to provide the
11 information during this period in any year, it shall
12 forfeit any claim to reimbursement for that year.
13 School districts may adopt a resolution waiving the
14 right to all or a portion of the reimbursement
15 otherwise required by this paragraph (7.5). By
16 acceptance of this reimbursement the school district
17 waives the right to directly or indirectly set aside,
18 modify, or contest in any manner the establishment of
19 the redevelopment project area or projects;

20 (7.7) For redevelopment project areas designated (or
21 redevelopment project areas amended to add or increase the
22 number of tax-increment-financing assisted housing units)
23 on or after January 1, 2005 (the effective date of Public
24 Act 93-961), a public library district's increased costs
25 attributable to assisted housing units located within the
26 redevelopment project area for which the developer or

1 redeveloper receives financial assistance through an
2 agreement with the municipality or because the
3 municipality incurs the cost of necessary infrastructure
4 improvements within the boundaries of the assisted housing
5 sites necessary for the completion of that housing as
6 authorized by this Act shall be paid to the library
7 district by the municipality from the Special Tax
8 Allocation Fund when the tax increment revenue is received
9 as a result of the assisted housing units. This paragraph
10 (7.7) applies only if (i) the library district is located
11 in a county that is subject to the Property Tax Extension
12 Limitation Law or (ii) the library district is not located
13 in a county that is subject to the Property Tax Extension
14 Limitation Law but the district is prohibited by any other
15 law from increasing its tax levy rate without a prior
16 voter referendum.

17 The amount paid to a library district under this
18 paragraph (7.7) shall be calculated by multiplying (i) the
19 net increase in the number of persons eligible to obtain a
20 library card in that district who reside in housing units
21 within the redevelopment project area that have received
22 financial assistance through an agreement with the
23 municipality or because the municipality incurs the cost
24 of necessary infrastructure improvements within the
25 boundaries of the housing sites necessary for the
26 completion of that housing as authorized by this Act since

1 the designation of the redevelopment project area by (ii)
2 the per-patron cost of providing library services so long
3 as it does not exceed \$120. The per-patron cost shall be
4 the Total Operating Expenditures Per Capita for the
5 library in the previous fiscal year. The municipality may
6 deduct from the amount that it must pay to a library
7 district under this paragraph any amount that it has
8 voluntarily paid to the library district from the tax
9 increment revenue. The amount paid to a library district
10 under this paragraph (7.7) shall be no more than 2% of the
11 amount produced by the assisted housing units and
12 deposited into the Special Tax Allocation Fund.

13 A library district is not eligible for any payment
14 under this paragraph (7.7) unless the library district has
15 experienced an increase in the number of patrons from the
16 municipality that created the tax-increment-financing
17 district since the designation of the redevelopment
18 project area.

19 Any library district seeking payment under this
20 paragraph (7.7) shall, after July 1 and before September
21 30 of each year, provide the municipality with convincing
22 evidence to support its claim for reimbursement before the
23 municipality shall be required to approve or make the
24 payment to the library district. If the library district
25 fails to provide the information during this period in any
26 year, it shall forfeit any claim to reimbursement for that

1 year. Library districts may adopt a resolution waiving the
2 right to all or a portion of the reimbursement otherwise
3 required by this paragraph (7.7). By acceptance of such
4 reimbursement, the library district shall forfeit any
5 right to directly or indirectly set aside, modify, or
6 contest in any manner whatsoever the establishment of the
7 redevelopment project area or projects;

8 (8) Relocation costs to the extent that a municipality
9 determines that relocation costs shall be paid or is
10 required to make payment of relocation costs by federal or
11 State law or in order to satisfy subparagraph (7) of
12 subsection (n);

13 (9) Payment in lieu of taxes;

14 (10) Costs of job training, retraining, advanced
15 vocational education or career education, including but
16 not limited to courses in occupational, semi-technical or
17 technical fields leading directly to employment, incurred
18 by one or more taxing districts, provided that such costs
19 (i) are related to the establishment and maintenance of
20 additional job training, advanced vocational education or
21 career education programs for persons employed or to be
22 employed by employers located in a redevelopment project
23 area; and (ii) when incurred by a taxing district or
24 taxing districts other than the municipality, are set
25 forth in a written agreement by or among the municipality
26 and the taxing district or taxing districts, which

1 agreement describes the program to be undertaken,
2 including but not limited to the number of employees to be
3 trained, a description of the training and services to be
4 provided, the number and type of positions available or to
5 be available, itemized costs of the program and sources of
6 funds to pay for the same, and the term of the agreement.
7 Such costs include, specifically, the payment by community
8 college districts of costs pursuant to Sections 3-37,
9 3-38, 3-40 and 3-40.1 of the Public Community College Act
10 and by school districts of costs pursuant to Sections
11 10-22.20a and 10-23.3a of the School Code;

12 (11) Interest cost incurred by a redeveloper related
13 to the construction, renovation or rehabilitation of a
14 redevelopment project provided that:

15 (A) such costs are to be paid directly from the
16 special tax allocation fund established pursuant to
17 this Act;

18 (B) such payments in any one year may not exceed
19 30% of the annual interest costs incurred by the
20 redeveloper with regard to the redevelopment project
21 during that year;

22 (C) if there are not sufficient funds available in
23 the special tax allocation fund to make the payment
24 pursuant to this paragraph (11) then the amounts so
25 due shall accrue and be payable when sufficient funds
26 are available in the special tax allocation fund;

1 (D) the total of such interest payments paid
2 pursuant to this Act may not exceed 30% of the total
3 (i) cost paid or incurred by the redeveloper for the
4 redevelopment project plus (ii) redevelopment project
5 costs excluding any property assembly costs and any
6 relocation costs incurred by a municipality pursuant
7 to this Act;

8 (E) the cost limits set forth in subparagraphs (B)
9 and (D) of paragraph (11) shall be modified for the
10 financing of rehabilitated or new housing units for
11 low-income households and very low-income households,
12 as defined in Section 3 of the Illinois Affordable
13 Housing Act. The percentage of 75% shall be
14 substituted for 30% in subparagraphs (B) and (D) of
15 paragraph (11); and

16 (F) instead of the eligible costs provided by
17 subparagraphs (B) and (D) of paragraph (11), as
18 modified by this subparagraph, and notwithstanding any
19 other provisions of this Act to the contrary, the
20 municipality may pay from tax increment revenues up to
21 50% of the cost of construction of new housing units to
22 be occupied by low-income households and very
23 low-income households as defined in Section 3 of the
24 Illinois Affordable Housing Act. The cost of
25 construction of those units may be derived from the
26 proceeds of bonds issued by the municipality under

1 this Act or other constitutional or statutory
2 authority or from other sources of municipal revenue
3 that may be reimbursed from tax increment revenues or
4 the proceeds of bonds issued to finance the
5 construction of that housing.

6 The eligible costs provided under this
7 subparagraph (F) of paragraph (11) shall be an
8 eligible cost for the construction, renovation, and
9 rehabilitation of all low and very low-income housing
10 units, as defined in Section 3 of the Illinois
11 Affordable Housing Act, within the redevelopment
12 project area. If the low and very low-income units are
13 part of a residential redevelopment project that
14 includes units not affordable to low and very
15 low-income households, only the low and very
16 low-income units shall be eligible for benefits under
17 this subparagraph (F) of paragraph (11). The standards
18 for maintaining the occupancy by low-income households
19 and very low-income households, as defined in Section
20 3 of the Illinois Affordable Housing Act, of those
21 units constructed with eligible costs made available
22 under the provisions of this subparagraph (F) of
23 paragraph (11) shall be established by guidelines
24 adopted by the municipality. The responsibility for
25 annually documenting the initial occupancy of the
26 units by low-income households and very low-income

1 households, as defined in Section 3 of the Illinois
2 Affordable Housing Act, shall be that of the then
3 current owner of the property. For ownership units,
4 the guidelines will provide, at a minimum, for a
5 reasonable recapture of funds, or other appropriate
6 methods designed to preserve the original
7 affordability of the ownership units. For rental
8 units, the guidelines will provide, at a minimum, for
9 the affordability of rent to low and very low-income
10 households. As units become available, they shall be
11 rented to income-eligible tenants. The municipality
12 may modify these guidelines from time to time; the
13 guidelines, however, shall be in effect for as long as
14 tax increment revenue is being used to pay for costs
15 associated with the units or for the retirement of
16 bonds issued to finance the units or for the life of
17 the redevelopment project area, whichever is later;

18 (11.5) If the redevelopment project area is located
19 within a municipality with a population of more than
20 100,000, the cost of day care services for children of
21 employees from low-income families working for businesses
22 located within the redevelopment project area and all or a
23 portion of the cost of operation of day care centers
24 established by redevelopment project area businesses to
25 serve employees from low-income families working in
26 businesses located in the redevelopment project area. For

1 the purposes of this paragraph, "low-income families"
2 means families whose annual income does not exceed 80% of
3 the municipal, county, or regional median income, adjusted
4 for family size, as the annual income and municipal,
5 county, or regional median income are determined from time
6 to time by the United States Department of Housing and
7 Urban Development.

8 (12) Costs relating to the development of urban
9 agricultural areas under Division 15.2 of the Illinois
10 Municipal Code.

11 Unless explicitly stated herein the cost of construction
12 of new privately-owned buildings shall not be an eligible
13 redevelopment project cost.

14 After November 1, 1999 (the effective date of Public Act
15 91-478), none of the redevelopment project costs enumerated in
16 this subsection shall be eligible redevelopment project costs
17 if those costs would provide direct financial support to a
18 retail entity initiating operations in the redevelopment
19 project area while terminating operations at another Illinois
20 location within 10 miles of the redevelopment project area but
21 outside the boundaries of the redevelopment project area
22 municipality. For purposes of this paragraph, termination
23 means a closing of a retail operation that is directly related
24 to the opening of the same operation or like retail entity
25 owned or operated by more than 50% of the original ownership in
26 a redevelopment project area, but it does not mean closing an

1 operation for reasons beyond the control of the retail entity,
2 as documented by the retail entity, subject to a reasonable
3 finding by the municipality that the current location
4 contained inadequate space, had become economically obsolete,
5 or was no longer a viable location for the retailer or
6 serviceman.

7 No cost shall be a redevelopment project cost in a
8 redevelopment project area if used to demolish, remove, or
9 substantially modify a historic resource, after August 26,
10 2008 (the effective date of Public Act 95-934), unless no
11 prudent and feasible alternative exists. "Historic resource"
12 for the purpose of this paragraph means (i) a place or
13 structure that is included or eligible for inclusion on the
14 National Register of Historic Places or (ii) a contributing
15 structure in a district on the National Register of Historic
16 Places. This paragraph does not apply to a place or structure
17 for which demolition, removal, or modification is subject to
18 review by the preservation agency of a Certified Local
19 Government designated as such by the National Park Service of
20 the United States Department of the Interior.

21 If a special service area has been established pursuant to
22 the Special Service Area Tax Act or Special Service Area Tax
23 Law, then any tax increment revenues derived from the tax
24 imposed pursuant to the Special Service Area Tax Act or
25 Special Service Area Tax Law may be used within the
26 redevelopment project area for the purposes permitted by that

1 Act or Law as well as the purposes permitted by this Act.

2 (q-1) For redevelopment project areas created pursuant to
3 subsection (p-1), redevelopment project costs are limited to
4 those costs in paragraph (q) that are related to the existing
5 or proposed Metropolitan Mobility ~~Regional Transportation~~
6 Authority Suburban Transit Access Route (STAR Line) station.

7 (q-2) For a transit facility improvement area established
8 prior to, on, or after the effective date of this amendatory
9 Act of the 102nd General Assembly: (i) "redevelopment project
10 costs" means those costs described in subsection (q) that are
11 related to the construction, reconstruction, rehabilitation,
12 remodeling, or repair of any existing or proposed transit
13 facility, whether that facility is located within or outside
14 the boundaries of a redevelopment project area established
15 within that transit facility improvement area (and, to the
16 extent a redevelopment project cost is described in subsection
17 (q) as incurred or estimated to be incurred with respect to a
18 redevelopment project area, then it shall apply with respect
19 to such transit facility improvement area); and (ii) the
20 provisions of Section 11-74.4-8 regarding tax increment
21 allocation financing for a redevelopment project area located
22 in a transit facility improvement area shall apply only to the
23 lots, blocks, tracts and parcels of real property that are
24 located within the boundaries of that redevelopment project
25 area and not to the lots, blocks, tracts, and parcels of real
26 property that are located outside the boundaries of that

1 redevelopment project area.

2 (r) "State Sales Tax Boundary" means the redevelopment
3 project area or the amended redevelopment project area
4 boundaries which are determined pursuant to subsection (9) of
5 Section 11-74.4-8a of this Act. The Department of Revenue
6 shall certify pursuant to subsection (9) of Section 11-74.4-8a
7 the appropriate boundaries eligible for the determination of
8 State Sales Tax Increment.

9 (s) "State Sales Tax Increment" means an amount equal to
10 the increase in the aggregate amount of taxes paid by
11 retailers and servicemen, other than retailers and servicemen
12 subject to the Public Utilities Act, on transactions at places
13 of business located within a State Sales Tax Boundary pursuant
14 to the Retailers' Occupation Tax Act, the Use Tax Act, the
15 Service Use Tax Act, and the Service Occupation Tax Act,
16 except such portion of such increase that is paid into the
17 State and Local Sales Tax Reform Fund, the Local Government
18 Distributive Fund, the Local Government Tax Fund and the
19 County and Mass Transit District Fund, for as long as State
20 participation exists, over and above the Initial Sales Tax
21 Amounts, Adjusted Initial Sales Tax Amounts or the Revised
22 Initial Sales Tax Amounts for such taxes as certified by the
23 Department of Revenue and paid under those Acts by retailers
24 and servicemen on transactions at places of business located
25 within the State Sales Tax Boundary during the base year which
26 shall be the calendar year immediately prior to the year in

1 which the municipality adopted tax increment allocation
2 financing, less 3.0% of such amounts generated under the
3 Retailers' Occupation Tax Act, Use Tax Act and Service Use Tax
4 Act and the Service Occupation Tax Act, which sum shall be
5 appropriated to the Department of Revenue to cover its costs
6 of administering and enforcing this Section. For purposes of
7 computing the aggregate amount of such taxes for base years
8 occurring prior to 1985, the Department of Revenue shall
9 compute the Initial Sales Tax Amount for such taxes and deduct
10 therefrom an amount equal to 4% of the aggregate amount of
11 taxes per year for each year the base year is prior to 1985,
12 but not to exceed a total deduction of 12%. The amount so
13 determined shall be known as the "Adjusted Initial Sales Tax
14 Amount". For purposes of determining the State Sales Tax
15 Increment the Department of Revenue shall for each period
16 subtract from the tax amounts received from retailers and
17 servicemen on transactions located in the State Sales Tax
18 Boundary, the certified Initial Sales Tax Amounts, Adjusted
19 Initial Sales Tax Amounts or Revised Initial Sales Tax Amounts
20 for the Retailers' Occupation Tax Act, the Use Tax Act, the
21 Service Use Tax Act and the Service Occupation Tax Act. For the
22 State Fiscal Year 1989 this calculation shall be made by
23 utilizing the calendar year 1987 to determine the tax amounts
24 received. For the State Fiscal Year 1990, this calculation
25 shall be made by utilizing the period from January 1, 1988,
26 until September 30, 1988, to determine the tax amounts

1 received from retailers and servicemen, which shall have
2 deducted therefrom nine-twelfths of the certified Initial
3 Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the
4 Revised Initial Sales Tax Amounts as appropriate. For the
5 State Fiscal Year 1991, this calculation shall be made by
6 utilizing the period from October 1, 1988, until June 30,
7 1989, to determine the tax amounts received from retailers and
8 servicemen, which shall have deducted therefrom nine-twelfths
9 of the certified Initial State Sales Tax Amounts, Adjusted
10 Initial Sales Tax Amounts or the Revised Initial Sales Tax
11 Amounts as appropriate. For every State Fiscal Year
12 thereafter, the applicable period shall be the 12 months
13 beginning July 1 and ending on June 30, to determine the tax
14 amounts received which shall have deducted therefrom the
15 certified Initial Sales Tax Amounts, Adjusted Initial Sales
16 Tax Amounts or the Revised Initial Sales Tax Amounts.
17 Municipalities intending to receive a distribution of State
18 Sales Tax Increment must report a list of retailers to the
19 Department of Revenue by October 31, 1988 and by July 31, of
20 each year thereafter.

21 (t) "Taxing districts" means counties, townships, cities
22 and incorporated towns and villages, school, road, park,
23 sanitary, mosquito abatement, forest preserve, public health,
24 fire protection, river conservancy, tuberculosis sanitarium
25 and any other municipal corporations or districts with the
26 power to levy taxes.

1 (u) "Taxing districts' capital costs" means those costs of
2 taxing districts for capital improvements that are found by
3 the municipal corporate authorities to be necessary and
4 directly result from the redevelopment project.

5 (v) As used in subsection (a) of Section 11-74.4-3 of this
6 Act, "vacant land" means any parcel or combination of parcels
7 of real property without industrial, commercial, and
8 residential buildings which has not been used for commercial
9 agricultural purposes within 5 years prior to the designation
10 of the redevelopment project area, unless the parcel is
11 included in an industrial park conservation area or the parcel
12 has been subdivided; provided that if the parcel was part of a
13 larger tract that has been divided into 3 or more smaller
14 tracts that were accepted for recording during the period from
15 1950 to 1990, then the parcel shall be deemed to have been
16 subdivided, and all proceedings and actions of the
17 municipality taken in that connection with respect to any
18 previously approved or designated redevelopment project area
19 or amended redevelopment project area are hereby validated and
20 hereby declared to be legally sufficient for all purposes of
21 this Act. For purposes of this Section and only for land
22 subject to the subdivision requirements of the Plat Act, land
23 is subdivided when the original plat of the proposed
24 Redevelopment Project Area or relevant portion thereof has
25 been properly certified, acknowledged, approved, and recorded
26 or filed in accordance with the Plat Act and a preliminary

1 plat, if any, for any subsequent phases of the proposed
2 Redevelopment Project Area or relevant portion thereof has
3 been properly approved and filed in accordance with the
4 applicable ordinance of the municipality.

5 (w) "Annual Total Increment" means the sum of each
6 municipality's annual Net Sales Tax Increment and each
7 municipality's annual Net Utility Tax Increment. The ratio of
8 the Annual Total Increment of each municipality to the Annual
9 Total Increment for all municipalities, as most recently
10 calculated by the Department, shall determine the proportional
11 shares of the Illinois Tax Increment Fund to be distributed to
12 each municipality.

13 (x) "LEED certified" means any certification level of
14 construction elements by a qualified Leadership in Energy and
15 Environmental Design Accredited Professional as determined by
16 the U.S. Green Building Council.

17 (y) "Green Globes certified" means any certification level
18 of construction elements by a qualified Green Globes
19 Professional as determined by the Green Building Initiative.

20 (Source: P.A. 102-627, eff. 8-27-21.)

21 (65 ILCS 5/Art. 11 Div. 122.2 heading)

22 DIVISION 122.2. METROPOLITAN MOBILITY ~~REGIONAL TRANSPORTATION~~

23 AUTHORITY

24 (65 ILCS 5/11-122.2-1) (from Ch. 24, par. 11-122.2-1)

1 Sec. 11-122.2-1. In addition to all its other powers,
2 every municipality shall, in all its dealings with the
3 Metropolitan Mobility Regional Transportation Authority
4 established by the Metropolitan Mobility "Regional
5 Transportation Authority Act", ~~enacted by the 78th General~~
6 ~~Assembly~~, have the following powers:

7 (a) to cooperate with the Metropolitan Mobility Regional
8 ~~Transportation~~ Authority in the exercise by the Metropolitan
9 Mobility Regional Transportation Authority of all the powers
10 granted it by the Act;

11 (b) to receive funds from the Metropolitan Mobility
12 ~~Regional Transportation~~ Authority upon such terms and
13 conditions as shall be set forth in an agreement between the
14 municipality and Metropolitan Mobility Authority ~~the Suburban~~
15 ~~Bus Board or the Commuter Rail Board~~, which contract or
16 agreement may be for such number of years or duration as they
17 may agree, all as provided in the Metropolitan Mobility
18 "Regional Transportation Authority Act";

19 (c) (blank); ~~to receive financial grants from a Service~~
20 ~~Board, as defined in the "Regional Transportation Authority~~
21 ~~Act", upon such terms and conditions as shall be set forth in a~~
22 ~~Purchase of Service Agreement or other grant contract between~~
23 ~~the municipality and the Service Board, which contract or~~
24 ~~agreement may be for such number of years or duration as the~~
25 ~~Service Board and the municipality may agree, all as provided~~
26 ~~in the "Regional Transportation Authority Act"~~;

1 (d) to acquire from the Metropolitan Mobility Authority
2 any public transportation facility ~~Regional Transportation~~
3 ~~Authority or a Service Board any Public Transportation~~
4 ~~Facility~~, as defined in the Metropolitan Mobility "~~Regional~~
5 ~~Transportation~~ Authority Act", by purchase contract, gift,
6 grant, exchange for other property or rights in property,
7 lease (or sublease) or installment or conditional purchase
8 contracts, which contracts or leases may provide for
9 consideration to be paid in annual installments during a
10 period not exceeding 40 years; such property may be acquired
11 subject to such conditions, restrictions, liens or security or
12 other interests of other parties as the municipality may deem
13 appropriate and in each case the municipality may acquire a
14 joint, leasehold, easement, license or other partial interest
15 in such property;

16 (e) to sell, sell by installment contract, lease (or
17 sublease) as lessor, or transfer to, or grant to or provide for
18 the use by the Metropolitan Mobility Authority any public
19 transportation facility ~~Regional Transportation Authority or a~~
20 ~~Service Board any Public Transportation Facility~~, as defined
21 in the Metropolitan Mobility "~~Regional~~ ~~Transportation~~
22 Authority Act," upon such terms and for such consideration, or
23 for no consideration, as the municipality may deem proper;

24 (f) to cooperate with the Metropolitan Mobility ~~Regional~~
25 ~~Transportation~~ Authority ~~or a Service Board~~ for the protection
26 of employees and users of public transportation facilities

1 against crime and also to protect such facilities; such
2 cooperation may include, without limitation, agreements for
3 the coordination of police or security forces;

4 (g) to file such reports with and transfer such records,
5 papers or documents to the Metropolitan Mobility Authority
6 ~~Regional Transportation Authority or a Service Board~~ as may be
7 agreed upon with, or required by, the Metropolitan Mobility
8 ~~Regional Transportation Authority or a Service Board~~.

9 In exercising any of the powers granted in this Section
10 the municipality shall not be subject to the provisions of
11 this Code or any Act making public bidding or notice a
12 requirement for any purchase or sale by a municipality.
13 Notwithstanding any provision of this Code to the contrary,
14 every municipality may enter into purchase of service
15 agreements, grant agreements ~~Purchase of Service Agreements,~~
16 ~~grant contracts~~, other contracts, agreements or leases, as
17 provided in this Section, and may incur obligations and
18 expenses thereunder without making a previous appropriation
19 therefor.

20 (Source: P.A. 83-886.)

21 Section 20.31. The Regional Planning Act is amended by
22 changing Section 10 as follows:

23 (70 ILCS 1707/10)

24 Sec. 10. Definitions.

1 "Board" means the Board of the Chicago Metropolitan Agency
2 for Planning.

3 "CMAP" means the Chicago Metropolitan Agency for Planning.

4 "Chief elected county official" means the Board Chairman
5 in DuPage, Kane, Kendall, Lake, and McHenry Counties and the
6 County Executive in Will County.

7 "Fiscal year" means the fiscal year of the State.

8 "IDOT" means the Illinois Department of Transportation.

9 "MPO" means the metropolitan planning organization
10 designated under 23 U.S.C. 134.

11 "Members" means the members of the Board.

12 "Person" means an individual, partnership, firm, public or
13 private corporation, State agency, transportation agency, or
14 unit of local government.

15 "Policy Committee" means the decision-making body of the
16 MPO.

17 "Region" or "northeastern Illinois region" means Cook,
18 DuPage, Kane, Kendall, Lake, McHenry, and Will Counties.

19 "State agency" means "agency" as defined in Section 1-20
20 of the Illinois Administrative Procedure Act.

21 "Transportation agency" means the Metropolitan Mobility
22 ~~Regional Transportation Authority and its Service Boards~~; the
23 Illinois State Toll Highway Authority; the Illinois Department
24 of Transportation; and the transportation functions of units
25 of local government.

26 "Unit of local government" means a unit of local

1 government, as defined in Section 1 of Article VII of the
2 Illinois Constitution, that is located within the jurisdiction
3 and area of operation of the Board.

4 "USDOT" means the United States Department of
5 Transportation.

6 (Source: P.A. 94-510, eff. 8-9-05; 95-677, eff. 10-11-07.)

7 (70 ILCS 3605/Act rep.)

8 Section 20.32. The Metropolitan Transit Authority Act is
9 repealed.

10 Section 20.33. The Local Mass Transit District Act is
11 amended by changing Sections 3.1, 5.05, and 8.5 as follows:

12 (70 ILCS 3610/3.1) (from Ch. 111 2/3, par. 353.1)

13 Sec. 3.1. Also in the manner provided in this Act as
14 amended, a "Local Mass Transit District" may be created with
15 boundary to enclose a unit area of contiguous land, to be known
16 as the "participating area". Such a "participating area" may
17 be organized as a district under this Act without regard to
18 boundaries of counties or other political subdivisions or
19 municipal corporations.

20 (a) Any 500 or more legal voters who are residents within
21 such "participating area" may file a petition in the circuit
22 court of the county where the proposed district or a major part
23 thereof is located, asking that the question of creating such

1 district be submitted under this Act by referendum to the
2 voters residing within the proposed district. By their power
3 of attorney signed by them and filed in the cause the
4 petitioners may authorize a committee of their number named by
5 the petitioners, to conduct and pursue the cause for them to a
6 conclusion. Such petition shall define the boundaries of the
7 proposed district, shall indicate distances to nearest mass
8 transportation lines in each direction, naming them, shall
9 have attached a fair map of the proposed district, and shall
10 suggest a name for the proposed district.

11 (b) The circuit clerk shall present to the circuit judge
12 any petition so filed in the court. The judge shall enter an
13 order of record to set a date, hour and place for judicial
14 hearing on the petition. That order shall include instructions
15 to the circuit clerk to give notice by newspaper publication
16 to be made and completed at least 20 days before the hearing is
17 to be held, in 2 or more newspapers published or circulating
18 generally among the people residing within the proposed
19 district. The circuit clerk shall prepare that notice and
20 cause such publication notice to be given as directed.

21 (c) After proof of such newspaper publication of notice
22 has been made and filed in the cause and shown to the court in
23 full accord with the prior order, the circuit judge shall hear
24 all persons who attend and so request, as to location and
25 boundary and name for the proposed district. After the hearing
26 on such petition is completed, the circuit court by an order of

1 record, shall determine and establish the location, name and
2 boundary for such proposed district, and shall order the
3 proposition submitted at an election in accordance with the
4 general election law to the voters resident within such
5 proposed district. The circuit clerk shall certify the
6 proposition to the proper election officials who shall submit
7 the proposition in accordance with the general election law.

8 (d) The county clerk shall canvass the ballots and other
9 returns from such referendum, and prepare a full certification
10 of the result and shall file same in the cause pending in the
11 circuit court. When the vote is in favor of the creation of
12 such district as determined by the court order, a true map of
13 such district shall be filed with such report in the circuit
14 court.

15 (e) When the vote is in favor of creation of such district,
16 the circuit court by an order of record shall confirm the
17 result of election. If the district is wholly contained within
18 a single county the presiding officer of the county board with
19 the advice and consent of the county board shall appoint 5
20 trustees, not more than 3 of whom shall be affiliated with the
21 same political party, to govern the district and serve one
22 each for 1, 2, 3, 4 and 5 years respectively; upon the
23 expiration of the term of a trustee who is in office on the
24 effective date of this amendatory Act of 1989, the successor
25 shall, at the time of the appointment, and thereafter at all
26 times while serving as trustee, be a resident of the Mass

1 Transit District for which such person is appointed as
2 trustee. If a trustee removes his residence to a place outside
3 of the District, a trustee shall be appointed in the same
4 manner as herein provided to take the place of the trustee who
5 so removed his residence. If however the district is located
6 in more than one county, the number of trustees who are
7 residents of a county shall be in proportion, as nearly as
8 practicable, to the number of residents of the district who
9 reside in that county in relation to the total population of
10 the district.

11 Upon the expiration of the term of a trustee who is in
12 office on the effective date of this amendatory Act of 1975,
13 the successor shall be a resident of whichever county is
14 entitled to such representation in order to bring about the
15 proportional representation required herein, and he shall be
16 appointed by the county board of that county, or in the case of
17 a home rule county as defined by Article VII, Section 6 of the
18 Constitution of 1970, the chief executive officer of that
19 county, with the advice and consent of the county board in
20 accordance with the provisions previously enumerated.
21 Successors shall serve 5 year overlapping terms.

22 Thereafter, each trustee shall be succeeded by a resident
23 of the same county who shall be appointed by the same
24 appointing authority; however, the provisions of the preceding
25 paragraph shall apply to the appointment of the successor to
26 each trustee who is in office at the time of the publication of

1 each decennial Federal census of population.

2 (f) Upon the creation of such district, the circuit clerk
3 shall prepare and certify a copy of the final court order
4 confirming the referendum creating the district, and a
5 duplicate of the map of such district, from the record of the
6 circuit court, and shall file the same with the county clerk
7 for recording in his office as "Certificate of Incorporation"
8 for the district. The county clerk shall cause a duplicate of
9 such "Certificate of Incorporation" to be filed in the office
10 of the Secretary of State of Illinois.

11 (g) The Board of Trustees of such "Local Mass Transit
12 District" shall have and exercise all the powers and shall
13 perform all the duties of any Board of Trustees of any district
14 created under this Act, as now or hereafter amended.

15 (h) The circuit court shall require the petitioners to
16 post a surety bond for the payment of all costs and expenses of
17 such proceeding and such referendum. When a district is
18 created, the circuit court shall order the district to pay or
19 reimburse others for all such costs and expenses. The surety
20 bond shall not be released until complete receipts for all
21 such costs and expenses have been filed in the cause and fully
22 audited by the circuit and county clerks.

23 (i) If the District is wholly contained within a single
24 county, the County Board of such county may, by resolution,
25 provide that, effective upon the next appointment of a
26 Trustee, after the effective date of this amendatory Act of

1 1989, that the Board of Trustees of such Mass Transit District
2 shall be comprised of 7 Trustees, with no more than 4 members
3 of the same political party. This Subsection shall not apply
4 to any Mass Transit District in the State which receives
5 funding in whole or in part from the Metropolitan Mobility
6 Authority ~~Regional Transportation Authority or any of its~~
7 ~~service boards.~~

8 (Source: P.A. 86-472.)

9 (70 ILCS 3610/5.05) (from Ch. 111 2/3, par. 355.05)

10 Sec. 5.05. In addition to all its other powers, each
11 District shall, in all its dealings with the Metropolitan
12 Mobility ~~Regional Transportation~~ Authority established by the
13 Metropolitan Mobility ~~"Regional Transportation Authority Act",~~
14 ~~enacted by the 78th General Assembly,~~ have the following
15 powers:

16 (a) to cooperate with the Metropolitan Mobility ~~Regional~~
17 ~~Transportation~~ Authority in the exercise by the Metropolitan
18 Mobility ~~Regional Transportation~~ Authority of all the powers
19 granted it by such Act;

20 (b) to receive funds from the Metropolitan Mobility
21 ~~Regional Transportation~~ Authority upon such terms and
22 conditions as shall be set forth in an agreement between the
23 District and the Metropolitan Mobility ~~Regional Transportation~~
24 Authority, which contract or agreement may be for such number
25 of years or duration as the Authority and the District may

1 agree, all as provided in the Metropolitan Mobility ~~"Regional~~
2 ~~Transportation Authority Act"~~;

3 (c) (blank); ~~to receive financial grants from a Service~~
4 ~~Board, as defined in the "Regional Transportation Authority~~
5 ~~Act", upon such terms and conditions as shall be set forth in a~~
6 ~~Purchase of Service Agreement or other grant contact between~~
7 ~~the District and the Service Board, which contract or~~
8 ~~agreement may be for such number of years or duration as the~~
9 ~~Service Board and the District may agree, all as provided in~~
10 ~~the "Regional Transportation Authority Act"~~;

11 (d) to acquire from the Metropolitan Mobility Authority
12 any public transportation facility ~~Regional Transportation~~
13 ~~Authority or Service Board any Public Transportation Facility,~~
14 as defined in the Metropolitan Mobility ~~"Regional~~
15 ~~Transportation Authority Act"~~, by purchase contract, gift,
16 grant, exchange for other property or rights in property,
17 lease (or sublease) or installment or conditional purchase
18 contracts, which contracts or leases may provide for
19 consideration to be paid in annual installments during a
20 period not exceeding 40 years; such property may be acquired
21 subject to such conditions, restrictions, liens or security or
22 other interests of other parties as the District may deem
23 appropriate and in each case the District may acquire a joint,
24 leasehold, easement, license or other partial interest in such
25 property;

26 (e) to sell, sell by installment contract, lease (or

1 sublease) as lessor, or transfer to, or grant to or provide for
2 the use by the Metropolitan Mobility Authority any public
3 transportation facility ~~Regional Transportation Authority or a~~
4 ~~Service Board any Public Transportation Facility~~, as defined
5 in the Metropolitan Mobility ~~"Regional Transportation~~
6 ~~Authority Act,"~~ upon such terms and for such consideration, as
7 the District may deem proper;

8 (f) to cooperate with the Metropolitan Mobility Authority
9 ~~Regional Transportation Authority or a Service Board~~ for the
10 protection of employees of the District and users of public
11 transportation facilities against crime and also to protect
12 such facilities, but neither the District, the member of its
13 Board nor its officers or employees shall be held liable for
14 failure to provide a security or police force, or, if a
15 security or police force is provided, for failure to provide
16 adequate police protection or security, failure to prevent the
17 commission of crimes by fellow passengers or other third
18 persons or for the failure to apprehend criminals; and

19 (g) to file such reports with and transfer such records,
20 papers or documents to the Metropolitan Mobility Authority
21 ~~Regional Transportation Authority or a Service Board~~ as may be
22 agreed upon with, or required by, the Metropolitan Mobility
23 Authority ~~Regional Transportation Authority or a Service~~
24 ~~Board~~.

25 In exercising any of the powers granted in this Section,
26 the District shall not be subject to the provisions of any Act

1 making public bidding or notice a requirement of any purchase
2 or sale by a District.

3 (Source: P.A. 84-939.)

4 (70 ILCS 3610/8.5) (from Ch. 111 2/3, par. 358.5)

5 Sec. 8.5. In addition to any other method provided for
6 annexation under this Act, any territory, except property
7 classified as farmland, which (1) lies within the corporate
8 limits of a municipality as defined in this Act, (2) is
9 contiguous to a local mass transit district organized under
10 this Act, and (3) is not a part of another local mass transit
11 district, may be annexed by the contiguous local mass transit
12 district, by ordinance, after a public hearing has been held
13 thereon by the board of trustees of the district at a location
14 within the territory sought to be annexed, or within 1 mile of
15 any part of the territory sought to be annexed. The annexing
16 district shall cause to be published three times in a
17 newspaper having general circulation within the area
18 considered for annexation, at least 30 days prior to the
19 public hearing thereon, a notice that the local mass transit
20 district is considering the annexation of the territory
21 specified. The notice shall also state the date, time and
22 place of the public hearing. The annexing district shall cause
23 to be delivered to each owner of a parcel of land which is 5 or
24 more acres, which land is proposed to be annexed in whole or in
25 part, a written notice containing the information required to

1 be included in the published notice. The notice shall be
2 delivered by first class mail so that said notice arrives 30
3 days in advance of the public hearing. The board of trustees of
4 the district shall give due consideration to all testimony.
5 For the purposes of this Section "property classified as
6 farmland" shall mean property classified as farmland for
7 assessment purposes pursuant to the Property Tax Code. This
8 Section shall not apply to any mass transit district in the
9 State which receives funding in whole or in part from the
10 Metropolitan Mobility Authority ~~Regional Transportation~~
11 ~~Authority or any of its service boards.~~

12 (Source: P.A. 88-670, eff. 12-2-94.)

13 (70 ILCS 3615/Act rep.)

14 Section 20.34. The Regional Transportation Authority Act
15 is repealed.

16 Section 20.35. The Water Commission Act of 1985 is amended
17 by changing Section 4 as follows:

18 (70 ILCS 3720/4) (from Ch. 111 2/3, par. 254)

19 Sec. 4. Taxes.

20 (a) The board of commissioners of any county water
21 commission may, by ordinance, impose throughout the territory
22 of the commission any or all of the taxes provided in this
23 Section for its corporate purposes. However, no county water

1 commission may impose any such tax unless the commission
 2 certifies the proposition of imposing the tax to the proper
 3 election officials, who shall submit the proposition to the
 4 voters residing in the territory at an election in accordance
 5 with the general election law, and the proposition has been
 6 approved by a majority of those voting on the proposition.

7 The proposition shall be in the form provided in Section 5
 8 or shall be substantially in the following form:

9 -----

10	Shall the (insert corporate	
11	name of county water commission)	YES
12	impose (state type of tax or	-----
13	taxes to be imposed) at the	NO
14	rate of 1/4%?	

15 -----

16 Taxes imposed under this Section and civil penalties
 17 imposed incident thereto shall be collected and enforced by
 18 the State Department of Revenue. The Department shall have the
 19 power to administer and enforce the taxes and to determine all
 20 rights for refunds for erroneous payments of the taxes.

21 (b) The board of commissioners may impose a County Water
 22 Commission Retailers' Occupation Tax upon all persons engaged
 23 in the business of selling tangible personal property at
 24 retail in the territory of the commission at a rate of 1/4% of
 25 the gross receipts from the sales made in the course of such
 26 business within the territory. Beginning January 1, 2021, this

1 tax is not imposed on sales of aviation fuel for so long as the
2 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
3 47133 are binding on the District.

4 The tax imposed under this paragraph and all civil
5 penalties that may be assessed as an incident thereof shall be
6 collected and enforced by the State Department of Revenue. The
7 Department shall have full power to administer and enforce
8 this paragraph; to collect all taxes and penalties due
9 hereunder; to dispose of taxes and penalties so collected in
10 the manner hereinafter provided; and to determine all rights
11 to credit memoranda arising on account of the erroneous
12 payment of tax or penalty hereunder. In the administration of,
13 and compliance with, this paragraph, the Department and
14 persons who are subject to this paragraph shall have the same
15 rights, remedies, privileges, immunities, powers and duties,
16 and be subject to the same conditions, restrictions,
17 limitations, penalties, exclusions, exemptions and definitions
18 of terms, and employ the same modes of procedure, as are
19 prescribed in Sections 1, 1a, 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2
20 through 2-65 (in respect to all provisions therein other than
21 the State rate of tax except that tangible personal property
22 taxed at the 1% rate under the Retailers' Occupation Tax Act
23 shall not be subject to tax hereunder), 2c, 3 (except as to the
24 disposition of taxes and penalties collected, and except that
25 the retailer's discount is not allowed for taxes paid on
26 aviation fuel sold on or after December 1, 2019 and through

1 December 31, 2020), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i,
2 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12, and 13 of
3 the Retailers' Occupation Tax Act and Section 3-7 of the
4 Uniform Penalty and Interest Act, as fully as if those
5 provisions were set forth herein.

6 Persons subject to any tax imposed under the authority
7 granted in this paragraph may reimburse themselves for their
8 seller's tax liability hereunder by separately stating the tax
9 as an additional charge, which charge may be stated in
10 combination, in a single amount, with State taxes that sellers
11 are required to collect under the Use Tax Act and under
12 subsection (e) of Section 6.02 ~~4.03~~ of the Metropolitan
13 Mobility ~~Regional Transportation~~ Authority Act, in accordance
14 with such bracket schedules as the Department may prescribe.

15 Whenever the Department determines that a refund should be
16 made under this paragraph to a claimant instead of issuing a
17 credit memorandum, the Department shall notify the State
18 Comptroller, who shall cause the warrant to be drawn for the
19 amount specified, and to the person named, in the notification
20 from the Department. The refund shall be paid by the State
21 Treasurer out of a county water commission tax fund
22 established under subsection (g) of this Section.

23 For the purpose of determining whether a tax authorized
24 under this paragraph is applicable, a retail sale by a
25 producer of coal or other mineral mined in Illinois is a sale
26 at retail at the place where the coal or other mineral mined in

1 Illinois is extracted from the earth. This paragraph does not
2 apply to coal or other mineral when it is delivered or shipped
3 by the seller to the purchaser at a point outside Illinois so
4 that the sale is exempt under the Federal Constitution as a
5 sale in interstate or foreign commerce.

6 If a tax is imposed under this subsection (b), a tax shall
7 also be imposed under subsections (c) and (d) of this Section.

8 No tax shall be imposed or collected under this subsection
9 on the sale of a motor vehicle in this State to a resident of
10 another state if that motor vehicle will not be titled in this
11 State.

12 Nothing in this paragraph shall be construed to authorize
13 a county water commission to impose a tax upon the privilege of
14 engaging in any business which under the Constitution of the
15 United States may not be made the subject of taxation by this
16 State.

17 (c) If a tax has been imposed under subsection (b), a
18 County Water Commission Service Occupation Tax shall also be
19 imposed upon all persons engaged, in the territory of the
20 commission, in the business of making sales of service, who,
21 as an incident to making the sales of service, transfer
22 tangible personal property within the territory. The tax rate
23 shall be 1/4% of the selling price of tangible personal
24 property so transferred within the territory. Beginning
25 January 1, 2021, this tax is not imposed on sales of aviation
26 fuel for so long as the revenue use requirements of 49 U.S.C.

1 47107(b) and 49 U.S.C. 47133 are binding on the District.

2 The tax imposed under this paragraph and all civil
3 penalties that may be assessed as an incident thereof shall be
4 collected and enforced by the State Department of Revenue. The
5 Department shall have full power to administer and enforce
6 this paragraph; to collect all taxes and penalties due
7 hereunder; to dispose of taxes and penalties so collected in
8 the manner hereinafter provided; and to determine all rights
9 to credit memoranda arising on account of the erroneous
10 payment of tax or penalty hereunder. In the administration of,
11 and compliance with, this paragraph, the Department and
12 persons who are subject to this paragraph shall have the same
13 rights, remedies, privileges, immunities, powers and duties,
14 and be subject to the same conditions, restrictions,
15 limitations, penalties, exclusions, exemptions and definitions
16 of terms, and employ the same modes of procedure, as are
17 prescribed in Sections 1a-1, 2 (except that the reference to
18 State in the definition of supplier maintaining a place of
19 business in this State shall mean the territory of the
20 commission), 2a, 3 through 3-50 (in respect to all provisions
21 therein other than the State rate of tax except that tangible
22 personal property taxed at the 1% rate under the Service
23 Occupation Tax Act shall not be subject to tax hereunder), 4
24 (except that the reference to the State shall be to the
25 territory of the commission), 5, 7, 8 (except that the
26 jurisdiction to which the tax shall be a debt to the extent

1 indicated in that Section 8 shall be the commission), 9
2 (except as to the disposition of taxes and penalties collected
3 and except that the returned merchandise credit for this tax
4 may not be taken against any State tax, and except that the
5 retailer's discount is not allowed for taxes paid on aviation
6 fuel sold on or after December 1, 2019 and through December 31,
7 2020), 10, 11, 12 (except the reference therein to Section 2b
8 of the Retailers' Occupation Tax Act), 13 (except that any
9 reference to the State shall mean the territory of the
10 commission), the first paragraph of Section 15, 15.5, 16, 17,
11 18, 19, and 20 of the Service Occupation Tax Act as fully as if
12 those provisions were set forth herein.

13 Persons subject to any tax imposed under the authority
14 granted in this paragraph may reimburse themselves for their
15 serviceman's tax liability hereunder by separately stating the
16 tax as an additional charge, which charge may be stated in
17 combination, in a single amount, with State tax that
18 servicemen are authorized to collect under the Service Use Tax
19 Act, and any tax for which servicemen may be liable under
20 subsection (m) of Section 6.02 ~~(f) of Section 4.03~~ of the
21 Metropolitan Mobility Regional Transportation Authority Act,
22 in accordance with such bracket schedules as the Department
23 may prescribe.

24 Whenever the Department determines that a refund should be
25 made under this paragraph to a claimant instead of issuing a
26 credit memorandum, the Department shall notify the State

1 Comptroller, who shall cause the warrant to be drawn for the
2 amount specified, and to the person named, in the notification
3 from the Department. The refund shall be paid by the State
4 Treasurer out of a county water commission tax fund
5 established under subsection (g) of this Section.

6 Nothing in this paragraph shall be construed to authorize
7 a county water commission to impose a tax upon the privilege of
8 engaging in any business which under the Constitution of the
9 United States may not be made the subject of taxation by the
10 State.

11 (d) If a tax has been imposed under subsection (b), a tax
12 shall also be imposed upon the privilege of using, in the
13 territory of the commission, any item of tangible personal
14 property that is purchased outside the territory at retail
15 from a retailer, and that is titled or registered with an
16 agency of this State's government, at a rate of 1/4% of the
17 selling price of the tangible personal property within the
18 territory, as "selling price" is defined in the Use Tax Act.
19 The tax shall be collected from persons whose Illinois address
20 for titling or registration purposes is given as being in the
21 territory. The tax shall be collected by the Department of
22 Revenue for a county water commission. The tax must be paid to
23 the State, or an exemption determination must be obtained from
24 the Department of Revenue, before the title or certificate of
25 registration for the property may be issued. The tax or proof
26 of exemption may be transmitted to the Department by way of the

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

6 The Department shall have full power to administer and
7 enforce this paragraph; to collect all taxes, penalties, and
8 interest due hereunder; to dispose of taxes, penalties, and
9 interest so collected in the manner hereinafter provided; and
10 to determine all rights to credit memoranda or refunds arising
11 on account of the erroneous payment of tax, penalty, or
12 interest hereunder. In the administration of and compliance
13 with this paragraph, the Department and persons who are
14 subject to this paragraph shall have the same rights,
15 remedies, privileges, immunities, powers, and duties, and be
16 subject to the same conditions, restrictions, limitations,
17 penalties, exclusions, exemptions, and definitions of terms
18 and employ the same modes of procedure, as are prescribed in
19 Sections 2 (except the definition of "retailer maintaining a
20 place of business in this State"), 3 through 3-80 (except
21 provisions pertaining to the State rate of tax, and except
22 provisions concerning collection or refunding of the tax by
23 retailers), 4, 11, 12, 12a, 14, 15, 19 (except the portions
24 pertaining to claims by retailers and except the last
25 paragraph concerning refunds), 20, 21, and 22 of the Use Tax
26 Act and Section 3-7 of the Uniform Penalty and Interest Act

1 that are not inconsistent with this paragraph, as fully as if
2 those provisions were set forth herein.

3 Whenever the Department determines that a refund should be
4 made under this paragraph to a claimant instead of issuing a
5 credit memorandum, the Department shall notify the State
6 Comptroller, who shall cause the order to be drawn for the
7 amount specified, and to the person named, in the notification
8 from the Department. The refund shall be paid by the State
9 Treasurer out of a county water commission tax fund
10 established under subsection (g) of this Section.

11 (e) A certificate of registration issued by the State
12 Department of Revenue to a retailer under the Retailers'
13 Occupation Tax Act or under the Service Occupation Tax Act
14 shall permit the registrant to engage in a business that is
15 taxed under the tax imposed under subsection (b), (c), or (d)
16 of this Section and no additional registration shall be
17 required under the tax. A certificate issued under the Use Tax
18 Act or the Service Use Tax Act shall be applicable with regard
19 to any tax imposed under subsection (c) of this Section.

20 (f) Any ordinance imposing or discontinuing any tax under
21 this Section shall be adopted and a certified copy thereof
22 filed with the Department on or before June 1, whereupon the
23 Department of Revenue shall proceed to administer and enforce
24 this Section on behalf of the county water commission as of
25 September 1 next following the adoption and filing. Beginning
26 January 1, 1992, an ordinance or resolution imposing or

1 discontinuing the tax hereunder shall be adopted and a
2 certified copy thereof filed with the Department on or before
3 the first day of July, whereupon the Department shall proceed
4 to administer and enforce this Section as of the first day of
5 October next following such adoption and filing. Beginning
6 January 1, 1993, an ordinance or resolution imposing or
7 discontinuing the tax hereunder shall be adopted and a
8 certified copy thereof filed with the Department on or before
9 the first day of October, whereupon the Department shall
10 proceed to administer and enforce this Section as of the first
11 day of January next following such adoption and filing.

12 (g) The State Department of Revenue shall, upon collecting
13 any taxes as provided in this Section, pay the taxes over to
14 the State Treasurer as trustee for the commission. The taxes
15 shall be held in a trust fund outside the State treasury
16 ~~Treasury~~.

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

25 After the monthly transfer to the STAR Bonds Revenue Fund,
26 on or before the 25th day of each calendar month, the State

1 Department of Revenue shall prepare and certify to the
2 Comptroller of the State of Illinois the amount to be paid to
3 the commission, which shall be the amount (not including
4 credit memoranda) collected under this Section during the
5 second preceding calendar month by the Department plus an
6 amount the Department determines is necessary to offset any
7 amounts that were erroneously paid to a different taxing body,
8 and not including any amount equal to the amount of refunds
9 made during the second preceding calendar month by the
10 Department on behalf of the commission, and not including any
11 amount that the Department determines is necessary to offset
12 any amounts that were payable to a different taxing body but
13 were erroneously paid to the commission, and less any amounts
14 that are transferred to the STAR Bonds Revenue Fund, less 1.5%
15 of the remainder, which shall be transferred into the Tax
16 Compliance and Administration Fund. The Department, at the
17 time of each monthly disbursement to the commission, shall
18 prepare and certify to the State Comptroller the amount to be
19 transferred into the Tax Compliance and Administration Fund
20 under this subsection. Within 10 days after receipt by the
21 Comptroller of the certification of the amount to be paid to
22 the commission and the Tax Compliance and Administration Fund,
23 the Comptroller shall cause an order to be drawn for the
24 payment for the amount in accordance with the direction in the
25 certification.

26 (h) Beginning June 1, 2016, any tax imposed pursuant to

1 this Section may no longer be imposed or collected, unless a
2 continuation of the tax is approved by the voters at a
3 referendum as set forth in this Section.

4 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
5 100-863, eff. 8-14-18; 100-1171, eff. 1-4-19; 101-10, eff.
6 6-5-19; 101-81, eff. 7-12-19; 101-604, eff. 12-13-19.)

7 Section 20.36. The School Code is amended by changing
8 Sections 29-5 and 34-4 as follows:

9 (105 ILCS 5/29-5) (from Ch. 122, par. 29-5)

10 Sec. 29-5. Reimbursement by State for transportation. Any
11 school district, maintaining a school, transporting resident
12 pupils to another school district's vocational program,
13 offered through a joint agreement approved by the State Board
14 of Education, as provided in Section 10-22.22 or transporting
15 its resident pupils to a school which meets the standards for
16 recognition as established by the State Board of Education
17 which provides transportation meeting the standards of safety,
18 comfort, convenience, efficiency and operation prescribed by
19 the State Board of Education for resident pupils in
20 kindergarten or any of grades 1 through 12 who: (a) reside at
21 least 1 1/2 miles as measured by the customary route of travel,
22 from the school attended; or (b) reside in areas where
23 conditions are such that walking constitutes a hazard to the
24 safety of the child when determined under Section 29-3; and

1 (c) are transported to the school attended from pick-up points
2 at the beginning of the school day and back again at the close
3 of the school day or transported to and from their assigned
4 attendance centers during the school day, shall be reimbursed
5 by the State as hereinafter provided in this Section.

6 The State will pay the prorated allowable cost of
7 transporting eligible pupils less the real equalized assessed
8 valuation as computed under paragraph (3) of subsection (d) of
9 Section 18-8.15 in a dual school district maintaining
10 secondary grades 9 to 12 inclusive times a qualifying rate of
11 .05%; in elementary school districts maintaining grades K to 8
12 times a qualifying rate of .06%; and in unit districts
13 maintaining grades K to 12, including partial elementary unit
14 districts formed pursuant to Article 11E, times a qualifying
15 rate of .07%. To be eligible to receive reimbursement in
16 excess of $\frac{4}{5}$ of the cost to transport eligible pupils, a
17 school district or partial elementary unit district formed
18 pursuant to Article 11E shall have a Transportation Fund tax
19 rate of at least .12%. The Transportation Fund tax rate for a
20 partial elementary unit district formed pursuant Article 11E
21 shall be the combined elementary and high school rates
22 pursuant to paragraph (4) of subsection (a) of Section
23 18-8.15. If a school district or partial elementary unit
24 district formed pursuant to Article 11E does not have a .12%
25 Transportation Fund tax rate, the amount of its claim in
26 excess of $\frac{4}{5}$ of the cost of transporting pupils shall be

1 reduced by the sum arrived at by subtracting the
2 Transportation Fund tax rate from .12% and multiplying that
3 amount by the district's real equalized assessed valuation as
4 computed under paragraph (3) of subsection (d) of Section
5 18-8.15, provided that in no case shall said reduction result
6 in reimbursement of less than 4/5 of the cost to transport
7 eligible pupils.

8 The minimum amount to be received by a district is \$16
9 times the number of eligible pupils transported.

10 When calculating the reimbursement for transportation
11 costs, the State Board of Education may not deduct the number
12 of pupils enrolled in early education programs from the number
13 of pupils eligible for reimbursement if the pupils enrolled in
14 the early education programs are transported at the same time
15 as other eligible pupils.

16 Any such district transporting resident pupils during the
17 school day to an area vocational school or another school
18 district's vocational program more than 1 1/2 miles from the
19 school attended, as provided in Sections 10-22.20a and
20 10-22.22, shall be reimbursed by the State for 4/5 of the cost
21 of transporting eligible pupils.

22 School day means that period of time during which the
23 pupil is required to be in attendance for instructional
24 purposes.

25 If a pupil is at a location within the school district
26 other than his residence for child care purposes at the time

1 for transportation to school, that location may be considered
2 for purposes of determining the 1 1/2 miles from the school
3 attended.

4 Claims for reimbursement that include children who attend
5 any school other than a public school shall show the number of
6 such children transported.

7 Claims for reimbursement under this Section shall not be
8 paid for the transportation of pupils for whom transportation
9 costs are claimed for payment under other Sections of this
10 Act.

11 The allowable direct cost of transporting pupils for
12 regular, vocational, and special education pupil
13 transportation shall be limited to the sum of the cost of
14 physical examinations required for employment as a school bus
15 driver; the salaries of full-time or part-time drivers and
16 school bus maintenance personnel; employee benefits excluding
17 Illinois municipal retirement payments, social security
18 payments, unemployment insurance payments and workers'
19 compensation insurance premiums; expenditures to independent
20 carriers who operate school buses; payments to other school
21 districts for pupil transportation services; pre-approved
22 contractual expenditures for computerized bus scheduling;
23 expenditures for housing assistance and homeless prevention
24 under Sections 1-17 and 1-18 of the Education for Homeless
25 Children Act that are not in excess of the school district's
26 actual costs for providing transportation services and are not

1 otherwise claimed in another State or federal grant that
2 permits those costs to a parent, a legal guardian, any other
3 person who enrolled a pupil, or a homeless assistance agency
4 that is part of the federal McKinney-Vento Homeless Assistance
5 Act's continuum of care for the area in which the district is
6 located; the cost of gasoline, oil, tires, and other supplies
7 necessary for the operation of school buses; the cost of
8 converting buses' gasoline engines to more fuel efficient
9 engines or to engines which use alternative energy sources;
10 the cost of travel to meetings and workshops conducted by the
11 regional superintendent or the State Superintendent of
12 Education pursuant to the standards established by the
13 Secretary of State under Section 6-106 of the Illinois Vehicle
14 Code to improve the driving skills of school bus drivers; the
15 cost of maintenance of school buses including parts and
16 materials used; expenditures for leasing transportation
17 vehicles, except interest and service charges; the cost of
18 insurance and licenses for transportation vehicles;
19 expenditures for the rental of transportation equipment; plus
20 a depreciation allowance of 20% for 5 years for school buses
21 and vehicles approved for transporting pupils to and from
22 school and a depreciation allowance of 10% for 10 years for
23 other transportation equipment so used. Each school year, if a
24 school district has made expenditures to the Metropolitan
25 Mobility Authority ~~Regional Transportation Authority or any of~~
26 ~~its service boards~~, a mass transit district, or an urban

1 transportation district under an intergovernmental agreement
2 with the district to provide for the transportation of pupils
3 and if the public transit carrier received direct payment for
4 services or passes from a school district within its service
5 area during the 2000-2001 school year, then the allowable
6 direct cost of transporting pupils for regular, vocational,
7 and special education pupil transportation shall also include
8 the expenditures that the district has made to the public
9 transit carrier. In addition to the above allowable costs,
10 school districts shall also claim all transportation
11 supervisory salary costs, including Illinois municipal
12 retirement payments, and all transportation related building
13 and building maintenance costs without limitation.

14 Special education allowable costs shall also include
15 expenditures for the salaries of attendants or aides for that
16 portion of the time they assist special education pupils while
17 in transit and expenditures for parents and public carriers
18 for transporting special education pupils when pre-approved by
19 the State Superintendent of Education.

20 Indirect costs shall be included in the reimbursement
21 claim for districts which own and operate their own school
22 buses. Such indirect costs shall include administrative costs,
23 or any costs attributable to transporting pupils from their
24 attendance centers to another school building for
25 instructional purposes. No school district which owns and
26 operates its own school buses may claim reimbursement for

1 indirect costs which exceed 5% of the total allowable direct
2 costs for pupil transportation.

3 The State Board of Education shall prescribe uniform
4 regulations for determining the above standards and shall
5 prescribe forms of cost accounting and standards of
6 determining reasonable depreciation. Such depreciation shall
7 include the cost of equipping school buses with the safety
8 features required by law or by the rules, regulations and
9 standards promulgated by the State Board of Education, and the
10 Department of Transportation for the safety and construction
11 of school buses provided, however, any equipment cost
12 reimbursed by the Department of Transportation for equipping
13 school buses with such safety equipment shall be deducted from
14 the allowable cost in the computation of reimbursement under
15 this Section in the same percentage as the cost of the
16 equipment is depreciated.

17 On or before August 15, annually, the chief school
18 administrator for the district shall certify to the State
19 Superintendent of Education the district's claim for
20 reimbursement for the school year ending on June 30 next
21 preceding. The State Superintendent of Education shall check
22 and approve the claims and prepare the vouchers showing the
23 amounts due for district reimbursement claims. Each fiscal
24 year, the State Superintendent of Education shall prepare and
25 transmit the first 3 vouchers to the Comptroller on the 30th
26 day of September, December and March, respectively, and the

1 final voucher, no later than June 20.

2 If the amount appropriated for transportation
3 reimbursement is insufficient to fund total claims for any
4 fiscal year, the State Board of Education shall reduce each
5 school district's allowable costs and flat grant amount
6 proportionately to make total adjusted claims equal the total
7 amount appropriated.

8 For purposes of calculating claims for reimbursement under
9 this Section for any school year beginning July 1, 2016, the
10 equalized assessed valuation for a school district or partial
11 elementary unit district formed pursuant to Article 11E used
12 to compute reimbursement shall be the real equalized assessed
13 valuation as computed under paragraph (3) of subsection (d) of
14 Section 18-8.15.

15 All reimbursements received from the State shall be
16 deposited into the district's transportation fund or into the
17 fund from which the allowable expenditures were made.

18 Notwithstanding any other provision of law, any school
19 district receiving a payment under this Section or under
20 Section 14-7.02, 14-7.02b, or 14-13.01 of this Code may
21 classify all or a portion of the funds that it receives in a
22 particular fiscal year or from State aid pursuant to Section
23 18-8.15 of this Code as funds received in connection with any
24 funding program for which it is entitled to receive funds from
25 the State in that fiscal year (including, without limitation,
26 any funding program referenced in this Section), regardless of

1 the source or timing of the receipt. The district may not
2 classify more funds as funds received in connection with the
3 funding program than the district is entitled to receive in
4 that fiscal year for that program. Any classification by a
5 district must be made by a resolution of its board of
6 education. The resolution must identify the amount of any
7 payments or general State aid to be classified under this
8 paragraph and must specify the funding program to which the
9 funds are to be treated as received in connection therewith.
10 This resolution is controlling as to the classification of
11 funds referenced therein. A certified copy of the resolution
12 must be sent to the State Superintendent of Education. The
13 resolution shall still take effect even though a copy of the
14 resolution has not been sent to the State Superintendent of
15 Education in a timely manner. No classification under this
16 paragraph by a district shall affect the total amount or
17 timing of money the district is entitled to receive under this
18 Code. No classification under this paragraph by a district
19 shall in any way relieve the district from or affect any
20 requirements that otherwise would apply with respect to that
21 funding program, including any accounting of funds by source,
22 reporting expenditures by original source and purpose,
23 reporting requirements, or requirements of providing services.

24 Any school district with a population of not more than
25 500,000 must deposit all funds received under this Article
26 into the transportation fund and use those funds for the

1 provision of transportation services.

2 (Source: P.A. 102-539, eff. 8-20-21; 102-813, eff. 5-13-22.)

3 (105 ILCS 5/34-4) (from Ch. 122, par. 34-4)

4 Sec. 34-4. Eligibility. To be eligible for election or
5 appointment to the Board, a person shall be a citizen of the
6 United States, shall be a registered voter as provided in the
7 Election Code, shall have been, for a period of one year
8 immediately before election or appointment, a resident of the
9 city, district, and subdistrict that the member represents,
10 and shall not be a child sex offender as defined in Section
11 11-9.3 of the Criminal Code of 2012. A person is ineligible for
12 election or appointment to the Board if that person is not in
13 compliance with the provisions of Section 10-9 as referenced
14 in Section 34-3. For the 2024 general election, all persons
15 eligible for election to the Board shall be nominated by a
16 petition signed by at least 1,000 but not more than 3,000 of
17 the voters residing within the electoral district on a
18 petition in order to be placed on the ballot. For the 2026
19 general election and general elections thereafter, persons
20 eligible for election to the Board shall be nominated by a
21 petition signed by at least 500 but no more than 1,500 voters
22 residing within the subdistrict on a petition in order to be
23 placed on the ballot, except that persons eligible for
24 election to the Board at large shall be nominated by a petition
25 signed by no less than 2,500 voters residing within the city.

1 Any registered voter may sign a nominating petition,
2 irrespective of any partisan petition the voter signs or may
3 sign. For the 2024 general election only, the petition
4 circulation period shall begin on March 26, 2024, and the
5 filing period shall be from June 17, 2024 to June 24, 2024.
6 Permanent removal from the city by any member of the Board
7 during the member's term of office constitutes a resignation
8 therefrom and creates a vacancy in the Board. Board members
9 shall serve without any compensation; however, members of the
10 Board shall be reimbursed for expenses incurred while in the
11 performance of their duties upon submission of proper receipts
12 or upon submission of a signed voucher in the case of an
13 expense allowance evidencing the amount of such reimbursement
14 or allowance to the President of the Board for verification
15 and approval. Board members shall not hold other public office
16 under the Federal, State or any local government other than
17 that of Director of the Metropolitan Mobility ~~Regional~~
18 ~~Transportation~~ Authority, member of the economic development
19 commission of a city having a population exceeding 500,000,
20 notary public or member of the National Guard, and by
21 accepting any such office while members of the Board, or by not
22 resigning any such office held at the time of being elected or
23 appointed to the Board within 30 days after such election or
24 appointment, shall be deemed to have vacated their membership
25 in the Board.

26 (Source: P.A. 102-177, eff. 6-1-22; 102-691, eff. 12-17-21;

1 103-584, eff. 3-18-24.)

2 Section 20.37. The Public Utilities Act is amended by
3 changing Section 4-302 and by adding Sections 8-106 and 8-107
4 as follows:

5 (220 ILCS 5/4-302) (from Ch. 111 2/3, par. 4-302)

6 Sec. 4-302. The Commission shall cooperate with the
7 Metropolitan Mobility Regional ~~Transportation~~ Authority
8 created pursuant to the Metropolitan Mobility ~~"Regional~~
9 ~~Transportation~~ Authority Act", ~~enacted by the 78th General~~
10 ~~Assembly,~~ in the exercise of the powers of the Authority as
11 provided in that Act.

12 Transportation agencies ~~Agencies~~ which have any purchase
13 of service agreement with the Authority ~~a Service Board~~ as
14 provided in the Metropolitan Mobility ~~"Regional Transportation~~
15 ~~Authority Act"~~ shall not be subject to this Act as to any
16 public transportation which is the subject of such agreement.
17 Any service and business exempted from this Act pursuant to
18 this Section shall not be considered "intrastate public
19 utility business" as defined in Section 3-120 of this Act.

20 No contract between any transportation agency
21 ~~Transportation Agency~~ and the Authority ~~or a Service Board~~ or
22 acquisition by the Authority ~~or a Service Board~~ of any
23 property, including property of a transportation agency
24 ~~Transportation Agency~~ pursuant to and as defined in the

1 Metropolitan Mobility Regional Transportation Authority Act,
2 shall, except as provided in such Act, be subject to the
3 supervision, regulation or approval of the Commission.

4 If the Metropolitan Mobility Authority determines ~~In the~~
5 ~~event a Service Board shall determine~~ that any Public
6 Transportation service provided by any transportation agency
7 ~~Transportation Agency~~ with which that Authority Service Board
8 has a purchase of service agreement ~~Purchase of Service~~
9 ~~Agreement~~ is not necessary for the public interest and shall
10 for that reason decline to enter into any Purchase of Service
11 Agreement for such particular service, all pursuant to and as
12 defined in such Metropolitan Mobility Regional Transportation
13 Authority Act, then the discontinuation of such service by
14 such transportation agency ~~Transportation Agency~~ shall not be
15 subject to the supervision, regulation or approval of the
16 Commission.

17 (Source: P.A. 84-617; 84-1025.)

18 (220 ILCS 5/8-106 new)

19 Sec. 8-106. Make-ready tariff.

20 (a) The purpose of this Section is to change the
21 Commission's practice of authorizing the electrical
22 distribution infrastructure located on the utility side of the
23 customer meter needed to charge electric vehicles on a
24 case-by-case basis to a practice of considering that
25 infrastructure and associated design, engineering, and

1 construction work as core utility business, treated the same
2 as other necessary distribution infrastructure authorized on
3 an ongoing basis in the electric utility's multi-year rate
4 plans. The Commission shall continue to require each electric
5 utility to provide an accurate and full accounting of all
6 expenses related to electrical distribution infrastructure as
7 it relates to this Section, and apply appropriate penalties to
8 the extent an electric utility is not accurately tracking all
9 expenses.

10 (b) For purposes of this Section, "electrical distribution
11 infrastructure" includes poles, vaults, service drops,
12 transformers, mounting pads, trenching, conduit, wire, cable,
13 meters, other equipment as necessary, and associated
14 engineering and civil construction work.

15 (c) Not later than the next multi-year rate case, each
16 electric utility shall propose a new tariff or rule that
17 authorizes each electric utility to design and deploy all
18 electrical distribution infrastructure on the utility side of
19 the customer's meter for all customers installing separate or
20 sub-metered infrastructure to support charging stations, other
21 than those in single-family residences. Each electric utility
22 shall recover its revenue requirement for this work through
23 periodic multi-year rate plan proceedings. In those
24 proceedings, the costs shall be treated like those costs
25 incurred for other necessary distribution infrastructure. The
26 new tariff shall replace the line extension rules currently

1 used for electric vehicle infrastructure as of the effective
2 date of the new tariff or rule and any customer allowances
3 established shall be based on the full useful life of the
4 electrical distribution infrastructure. The Commission may
5 revise the policy described in subsection (a) and this
6 subsection after the completion of the multi-year rate plan of
7 the electric utility following the one during which the
8 proposal was filed if a determination is made that a change in
9 the policy is necessary to ensure just and reasonable rates
10 for ratepayers. Moreover, electric utilities and combination
11 gas and electric utilities shall take reasonable efforts to
12 ensure that any infrastructure built pursuant this Section is
13 efficiently sized and operated. Such efforts include, but are
14 not necessarily limited to, considering customers' reasonably
15 foreseeable load management activities and deployments of
16 distributed energy resources.

17 (220 ILCS 5/8-107 new)

18 Sec. 8-107. Inclusive utility investment.

19 (a) The purpose of this Section is for the Commission to
20 require electric utilities to explore a new and complementary
21 mechanism for investments by the electric utility in the
22 electrical distribution infrastructure and equipment located
23 on the customer side of the meter that may be needed to charge
24 electric vehicles. Electrical distribution infrastructure that
25 may be needed on the customer side of the meter includes

1 wiring, panels, breaker panels, conduit up to the charger
2 itself and the electric vehicle charger. The new mechanism is
3 an inclusive utility investment with a site-specific recovery
4 mechanism described in subsection (b). The Commission shall
5 require each electric utility to explore this mechanism as an
6 option to complement other incentives offered (such as charger
7 rebates).

8 (b) Inclusive utility investment is seen by the United
9 States Environmental Protection Agency as a promising approach
10 to expanding access to cost-effective more comprehensive
11 efficiency and electrification upgrades for all utility
12 customers. Inclusive utility investment allows for
13 site-specific investments by the electric utility in
14 electrification measures on the customer side of the meter
15 with site-specific cost recovery through a fixed charge on the
16 utility bill of the customer at the metered location. The
17 fixed charge must be no more than the expected energy cost
18 savings resulting from a customer switching from an internal
19 combustion engine vehicle with associated fuel costs to an
20 electric vehicle with associated electric charging costs on an
21 annual basis, and the cost recovery term must be limited to no
22 more than the useful life of the charging equipment. The fixed
23 charge shall be calculated taking into account equipment,
24 installation, and administrative costs, and all available
25 rebates and incentives should be applied to reduce total
26 project costs.

1 (c) No later than December 1, 2024, each electric utility
2 shall file an advice letter and not later than June 1, 2025,
3 the Commission shall start a process to explore the
4 implementation of inclusive utility investments for investing
5 in the electrical distribution infrastructure on the customer
6 side of the meter, including electric vehicle chargers. For
7 this process, the Commission shall request each electric
8 utility to present a proposal with the estimation of the
9 investments needed. This estimation shall include the costs
10 and energy savings of all the customer-side electric vehicle
11 infrastructure and chargers at the customer's residence. The
12 proposal shall also include the calculation of the tariff
13 required for a cost recovery period equivalent to the warranty
14 of the charger and based on the description of inclusive
15 utility investment in subsection (b). The Commission shall
16 review the proposal as inclusive utility investments and
17 approve the charge proposed as a tariff in the customer's bill
18 ensuring customer protections.

19 Section 20.38. The Telecommunication Devices for the Deaf
20 Act is amended by changing Section 2 as follows:

21 (410 ILCS 55/2) (from Ch. 111 1/2, par. 4202)

22 Sec. 2. As used in this Act, unless the context otherwise
23 requires:

24 (a) "Telecommunication device for the deaf" means a

1 teletypewriter or other instrument for telecommunication in
2 which speaking or hearing is not required for communication.

3 (b) "Public Safety Agency" means any unit of local
4 government or special purpose district within the State which
5 has authority to provide firefighting, police, or other
6 emergency services.

7 (c) "Department" means the Department of Human Services.

8 (d) "Major public transportation site" means any airport
9 or railroad station in the State providing commercial rail or
10 airline service to the general public, that serves and is
11 located within 20 miles of a municipality with a population of
12 25,000 or more, except for any facility under the jurisdiction
13 of the Metropolitan Mobility Authority ~~Commuter Rail Division~~
14 ~~created by the Regional Transportation Authority Act or the~~
15 ~~Chicago Transit Authority created by the Metropolitan Transit~~
16 ~~Authority Act.~~

17 (e) "General traveling public" are individuals making use
18 of the commercial rail and airline services which are provided
19 at major public transportation sites.

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

21 Section 20.39. The Environmental Protection Act is amended
22 by changing Section 9.15 as follows:

23 (415 ILCS 5/9.15)

24 Sec. 9.15. Greenhouse gases.

1 (a) An air pollution construction permit shall not be
2 required due to emissions of greenhouse gases if the
3 equipment, site, or source is not subject to regulation, as
4 defined by 40 CFR 52.21, as now or hereafter amended, for
5 greenhouse gases or is otherwise not addressed in this Section
6 or by the Board in regulations for greenhouse gases. These
7 exemptions do not relieve an owner or operator from the
8 obligation to comply with other applicable rules or
9 regulations.

10 (b) An air pollution operating permit shall not be
11 required due to emissions of greenhouse gases if the
12 equipment, site, or source is not subject to regulation, as
13 defined by Section 39.5 of this Act, for greenhouse gases or is
14 otherwise not addressed in this Section or by the Board in
15 regulations for greenhouse gases. These exemptions do not
16 relieve an owner or operator from the obligation to comply
17 with other applicable rules or regulations.

18 (c) (Blank).

19 (d) (Blank).

20 (e) (Blank).

21 (f) As used in this Section:

22 "Carbon dioxide emission" means the plant annual CO₂ total
23 output emission as measured by the United States Environmental
24 Protection Agency in its Emissions & Generation Resource
25 Integrated Database (eGrid), or its successor.

26 "Carbon dioxide equivalent emissions" or "CO₂e" means the

1 sum total of the mass amount of emissions in tons per year,
2 calculated by multiplying the mass amount of each of the 6
3 greenhouse gases specified in Section 3.207, in tons per year,
4 by its associated global warming potential as set forth in 40
5 CFR 98, subpart A, table A-1 or its successor, and then adding
6 them all together.

7 "Cogeneration" or "combined heat and power" refers to any
8 system that, either simultaneously or sequentially, produces
9 electricity and useful thermal energy from a single fuel
10 source.

11 "Copollutants" refers to the 6 criteria pollutants that
12 have been identified by the United States Environmental
13 Protection Agency pursuant to the Clean Air Act.

14 "Electric generating unit" or "EGU" means a fossil
15 fuel-fired stationary boiler, combustion turbine, or combined
16 cycle system that serves a generator that has a nameplate
17 capacity greater than 25 MWe and produces electricity for
18 sale.

19 "Environmental justice community" means the definition of
20 that term based on existing methodologies and findings, used
21 and as may be updated by the Illinois Power Agency and its
22 program administrator in the Illinois Solar for All Program.

23 "Equity investment eligible community" or "eligible
24 community" means the geographic areas throughout Illinois that
25 would most benefit from equitable investments by the State
26 designed to combat discrimination and foster sustainable

1 economic growth. Specifically, eligible community means the
2 following areas:

3 (1) areas where residents have been historically
4 excluded from economic opportunities, including
5 opportunities in the energy sector, as defined as R3 areas
6 pursuant to Section 10-40 of the Cannabis Regulation and
7 Tax Act; and

8 (2) areas where residents have been historically
9 subject to disproportionate burdens of pollution,
10 including pollution from the energy sector, as established
11 by environmental justice communities as defined by the
12 Illinois Power Agency pursuant to the Illinois Power
13 Agency Act, excluding any racial or ethnic indicators.

14 "Equity investment eligible person" or "eligible person"
15 means the persons who would most benefit from equitable
16 investments by the State designed to combat discrimination and
17 foster sustainable economic growth. Specifically, eligible
18 person means the following people:

19 (1) persons whose primary residence is in an equity
20 investment eligible community;

21 (2) persons whose primary residence is in a
22 municipality, or a county with a population under 100,000,
23 where the closure of an electric generating unit or mine
24 has been publicly announced or the electric generating
25 unit or mine is in the process of closing or closed within
26 the last 5 years;

1 (3) persons who are graduates of or currently enrolled
2 in the foster care system; or

3 (4) persons who were formerly incarcerated.

4 "Existing emissions" means:

5 (1) for CO₂e, the total average tons-per-year of CO₂e
6 emitted by the EGU or large GHG-emitting unit either in
7 the years 2018 through 2020 or, if the unit was not yet in
8 operation by January 1, 2018, in the first 3 full years of
9 that unit's operation; and

10 (2) for any copollutant, the total average
11 tons-per-year of that copollutant emitted by the EGU or
12 large GHG-emitting unit either in the years 2018 through
13 2020 or, if the unit was not yet in operation by January 1,
14 2018, in the first 3 full years of that unit's operation.

15 "Green hydrogen" means a power plant technology in which
16 an EGU creates electric power exclusively from electrolytic
17 hydrogen, in a manner that produces zero carbon and
18 copollutant emissions, using hydrogen fuel that is
19 electrolyzed using a 100% renewable zero carbon emission
20 energy source.

21 "Large greenhouse gas-emitting unit" or "large
22 GHG-emitting unit" means a unit that is an electric generating
23 unit or other fossil fuel-fired unit that itself has a
24 nameplate capacity or serves a generator that has a nameplate
25 capacity greater than 25 MWe and that produces electricity,
26 including, but not limited to, coal-fired, coal-derived,

1 oil-fired, natural gas-fired, and cogeneration units.

2 "NO_x emission rate" means the plant annual NO_x total output
3 emission rate as measured by the United States Environmental
4 Protection Agency in its Emissions & Generation Resource
5 Integrated Database (eGrid), or its successor, in the most
6 recent year for which data is available.

7 "Public greenhouse gas-emitting units" or "public
8 GHG-emitting unit" means large greenhouse gas-emitting units,
9 including EGUs, that are wholly owned, directly or indirectly,
10 by one or more municipalities, municipal corporations, joint
11 municipal electric power agencies, electric cooperatives, or
12 other governmental or nonprofit entities, whether organized
13 and created under the laws of Illinois or another state.

14 "SO₂ emission rate" means the "plant annual SO₂ total
15 output emission rate" as measured by the United States
16 Environmental Protection Agency in its Emissions & Generation
17 Resource Integrated Database (eGrid), or its successor, in the
18 most recent year for which data is available.

19 (g) All EGUs and large greenhouse gas-emitting units that
20 use coal or oil as a fuel and are not public GHG-emitting units
21 shall permanently reduce all CO₂e and copollutant emissions to
22 zero no later than January 1, 2030.

23 (h) All EGUs and large greenhouse gas-emitting units that
24 use coal as a fuel and are public GHG-emitting units shall
25 permanently reduce CO₂e emissions to zero no later than
26 December 31, 2045. Any source or plant with such units must

1 also reduce their CO₂e emissions by 45% from existing
2 emissions by no later than January 1, 2035. If the emissions
3 reduction requirement is not achieved by December 31, 2035,
4 the plant shall retire one or more units or otherwise reduce
5 its CO₂e emissions by 45% from existing emissions by June 30,
6 2038.

7 (i) All EGUs and large greenhouse gas-emitting units that
8 use gas as a fuel and are not public GHG-emitting units shall
9 permanently reduce all CO₂e and copollutant emissions to zero,
10 including through unit retirement or the use of 100% green
11 hydrogen or other similar technology that is commercially
12 proven to achieve zero carbon emissions, according to the
13 following:

14 (1) No later than January 1, 2030: all EGUs and large
15 greenhouse gas-emitting units that have a NO_x emissions
16 rate of greater than 0.12 lbs/MWh or a SO₂ emission rate of
17 greater than 0.006 lb/MWh, and are located in or within 3
18 miles of an environmental justice community designated as
19 of January 1, 2021 or an equity investment eligible
20 community.

21 (2) No later than January 1, 2040: all EGUs and large
22 greenhouse gas-emitting units that have a NO_x emission
23 rate of greater than 0.12 lbs/MWh or a SO₂ emission rate
24 greater than 0.006 lb/MWh, and are not located in or
25 within 3 miles of an environmental justice community
26 designated as of January 1, 2021 or an equity investment

1 eligible community. After January 1, 2035, each such EGU
2 and large greenhouse gas-emitting unit shall reduce its
3 CO₂e emissions by at least 50% from its existing emissions
4 for CO₂e, and shall be limited in operation to, on average,
5 6 hours or less per day, measured over a calendar year, and
6 shall not run for more than 24 consecutive hours except in
7 emergency conditions, as designated by a Regional
8 Transmission Organization or Independent System Operator.

9 (3) No later than January 1, 2035: all EGUs and large
10 greenhouse gas-emitting units that began operation prior
11 to the effective date of this amendatory Act of the 102nd
12 General Assembly and have a NO_x emission rate of less than
13 or equal to 0.12 lb/MWh and a SO₂ emission rate less than
14 or equal to 0.006 lb/MWh, and are located in or within 3
15 miles of an environmental justice community designated as
16 of January 1, 2021 or an equity investment eligible
17 community. Each such EGU and large greenhouse gas-emitting
18 unit shall reduce its CO₂e emissions by at least 50% from
19 its existing emissions for CO₂e no later than January 1,
20 2030.

21 (4) No later than January 1, 2040: All remaining EGUs
22 and large greenhouse gas-emitting units that have a heat
23 rate greater than or equal to 7000 BTU/kWh. Each such EGU
24 and Large greenhouse gas-emitting unit shall reduce its
25 CO₂e emissions by at least 50% from its existing emissions
26 for CO₂e no later than January 1, 2035.

1 (5) No later than January 1, 2045: all remaining EGUs
2 and large greenhouse gas-emitting units.

3 (j) All EGUs and large greenhouse gas-emitting units that
4 use gas as a fuel and are public GHG-emitting units shall
5 permanently reduce all CO₂e and copollutant emissions to zero,
6 including through unit retirement or the use of 100% green
7 hydrogen or other similar technology that is commercially
8 proven to achieve zero carbon emissions by January 1, 2045.

9 (k) All EGUs and large greenhouse gas-emitting units that
10 utilize combined heat and power or cogeneration technology
11 shall permanently reduce all CO₂e and copollutant emissions to
12 zero, including through unit retirement or the use of 100%
13 green hydrogen or other similar technology that is
14 commercially proven to achieve zero carbon emissions by
15 January 1, 2045.

16 (k-5) No EGU or large greenhouse gas-emitting unit that
17 uses gas as a fuel and is not a public GHG-emitting unit may
18 emit, in any 12-month period, CO₂e or copollutants in excess of
19 that unit's existing emissions for those pollutants.

20 (l) Notwithstanding subsections (g) through (k-5), large
21 GHG-emitting units including EGUs may temporarily continue
22 emitting CO₂e and copollutants after any applicable deadline
23 specified in any of subsections (g) through (k-5) if it has
24 been determined, as described in paragraphs (1) and (2) of
25 this subsection, that ongoing operation of the EGU is
26 necessary to maintain power grid supply and reliability or

1 ongoing operation of large GHG-emitting unit that is not an
2 EGU is necessary to serve as an emergency backup to
3 operations. Up to and including the occurrence of an emission
4 reduction deadline under subsection (i), all EGUs and large
5 GHG-emitting units must comply with the following terms:

6 (1) if an EGU or large GHG-emitting unit that is a
7 participant in a regional transmission organization
8 intends to retire, it must submit documentation to the
9 appropriate regional transmission organization by the
10 appropriate deadline that meets all applicable regulatory
11 requirements necessary to obtain approval to permanently
12 cease operating the large GHG-emitting unit;

13 (2) if any EGU or large GHG-emitting unit that is a
14 participant in a regional transmission organization
15 receives notice that the regional transmission
16 organization has determined that continued operation of
17 the unit is required, the unit may continue operating
18 until the issue identified by the regional transmission
19 organization is resolved. The owner or operator of the
20 unit must cooperate with the regional transmission
21 organization in resolving the issue and must reduce its
22 emissions to zero, consistent with the requirements under
23 subsection (g), (h), (i), (j), (k), or (k-5), as
24 applicable, as soon as practicable when the issue
25 identified by the regional transmission organization is
26 resolved; and

1 (3) any large GHG-emitting unit that is not a
2 participant in a regional transmission organization shall
3 be allowed to continue emitting CO₂e and copollutants
4 after the zero-emission date specified in subsection (g),
5 (h), (i), (j), (k), or (k-5), as applicable, in the
6 capacity of an emergency backup unit if approved by the
7 Illinois Commerce Commission.

8 (m) No variance, adjusted standard, or other regulatory
9 relief otherwise available in this Act may be granted to the
10 emissions reduction and elimination obligations in this
11 Section.

12 (n) By June 30 of each year, beginning in 2025, the Agency
13 shall prepare and publish on its website a report setting
14 forth the actual greenhouse gas emissions from individual
15 units and the aggregate statewide emissions from all units for
16 the prior year.

17 (o) Every 5 years beginning in 2025, the Environmental
18 Protection Agency, Illinois Power Agency, and Illinois
19 Commerce Commission shall jointly prepare, and release
20 publicly, a report to the General Assembly that examines the
21 State's current progress toward its renewable energy resource
22 development goals, the status of CO₂e and copollutant
23 emissions reductions, the current status and progress toward
24 developing and implementing green hydrogen technologies, the
25 current and projected status of electric resource adequacy and
26 reliability throughout the State for the period beginning 5

1 years ahead, and proposed solutions for any findings. The
2 Environmental Protection Agency, Illinois Power Agency, and
3 Illinois Commerce Commission shall consult PJM
4 Interconnection, LLC and Midcontinent Independent System
5 Operator, Inc., or their respective successor organizations
6 regarding forecasted resource adequacy and reliability needs,
7 anticipated new generation interconnection, new transmission
8 development or upgrades, and any announced large GHG-emitting
9 unit closure dates and include this information in the report.
10 The report shall be released publicly by no later than
11 December 15 of the year it is prepared. If the Environmental
12 Protection Agency, Illinois Power Agency, and Illinois
13 Commerce Commission jointly conclude in the report that the
14 data from the regional grid operators, the pace of renewable
15 energy development, the pace of development of energy storage
16 and demand response utilization, transmission capacity, and
17 the CO₂e and copollutant emissions reductions required by
18 subsection (i) or (k-5) reasonably demonstrate that a resource
19 adequacy shortfall will occur, including whether there will be
20 sufficient in-state capacity to meet the zonal requirements of
21 MISO Zone 4 or the PJM ComEd Zone, per the requirements of the
22 regional transmission organizations, or that the regional
23 transmission operators determine that a reliability violation
24 will occur during the time frame the study is evaluating, then
25 the Illinois Power Agency, in conjunction with the
26 Environmental Protection Agency shall develop a plan to reduce

1 or delay CO₂e and copollutant emissions reductions
2 requirements only to the extent and for the duration necessary
3 to meet the resource adequacy and reliability needs of the
4 State, including allowing any plants whose emission reduction
5 deadline has been identified in the plan as creating a
6 reliability concern to continue operating, including operating
7 with reduced emissions or as emergency backup where
8 appropriate. The plan shall also consider the use of renewable
9 energy, energy storage, demand response, transmission
10 development, or other strategies to resolve the identified
11 resource adequacy shortfall or reliability violation.

12 (1) In developing the plan, the Environmental
13 Protection Agency and the Illinois Power Agency shall hold
14 at least one workshop open to, and accessible at a time and
15 place convenient to, the public and shall consider any
16 comments made by stakeholders or the public. Upon
17 development of the plan, copies of the plan shall be
18 posted and made publicly available on the Environmental
19 Protection Agency's, the Illinois Power Agency's, and the
20 Illinois Commerce Commission's websites. All interested
21 parties shall have 60 days following the date of posting
22 to provide comment to the Environmental Protection Agency
23 and the Illinois Power Agency on the plan. All comments
24 submitted to the Environmental Protection Agency and the
25 Illinois Power Agency shall be encouraged to be specific,
26 supported by data or other detailed analyses, and, if

1 objecting to all or a portion of the plan, accompanied by
2 specific alternative wording or proposals. All comments
3 shall be posted on the Environmental Protection Agency's,
4 the Illinois Power Agency's, and the Illinois Commerce
5 Commission's websites. Within 30 days following the end of
6 the 60-day review period, the Environmental Protection
7 Agency and the Illinois Power Agency shall revise the plan
8 as necessary based on the comments received and file its
9 revised plan with the Illinois Commerce Commission for
10 approval.

11 (2) Within 60 days after the filing of the revised
12 plan at the Illinois Commerce Commission, any person
13 objecting to the plan shall file an objection with the
14 Illinois Commerce Commission. Within 30 days after the
15 expiration of the comment period, the Illinois Commerce
16 Commission shall determine whether an evidentiary hearing
17 is necessary. The Illinois Commerce Commission shall also
18 host 3 public hearings within 90 days after the plan is
19 filed. Following the evidentiary and public hearings, the
20 Illinois Commerce Commission shall enter its order
21 approving or approving with modifications the reliability
22 mitigation plan within 180 days.

23 (3) The Illinois Commerce Commission shall only
24 approve the plan if the Illinois Commerce Commission
25 determines that it will resolve the resource adequacy or
26 reliability deficiency identified in the reliability

1 mitigation plan at the least amount of CO₂e and copollutant
2 emissions, taking into consideration the emissions impacts
3 on environmental justice communities, and that it will
4 ensure adequate, reliable, affordable, efficient, and
5 environmentally sustainable electric service at the lowest
6 total cost over time, taking into account the impact of
7 increases in emissions.

8 (4) If the resource adequacy or reliability deficiency
9 identified in the reliability mitigation plan is resolved
10 or reduced, the Environmental Protection Agency and the
11 Illinois Power Agency may file an amended plan adjusting
12 the reduction or delay in CO₂e and copollutant emission
13 reduction requirements identified in the plan.

14 (p) The goals of the State are to reduce greenhouse gas
15 emissions from the transportation sector in the State by at
16 least 80% from the 2005 level and achieve a net-zero emissions
17 transportation sector, both by 2050.

18 (1) An incremental goal of at least a 50% reduction in
19 greenhouse gas emissions from the transportation sector
20 below the year 2005 level by the year 2030 is hereby
21 established.

22 (2) By no later than September 30, 2025, the Agency
23 shall establish greenhouse gas emissions reduction targets
24 for the State transportation sector on a 5-year or more
25 frequent basis that will achieve these goals.

26 (3) The Agency shall set the first such emissions

1 reduction target for no later than 2030, shall use 2005
2 emissions as the baseline year, and shall provide that
3 each 5-year target is at least 15 percentage points lower
4 and no more than 25 percentage points lower than the
5 immediately preceding 5-year target.

6 (4) The emissions reduction targets set by the Agency
7 must be by transportation mode, such as aerial transport
8 and highway transport, as the Agency deems appropriate
9 after consultation with the Department of Transportation.

10 (5) The Agency, in coordination with the Department of
11 Transportation, shall adopt rules establishing policies
12 and programs necessary for the State to achieve the
13 transportation sector greenhouse gas emissions reduction
14 goals and targets set forth in this subsection and in
15 subsection (c) of Section 2705-204 of the Department of
16 Transportation Law of the Civil Administrative Code of
17 Illinois. The rules may make changes to how the Department
18 of Transportation and MPOs plan, program, prioritize, and
19 fund transportation projects so that the State can achieve
20 the greenhouse gas emissions reduction goals and targets
21 set forth in this subsection and in subsection (c) of
22 Section 2705-204 of the Department of Transportation Law
23 of the Civil Administrative Code of Illinois.

24 (6) The Department of Transportation and MPOs in the
25 State shall ensure that their greenhouse gas emissions
26 reporting under Title 23, Part 490, of the Code of Federal

1 Regulations conforms to the greenhouse gas emissions
2 reduction goals and targets set forth in this subsection
3 and in subsection (c) of Section 2705-204 of the
4 Department of Transportation Law of the Civil
5 Administrative Code of Illinois.

6 (q) No later than June 30, 2025, the Agency, by rule, shall
7 establish a social cost of carbon, expressed in terms of
8 dollars per ton of CO₂e.

9 (1) The social cost of carbon shall serve as a
10 monetary estimate of the value of not emitting a ton of
11 greenhouse gas emissions.

12 (2) In developing the social cost of carbon, the
13 Agency shall consider estimates of the social cost of
14 carbon issued or adopted by the federal government,
15 appropriate international bodies, or other appropriate and
16 reputable scientific organizations, but the social cost of
17 carbon adopted by the Agency must not be less than the
18 social cost of carbon adopted by the United States
19 Environmental Protection Agency.

20 (3) The Agency shall periodically update its estimate
21 of the social cost of carbon to reflect changes in data,
22 assumptions, and estimates, and it shall do so at least
23 once every 5 years.

24 (4) Except as otherwise provided by law, State
25 agencies shall use the social cost of carbon figure
26 established by the Agency for purposes of estimating the

1 cost associated with carbon-related emissions.

2 (Source: P.A. 102-662, eff. 9-15-21; 102-1031, eff. 5-27-22.)

3 Section 20.40. The Illinois Highway Code is amended by
4 changing Sections 5-701.8, 6-411.5, and 7-202.14 as follows:

5 (605 ILCS 5/5-701.8) (from Ch. 121, par. 5-701.8)

6 Sec. 5-701.8. Any county board may also turn over a
7 portion of the motor fuel tax funds allotted to it to:

8 (a) a local Mass Transit District if the county created
9 such District pursuant to the "Local Mass Transit District
10 Act", approved July 21, 1959, as now or hereafter amended;

11 (b) a local Transit Commission if such commission is
12 created pursuant to Section 14-101 of The Public Utilities
13 Act; or

14 (c) the Metropolitan Mobility ~~Chicago Transit~~ Authority
15 established pursuant to the Metropolitan Mobility
16 ~~"Metropolitan Transit Authority Act", approved April 12, 1945,~~
17 ~~as now or hereafter amended.~~

18 (Source: P.A. 85-1209.)

19 (605 ILCS 5/6-411.5)

20 Sec. 6-411.5. Contracts for public transportation. The
21 highway commissioner of each road district within the
22 territory of the Metropolitan Mobility ~~Regional Transportation~~
23 Authority shall have authority, with the approval of the

1 township board of trustees, to contract with the Metropolitan
2 Mobility Regional Transportation Authority ~~or a Service Board,~~
3 ~~as defined in the Regional Transportation Authority Act,~~ for
4 the purchase of public transportation services within the
5 district, upon such terms and conditions as may be mutually
6 agreed upon. The expenditure of road funds, collected under a
7 road district tax, to purchase public transportation services
8 constitutes a road purpose under this Code.

9 (Source: P.A. 89-347, eff. 1-1-96.)

10 (605 ILCS 5/7-202.14) (from Ch. 121, par. 7-202.14)

11 Sec. 7-202.14. Any municipality may by ordinance of the
12 corporate authorities turn over a portion of its allotment to:

13 (a) a local Mass Transit District if the municipality
14 created such a District pursuant to the "Local Mass Transit
15 District Act", approved July 21, 1959, as now or hereafter
16 amended;

17 (b) a local Transit Commission if the municipality
18 established such commission pursuant to Section 14-101 of The
19 Public Utilities Act; or

20 (c) the Metropolitan Mobility ~~Chicago Transit~~ Authority
21 established pursuant to the Metropolitan Mobility
22 ~~"Metropolitan Transit Authority Act", approved April 12, 1945,~~
23 ~~as now or hereafter amended.~~

24 (Source: P.A. 85-1209.)

1 Section 20.41. The Toll Highway Act is amended by changing
2 Sections 3 and 19 as follows:

3 (605 ILCS 10/3) (from Ch. 121, par. 100-3)

4 Sec. 3. There is hereby created an Authority to be known as
5 The Illinois State Toll Highway Authority, which is hereby
6 constituted an instrumentality and an administrative agency of
7 the State of Illinois. The said Authority shall consist of the
8 following 11 directors: ~~7~~ the Governor, ~~and~~ the Secretary of
9 ~~the Department of~~ Transportation, and the Chair of the
10 Metropolitan Mobility Authority as nonvoting directors ex
11 ~~officio,~~ and 9 voting directors appointed by the Governor with
12 the advice and consent of the Senate, ~~7~~ from the State at large,
13 which said directors and their successors are hereby
14 authorized to carry out the provisions of this Act, and to
15 exercise the powers herein conferred. Of the 9 directors
16 appointed by the Governor, no more than 5 shall be members of
17 the same political party.

18 Notwithstanding any provision of law to the contrary, the
19 term of office of each director of the Authority serving on the
20 effective date of this amendatory Act of the 100th General
21 Assembly, other than the Governor and the Secretary of the
22 Department of Transportation, is abolished and a vacancy in
23 each office is created on the effective date of this
24 amendatory Act of the 100th General Assembly. The Governor
25 shall appoint directors to the Authority for the vacancies

1 created under this amendatory Act of the 100th General
2 Assembly by February 28, 2019. Directors whose terms are
3 abolished under this amendatory Act of the 100th General
4 Assembly shall be eligible for reappointment.

5 Vacancies shall be filled for the unexpired term in the
6 same manner as original appointments. All appointments shall
7 be in writing and filed with the Secretary of State as a public
8 record. It is the intention of this section that the
9 Governor's appointments shall be made with due consideration
10 to the location of proposed toll highway routes so that
11 maximum geographic representation from the areas served by
12 said toll highway routes may be accomplished insofar as
13 practicable. The said Authority shall have the power to
14 contract and be contracted with, to acquire, hold and convey
15 personal and real property or any interest therein including
16 rights-of-way ~~rights-of-way~~, franchises and easements; to have
17 and use a common seal, and to alter the same at will; to make
18 and establish resolutions, by-laws, rules, rates and
19 regulations, and to alter or repeal the same as the Authority
20 shall deem necessary and expedient for the construction,
21 operation, relocation, regulation and maintenance of a system
22 of toll highways within and through the State of Illinois.

23 Appointment of the additional directors provided for by
24 this amendatory Act of 1980 shall be made within 30 days after
25 the effective date of this amendatory Act of 1980.

26 (Source: P.A. 100-1180, eff. 2-28-19.)

1 (605 ILCS 10/19) (from Ch. 121, par. 100-19)

2 Sec. 19. Toll rates. The Authority shall fix and revise
3 from time to time, tolls or charges or rates for the privilege
4 of using each of the toll highways constructed pursuant to
5 this Act. Such tolls shall be so fixed and adjusted at rates
6 calculated to provide the lowest reasonable toll rates that
7 will provide funds sufficient with other revenues of the
8 Authority to pay, (a) the cost of the construction of a toll
9 highway authorized by joint resolution of the General Assembly
10 pursuant to Section 14.1 and the reconstruction, major repairs
11 or improvements of toll highways, (b) the cost of maintaining,
12 repairing, regulating and operating the toll highways
13 including only the necessary expenses of the Authority, and
14 (c) the principal of all bonds, interest thereon and all
15 sinking fund requirements and other requirements provided by
16 resolutions authorizing the issuance of the bonds as they
17 shall become due. In fixing the toll rates pursuant to this
18 Section 19 and Section 10(c) of this Act, the Authority shall
19 take into account the effect of the provisions of this Section
20 19 permitting the use of the toll highway system without
21 payment of the covenants of the Authority contained in the
22 resolutions and trust indentures authorizing the issuance of
23 bonds of the Authority. No such provision permitting the use
24 of the toll highway system without payment of tolls after the
25 date of this amendatory Act of the 95th General Assembly shall

1 be applied in a manner that impairs the rights of bondholders
2 pursuant to any resolution or trust indentures authorizing the
3 issuance of bonds of the Authority. The use and disposition of
4 any sinking or reserve fund shall be subject to such
5 regulation as may be provided in the resolution or trust
6 indenture authorizing the issuance of the bonds. Subject to
7 the provisions of any resolution or trust indenture
8 authorizing the issuance of bonds any moneys in any such
9 sinking fund in excess of an amount equal to one year's
10 interest on the bonds then outstanding secured by such sinking
11 fund may be applied to the purchase or redemption of bonds. All
12 such bonds so redeemed or purchased shall forthwith be
13 cancelled and shall not again be issued. No person shall be
14 permitted to use any toll highway without paying the toll
15 established under this Section except when on official Toll
16 Highway Authority business which includes police and other
17 emergency vehicles. However, any law enforcement agency
18 vehicle, fire department vehicle, public or private ambulance
19 service vehicle engaged in the performance of an emergency
20 service or duty that necessitates the use of the toll highway
21 system, or other emergency vehicle that is plainly marked
22 shall not be required to pay a toll to use a toll highway. A
23 law enforcement, fire protection, or emergency services
24 officer driving a law enforcement, fire protection, emergency
25 services agency vehicle, or public or private ambulance
26 service vehicle engaging in the performance of emergency

1 services or duties that is not plainly marked must present an
2 Official Permit Card which the law enforcement, fire
3 protection, or emergency services officer receives from his or
4 her law enforcement, fire protection, emergency services
5 agency, or public or private ambulance service in order to use
6 a toll highway without paying the toll. A law enforcement,
7 fire protection, emergency services agency, or public or
8 private ambulance service engaging in the performance of
9 emergency services or duties must apply to the Authority to
10 receive a permit, and the Authority shall adopt rules for the
11 issuance of a permit, that allows public or private ambulance
12 service vehicles engaged in the performance of emergency
13 services or duties that necessitate the use of the toll
14 highway system and all law enforcement, fire protection, or
15 emergency services agency vehicles of the law enforcement,
16 fire protection, or emergency services agency to use any toll
17 highway without paying the toll established under this
18 Section. The Authority shall maintain in its office a list of
19 all persons that are authorized to use any toll highway
20 without charge when on official business of the Authority and
21 such list shall be open to the public for inspection. In
22 recognition of the unique role of public transportation in
23 providing effective transportation in the Authority's service
24 region, and to give effect to the exemption set forth in
25 subsection (b) of Section 4.06 ~~2.06~~ of the Metropolitan
26 Mobility Regional Transportation Authority Act, the following

1 vehicles may use any toll highway without paying the toll: (1)
2 a vehicle owned or operated by the ~~Suburban Bus Division of the~~
3 Metropolitan Mobility Regional Transportation Authority that
4 is being used to transport passengers for hire; and (2) any
5 revenue vehicle that is owned or operated by a Mass Transit
6 District created under Section 3 of the Local Mass Transit
7 District Act and running regular scheduled service.

8 Among other matters, this amendatory Act of 1990 is
9 intended to clarify and confirm the prior intent of the
10 General Assembly to allow toll revenues from the toll highway
11 system to be used to pay a portion of the cost of the
12 construction of the North-South Toll Highway authorized by
13 Senate Joint Resolution 122 of the 83rd General Assembly in
14 1984.

15 (Source: P.A. 100-739, eff. 1-1-19.)

16 Section 20.42. The Illinois Aeronautics Act is amended by
17 changing Section 49.1 as follows:

18 (620 ILCS 5/49.1) (from Ch. 15 1/2, par. 22.49a)

19 Sec. 49.1. Creation of hazards. No person may create or
20 construct any airport hazard which obstructs a restricted
21 landing area or residential airport that (1) serves 20 or more
22 based aircraft, and (2) is located within the "metropolitan
23 region" as that term is defined in the Metropolitan Mobility
24 ~~Regional Transportation~~ Authority Act. For the purpose of this

1 Section, "based aircraft" are aircraft that are regularly
2 hangared or tied-down at the restricted landing area or
3 residential airport, or that use it as their primary base of
4 operation. As used in this Section 49.1, "restricted landing
5 area" or "residential airport" shall have the meaning set
6 forth in regulations of the Department in effect on the
7 effective date of this amendatory Act of 1989, but shall not
8 include amendments of the regulations adopted by the
9 Department thereafter.

10 (Source: P.A. 86-963.)

11 Section 20.43. The Illinois Vehicle Code is amended by
12 changing Sections 1-209.3, 8-102, 11-709.2, and 18c-7402 and
13 by adding Sections 12-830, 13C-21, and 18c-1206 as follows:

14 (625 ILCS 5/1-209.3)

15 Sec. 1-209.3. Transit bus. A bus engaged in public
16 transportation as defined by the Metropolitan Mobility
17 ~~Regional Transportation~~ Authority Act and authorized by the
18 Department to be used on specifically designated roadway
19 shoulders.

20 (Source: P.A. 97-292, eff. 8-11-11.)

21 (625 ILCS 5/8-102) (from Ch. 95 1/2, par. 8-102)

22 Sec. 8-102. Alternate methods of giving proof.

23 (a) Except as provided in subsection (b), proof of

1 financial responsibility, when required under Section 8-101 or
2 8-101.1, may be given by filing with the Secretary of State one
3 of the following:

4 1. A bond as provided in Section 8-103;

5 2. An insurance policy or other proof of insurance in
6 a form to be prescribed by the Secretary as provided in
7 Section 8-108;

8 3. A certificate of self-insurance issued by the
9 Director;

10 4. A certificate of self-insurance issued to the
11 Metropolitan Mobility ~~Regional Transportation~~ Authority by
12 the Director naming municipal or non-municipal public
13 carriers included therein;

14 5. A certificate of coverage issued by an
15 intergovernmental risk management association evidencing
16 coverages which meet or exceed the amounts required under
17 this Code.

18 (b) Beginning January 1, 2020, in lieu of filing the
19 documents required by subsection (a), each owner of a vehicle
20 required to obtain minimum liability insurance under Section
21 8-101 or 8-101.1 shall attest that the vehicle is insured in at
22 least the minimum required amount.

23 (1) The Secretary shall create a form on which the
24 vehicle owner shall attest that the vehicle is insured in
25 at least the minimum required amount. The attestation form
26 shall be submitted with each registration application.

1 (2) The attestation form shall be valid for the full
2 registration period; however, if at any time the Secretary
3 has reason to believe that the owner does not have the
4 minimum required amount of insurance for a vehicle, the
5 Secretary may require the owner to file with the Secretary
6 documentation as set forth in subsection (a) of this
7 Section.

8 (3) If the owner fails to provide the required
9 documentation within 7 calendar days after the request is
10 made, the Secretary may suspend the vehicle registration.
11 The registration shall remain suspended until such time as
12 the required documentation is provided to and reviewed by
13 the Secretary.

14 (4) The owner of a vehicle that is self-insured shall
15 attest that the funds available to pay liability claims
16 related to the operation of the vehicle are equivalent to
17 or greater than the minimum liability insurance
18 requirements under Section 8-101 or 8-101.1.

19 (c) The Secretary of State may adopt rules to implement
20 this Section.

21 (Source: P.A. 100-986, eff. 1-1-21.)

22 (625 ILCS 5/11-709.2)

23 Sec. 11-709.2. Bus on shoulder program.

24 (a) The use of specifically designated shoulders of
25 roadways by transit buses may be authorized by the Department

1 in cooperation with the Metropolitan Mobility ~~Regional~~
2 ~~Transportation~~ Authority and ~~the Suburban Bus Division of the~~
3 ~~Regional Transportation Authority~~. The Department shall
4 prescribe by rule which transit buses are authorized to
5 operate on shoulders, as well as times and locations. The
6 Department may erect signage to indicate times and locations
7 of designated shoulder usage.

8 (b) (Blank).

9 (c) (Blank).

10 (Source: P.A. 98-756, eff. 7-16-14; 98-871, eff. 8-11-14;
11 99-78, eff. 7-20-15.)

12 (625 ILCS 5/12-830 new)

13 Sec. 12-830. Electric school buses.

14 (a) In this Section:

15 "Displaced worker" means any employee whose most recent
16 separation from active service was due to lack of business, a
17 reduction in force, or other economic, nondisciplinary reason
18 related to the transition from the fossil-fuel reliant
19 vehicles to zero-emission or near zero-emissions vehicles.

20 "Individual facing barriers to employment" means either of
21 the following:

22 (A) An individual with a barrier to employment as
23 defined by 29 U.S.C. 3102(24).

24 (B) An individual from a demographic group that
25 represents less than 30% of their relevant industry

1 workforce according to the United States Bureau of Labor
2 Statistics.

3 "Non-temporary job" means a job other than those
4 classified as "day and temporary labor" as defined in the Day
5 and Temporary Labor Services Act.

6 "Repower" means to replace the internal combustion engine
7 in a vehicle with a zero-emission powertrain.

8 "School bus" means every on-road motor vehicle owned or
9 operated by or for the transportation of persons regularly
10 enrolled as students in grade 12 or below in connection with
11 any activity of such entities as defined in Section 1-182 of
12 the Illinois Vehicle Code.

13 "Zero-emission vehicle" means vehicles powered with a
14 zero-emission powertrain that produces zero exhaust emissions
15 of any criteria pollutant, precursor pollutant, or greenhouse
16 gas in any mode of operation or condition, as determined by the
17 Illinois Environmental Protection Agency.

18 (b) Notwithstanding any other provision of law, all school
19 buses newly purchased or leased, including by contractors,
20 after January 1, 2030 must be a manufactured or repowered
21 zero-emission vehicle.

22 (c) On or before January 1, 2042, all school buses
23 operated in the State must be a manufactured or repowered
24 zero-emission vehicle.

25 (d) Notwithstanding the provisions of this Section, a
26 school bus owner may purchase a new internal combustion school

1 bus instead of a zero-emission school bus if, due to both
2 terrain and route constraints, the school bus owner can
3 reasonably demonstrate that a daily planned bus route for
4 transporting pupils to and from school cannot be serviced
5 through available zero-emission technology in the period in
6 which the exemption is sought. A school bus owner may not be
7 penalized for not taking immediate delivery of ordered
8 zero-emission vehicles for one year due to a construction
9 delay beyond the control of the governmental unit.

10 (1) Infrastructure Construction Delay Extension.

11 Excuses the school bus owner from taking immediate
12 delivery of ordered zero-emission vehicles for one year
13 due to a construction delay beyond the owners control.

14 (2) Route Service Exemption. Allows the purchase or

15 contracting of an internal combustion school bus instead
16 of a zero-emission school bus if, due to both terrain and
17 route constraints, the school bus owner can reasonably
18 demonstrate that a daily planned bus route for
19 transporting pupils to and from school cannot be serviced
20 through available zero-emission technology in the period
21 in which the exemption is sought.

22 (e) Beginning January 1, 2026, all master agreements by
23 governmental units for the purchase of electric school buses,
24 and all other contracts by governmental units for the purchase
25 of electric school buses with a base-buy value of \$1,000,000
26 or more, shall be awarded using a competitive best-value

1 procurement process; and shall require bidders to submit a
2 United States Jobs Plan as part of their solicitation
3 responses.

4 (1) The United States Jobs Plan shall include the
5 following information:

6 (A) The number of full-time non-temporary jobs
7 proposed to be retained and created, including an
8 accounting of the positions classified as employees,
9 and positions classified as independent contractors.

10 (B) The number of jobs specifically reserved for
11 individuals facing barriers to employment and the
12 number reserved for displaced workers.

13 (C) The minimum wage levels by job classification
14 for non-supervisory workers.

15 (D) Proposed amounts to be paid for fringe
16 benefits by job classification and the proposed
17 amounts for worker training by job classification.

18 (E) Description of what manuals, trainings, and
19 other resources would be provided to ensure existing
20 public employees are trained on the service,
21 maintenance, and operation of the purchased vehicles.

22 (F) If a federal authority specifically authorizes
23 use of a geographic preference or when State or local
24 funds are used to fund a contract, proposed local jobs
25 created in the State or within an existing facility in
26 the State that are related to the manufacturing of

1 zero-emission and near zero-emissions vehicles and
2 vehicles and related equipment.

3 (2) The United States Jobs Plan shall be scored as a
4 part of the overall application for the covered public
5 contract. The content of United States Jobs Plans shall be
6 incorporated as material terms of the final contract. The
7 United States Jobs Plan and compliance documents shall be
8 made available to the public and subject to full
9 disclosure under the Freedom of Information Act.

10 (3) Contracting entities shall be required to submit
11 annual United States Jobs Plan reports to contracting
12 public agencies demonstrating compliance with their United
13 States Jobs Plan commitments.

14 (f) This Section does not apply to a contract awarded
15 based on a solicitation issued before January 1, 2026.

16 (625 ILCS 5/13C-21 new)

17 Sec. 13C-21. Vehicle emissions testing standards.

18 (a) The purpose of this Section is to establish standards
19 relating to control of emissions from new motor vehicles and
20 motor vehicle engines. Establishing targets for the sale of
21 zero-emission vehicles is needed to meet State goals, address
22 greenhouse gas and criteria pollutant emissions, and provide
23 market certainty to help prepare the grid and alternative
24 fueling infrastructure for the zero-emission vehicle
25 transition.

1 (b) By no later than December 1, 2025, the Illinois
2 Environmental Protection Agency shall adopt rules to implement
3 motor vehicle emission standards that are identical in
4 substance to the following motor vehicle emission standards in
5 force in California on the effective date of this amendatory
6 Act of the 103rd General Assembly:

7 (1) the zero-emission vehicle program of the advanced
8 clean cars II program;

9 (2) the low-emission vehicle program of the advanced
10 clean cars II program;

11 (3) the advanced clean trucks program; and

12 (4) the heavy-duty low oxides of nitrogen omnibus
13 program.

14 (c) If the California standards described in subsection
15 (b) are subsequently amended, the Illinois Environmental
16 Protection Agency shall, within 6 months of such amendment,
17 amend its standards to maintain consistency with the amended
18 California standards and Section 177 of the Clean Air Act.

19 (d) In adopting the standards described in subsections (b)
20 and (c), the Illinois Environmental Protection Agency may
21 incorporate the relevant California motor vehicle standards by
22 reference.

23 (625 ILCS 5/18c-1206 new)

24 Sec. 18c-1206. Large fleet reporting requirement.

25 (a) The purpose of this Section is to establish reporting

1 requirements for motor carriers in the State to gather data on
2 the transition of medium and heavy-duty vehicles to
3 zero-emission vehicles over time. This public data will
4 provide regulators and government agencies the information
5 necessary to identify the hardest to electrify sectors and
6 invest public dollars responsibly.

7 (b) In this Section:

8 "Common ownership or control" means being owned,
9 dispatched, or managed on a day-to-day basis by the same
10 person or entity. Vehicles managed by the same directors,
11 officers, or managers, or by distinct corporations that are
12 controlled by the same majority stockholders are considered to
13 be under common ownership or control, even if their titles are
14 held by different business entities or they have different
15 taxpayer identification numbers. Furthermore, a vehicle is
16 considered to be under an entity's control if that entity
17 operates the vehicle using that entity's State or federal
18 operating authority or other registration. Vehicles owned by
19 different entities but operated by using common or shared
20 resources to manage the day-to-day operations by using the
21 same motor carrier number, displaying the same name or logo,
22 or contractors who represent the same company are considered
23 to be under common ownership or control. Common ownership or
24 control of a federal government vehicle shall be the primary
25 responsibility of the governmental agency that is directly
26 responsible for the day-to-day operational control of the

1 vehicle.

2 "Drayage truck" means any in-use on-road vehicle with a
3 GVWR greater than 33,000 lbs. that is used for transporting
4 cargo, such as containerized, bulk, or break-bulk goods that:

5 (A) Operates on or transgresses through an Illinois
6 port, warehouse of 30,000 square feet or larger, or
7 intermodal railyard property to load, unload, or transport
8 cargo, including empty containers and chassis.

9 (B) Operates on off-port or intermodal railyard
10 property transporting cargo or empty containers or chassis
11 that originated from or is destined to a port or
12 intermodal railyard property.

13 "Drayage truck" does not include trucks that are any of
14 the following:

15 (A) Class 6 or smaller.

16 (B) Unibody vehicles that do not have separate tractor
17 and trailers and include but are not limited to dedicated
18 auto transports, dedicated fuel delivery vehicles,
19 concrete mixers, and on-road mobile cranes.

20 (C) Emergency vehicles.

21 (D) Military tactical support vehicles.

22 (E) Off-road vehicles such as a yard truck or a mobile
23 crane.

24 "Fleet" means one or more vehicles owned by a fleet owner
25 or under common ownership or control of a controlling party.

26 It also includes rental or leased vehicles that are considered

1 owned by the "fleet owner."

2 "Fleet owner" means the person or entity that owns the
3 vehicles comprising the fleet. The owner shall be presumed to
4 be either the person registered with the Secretary of State as
5 the owner or lessee of a vehicle, or its equivalent in another
6 state, province, or country; vehicle ownership is based on the
7 vehicle registration document or the vehicle title, except for
8 the following:

9 (A) For vehicles that are owned by the federal
10 government and not registered in any State or local
11 jurisdiction, the owner shall be the department, agency,
12 branch, or other entity of the United States, including
13 the United States Postal Service, to which the vehicles in
14 the fleet are assigned or which has responsibility for
15 maintenance of the vehicles.

16 (B) For vehicles that are rented or leased from a
17 business that is regularly engaged in the trade or
18 business of renting or leasing motor vehicles without
19 drivers, including truck leases that are part of a bundled
20 service agreement, the owner shall be presumed to be the
21 rental or leasing entity for purposes of compliance,
22 unless the rental or lease agreement for the vehicle is
23 for a period of one year or longer and the terms of the
24 rental or lease agreement or other equally reliable
25 evidence identifies the renting operator or lessee of the
26 vehicle as the party responsible for compliance with State

1 laws.

2 "Medium and Heavy-Duty Vehicle" refers to vehicles with a
3 gross vehicle weight rating greater than 8500 lbs.

4 "School bus" means every on-road motor vehicle owned or
5 operated by or for the transportation of persons regularly
6 enrolled as students in grade 12 or below in connection with
7 any activity of such entities as defined in Section 1-182 of
8 the Illinois Motor Vehicle Act.

9 "Transit Bus" means a bus engaged in public transportation
10 as defined by the Regional Transportation Authority Act.

11 (c) By no later than December 1, 2024, the Illinois
12 Commerce Commission shall adopt reporting metrics for large
13 medium and heavy-duty vehicle fleets operating in Illinois.
14 The Commission shall establish rules and processes for the
15 metrics and for eligible entities to report vehicle and fuel
16 information to inform the transition to zero-emission
17 vehicles. The rules must include significant public and
18 stakeholder engagement before finalization. The Commission
19 shall adhere to the following in creating the rules:

20 (1) Establish reporting metrics that prioritize public
21 health and climate outcomes for disadvantaged communities.
22 The final metrics shall provide useful and publicly
23 available information to inform State incentives, utility
24 planning, and infrastructure investments for the
25 zero-emission vehicle transition for communities most
26 burdened by vehicle traffic. At a minimum, required

1 reporting metrics must include:

2 (A) Fleet Size.

3 (B) Vehicle Body Type.

4 (C) Fuel Type.

5 (D) Vehicle Home Base.

6 (2) Establish eligible entities as a fleet that
7 operated a facility in Illinois in 2023 and met, at a
8 minimum, any of the following criteria:

9 (A) had gross annual revenues greater than
10 \$20,000,000 in the United States for the 2023 tax
11 year, including revenues from all subsidiaries,
12 subdivisions, or branches, and had one or more
13 vehicles under common ownership or control that were
14 operated in Illinois in 2023;

15 (B) any fleet owner in the 2023 calendar year that
16 had 5 or more vehicles under common ownership or
17 control;

18 (C) any broker or entity that dispatched 5 or more
19 vehicles into or throughout Illinois, in the 2023
20 calendar year;

21 (D) any State governmental agency, including all
22 State and local municipalities that had one or more
23 vehicles that were operated in Illinois in 2023; or

24 (E) any federal governmental agency that had one
25 or more vehicles that were operated in Illinois in
26 2023.

1 (3) Establish reporting frequency of 2 years for all
2 eligible entities. The results of the reporting are made
3 publicly available in an easy to understand and anonymized
4 form before the subsequent reporting requirement.

5 (4) Establish a specific program for drayage vehicles
6 in this State, with a reporting frequency of one year.

7 (5) Provide opportunity for public comment and
8 engagement before each reporting period begins.

9 (6) Establish penalties for non-compliance.

10 (7) Establish a sunset provision for reporting that is
11 conditioned upon this State reaching 100% zero-emission
12 vehicles.

13 (625 ILCS 5/18c-7402) (from Ch. 95 1/2, par. 18c-7402)

14 Sec. 18c-7402. Safety requirements for railroad
15 operations.

16 (1) Obstruction of crossings.

17 (a) Obstruction of emergency vehicles. Every railroad
18 shall be operated in such a manner as to minimize
19 obstruction of emergency vehicles at crossings. Where such
20 obstruction occurs and the train crew is aware of the
21 obstruction, the train crew shall immediately take any
22 action, consistent with safe operating procedure,
23 necessary to remove the obstruction. In the Chicago and
24 St. Louis switching districts, every railroad dispatcher
25 or other person responsible for the movement of railroad

1 equipment in a specific area who receives notification
2 that railroad equipment is obstructing the movement of an
3 emergency vehicle at any crossing within such area shall
4 immediately notify the train crew through use of existing
5 communication facilities. Upon notification, the train
6 crew shall take immediate action in accordance with this
7 paragraph.

8 (b) Obstruction of highway at-grade ~~at-grade~~ crossing
9 prohibited. It is unlawful for a rail carrier to permit
10 any train, railroad car or engine to obstruct public
11 travel at a railroad-highway grade crossing for a period
12 in excess of 10 minutes, except where such train or
13 railroad car is continuously moving or cannot be moved by
14 reason of circumstances over which the rail carrier has no
15 reasonable control.

16 In a county with a population of greater than
17 1,000,000, as determined by the most recent federal
18 census, during the hours of 7:00 a.m. through 9:00 a.m.
19 and 4:00 p.m. through 6:00 p.m. it is unlawful for a rail
20 carrier to permit any single train or railroad car to
21 obstruct public travel at a railroad-highway grade
22 crossing in excess of a total of 10 minutes during a
23 30-minute ~~30-minute~~ period, except where the train or
24 railroad car cannot be moved by reason or circumstances
25 over which the rail carrier has no reasonable control.
26 Under no circumstances will a moving train be stopped for

1 the purposes of issuing a citation related to this
2 Section.

3 However, no employee acting under the rules or orders
4 of the rail carrier or its supervisory personnel may be
5 prosecuted for a violation of this subsection (b).

6 (c) Punishment for obstruction of grade crossing. Any
7 rail carrier violating paragraph (b) of this subsection
8 shall be guilty of a petty offense and fined not less than
9 \$200 nor more than \$500 if the duration of the obstruction
10 is in excess of 10 minutes but no longer than 15 minutes.
11 If the duration of the obstruction exceeds 15 minutes the
12 violation shall be a business offense and the following
13 fines shall be imposed: if the duration of the obstruction
14 is in excess of 15 minutes but no longer than 20 minutes,
15 the fine shall be \$500; if the duration of the obstruction
16 is in excess of 20 minutes but no longer than 25 minutes,
17 the fine shall be \$700; if the duration of the obstruction
18 is in excess of 25 minutes, but no longer than 30 minutes,
19 the fine shall be \$900; if the duration of the obstruction
20 is in excess of 30 minutes but no longer than 35 minutes,
21 the fine shall be \$1,000; if the duration of the
22 obstruction is in excess of 35 minutes, the fine shall be
23 \$1,000 plus an additional \$500 for each 5 minutes of
24 obstruction in excess of 25 minutes of obstruction.

25 (2) Other operational requirements.

26 (a) Bell and whistle-crossings. Every rail carrier

1 shall cause a bell, and a whistle or horn to be placed and
2 kept on each locomotive, and shall cause the same to be
3 rung or sounded by the engineer or fireman, at the
4 distance of at least 1,320 feet, from the place where the
5 railroad crosses or intersects any public highway, and
6 shall be kept ringing or sounding until the highway is
7 reached; provided that at crossings where the Commission
8 shall by order direct, only after a hearing has been held
9 to determine the public is reasonably and sufficiently
10 protected, the rail carrier may be excused from giving
11 warning provided by this paragraph.

12 (a-5) The requirements of paragraph (a) of this
13 subsection (2) regarding ringing a bell and sounding a
14 whistle or horn do not apply at a railroad crossing that
15 has a permanently installed automated audible warning
16 device authorized by the Commission under Section
17 18c-7402.1 that sounds automatically when an approaching
18 train is at least 1,320 feet from the crossing and that
19 keeps sounding until the lead locomotive has crossed the
20 highway. The engineer or fireman may ring the bell or
21 sound the whistle or horn at a railroad crossing that has a
22 permanently installed audible warning device.

23 (b) Speed limits. Each rail carrier shall operate its
24 trains in compliance with speed limits set by the
25 Commission. The Commission may set train speed limits only
26 where such limits are necessitated by extraordinary

1 circumstances affecting the public safety, and shall
2 maintain such train speed limits in effect only for such
3 time as the extraordinary circumstances prevail.

4 The Commission and the Department of Transportation
5 shall conduct a study of the relation between train speeds
6 and railroad-highway grade crossing safety. The Commission
7 shall report the findings of the study to the General
8 Assembly no later than January 5, 1997.

9 (c) Special speed limit; pilot project. The Commission
10 and the Board of the Metropolitan Mobility Authority
11 ~~Commuter Rail Division of the Regional Transportation~~
12 ~~Authority~~ shall conduct a pilot project in the Village of
13 Fox River Grove, the site of the fatal school bus crash at
14 a railroad crossing on October 25, 1995, in order to
15 improve railroad crossing safety. For this project, the
16 Commission is directed to set the maximum train speed
17 limit for Metropolitan Mobility ~~Regional Transportation~~
18 Authority trains at 50 miles per hour at intersections on
19 that portion of the intrastate rail line located in the
20 Village of Fox River Grove. If the Metropolitan Mobility
21 ~~Regional Transportation~~ Authority deliberately fails to
22 comply with this maximum speed limit, then any entity,
23 governmental or otherwise, that provides capital or
24 operational funds to the Metropolitan Mobility ~~Regional~~
25 ~~Transportation~~ Authority shall appropriately reduce or
26 eliminate that funding. The Commission shall report to the

1 Governor and the General Assembly on the results of this
2 pilot project in January 1999, January 2000, and January
3 2001. The Commission shall also submit a final report on
4 the pilot project to the Governor and the General Assembly
5 in January 2001. The provisions of this subsection (c),
6 other than this sentence, are inoperative after February
7 1, 2001.

8 (d) Freight train crew size. No rail carrier shall
9 operate or cause to operate a train or light engine used in
10 connection with the movement of freight unless it has an
11 operating crew consisting of at least 2 individuals. The
12 minimum freight train crew size indicated in this
13 subsection (d) shall remain in effect until a federal law
14 or rule encompassing the subject matter has been adopted.
15 The Commission, with respect to freight train crew member
16 size under this subsection (d), has the power to conduct
17 evidentiary hearings, make findings, and issue and enforce
18 orders, including sanctions under Section 18c-1704 of this
19 Chapter. As used in this subsection (d), "train or light
20 engine" does not include trains operated by a hostler
21 service or utility employees.

22 (3) Report and investigation of rail accidents.

23 (a) Reports. Every rail carrier shall report to the
24 Commission, by the speediest means possible, whether
25 telephone, telegraph, or otherwise, every accident
26 involving its equipment, track, or other property which

1 resulted in loss of life to any person. In addition, such
2 carriers shall file a written report with the Commission.
3 Reports submitted under this paragraph shall be strictly
4 confidential, shall be specifically prohibited from
5 disclosure, and shall not be admissible in any
6 administrative or judicial proceeding relating to the
7 accidents reported.

8 (b) Investigations. The Commission may investigate all
9 railroad accidents reported to it or of which it acquires
10 knowledge independent of reports made by rail carriers,
11 and shall have the power, consistent with standards and
12 procedures established under the Federal Railroad Safety
13 Act, as amended, to enter such temporary orders as will
14 minimize the risk of future accidents pending notice,
15 hearing, and final action by the Commission.

16 (Source: P.A. 101-294, eff. 1-1-20; 102-982, eff. 7-1-23.)

17 Section 20.44. The Criminal Code of 2012 is amended by
18 changing Section 21-5 as follows:

19 (720 ILCS 5/21-5) (from Ch. 38, par. 21-5)

20 Sec. 21-5. Criminal trespass to State supported land.

21 (a) A person commits criminal trespass to State supported
22 land when he or she enters upon land supported in whole or in
23 part with State funds, or federal funds administered or
24 granted through State agencies or any building on the land,

1 after receiving, prior to the entry, notice from the State or
2 its representative that the entry is forbidden, or remains
3 upon the land or in the building after receiving notice from
4 the State or its representative to depart, and who thereby
5 interferes with another person's lawful use or enjoyment of
6 the building or land.

7 A person has received notice from the State within the
8 meaning of this subsection if he or she has been notified
9 personally, either orally or in writing, or if a printed or
10 written notice forbidding entry to him or her or a group of
11 which he or she is a part, has been conspicuously posted or
12 exhibited at the main entrance to the land or the forbidden
13 part thereof.

14 (a-5) A person commits criminal trespass to State
15 supported land when he or she enters upon a right-of-way ~~right~~
16 ~~of-way~~, including facilities and improvements thereon, owned,
17 leased, or otherwise used by a public body or district
18 organized under ~~the Metropolitan Transit Authority Act~~, the
19 Local Mass Transit District Act, or the Metropolitan Mobility
20 ~~Regional Transportation~~ Authority Act, after receiving, prior
21 to the entry, notice from the public body or district, or its
22 representative, that the entry is forbidden, or the person
23 remains upon the right-of-way ~~right-of-way~~ after receiving
24 notice from the public body or district, or its
25 representative, to depart, and in either of these instances
26 intends to compromise public safety by causing a delay in

1 transit service lasting more than 15 minutes or destroying
2 property.

3 A person has received notice from the public body or
4 district within the meaning of this subsection if he or she has
5 been notified personally, either orally or in writing, or if a
6 printed or written notice forbidding entry to him or her has
7 been conspicuously posted or exhibited at any point of
8 entrance to the right-of-way ~~right of way~~ or the forbidden
9 part of the right-of-way ~~right of way~~.

10 As used in this subsection (a-5), "right-of-way ~~right of~~
11 ~~way~~" has the meaning ascribed to it in Section 18c-7502 of the
12 Illinois Vehicle Code.

13 (b) A person commits criminal trespass to State supported
14 land when he or she enters upon land supported in whole or in
15 part with State funds, or federal funds administered or
16 granted through State agencies or any building on the land by
17 presenting false documents or falsely representing his or her
18 identity orally to the State or its representative in order to
19 obtain permission from the State or its representative to
20 enter the building or land; or remains upon the land or in the
21 building by presenting false documents or falsely representing
22 his or her identity orally to the State or its representative
23 in order to remain upon the land or in the building, and who
24 thereby interferes with another person's lawful use or
25 enjoyment of the building or land.

26 This subsection does not apply to a peace officer or other

1 official of a unit of government who enters upon land
2 supported in whole or in part with State funds, or federal
3 funds administered or granted through State agencies or any
4 building on the land in the performance of his or her official
5 duties.

6 (c) Sentence. Criminal trespass to State supported land is
7 a Class A misdemeanor, except a violation of subsection (a-5)
8 of this Section is a Class A misdemeanor for a first violation
9 and a Class 4 felony for a second or subsequent violation.
10 (Source: P.A. 97-1108, eff. 1-1-13; 98-748, eff. 1-1-15.)

11 Section 20.45. The Eminent Domain Act is amended by
12 changing Section 15-5-15 and adding Section 15-5-49 as
13 follows:

14 (735 ILCS 30/15-5-15)

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

19 (70 ILCS 5/8.02 and 5/9); Airport Authorities Act; airport
20 authorities; for public airport facilities.

21 (70 ILCS 5/8.05 and 5/9); Airport Authorities Act; airport
22 authorities; for removal of airport hazards.

23 (70 ILCS 5/8.06 and 5/9); Airport Authorities Act; airport

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

3 (70 ILCS 10/4); Interstate Airport Authorities Act; interstate
4 airport authorities; for general purposes.

5 (70 ILCS 15/3); Kankakee River Valley Area Airport Authority
6 Act; Kankakee River Valley Area Airport Authority; for
7 acquisition of land for airports.

8 (70 ILCS 200/2-20); Civic Center Code; civic center
9 authorities; for grounds, centers, buildings, and parking.

10 (70 ILCS 200/5-35); Civic Center Code; Aledo Civic Center
11 Authority; for grounds, centers, buildings, and parking.

12 (70 ILCS 200/10-15); Civic Center Code; Aurora Metropolitan
13 Exposition, Auditorium and Office Building Authority; for
14 grounds, centers, buildings, and parking.

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

17 (70 ILCS 200/20-15); Civic Center Code; Bloomington Civic
18 Center Authority; for grounds, centers, buildings, and
19 parking.

20 (70 ILCS 200/35-35); Civic Center Code; Brownstown Park
21 District Civic Center Authority; for grounds, centers,
22 buildings, and parking.

23 (70 ILCS 200/40-35); Civic Center Code; Carbondale Civic
24 Center Authority; for grounds, centers, buildings, and
25 parking.

26 (70 ILCS 200/55-60); Civic Center Code; Chicago South Civic

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

3 (70 ILCS 200/60-30); Civic Center Code; Collinsville
4 Metropolitan Exposition, Auditorium and Office Building
5 Authority; for grounds, centers, buildings, and parking.

6 (70 ILCS 200/70-35); Civic Center Code; Crystal Lake Civic
7 Center Authority; for grounds, centers, buildings, and
8 parking.

9 (70 ILCS 200/75-20); Civic Center Code; Decatur Metropolitan
10 Exposition, Auditorium and Office Building Authority; for
11 grounds, centers, buildings, and parking.

12 (70 ILCS 200/80-15); Civic Center Code; DuPage County
13 Metropolitan Exposition, Auditorium and Office Building
14 Authority; for grounds, centers, buildings, and parking.

15 (70 ILCS 200/85-35); Civic Center Code; Elgin Metropolitan
16 Exposition, Auditorium and Office Building Authority; for
17 grounds, centers, buildings, and parking.

18 (70 ILCS 200/95-25); Civic Center Code; Herrin Metropolitan
19 Exposition, Auditorium and Office Building Authority; for
20 grounds, centers, buildings, and parking.

21 (70 ILCS 200/110-35); Civic Center Code; Illinois Valley Civic
22 Center Authority; for grounds, centers, buildings, and
23 parking.

24 (70 ILCS 200/115-35); Civic Center Code; Jasper County Civic
25 Center Authority; for grounds, centers, buildings, and
26 parking.

1 (70 ILCS 200/120-25); Civic Center Code; Jefferson County
2 Metropolitan Exposition, Auditorium and Office Building
3 Authority; for grounds, centers, buildings, and parking.

4 (70 ILCS 200/125-15); Civic Center Code; Jo Daviess County
5 Civic Center Authority; for grounds, centers, buildings,
6 and parking.

7 (70 ILCS 200/130-30); Civic Center Code; Katherine Dunham
8 Metropolitan Exposition, Auditorium and Office Building
9 Authority; for grounds, centers, buildings, and parking.

10 (70 ILCS 200/145-35); Civic Center Code; Marengo Civic Center
11 Authority; for grounds, centers, buildings, and parking.

12 (70 ILCS 200/150-35); Civic Center Code; Mason County Civic
13 Center Authority; for grounds, centers, buildings, and
14 parking.

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

18 (70 ILCS 200/160-35); Civic Center Code; Maywood Civic Center
19 Authority; for grounds, centers, buildings, and parking.

20 (70 ILCS 200/165-35); Civic Center Code; Melrose Park
21 Metropolitan Exposition Auditorium and Office Building
22 Authority; for grounds, centers, buildings, and parking.

23 (70 ILCS 200/170-20); Civic Center Code; certain Metropolitan
24 Exposition, Auditorium and Office Building Authorities;
25 for general purposes.

26 (70 ILCS 200/180-35); Civic Center Code; Normal Civic Center

1 Authority; for grounds, centers, buildings, and parking.
2 (70 ILCS 200/185-15); Civic Center Code; Oak Park Civic Center
3 Authority; for grounds, centers, buildings, and parking.
4 (70 ILCS 200/195-35); Civic Center Code; Ottawa Civic Center
5 Authority; for grounds, centers, buildings, and parking.
6 (70 ILCS 200/200-15); Civic Center Code; Pekin Civic Center
7 Authority; for grounds, centers, buildings, and parking.
8 (70 ILCS 200/205-15); Civic Center Code; Peoria Civic Center
9 Authority; for grounds, centers, buildings, and parking.
10 (70 ILCS 200/210-35); Civic Center Code; Pontiac Civic Center
11 Authority; for grounds, centers, buildings, and parking.
12 (70 ILCS 200/215-15); Civic Center Code; Illinois Quad City
13 Civic Center Authority; for grounds, centers, buildings,
14 and parking.
15 (70 ILCS 200/220-30); Civic Center Code; Quincy Metropolitan
16 Exposition, Auditorium and Office Building Authority; for
17 grounds, centers, buildings, and parking.
18 (70 ILCS 200/225-35); Civic Center Code; Randolph County Civic
19 Center Authority; for grounds, centers, buildings, and
20 parking.
21 (70 ILCS 200/230-35); Civic Center Code; River Forest
22 Metropolitan Exposition, Auditorium and Office Building
23 Authority; for grounds, centers, buildings, and parking.
24 (70 ILCS 200/235-40); Civic Center Code; Riverside Civic
25 Center Authority; for grounds, centers, buildings, and
26 parking.

1 (70 ILCS 200/245-35); Civic Center Code; Salem Civic Center
2 Authority; for grounds, centers, buildings, and parking.

3 (70 ILCS 200/255-20); Civic Center Code; Springfield
4 Metropolitan Exposition and Auditorium Authority; for
5 grounds, centers, and parking.

6 (70 ILCS 200/260-35); Civic Center Code; Sterling Metropolitan
7 Exposition, Auditorium and Office Building Authority; for
8 grounds, centers, buildings, and parking.

9 (70 ILCS 200/265-20); Civic Center Code; Vermilion County
10 Metropolitan Exposition, Auditorium and Office Building
11 Authority; for grounds, centers, buildings, and parking.

12 (70 ILCS 200/270-35); Civic Center Code; Waukegan Civic Center
13 Authority; for grounds, centers, buildings, and parking.

14 (70 ILCS 200/275-35); Civic Center Code; West Frankfort Civic
15 Center Authority; for grounds, centers, buildings, and
16 parking.

17 (70 ILCS 200/280-20); Civic Center Code; Will County
18 Metropolitan Exposition and Auditorium Authority; for
19 grounds, centers, and parking.

20 (70 ILCS 210/5); Metropolitan Pier and Exposition Authority
21 Act; Metropolitan Pier and Exposition Authority; for
22 general purposes, including quick-take power.

23 (70 ILCS 405/22.04); Soil and Water Conservation Districts
24 Act; soil and water conservation districts; for general
25 purposes.

26 (70 ILCS 410/10 and 410/12); Conservation District Act;

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

4 (70 ILCS 503/25); Chanhute-Rantoul National Aviation Center
5 Redevelopment Commission Act; Chanhute-Rantoul National
6 Aviation Center Redevelopment Commission; for general
7 purposes.

8 (70 ILCS 507/15); Fort Sheridan Redevelopment Commission Act;
9 Fort Sheridan Redevelopment Commission; for general
10 purposes or to carry out comprehensive or redevelopment
11 plans.

12 (70 ILCS 520/8); Southwestern Illinois Development Authority
13 Act; Southwestern Illinois Development Authority; for
14 general purposes, including quick-take power.

15 (70 ILCS 605/4-17 and 605/5-7); Illinois Drainage Code;
16 drainage districts; for general purposes.

17 (70 ILCS 615/5 and 615/6); Chicago Drainage District Act;
18 corporate authorities; for construction and maintenance of
19 works.

20 (70 ILCS 705/10); Fire Protection District Act; fire
21 protection districts; for general purposes.

22 (70 ILCS 750/20); Flood Prevention District Act; flood
23 prevention districts; for general purposes.

24 (70 ILCS 805/6); Downstate Forest Preserve District Act;
25 certain forest preserve districts; for general purposes.

26 (70 ILCS 805/18.8); Downstate Forest Preserve District Act;

1 certain forest preserve districts; for recreational and
2 cultural facilities.

3 (70 ILCS 810/8); Cook County Forest Preserve District Act;
4 Forest Preserve District of Cook County; for general
5 purposes.

6 (70 ILCS 810/38); Cook County Forest Preserve District Act;
7 Forest Preserve District of Cook County; for recreational
8 facilities.

9 (70 ILCS 910/15 and 910/16); Hospital District Law; hospital
10 districts; for hospitals or hospital facilities.

11 (70 ILCS 915/3); Illinois Medical District Act; Illinois
12 Medical District Commission; for general purposes.

13 (70 ILCS 915/4.5); Illinois Medical District Act; Illinois
14 Medical District Commission; quick-take power for the
15 Illinois State Police Forensic Science Laboratory
16 (obsolete).

17 (70 ILCS 920/5); Tuberculosis Sanitarium District Act;
18 tuberculosis sanitarium districts; for tuberculosis
19 sanitariums.

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

22 (70 ILCS 930/20); Mid-America Medical District Act;
23 Mid-America Medical District Commission; for general
24 purposes.

25 (70 ILCS 935/20); Roseland Community Medical District Act;
26 medical district; for general purposes.

1 (70 ILCS 1005/7); Mosquito Abatement District Act; mosquito
2 abatement districts; for general purposes.

3 (70 ILCS 1105/8); Museum District Act; museum districts; for
4 general purposes.

5 (70 ILCS 1205/7-1); Park District Code; park districts; for
6 streets and other purposes.

7 (70 ILCS 1205/8-1); Park District Code; park districts; for
8 parks.

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

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

14 (70 ILCS 1205/11.1-3); Park District Code; park districts; for
15 harbors.

16 (70 ILCS 1225/2); Park Commissioners Land Condemnation Act;
17 park districts; for street widening.

18 (70 ILCS 1230/1 and 1230/1-a); Park Commissioners Water
19 Control Act; park districts; for parks, boulevards,
20 driveways, parkways, viaducts, bridges, or tunnels.

21 (70 ILCS 1250/2); Park Commissioners Street Control (1889)
22 Act; park districts; for boulevards or driveways.

23 (70 ILCS 1290/1); Park District Aquarium and Museum Act;
24 municipalities or park districts; for aquariums or
25 museums.

26 (70 ILCS 1305/2); Park District Airport Zoning Act; park

1 districts; for restriction of the height of structures.
2 (70 ILCS 1310/5); Park District Elevated Highway Act; park
3 districts; for elevated highways.
4 (70 ILCS 1505/15); Chicago Park District Act; Chicago Park
5 District; for parks and other purposes.
6 (70 ILCS 1505/25.1); Chicago Park District Act; Chicago Park
7 District; for parking lots or garages.
8 (70 ILCS 1505/26.3); Chicago Park District Act; Chicago Park
9 District; for harbors.
10 (70 ILCS 1570/5); Lincoln Park Commissioners Land Condemnation
11 Act; Lincoln Park Commissioners; for land and interests in
12 land, including riparian rights.
13 (70 ILCS 1801/30); Alexander-Cairo Port District Act;
14 Alexander-Cairo Port District; for general purposes.
15 (70 ILCS 1805/8); Havana Regional Port District Act; Havana
16 Regional Port District; for general purposes.
17 (70 ILCS 1810/7); Illinois International Port District Act;
18 Illinois International Port District; for general
19 purposes.
20 (70 ILCS 1815/13); Illinois Valley Regional Port District Act;
21 Illinois Valley Regional Port District; for general
22 purposes.
23 (70 ILCS 1820/4); Jackson-Union Counties Regional Port
24 District Act; Jackson-Union Counties Regional Port
25 District; for removal of airport hazards or reduction of
26 the height of objects or structures.

1 (70 ILCS 1820/5); Jackson-Union Counties Regional Port
2 District Act; Jackson-Union Counties Regional Port
3 District; for general purposes.

4 (70 ILCS 1825/4.9); Joliet Regional Port District Act; Joliet
5 Regional Port District; for removal of airport hazards.

6 (70 ILCS 1825/4.10); Joliet Regional Port District Act; Joliet
7 Regional Port District; for reduction of the height of
8 objects or structures.

9 (70 ILCS 1825/4.18); Joliet Regional Port District Act; Joliet
10 Regional Port District; for removal of hazards from ports
11 and terminals.

12 (70 ILCS 1825/5); Joliet Regional Port District Act; Joliet
13 Regional Port District; for general purposes.

14 (70 ILCS 1830/7.1); Kaskaskia Regional Port District Act;
15 Kaskaskia Regional Port District; for removal of hazards
16 from ports and terminals.

17 (70 ILCS 1830/14); Kaskaskia Regional Port District Act;
18 Kaskaskia Regional Port District; for general purposes.

19 (70 ILCS 1831/30); Massac-Metropolis Port District Act;
20 Massac-Metropolis Port District; for general purposes.

21 (70 ILCS 1835/5.10); Mt. Carmel Regional Port District Act;
22 Mt. Carmel Regional Port District; for removal of airport
23 hazards.

24 (70 ILCS 1835/5.11); Mt. Carmel Regional Port District Act;
25 Mt. Carmel Regional Port District; for reduction of the
26 height of objects or structures.

1 (70 ILCS 1835/6); Mt. Carmel Regional Port District Act; Mt.
2 Carmel Regional Port District; for general purposes.

3 (70 ILCS 1837/30); Ottawa Port District Act; Ottawa Port
4 District; for general purposes.

5 (70 ILCS 1845/4.9); Seneca Regional Port District Act; Seneca
6 Regional Port District; for removal of airport hazards.

7 (70 ILCS 1845/4.10); Seneca Regional Port District Act; Seneca
8 Regional Port District; for reduction of the height of
9 objects or structures.

10 (70 ILCS 1845/5); Seneca Regional Port District Act; Seneca
11 Regional Port District; for general purposes.

12 (70 ILCS 1850/4); Shawneetown Regional Port District Act;
13 Shawneetown Regional Port District; for removal of airport
14 hazards or reduction of the height of objects or
15 structures.

16 (70 ILCS 1850/5); Shawneetown Regional Port District Act;
17 Shawneetown Regional Port District; for general purposes.

18 (70 ILCS 1855/4); Southwest Regional Port District Act;
19 Southwest Regional Port District; for removal of airport
20 hazards or reduction of the height of objects or
21 structures.

22 (70 ILCS 1855/5); Southwest Regional Port District Act;
23 Southwest Regional Port District; for general purposes.

24 (70 ILCS 1860/4); Tri-City Regional Port District Act;
25 Tri-City Regional Port District; for removal of airport
26 hazards.

1 (70 ILCS 1860/5); Tri-City Regional Port District Act;
2 Tri-City Regional Port District; for the development of
3 facilities.

4 (70 ILCS 1863/11); Upper Mississippi River International Port
5 District Act; Upper Mississippi River International Port
6 District; for general purposes.

7 (70 ILCS 1865/4.9); Waukegan Port District Act; Waukegan Port
8 District; for removal of airport hazards.

9 (70 ILCS 1865/4.10); Waukegan Port District Act; Waukegan Port
10 District; for restricting the height of objects or
11 structures.

12 (70 ILCS 1865/5); Waukegan Port District Act; Waukegan Port
13 District; for the development of facilities.

14 (70 ILCS 1870/8); White County Port District Act; White County
15 Port District; for the development of facilities.

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

18 (70 ILCS 1915/25); Grand Avenue Railroad Relocation Authority
19 Act; Grand Avenue Railroad Relocation Authority; for
20 general purposes, including quick-take power (now
21 obsolete).

22 (70 ILCS 1935/25); Elmwood Park Grade Separation Authority
23 Act; Elmwood Park Grade Separation Authority; for general
24 purposes.

25 (70 ILCS 2105/9b); River Conservancy Districts Act; river
26 conservancy districts; for general purposes.

1 (70 ILCS 2105/10a); River Conservancy Districts Act; river
2 conservancy districts; for corporate purposes.

3 (70 ILCS 2205/15); Sanitary District Act of 1907; sanitary
4 districts; for corporate purposes.

5 (70 ILCS 2205/18); Sanitary District Act of 1907; sanitary
6 districts; for improvements and works.

7 (70 ILCS 2205/19); Sanitary District Act of 1907; sanitary
8 districts; for access to property.

9 (70 ILCS 2305/8); North Shore Water Reclamation District Act;
10 North Shore Water Reclamation District; for corporate
11 purposes.

12 (70 ILCS 2305/15); North Shore Water Reclamation District Act;
13 North Shore Water Reclamation District; for improvements.

14 (70 ILCS 2405/7.9); Sanitary District Act of 1917; Sanitary
15 District of Decatur; for carrying out agreements to sell,
16 convey, or disburse treated wastewater to a private
17 entity.

18 (70 ILCS 2405/8); Sanitary District Act of 1917; sanitary
19 districts; for corporate purposes.

20 (70 ILCS 2405/15); Sanitary District Act of 1917; sanitary
21 districts; for improvements.

22 (70 ILCS 2405/16.9 and 2405/16.10); Sanitary District Act of
23 1917; sanitary districts; for waterworks.

24 (70 ILCS 2405/17.2); Sanitary District Act of 1917; sanitary
25 districts; for public sewer and water utility treatment
26 works.

1 (70 ILCS 2405/18); Sanitary District Act of 1917; sanitary
2 districts; for dams or other structures to regulate water
3 flow.

4 (70 ILCS 2605/8); Metropolitan Water Reclamation District Act;
5 Metropolitan Water Reclamation District; for corporate
6 purposes.

7 (70 ILCS 2605/16); Metropolitan Water Reclamation District
8 Act; Metropolitan Water Reclamation District; quick-take
9 power for improvements.

10 (70 ILCS 2605/17); Metropolitan Water Reclamation District
11 Act; Metropolitan Water Reclamation District; for bridges.

12 (70 ILCS 2605/35); Metropolitan Water Reclamation District
13 Act; Metropolitan Water Reclamation District; for widening
14 and deepening a navigable stream.

15 (70 ILCS 2805/10); Sanitary District Act of 1936; sanitary
16 districts; for corporate purposes.

17 (70 ILCS 2805/24); Sanitary District Act of 1936; sanitary
18 districts; for improvements.

19 (70 ILCS 2805/26i and 2805/26j); Sanitary District Act of
20 1936; sanitary districts; for drainage systems.

21 (70 ILCS 2805/27); Sanitary District Act of 1936; sanitary
22 districts; for dams or other structures to regulate water
23 flow.

24 (70 ILCS 2805/32k); Sanitary District Act of 1936; sanitary
25 districts; for water supply.

26 (70 ILCS 2805/321); Sanitary District Act of 1936; sanitary

1 districts; for waterworks.

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

3 Metro-East Sanitary District; for corporate purposes.

4 (70 ILCS 2905/2-8); Metro-East Sanitary District Act of 1974;

5 Metro-East Sanitary District; for access to property.

6 (70 ILCS 3010/10); Sanitary District Revenue Bond Act;

7 sanitary districts; for sewerage systems.

8 (70 ILCS 3205/12); Illinois Sports Facilities Authority Act;

9 Illinois Sports Facilities Authority; quick-take power for

10 its corporate purposes (obsolete).

11 (70 ILCS 3405/16); Surface Water Protection District Act;

12 surface water protection districts; for corporate

13 purposes.

14 ~~(70 ILCS 3605/7); Metropolitan Transit Authority Act; Chicago~~

15 ~~Transit Authority; for transportation systems.~~

16 ~~(70 ILCS 3605/8); Metropolitan Transit Authority Act; Chicago~~

17 ~~Transit Authority; for general purposes.~~

18 ~~(70 ILCS 3605/10); Metropolitan Transit Authority Act; Chicago~~

19 ~~Transit Authority; for general purposes, including~~

20 ~~railroad property.~~

21 (70 ILCS 3610/3 and 3610/5); Local Mass Transit District Act;

22 local mass transit districts; for general purposes.

23 ~~(70 ILCS 3615/2.13); Regional Transportation Authority Act;~~

24 ~~Regional Transportation Authority; for general purposes.~~

25 (70 ILCS 3705/8 and 3705/12); Public Water District Act;

26 public water districts; for waterworks.

1 (70 ILCS 3705/23a); Public Water District Act; public water
2 districts; for sewerage properties.

3 (70 ILCS 3705/23e); Public Water District Act; public water
4 districts; for combined waterworks and sewerage systems.

5 (70 ILCS 3715/6); Water Authorities Act; water authorities;
6 for facilities to ensure adequate water supply.

7 (70 ILCS 3715/27); Water Authorities Act; water authorities;
8 for access to property.

9 (75 ILCS 5/4-7); Illinois Local Library Act; boards of library
10 trustees; for library buildings.

11 (75 ILCS 16/30-55.80); Public Library District Act of 1991;
12 public library districts; for general purposes.

13 (75 ILCS 65/1 and 65/3); Libraries in Parks Act; corporate
14 authorities of city or park district, or board of park
15 commissioners; for free public library buildings.

16 (Source: Incorporates 98-564, eff. 8-27-13; P.A. 98-756, eff.
17 7-16-14; 99-669, eff. 7-29-16.)

18 (735 ILCS 30/15-5-49 new)

19 Sec. 15-5-49. Eminent domain powers in new Acts. The
20 following provisions of law may include express grants of the
21 power to acquire property by condemnation or eminent domain:

22 Metropolitan Mobility Authority Act; Metropolitan Mobility
23 Authority; for general purposes.

1 Section 20.46. The Local Governmental and Governmental
2 Employees Tort Immunity Act is amended by changing Section
3 2-101 as follows:

4 (745 ILCS 10/2-101) (from Ch. 85, par. 2-101)

5 Sec. 2-101. Nothing in this Act affects the right to
6 obtain relief other than damages against a local public entity
7 or public employee. Nothing in this Act affects the liability,
8 if any, of a local public entity or public employee, based on:

9 a contract;

10 b operation as a common carrier; and this Act does not
11 apply to any entity organized under or subject to the
12 Metropolitan Mobility ~~"Metropolitan Transit Authority Act",~~
13 ~~approved April 12, 1945, as amended;~~

14 c The "Workers' Compensation Act", approved July 9, 1951,
15 as heretofore or hereafter amended;

16 d The "Workers' Occupational Diseases Act", approved July
17 9, 1951, as heretofore or hereafter amended;

18 e Section 1-4-7 of the "Illinois Municipal Code", approved
19 May 29, 1961, as heretofore or hereafter amended.

20 f The "Illinois Uniform Conviction Information Act",
21 enacted by the 85th General Assembly, as heretofore or
22 hereafter amended.

23 (Source: P.A. 85-922.)

24 Section 20.47. The Illinois Wage Payment and Collection

1 Act is amended by changing Section 9 as follows:

2 (820 ILCS 115/9) (from Ch. 48, par. 39m-9)

3 Sec. 9. Except as hereinafter provided, deductions by
4 employers from wages or final compensation are prohibited
5 unless such deductions are (1) required by law; (2) to the
6 benefit of the employee; (3) in response to a valid wage
7 assignment or wage deduction order; (4) made with the express
8 written consent of the employee, given freely at the time the
9 deduction is made; (5) made by a municipality with a
10 population of 500,000 or more, a county with a population of
11 3,000,000 or more, a community college district in a city with
12 a population of 500,000 or more, a housing authority in a
13 municipality with a population of 500,000 or more, the Chicago
14 Park District, the Metropolitan Mobility ~~Metropolitan Transit~~
15 Authority, the Chicago Board of Education, the Cook County
16 Forest Preserve District, or the Metropolitan Water
17 Reclamation District to pay a debt owed by the employee to a
18 municipality with a population of 500,000 or more, a county
19 with a population of 3,000,000 or more, the Cook County Forest
20 Preserve, the Chicago Park District, the Metropolitan Water
21 Reclamation District, ~~the Chicago Transit Authority,~~ the
22 Chicago Board of Education, or a housing authority of a
23 municipality with a population of 500,000 or more; provided,
24 however, that the amount deducted from any one salary or wage
25 payment shall not exceed 25% of the net amount of the payment;

1 or (6) made by a housing authority in a municipality with a
2 population of 500,000 or more or a municipality with a
3 population of 500,000 or more to pay a debt owed by the
4 employee to a housing authority in a municipality with a
5 population of 500,000 or more; provided, however, that the
6 amount deducted from any one salary or wage payment shall not
7 exceed 25% of the net amount of the payment. Before the
8 municipality with a population of 500,000 or more, the
9 community college district in a city with a population of
10 500,000 or more, the Chicago Park District, the Metropolitan
11 Mobility ~~Metropolitan Transit~~ Authority, a housing authority
12 in a municipality with a population of 500,000 or more, the
13 Chicago Board of Education, the county with a population of
14 3,000,000 or more, the Cook County Forest Preserve District,
15 or the Metropolitan Water Reclamation District deducts any
16 amount from any salary or wage of an employee to pay a debt
17 owed to a municipality with a population of 500,000 or more, a
18 county with a population of 3,000,000 or more, the Cook County
19 Forest Preserve District, the Chicago Park District, the
20 Metropolitan Water Reclamation District, ~~the Chicago Transit~~
21 ~~Authority,~~ the Chicago Board of Education, or a housing
22 authority of a municipality with a population of 500,000 or
23 more under this Section, the municipality, the county, the
24 Cook County Forest Preserve District, the Chicago Park
25 District, the Metropolitan Water Reclamation District, ~~the~~
26 ~~Chicago Transit Authority,~~ the Chicago Board of Education, or

1 a housing authority of a municipality with a population of
2 500,000 or more shall certify that (i) the employee has been
3 afforded an opportunity for a hearing to dispute the debt that
4 is due and owing the municipality, the county, the Cook County
5 Forest Preserve District, the Chicago Park District, the
6 Metropolitan Water Reclamation District, ~~the Chicago Transit~~
7 ~~Authority,~~ the Chicago Board of Education, or a housing
8 authority of a municipality with a population of 500,000 or
9 more and (ii) the employee has received notice of a wage
10 deduction order and has been afforded an opportunity for a
11 hearing to object to the order. Before a housing authority in a
12 municipality with a population of 500,000 or more or a
13 municipality with a population of 500,000 or more, a county
14 with a population of 3,000,000 or more, the Cook County Forest
15 Preserve District, the Chicago Park District, the Metropolitan
16 Water Reclamation District, ~~the Chicago Transit Authority,~~ the
17 Chicago Board of Education, or a housing authority of a
18 municipality with a population of 500,000 or more deducts any
19 amount from any salary or wage of an employee to pay a debt
20 owed to a housing authority in a municipality with a
21 population of 500,000 or more under this Section, the housing
22 authority shall certify that (i) the employee has been
23 afforded an opportunity for a hearing to dispute the debt that
24 is due and owing the housing authority and (ii) the employee
25 has received notice of a wage deduction order and has been
26 afforded an opportunity for a hearing to object to the order.

1 For purposes of this Section, "net amount" means that part of
2 the salary or wage payment remaining after the deduction of
3 any amounts required by law to be deducted and "debt due and
4 owing" means (i) a specified sum of money owed to the
5 municipality, county, the Cook County Forest Preserve
6 District, the Chicago Park District, the Metropolitan Water
7 Reclamation District, ~~the Chicago Transit Authority,~~ the
8 Chicago Board of Education, or housing authority for services,
9 work, or goods, after the period granted for payment has
10 expired, or (ii) a specified sum of money owed to the
11 municipality, county, the Cook County Forest Preserve
12 District, the Chicago Park District, the Metropolitan Water
13 Reclamation District, ~~the Chicago Transit Authority,~~ the
14 Chicago Board of Education or housing authority pursuant to a
15 court order or order of an administrative hearing officer
16 after the exhaustion of, or the failure to exhaust, judicial
17 review; (7) the result of an excess payment made due to, but
18 not limited to, a typographical or mathematical error made by
19 a municipality with a population of less than 500,000 or to
20 collect a debt owed to a municipality with a population of less
21 than 500,000 after notice to the employee and an opportunity
22 to be heard; provided, however, that the amount deducted from
23 any one salary or wage payment shall not exceed 15% of the net
24 amount of the payment. Before the municipality deducts any
25 amount from any salary or wage of an employee to pay a debt
26 owed to the municipality, the municipality shall certify that

1 (i) the employee has been afforded an opportunity for a
2 hearing, conducted by the municipality, to dispute the debt
3 that is due and owing the municipality, and (ii) the employee
4 has received notice of a wage deduction order and has been
5 afforded an opportunity for a hearing, conducted by the
6 municipality, to object to the order. For purposes of this
7 Section, "net amount" means that part of the salary or wage
8 payment remaining after the deduction of any amounts required
9 by law to be deducted and "debt due and owing" means (i) a
10 specified sum of money owed to the municipality for services,
11 work, or goods, after the period granted for payment has
12 expired, or (ii) a specified sum of money owed to the
13 municipality pursuant to a court order or order of an
14 administrative hearing officer after the exhaustion of, or the
15 failure to exhaust, judicial review. Where the legitimacy of
16 any deduction from wages is in dispute, the amount in question
17 may be withheld if the employer notifies the Department of
18 Labor on the date the payment is due in writing of the amount
19 that is being withheld and stating the reasons for which the
20 payment is withheld. Upon such notification the Department of
21 Labor shall conduct an investigation and render a judgment as
22 promptly as possible, and shall complete such investigation
23 within 30 days of receipt of the notification by the employer
24 that wages have been withheld. The employer shall pay the
25 wages due upon order of the Department of Labor within 15
26 calendar days of issuance of a judgment on the dispute.

1 The Department shall establish rules to protect the
2 interests of both parties in cases of disputed deductions from
3 wages. Such rules shall include reasonable limitations on the
4 amount of deductions beyond those required by law which may be
5 made during any pay period by any employer.

6 In case of a dispute over wages, the employer shall pay,
7 without condition and within the time set by this Act, all
8 wages or parts thereof, conceded by him to be due, leaving to
9 the employee all remedies to which he may otherwise be
10 entitled as to any balance claimed. The acceptance by an
11 employee of a disputed paycheck shall not constitute a release
12 as to the balance of his claim and any release or restrictive
13 endorsement required by an employer as a condition to payment
14 shall be a violation of this Act and shall be void.

15 (Source: P.A. 97-120, eff. 1-1-12.)

16 Section 20.48. The Transportation Benefits Program Act is
17 amended by changing Sections 5, 10, and 15 as follows:

18 (820 ILCS 63/5)

19 Sec. 5. Definitions. As used in this Act:

20 "Covered employee" means any person who performs an
21 average of at least 35 hours of work per week for compensation
22 on a full-time basis.

23 "Covered employer" means any individual, partnership,
24 association, corporation, limited liability company,

1 government, non-profit organization, or business trust that
2 directly or indirectly, or through an agent or any other
3 person, employs or exercises control over wages, hours, or
4 working conditions of an employee, and that:

5 (1) is located in: Cook County; Warren Township in
6 Lake County; Grant Township in Lake County; Frankfort
7 Township in Will County; Wheatland Township in Will
8 County; Addison Township; Bloomingdale Township; York
9 Township; Milton Township; Winfield Township; Downers
10 Grove Township; Lisle Township; Naperville Township;
11 Dundee Township; Elgin Township; St. Charles Township;
12 Geneva Township; Batavia Township; Aurora Township; Zion
13 Township; Benton Township; Waukegan Township; Avon
14 Township; Libertyville Township; Shields Township; Vernon
15 Township; West Deerfield Township; Deerfield Township;
16 McHenry Township; Nunda Township; Algonquin Township;
17 DuPage Township; Homer Township; Lockport Township;
18 Plainfield Township; New Lenox Township; Joliet Township;
19 or Troy Township; and

20 (2) employs 50 or more covered employees in a
21 geographic area specified in paragraph (1) at an address
22 that is located within one mile of fixed-route transit
23 service.

24 "Public transit" means any transportation system within
25 the authority and jurisdiction of the Metropolitan Mobility
26 ~~Regional Transportation~~ Authority.

1 "Transit pass" means any pass, token, fare card, voucher,
2 or similar item entitling a person to transportation on public
3 transit.

4 (Source: P.A. 103-291, eff. 1-1-24.)

5 (820 ILCS 63/10)

6 Sec. 10. Transportation benefits program. All covered
7 employers shall provide a pre-tax commuter benefit to covered
8 employees. The pre-tax commuter benefit shall allow employees
9 to use pre-tax dollars for the purchase of a transit pass, via
10 payroll deduction, such that the costs for such purchases may
11 be excluded from the employee's taxable wages and compensation
12 up to the maximum amount permitted by federal tax law,
13 consistent with 26 U.S.C. 132(f) and the rules and regulations
14 promulgated thereunder. A covered employer may comply with
15 this Section by participating in a program offered by the
16 Metropolitan Mobility Chicago ~~Transit~~ Authority ~~or the~~
17 ~~Regional Transportation Authority.~~

18 This benefit must be offered to all employees starting on
19 the employees' first full pay period after 120 days of
20 employment. All transit agencies shall market the existence of
21 this program and this Act to their riders in order to inform
22 affected employees and their employers.

23 (Source: P.A. 103-291, eff. 1-1-24.)

24 (820 ILCS 63/15)

1 INDEX
2 Statutes amended in order of appearance

3 New Act

4 5 ILCS 120/2 from Ch. 102, par. 42
5 5 ILCS 140/7.5
6 5 ILCS 225/2 from Ch. 111 2/3, par. 602
7 5 ILCS 315/5 from Ch. 48, par. 1605
8 5 ILCS 315/15 from Ch. 48, par. 1615
9 5 ILCS 375/2.5
10 5 ILCS 430/1-5
11 5 ILCS 430/20-5
12 5 ILCS 430/20-10
13 5 ILCS 430/Art. 75 heading
14 5 ILCS 430/75-5
15 5 ILCS 430/75-10
16 20 ILCS 105/4.15
17 20 ILCS 2310/2310-55.5
18 20 ILCS 2605/2605-340 rep.
19 20 ILCS 2705/2705-203
20 20 ILCS 2705/2705-204 new
21 20 ILCS 2705/2705-300 was 20 ILCS 2705/49.18
22 20 ILCS 2705/2705-305
23 20 ILCS 2705/2705-310
24 20 ILCS 2705/2705-315 was 20 ILCS 2705/49.19b
25 20 ILCS 2705/2705-440 was 20 ILCS 2705/49.25h

1	20 ILCS 2705/2705-594 new	
2	20 ILCS 3501/820-50	
3	30 ILCS 5/3-1	from Ch. 15, par. 303-1
4	30 ILCS 5/3-2.3 rep.	
5	30 ILCS 105/5.277	from Ch. 127, par. 141.277
6	30 ILCS 105/5.918	
7	30 ILCS 105/5.1015 new	
8	30 ILCS 105/5.1016 new	
9	30 ILCS 105/6z-17	from Ch. 127, par. 142z-17
10	30 ILCS 105/6z-20	from Ch. 127, par. 142z-20
11	30 ILCS 105/6z-27	
12	30 ILCS 105/6z-109	
13	30 ILCS 105/8.3	
14	30 ILCS 105/8.25g	
15	30 ILCS 230/2a	from Ch. 127, par. 172
16	30 ILCS 415/2	from Ch. 127, par. 702
17	30 ILCS 740/2-2.02	from Ch. 111 2/3, par. 662.02
18	30 ILCS 740/3-1.02	from Ch. 111 2/3, par. 683
19	30 ILCS 740/4-1.7	from Ch. 111 2/3, par. 699.7
20	30 ILCS 805/8.47	
21	30 ILCS 805/8.48 new	
22	35 ILCS 105/2b	from Ch. 120, par. 439.2b
23	35 ILCS 105/22	from Ch. 120, par. 439.22
24	35 ILCS 110/20	from Ch. 120, par. 439.50
25	35 ILCS 115/20	from Ch. 120, par. 439.120
26	35 ILCS 120/6	from Ch. 120, par. 445

1	35 ILCS 165/10	
2	35 ILCS 171/2	
3	35 ILCS 200/15-100	
4	35 ILCS 505/8b	
5	35 ILCS 815/1	from Ch. 121 1/2, par. 911
6	40 ILCS 5/8-230.1	from Ch. 108 1/2, par. 8-230.1
7	40 ILCS 5/11-221.1	from Ch. 108 1/2, par. 11-221.1
8	40 ILCS 5/18-112	from Ch. 108 1/2, par. 18-112
9	40 ILCS 5/22-101	from Ch. 108 1/2, par. 22-101
10	40 ILCS 5/22-101B	
11	40 ILCS 5/22-103	
12	40 ILCS 5/22-105	
13	50 ILCS 330/2	from Ch. 85, par. 802
14	55 ILCS 5/6-34000	
15	65 ILCS 5/11-1-11	from Ch. 24, par. 11-1-11
16	65 ILCS 5/11-74.4-3	from Ch. 24, par. 11-74.4-3
17	65 ILCS 5/Art. 11 Div.	
18	122.2 heading	
19	65 ILCS 5/11-122.2-1	from Ch. 24, par. 11-122.2-1
20	70 ILCS 1707/10	
21	70 ILCS 3605/Act rep.	
22	70 ILCS 3610/3.1	from Ch. 111 2/3, par. 353.1
23	70 ILCS 3610/5.05	from Ch. 111 2/3, par. 355.05
24	70 ILCS 3610/8.5	from Ch. 111 2/3, par. 358.5
25	70 ILCS 3615/Act rep.	
26	70 ILCS 3720/4	from Ch. 111 2/3, par. 254

1	105 ILCS 5/29-5	from Ch. 122, par. 29-5
2	105 ILCS 5/34-4	from Ch. 122, par. 34-4
3	220 ILCS 5/4-302	from Ch. 111 2/3, par. 4-302
4	220 ILCS 5/8-106 new	
5	220 ILCS 5/8-107 new	
6	410 ILCS 55/2	from Ch. 111 1/2, par. 4202
7	415 ILCS 5/9.15	
8	605 ILCS 5/5-701.8	from Ch. 121, par. 5-701.8
9	605 ILCS 5/6-411.5	
10	605 ILCS 5/7-202.14	from Ch. 121, par. 7-202.14
11	605 ILCS 10/3	from Ch. 121, par. 100-3
12	605 ILCS 10/19	from Ch. 121, par. 100-19
13	620 ILCS 5/49.1	from Ch. 15 1/2, par. 22.49a
14	625 ILCS 5/1-209.3	
15	625 ILCS 5/8-102	from Ch. 95 1/2, par. 8-102
16	625 ILCS 5/11-709.2	
17	625 ILCS 5/12-830 new	
18	625 ILCS 5/13C-21 new	
19	625 ILCS 5/18c-1206 new	
20	625 ILCS 5/18c-7402	from Ch. 95 1/2, par. 18c-7402
21	720 ILCS 5/21-5	from Ch. 38, par. 21-5
22	735 ILCS 30/15-5-15	
23	735 ILCS 30/15-5-49 new	
24	745 ILCS 10/2-101	from Ch. 85, par. 2-101
25	820 ILCS 115/9	from Ch. 48, par. 39m-9
26	820 ILCS 63/5	

SB3936

- 620 -

LRB103 40367 AWJ 72644 b

1 820 ILCS 63/10

2 820 ILCS 63/15