



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3937

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. Includes provisions about the operation of the Metropolitan Mobility Authority. Repeals the Metropolitan Transit Authority Act and the Regional Transportation Authority Act. Amends various Acts, Laws, and Codes to make conforming changes. Creates the Equitable Transit-Supportive Development Act. Establishes the Office of Transit-Oriented Development and the Transit-Supportive Development Fund. 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. Amends the State Finance Act to make a conforming change. Amends the Department of Transportation Law of the Civil Administrative Code. Requires the Department to establish, staff, and support an Office of Public Transportation Support for the purpose of optimizing the operation of public transportation vehicles and the delivery of public transportation services on highways under the Department's jurisdiction in the Metropolitan Mobility Authority's metropolitan region. Describes the duties and operations of the Office. Amends the Toll Highway Act. Provides that the Chair of the Metropolitan Mobility Authority is a nonvoting member of the Illinois State Toll Highway Authority.

LRB103 40430 AWJ 72761 b

1 AN ACT concerning local government.

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

4 Article I. METROPOLITAN MOBILITY AUTHORITY

5 Section 1.01. Short title. Articles I through VI of this
6 Act may be cited as the Metropolitan Mobility Authority Act.
7 References to "this Act" in Articles I through VI of this Act
8 mean Articles I through VI of this Act.

9 Section 1.02. Legislative findings and purpose.

10 (a) The General Assembly finds:

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

17 (2) There is an urgent need to reform and continue a
18 unit of local government to ensure the proper management
19 and operation of public transportation, to receive and
20 distribute State or federal operating assistance, and to
21 raise and distribute revenues for local operating
22 assistance. System generated revenues are not adequate for

1 such service and a public need exists to provide for, aid,
2 and assist public transportation in the metropolitan
3 region, consisting of Cook, DuPage, Kane, Lake, McHenry,
4 and Will counties.

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

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

23 (5) Public transportation in the metropolitan region
24 is being threatened by grave financial conditions. With
25 existing methods of financing, coordination, structure,
26 and management, the public transportation system is not

1 providing adequate service to ensure the public health,
2 safety, and welfare.

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

18 (7) Additional commitments to the public
19 transportation needs of persons with disabilities, the
20 economically disadvantaged, and the elderly are necessary.

21 (8) To solve these problems, it is necessary to
22 provide for the creation of a regional transportation
23 authority with the powers necessary to ensure adequate
24 public transportation and a board of directors that has
25 the diverse experience, expertise, and background to
26 effectively oversee the public transportation system.

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

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

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

22 (b) It is the purpose of this Act to provide for, aid, and
23 assist public transportation in the metropolitan region
24 without impairing the overall quality of existing public
25 transportation by providing for the creation of a single
26 authority responsive to the people and elected officials of

1 the area and with the power and competence to operate the
2 regional transportation system, develop, implement, and
3 enforce plans that promote adequate, efficient, equitable, and
4 coordinated public transportation, provide responsible
5 financial stewardship of the public transportation system in
6 the metropolitan region, and facilitate the delivery of public
7 transportation that is attractive and safe to passengers and
8 employees, comprehensive and coordinated among its various
9 elements, economic and efficient, and coordinated among local,
10 regional, and State programs, plans, and projects.

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

12 "Authority" means the Metropolitan Mobility Authority, the
13 successor to the Regional Transportation Authority and the
14 Chicago Transit Authority.

15 "Board" means the Board of Directors of the Metropolitan
16 Mobility Authority.

17 "Consolidated entities" means the Chicago Transit
18 Authority, the Commuter Rail Division and the Suburban Bus
19 Division of the Regional Transportation Authority, the
20 Regional Transportation Authority, and all of their
21 subsidiaries and affiliates.

22 "Construct or acquire" means to plan, design, construct,
23 reconstruct, improve, modify, extend, landscape, expand, or
24 acquire.

25 "Fare capping" means the action of no longer charging a

1 rider for any additional fares for the duration of a daily,
2 weekly, monthly, or 30-day pass once the rider has purchased
3 enough regular one-way fares to reach the cost of the
4 applicable pass.

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

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

11 "Operate" means operate, maintain, administer, repair,
12 promote, and any other acts necessary or proper with regard to
13 such matters.

14 "Operating Division" means the Suburban Bus, Commuter
15 Rail, and Chicago Transit Operating Divisions and any public
16 transportation operating division formed by the Authority
17 after the effective date of this Act.

18 "Public transportation" means the transportation or
19 conveyance of persons within the metropolitan region by means
20 available to the general public, including groups of the
21 general public with special needs. "Public transportation"
22 does not include transportation by automobiles not used for
23 conveyance of the general public as passengers.

24 "Public transportation facility" means the equipment or
25 property, real or personal, or rights therein, useful or
26 necessary for providing, maintaining or administering public

1 transportation within the metropolitan region or otherwise
2 useful for carrying out or meeting the purposes or powers of
3 the Authority. Except as otherwise provided by this Act,
4 "public transportation facility" does not include a road,
5 street, highway, bridge, toll highway, or toll bridge for
6 general public use.

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

12 "Service Boards" means the boards of the Commuter Rail
13 Division, the Suburban Bus Division, and the Chicago Transit
14 Authority of the former Regional Transportation Authority.

15 "Service Standards" means quantitative and qualitative
16 attributes of public transit service as well as its
17 appropriate level of service to be provided across the
18 metropolitan region.

19 "Transportation agency" means any individual, firm,
20 partnership, corporation, association, body politic, municipal
21 corporation, public authority, unit of local government, or
22 other person, other than the Authority and the Operating
23 Divisions, that provides public transportation in the
24 metropolitan region.

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

6 Section 2.02. Territory and annexation.

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

18 (b) No area may be annexed to the Authority except upon the
19 approval of a majority of the electors of such area voting on
20 the proposition so to annex, which proposition may be
21 presented at any regular election as provided by the county
22 board or boards of the county or counties in which the area in
23 question is located. Such county board or boards shall cause
24 certification of such proposition to be given in accordance

1 with the general election law to the proper election officers,
2 who shall submit the proposition at an election in accordance
3 with the general election law.

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

23 Section 2.04. Board of Directors.

24 (a) The corporate authorities and governing body of the

1 Authority shall be a Board consisting of voting Directors and
2 nonvoting Directors appointed as follows:

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

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

9 (3) 5 Directors appointed by the President of the Cook
10 County Board of Commissioners with the advice and consent
11 of the members of the Cook County Board of Commissioners;

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

16 (5) the following nonvoting Directors:

17 (A) the Secretary of Transportation or the
18 Secretary's designee;

19 (B) the Chair of the Board of Directors of the
20 Illinois State Toll Highway Authority or the Chair's
21 designee;

22 (C) a representative of organized labor, appointed
23 by the Governor;

24 (D) a representative from the business community
25 in the metropolitan region, appointed by the voting
26 members of the Board;

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

6 (F) the Chair of the Citizens Advisory Board
7 established by Section 2.12.

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

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

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

22 Section 2.05. Director qualifications.

23 (a) Except as otherwise provided by this Act, a Director
24 may not, while serving as a Director, be an officer, a member
25 of the board of directors, a trustee, or an employee of a

1 transportation agency or be an employee of the State of
2 Illinois or any department or agency of the State.

3 (b) Each appointment made under this Section shall be
4 certified by the appointing authority to the Board, which
5 shall maintain the certifications as part of the official
6 records of the Authority.

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

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

19 Section 2.07. Board Chair and other officers.

20 (a) The Chair of the Board shall be appointed by the other
21 Directors for a term of 5 years. The Chair shall not be
22 appointed from among the other Directors. The Chair shall be a
23 resident of the metropolitan region. The Chair may be replaced
24 at any time by the Directors.

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

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

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

20 Section 2.08. Terms and vacancies.

21 (a) Each Director shall hold office for a term of 5 years
22 and until the Director's successor has been appointed and has
23 qualified. A vacancy shall occur upon resignation, death,
24 conviction of a felony, or removal from office of a Director. A
25 Director may be removed from office (i) upon concurrence of a

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

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

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

19 (2) Directors appointed by the President of the Cook
20 County Board of Commissioners and the board chairs of
21 Will, Kane, DuPage, McHenry, and Lake counties shall serve
22 an initial term of 5 years and their successors shall
23 serve 5-year terms until the Director's successor has been
24 appointed and qualified.

25 Section 2.09. Compensation. Each Director, including the

1 Chair of the Authority, shall be compensated at the rate of
2 \$25,000 per year, but nonvoting Directors employed by a public
3 agency are not entitled to such compensation. Each Director
4 shall be reimbursed for actual expenses incurred in the
5 performance of the Director's duties. Officers of the
6 Authority shall not be required to comply with the
7 requirements of the Public Funds Statement Publication Act.

8 Section 2.10. Meetings.

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

19 (b) A majority of the whole number of members of the
20 Authority then in office shall constitute a quorum for the
21 transaction of any business or the exercise of any power of the
22 Authority. Unless otherwise stated by this Act, actions of the
23 Authority shall require the affirmative vote of a majority of
24 the voting members of the Authority present and voting at the
25 meeting at which the action is taken.

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

10 Section 2.11. Director liability.

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

15 (b) If any claim or action is instituted against a
16 Director of the Authority based on an injury allegedly arising
17 out of an act or omission of the Director occurring within the
18 scope of the Director's performance of duties on behalf of the
19 Authority, the Authority shall indemnify the Director for all
20 legal expenses and court costs incurred in defending against
21 the claim or action and shall indemnify the Director for any
22 amount paid pursuant to any judgment on, or any good faith
23 settlement of, such claim, except for that portion of a
24 judgment awarded for willful or wanton misconduct.

25 (c) The Authority may purchase insurance to cover the

1 costs of any legal expenses, judgments, or settlements under
2 this Section.

3 Section 2.12. Citizen Advisory Board. There is established
4 a Citizen Advisory Board. The Board shall appoint at least 5
5 and not more than 15 members to the Citizen Advisory Board. The
6 Board shall follow the selection process in Section 5.01 for
7 its appointments to the Citizen Advisory Board. The Board
8 should strive to assemble a Citizen Advisory Board that is
9 reflective of the diversity of the metropolitan region, the
10 users of the various modes of public transportation, and the
11 interests of the residents and institutions of the region in a
12 strong public transportation system. At least one member of
13 the Citizen Advisory Board shall represent transit riders with
14 disabilities. The Citizen Advisory Board shall meet at least
15 quarterly and shall advise the Board of the impact of its
16 policies and programs on the communities within the
17 metropolitan region. Members shall serve without compensation
18 but shall be entitled to reimbursement of reasonable and
19 necessary costs incurred in the performance of their duties.
20 Citizen Advisory Board members are subject to the public
21 transportation system usage requirements applicable to
22 Authority Directors pursuant to Section 5.02.

23

Article III. TRANSITION

1 Section 3.01. Transition Committee.

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

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

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

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

22 (3) leading the search for a Chief Executive Officer
23 of the Authority who has experience managing large public
24 transportation systems, which may include systems outside
25 of North America, or who has similar relevant experience
26 in managing other complex organizations;

1 (4) overseeing the transfer of personnel and staff
2 responsibilities from the consolidated entities to the
3 Authority to implement the provisions of this Act most
4 effectively; and

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

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

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

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

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

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

22 (5) The transfer of all functions and responsibilities
23 to the Authority as contemplated by this Act shall be
24 completed by no later than 4 years after the effective
25 date of this Act.

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

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

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

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

20 (4) All fines, penalties, and forfeitures incurred or
21 imposed for the violation of any ordinance of a
22 consolidated entity shall be enforced or collected by the
23 Authority.

24 (5) All lawful ordinances, regulations, and rules of
25 the consolidated entities consistent with the provisions
26 of this Act shall continue in full force and effect as

1 ordinances, regulations, and rules of the Authority until
2 amended or repealed by the Authority.

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

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

18 (8) The separate existence of the consolidated
19 entities shall cease and the term of office of each
20 director and officer of those entities shall terminate,
21 except that the directors of the Regional Transportation
22 Authority on the effective date of this Act shall serve as
23 temporary Directors of the Authority until their
24 successors are appointed pursuant to Section 5.01. The
25 Authority and the appointing authorities shall begin the
26 process under Section 5.01 to select successors to the

1 temporary Directors no later than 30 days after the
2 effective date of this Act.

3 Section 3.03. Transfer of employees and collective
4 bargaining rights.

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

11 (b) On the effective date of this Act, all persons
12 employed by the consolidated entities shall become employees
13 of the Authority.

14 (c) The Authority shall assume and observe all applicable
15 collective bargaining and other agreements between the
16 consolidated entities and their employees in effect on the
17 effective date of this Act.

18 (d) The Authority shall assume all pension obligations of
19 the consolidated entities and the employees of the
20 consolidated entities who are members or beneficiaries of any
21 existing pension or retirement system and shall continue to
22 have the rights, privileges, obligations, and status with
23 respect to such system or systems as prescribed by law.
24 Employees shall be given sick leave, vacation, insurance, and
25 pension credits in accordance with the records or labor

1 agreements of the consolidated entities provided to an
2 employee under an ordinance adopted or a contract executed by
3 a consolidated entity. The Authority shall determine the
4 number of employees necessary to provide public transportation
5 services on a consolidated basis and to carry out the
6 functions of the Authority and shall determine fair and
7 equitable arrangements for the employees of the Authority who
8 are affected by actions provided for by this Act.

9 (e) If the Authority and an accredited representative of
10 the employees of a consolidated entity fail to agree on a
11 matter covered by a collective bargaining agreement and
12 related to the implementation of this Act, either party may
13 request the assistance of a mediator appointed by either the
14 State or Federal Mediation and Conciliation Service who shall
15 seek to resolve the dispute. If the dispute is not resolved by
16 mediation within a 21-day period, the mediator shall certify
17 to the parties that an impasse exists. Upon receipt of the
18 mediator's certificate, the parties shall submit the dispute
19 to arbitration by a board composed of 3 persons, one appointed
20 by the Authority, one appointed by the labor organization
21 representing the employees, and a third member to be agreed
22 upon by the labor organization and the Authority. The member
23 agreed upon by the labor organization and the Authority shall
24 act as chair of the board. The determination of the majority of
25 the board of arbitration thus established shall be final and
26 binding on all matters in dispute. If, after a period of 10

1 days from the date of the appointment of the 2 arbitrators
2 representing the Authority and the labor organization, the
3 third arbitrator has not been selected, then either arbitrator
4 may request the American Arbitration Association to furnish
5 from the current listing of the membership of the National
6 Academy of Arbitrators the names of 7 members of the National
7 Academy. The arbitrators appointed by the Authority and the
8 labor organization shall determine, promptly after the receipt
9 of the list, by that order alternatively eliminate one name
10 until only one name remains. The remaining person on the list
11 shall be the third arbitrator. Each party shall pay an equal
12 proportionate share of the impartial arbitrator's fees and
13 expenses.

14 Article IV. POWERS

15 Section 4.01. Responsibility for public transportation. As
16 the provider of public transportation in the metropolitan
17 region, the Authority may:

18 (1) adopt plans that implement the public policy of
19 the State to provide adequate, efficient, equitable, and
20 coordinated public transportation throughout the
21 metropolitan region;

22 (2) develop Service Standards and performance measures
23 to inform the public about the extent to which the
24 provision of public transportation in the metropolitan

1 region meets those goals, objectives, and standards;

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

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

9 (5) coordinate the provision of public transportation
10 and the investment in public transportation facilities to
11 enhance the integration of public transportation
12 throughout the metropolitan region;

13 (6) operate or otherwise provide for public
14 transportation services throughout the metropolitan
15 region;

16 (7) plan, procure, and operate an integrated fare
17 collection system;

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

19 (9) provide design and construction oversight of
20 capital projects;

21 (10) procure goods and services necessary to fulfill
22 its responsibilities;

23 (11) develop or participate in residential and
24 commercial development on and in the vicinity of public
25 transportation stations and routes to facilitate
26 transit-supportive land uses, increase public

1 transportation ridership, generate revenue, and improve
2 access to jobs and other opportunities in the metropolitan
3 region by public transportation; and

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

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

10 (1) to sue and be sued;

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

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

16 (4) to borrow money and to issue its negotiable bonds
17 or notes;

18 (5) to hold, sell, sell by installment contract, lease
19 as lessor, transfer, or dispose of such real or personal
20 property as it deems appropriate in the exercise of its
21 powers or to provide for the use thereof by any
22 transportation agency and to mortgage, pledge, or
23 otherwise grant security interests in any such property;

24 (6) to enter at reasonable times upon such lands,
25 waters, or premises as in the judgment of the Authority

1 may be necessary, convenient, or desirable for the purpose
2 of making surveys, soundings, borings, and examinations to
3 accomplish any purpose authorized by this Act after having
4 given reasonable notice of such proposed entry to the
5 owners and occupants of such lands, waters or premises,
6 the Authority being liable only for actual damage caused
7 by such activity;

8 (7) to procure the goods and services necessary to
9 perform its responsibilities;

10 (8) to make and execute all contracts and other
11 instruments necessary or convenient to the exercise of its
12 powers;

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

20 (10) to provide for the insurance of any property,
21 directors, officers, employees, or operations of the
22 Authority against any risk or hazard, and to self-insure
23 or participate in joint self-insurance pools or entities
24 to insure against any risk or hazard;

25 (11) to appear before the Illinois Commerce Commission
26 in all proceedings concerning the Authority or any

1 transportation agency;

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

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

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

17 Section 4.03. Purchase of transit services.

18 (a) The Authority may provide public transportation by
19 purchasing public transportation services from transportation
20 agencies through purchase of service agreements or grants.

21 (b) The Authority may make grants to or enter into
22 purchase of service agreements with a transportation agency
23 for operating and other expenses, developing or planning
24 public transportation, or for constructing or acquiring public
25 transportation facilities, all upon such terms and conditions

1 as the Authority shall prescribe.

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

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

24 (e) The Authority is not subject to the Public Utilities
25 Act. Transportation agencies that have any purchase of service
26 or grant agreement with the Authority are not subject to that

1 Act as to any public transportation that is the subject of a
2 purchase of service or grant agreement.

3 (f) A contract or agreement entered into by a
4 transportation agency with the Authority and discontinuation
5 of the contract or agreement by the Authority are not subject
6 to approval of or regulation by the Illinois Commerce
7 Commission.

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

19 Section 4.04. Paratransit services.

20 (a) As used in this Section, "ADA paratransit services"
21 means those comparable or specialized transportation services
22 provided to individuals with disabilities who are unable to
23 use fixed-route transportation systems and who are determined
24 to be eligible, for some or all of their trips, for such
25 services under the Americans with Disabilities Act of 1990 and

1 its implementing regulations.

2 (b) The Authority is responsible for the funding,
3 financial review, and oversight of all ADA paratransit
4 services that are provided by the Authority or by any
5 transportation agency.

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

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

21 (2) provide for consistent policies throughout the
22 metropolitan region for scheduling of ADA paratransit
23 service trips to and from destinations, with consideration
24 of scheduling of return trips on a will-call, open-ended
25 basis upon request of the rider, if practicable;

26 (3) provide that service contracts and rates with

1 private carriers and taxicabs for ADA paratransit service,
2 entered into or set after the approval by the Federal
3 Transit Administration, are procured by means of an open
4 procurement process;

5 (4) provide for fares, fare collection, and billing
6 procedures for ADA paratransit services throughout the
7 metropolitan region;

8 (5) provide for performance standards for all ADA
9 paratransit service transportation carriers, with
10 consideration of door-to-door service;

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

17 (7) provide for a system of dispatch of ADA
18 paratransit services transportation carriers throughout
19 the metropolitan region with consideration of county-based
20 dispatch systems already in place;

21 (8) provide for a process of determining eligibility
22 for ADA paratransit services that complies with the
23 Americans with Disabilities Act of 1990 and its
24 implementing regulations;

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

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

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

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

20 (f) In conjunction with its adoption of its Strategic
21 Plan, the Authority shall develop and submit to the General
22 Assembly and the Governor a funding plan for ADA paratransit
23 services. The funding plan shall, at a minimum, contain an
24 analysis of the current costs of providing ADA paratransit
25 services, projections of the long-term costs of providing ADA
26 paratransit services, identification of and recommendations

1 for possible cost efficiencies in providing ADA paratransit
2 services, and identification of and recommendations for
3 possible funding sources for providing ADA paratransit
4 services. The Department of Transportation, the Department of
5 Healthcare and Family Services, and other State and local
6 public agencies, as appropriate, shall cooperate with the
7 Authority in the preparation of the funding plan.

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

13 Section 4.05. Fares and nature of service.

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

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

24 (c) Whenever the Authority provides any public
25 transportation pursuant to grants to transportation agencies

1 for operating expenses, other than with regard to experimental
2 programs, or pursuant to any purchase of service agreement,
3 the purchase of service or grant agreements shall provide for
4 the level and nature of fares or charges to be made for such
5 services and the nature and standards of public transportation
6 to be so provided.

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

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

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

23 (1) an income-based reduced fare program; and

24 (2) fare capping for individual services and across
25 public transportation service providers.

26 (g) The Authority must develop and make available for use

1 by riders a universal fare instrument that may be used
2 interchangeably on all public transportation funded by the
3 Authority.

4 Section 4.06. Use of streets and roads.

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

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

23 Section 4.07. Bus rapid transit and related technologies.
24 To improve public transportation service in the metropolitan

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

18 Section 4.08. Coordination with the Department of
19 Transportation.

20 (a) The Authority shall promptly review the Department of
21 Transportation's plans under Section 2705-354 of the
22 Department of Transportation Law of the Civil Administrative
23 Code of Illinois and provide the Department with
24 recommendations for any needed modifications to enhance the
25 operation and safety of public transportation on the highway.

1 The Department shall review the recommendations and respond to
2 the Authority's comments as set forth in that Section.

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

9 Section 4.09. Eminent domain.

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

22 (b) The Authority shall exercise the power of eminent
23 domain granted in this Section in the manner provided for the
24 exercise of the right of eminent domain under the Eminent
25 Domain Act, except that the Authority may not exercise

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

10 (c) The Authority may exercise the right of eminent domain
11 to acquire public property with the approval of the Board. In a
12 proceeding for the taking of public property by the Authority
13 through the exercise of the power of eminent domain, the venue
14 shall be in the circuit court of the county in which the
15 property is located. The right of eminent domain may be
16 exercised over property used for public park purposes, for
17 State forest purposes, or for forest preserve purposes with
18 the approval of the Board, after public hearing and a written
19 study done for the Authority, that such taking is necessary to
20 accomplish the purposes of this Act, that no feasible
21 alternatives to such taking exist, and that the advantages to
22 the public from such taking exceed the disadvantages to the
23 public of doing so. In a proceeding for the exercise of the
24 right of eminent domain for the taking by the Authority of
25 property used for public park, State forest, or forest
26 preserve purposes, the court shall not order the taking of

1 such property unless it has reviewed and concurred in the
2 findings required of the Authority by this paragraph. Property
3 dedicated as a nature preserve pursuant to the Illinois
4 Natural Areas Preservation Act may not be acquired by eminent
5 domain by the Authority.

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

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

20 Section 4.10. Acquisitions.

21 (a) The Authority may acquire any public transportation
22 facility for its use or for use by a transportation agency and
23 may acquire any such facilities from a transportation agency,
24 including, without limitation, reserve funds, employees'
25 pension or retirement funds, special funds, franchises,

1 licenses, patents, permits and papers, documents, and records
2 of the transportation agency.

3 (b) In connection with an acquisition under subsection (a)
4 from a transportation agency, the Authority may assume
5 obligations of the transportation agency with regard to such
6 facilities or property or public transportation operations of
7 such agency.

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

25 (d) In connection with the acquisition of public
26 transportation equipment, including, but not limited to,

1 rolling stock, vehicles, locomotives, buses, or rapid transit
2 equipment, the Authority may also execute agreements
3 concerning such equipment leases, equipment trust
4 certificates, conditional purchase agreements, and other
5 security agreements and may make such agreements and covenants
6 as required in the form customarily used in such cases
7 appropriate to effect such acquisition.

8 (e) Obligations of the Authority incurred pursuant to this
9 Section shall not be considered bonds or notes within the
10 meaning of Section 6.05.

11 Section 4.11. Public bidding.

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

19 (b) The Board shall adopt rules to ensure that the
20 construction, demolition, rehabilitation, renovation, and
21 building maintenance projects by the Authority for services or
22 public transportation facilities involving a cost of more than
23 \$40,000 or such other amount set by the Board by ordinance
24 shall be after public notice and with public bidding. The
25 ordinance may provide for exceptions to such requirements for

1 acquisition of repair parts, accessories, equipment, or
2 services previously furnished or contracted for; for the
3 immediate delivery of supplies, material, or equipment or
4 performance of service when it is determined by the
5 concurrence of a majority of the then Directors that an
6 emergency requires immediate delivery or supply thereof; for
7 goods or services that are economically procurable from only
8 one source; for contracts for the maintenance or servicing of
9 equipment which are made with the manufacturers or authorized
10 service agent of that equipment where the maintenance or
11 servicing can best be performed by the manufacturer or
12 authorized service agent or such a contract would be otherwise
13 advantageous to the Authority, except that the exceptions in
14 this clause shall not apply to contracts for plumbing,
15 heating, piping, refrigeration, and automatic temperature
16 control systems, ventilating, and distribution systems for
17 conditioned air, and electrical wiring; for goods or services
18 procured from another governmental agency; for purchases and
19 contracts for the use or purchase of data processing equipment
20 and data processing systems software; for the acquisition of
21 professional or utility services; and for the acquisition of
22 public transportation equipment, including, but not limited
23 to, rolling stock, locomotives, and buses if: (i) it is
24 determined by the Directors that a negotiated acquisition
25 offers opportunities with respect to the cost or financing of
26 the equipment, its delivery, or the performance of a portion

1 of the work within the State or the use of goods produced or
2 services provided within the State; (ii) a notice of intention
3 to negotiate for the acquisition of such public transportation
4 equipment is published in a newspaper of general circulation
5 within the metropolitan region inviting proposals from
6 qualified vendors; and (iii) any contract with respect to such
7 acquisition is authorized by the Directors.

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

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

14 (1) The Authority may authorize the use of competitive
15 selection and the prequalification of responsible bidders
16 consistent with all applicable laws.

17 (2) 2-phase design-build selection procedures shall
18 consist of the following:

19 (A) The Authority shall develop, through licensed
20 architects or licensed engineers, a scope of work
21 statement for inclusion in the solicitation for
22 phase-one proposals that defines the project and
23 provides prospective offerors with sufficient
24 information regarding the Authority's requirements.
25 The statement shall include criteria and preliminary
26 design, general budget parameters, and general

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

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

1 phase-one proposals submitted to the Authority.

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

23 (D) A design-build solicitation issued under the
24 procedures in this subsection shall state the maximum
25 number of offerors that are to be selected to submit
26 competitive phase-two proposals. The maximum number

1 specified in the solicitation shall not exceed 5
2 unless the Authority with respect to an individual
3 solicitation determines that a specified number
4 greater than 5 is in the best interest of the Authority
5 and is consistent with the purposes and objectives of
6 the two-phase design-build selection process.

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

10 Section 4.12. Limitations on Authority powers.

11 (a) The Authority may not:

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

20 (2) obtain by eminent domain any interest in a
21 right-of-way or any other real property of a railroad that
22 is not a public body in excess of the interest to be used
23 for public transportation as provided in this Act; or

24 (3) prohibit the operation of public transportation by
25 a private carrier that does not receive a grant or

1 purchase of service agreement from the Authority.

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

1 Section 4.13. Appointment of officers and employees.

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

7 (b) The Executive Director must be an individual of proven
8 transportation and management skills and may not be a member
9 of the Board, except as provided in subsection (d) of Section
10 2.07.

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

21 (d) The Authority may employ its own professional
22 management personnel to provide professional and technical
23 expertise concerning its purposes and powers and to assist it
24 in assessing the performance of the Authority and the
25 transportation agencies in the metropolitan region.

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

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

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

23 Section 4.14. Policy with respect to protective
24 arrangements, collective bargaining, and labor relations.

25 (a) The Authority shall ensure that every employee of the

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

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

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

19 (d) As used in this Section, "actions of the Authority"
20 includes the Authority's acquisition and operation of public
21 transportation facilities, the execution of purchase of
22 service and grant agreements made under this Act and the
23 coordination, reorganization, combining, leasing, merging of
24 operations, or the expansion or curtailment of public
25 transportation services or facilities by the Authority.
26 "Actions of the Authority" does not include a failure or

1 refusal to enter into a purchase of service or grant
2 agreement.

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

18 Section 4.16. Employee pensions. The Authority may
19 establish and maintain systems of pensions and retirement
20 benefits for officers and employees of the Authority as may be
21 designated or described by ordinance of the Authority; may fix
22 the classifications of the systems of pensions and retirement;
23 may take such steps as may be necessary to provide that persons
24 eligible for admission to the pension systems as officers and

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

20 Section 4.17. Labor contracts.

21 (a) The Authority shall deal with and enter into written
22 contracts with employees of the Authority through accredited
23 representatives of the employees authorized to act for the
24 employees concerning wages, salaries, hours, working
25 conditions, and pension or retirement provisions. However,

1 nothing in this Act shall be construed to permit hours of labor
2 in excess of those prohibited by law or to permit working
3 conditions prohibited by law.

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

1 joint control of such transportation agency and the
2 participating employees through their representatives
3 transferred to the trust funds to be established, maintained,
4 and administered jointly by the Authority and the
5 participating employees through their representatives.

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

1 therefore, the provisions of Section 4.18 shall be applicable,
2 and all questions concerning the selection of forces to
3 perform the work of such new or supplemental facilities or
4 operations and whether the Authority shall be required to
5 ensure the continued applicability of the federal statutes
6 applicable to such employees shall be negotiated and, if
7 necessary, arbitrated, in accordance with subsection (a) of
8 Section 4.18.

9 Section 4.18. Labor relations procedures.

10 (a) If the Authority proposes to operate or to enter into a
11 contract to operate any new public transportation facility
12 which may result in the displacement of employees or the
13 rearrangement of the working forces of the Authority or of a
14 transportation agency, the Authority shall give at least 90
15 days' written notice of such proposed operations to the
16 representatives of the employees affected, and the Authority
17 shall provide for the selection of forces to perform the work
18 of that facility on the basis of agreement between the
19 Authority and the representatives of such employees. If there
20 is a failure to agree, the dispute may be submitted by the
21 Authority or by any representative of the employees affected
22 to final and binding arbitration by an impartial arbitrator to
23 be selected by the American Arbitration Association from a
24 current listing of arbitrators of the National Academy of
25 Arbitrators.

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

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

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

13 Section 4.19. Workforce development.

14 (a) The Authority shall create or partner with a youth
15 jobs program to provide internship or employment opportunities
16 to youth and young adults to prepare them for careers in public
17 transportation.

18 (b) The Authority may participate in and provide funding
19 support for programs that prepare participants for careers in
20 public transportation.

21 Section 4.20. Disadvantaged business enterprise
22 contracting and equal employment opportunity programs.

23 (a) The Authority shall establish and maintain a
24 disadvantaged business enterprise contracting program designed

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

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

23 (c) Each year, no later than October 1, and starting no
24 later than the first October 1 after the establishment of its
25 disadvantaged business enterprise contracting programs, the
26 Authority shall submit a report with respect to such program

1 to the General Assembly.

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

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

9 Section 4.21. Research and development. The Authority
10 shall:

11 (1) study public transportation problems and
12 developments; encourage experimentation in developing new
13 public transportation technology, financing methods, and
14 management procedures;

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

20 (3) conduct, sponsor, and participate in other studies
21 and experiments, which may include fare demonstration
22 programs and transportation technology pilot programs, in
23 conjunction with public agencies, including the United
24 States Department of Transportation, the Illinois
25 Department of Transportation, the Illinois State Toll

1 Highway Authority, and the Chicago Metropolitan Agency for
2 Planning, useful to achieving the purposes of this Act.

3 Section 4.22. Protection of the environment.

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

15 (b) In recognition of the fact that the transportation
16 sector accounts for approximately a third of the greenhouse
17 gases generated in the State and that public transportation
18 moves people with fewer such emissions, the Authority shall
19 work cooperatively with the Department of Transportation, the
20 Illinois State Toll Highway Authority, the Chicago
21 Metropolitan Agency for Planning, and other units of
22 government to assist them in using investments in public
23 transportation facilities and operations as a tool to help
24 them meet their greenhouse gas emissions reduction goals. To
25 the maximum extent allowed by law, the Authority is eligible

1 to receive funding and other assistance from local, state, and
2 federal sources so the Authority can assist in using improved
3 and expanded public transportation in the metropolitan region
4 to reduce greenhouse gas emissions and other pollution
5 generated by the transportation sector.

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

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

20 Section 4.24. Clean, green, or alternative fuel vehicles.
21 Any vehicles purchased from funds made available to the
22 Authority from the Transportation Bond, Series B Fund, or the
23 Multi-modal Transportation Bond Fund must incorporate
24 technologies advancing energy commonly known as clean or green

1 energy and alternative fuel technologies, to the extent
2 practical.

3 Section 4.25. Zero-emission buses.

4 (a) As used in this Section:

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

6 (1) designed to carry more than 10 passengers and is
7 used to carry passengers for compensation;

8 (2) a zero-emission vehicle; and

9 (3) not a taxi.

10 "Zero-emission vehicle" means a fuel cell or electric
11 vehicle that:

12 (1) is a motor vehicle;

13 (2) is made by a commercial manufacturer;

14 (3) is manufactured primarily for use on public
15 streets, roads, and highways;

16 (4) has a maximum speed capability of at least 55
17 miles per hour;

18 (5) is powered entirely by electricity or powered by
19 combining hydrogen and oxygen, which runs the motor;

20 (6) has an operating range of at least one hundred
21 miles; and

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

23 (b) On or after July 1, 2026, the Authority may not enter
24 into a new contract to purchase a bus that is not a
25 zero-emission bus for the purpose of the Authority's bus

1 fleet.

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

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

7 (ii) the lack of necessary charging, fueling, or
8 storage facilities or funding to procure charging,
9 fueling, or storage facilities; or

10 (iii) the inability of a third party to enter into a
11 contractual or commercial relationship with the Authority
12 that is necessary to carry out the purposes of this
13 Section.

14 Section 4.26. City-Suburban Mobility Innovations Program.

15 (a) The Authority may establish a City-Suburban Mobility
16 Innovations Program and deposit moneys into a City-Suburban
17 Mobility Innovations Fund. Amounts on deposit in the Fund and
18 interest and other earnings on those amounts may be used by the
19 Authority with the approval of the Board and, after a
20 competitive application and scoring process that includes an
21 opportunity for public participation, for operating or capital
22 grants or loans to transportation agencies or units of local
23 government for the following purposes:

24 (1) providing transit services, other than traditional
25 fixed-route services, that enhance local mobility,

1 including, but not limited to, demand-responsive transit
2 services, ridesharing, van pooling, micromobility and
3 mobility hubs, and first-mile and last-mile services;

4 (2) enhancing safe access to fixed-route transit
5 services for bicyclists and pedestrians through
6 improvements to sidewalk and path networks, bicycle lanes,
7 crosswalks, lighting, and other improvements;

8 (3) offering workforce development and training that
9 provides a pathway for careers in public transportation in
10 the metropolitan region; and

11 (4) testing new technologies, features, and
12 enhancements to the transit system to determine their
13 value and readiness for broader adoption.

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

17 (c) Any grantee that receives funds under this Section
18 must (i) implement such programs within one year of receipt of
19 such funds and (ii) within 2 years following commencement of
20 any program using such funds, determine whether it is
21 desirable to continue the program, and upon such a
22 determination, either incorporate such program into its annual
23 operating budget and capital program or discontinue such
24 program. No additional funds under this Section may be
25 distributed to a grantee for any individual program beyond 2
26 years unless the Board waives this limitation. Any such waiver

1 will be with regard to an individual program and with regard to
2 a one-year period, and any further waivers for such individual
3 program require a subsequent vote of the Board.

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

7 Section 4.27. Transit-Supportive Development Incentive
8 Program.

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

19 (b) The Authority may establish a Transit-Supportive
20 Development Incentive Program and authorize the deposit of
21 Authority moneys into a Transit-Supportive Development
22 Incentive Fund. Amounts on deposit in the fund and interest
23 and other earnings on those amounts may be used by the
24 Authority, with the approval of its Directors and after a
25 competitive application and scoring process that includes an

1 opportunity for public participation, for operating or capital
2 grants or loans to Service Boards, transportation agencies, or
3 units of local government for the following purposes:

4 (1) investment in transit-supportive residential and
5 commercial development, including developments on or in
6 the vicinity of property owned by the Authority, an
7 Operating Division, or a transportation agency;

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

14 (3) providing resources for increased public
15 transportation service in and around transit-supportive
16 residential and commercial developments, especially newly
17 created transit-supportive developments.

18 (c) The Authority shall develop and publish scoring
19 criteria that it will use in making awards from the
20 Transit-Supportive Development Incentive Fund. Such scoring
21 criteria shall prioritize high-density development in and in
22 the near vicinity of public transportation stations and routes
23 and shall prioritize projects that (i) are likely to increase
24 per capita public transportation ridership, (ii) serve
25 disadvantaged and transit populations, and (iii) are located
26 in jurisdictions that have land use and other policies that

1 encourage the level of residential density and concentration
2 of businesses in walkable districts accessible by public
3 transportation required to support financially viable public
4 transportation service with substantial ridership.

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

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

21 Section 4.28. Coordination with planning agencies. The
22 Authority shall cooperate with the various public agencies
23 charged with the responsibility for long-range or
24 comprehensive planning for the metropolitan region. The
25 Authority shall use the forecasts and plans of the Chicago

1 Metropolitan Agency for Planning in developing the Strategic
2 Plan, Five-Year Capital Program, and Service Standards. The
3 Authority shall, prior to the adoption of a Strategic Plan or
4 Five-Year Capital Program, submit its proposals to such
5 agencies for review and comment. The Authority may make use of
6 existing studies, surveys, plans, data, and other materials in
7 the possession of a State agency or department, a planning
8 agency, or a unit of local government.

9 Section 4.29. Planning activities.

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

17 (b) In preparing a subregional or corridor plan, the
18 Authority may examine travel markets, demographic shifts,
19 changes in passenger behavior, preferences, or attitudes, and
20 other pertinent factors to identify changes in operating
21 practices or capital investment in the subregion or corridor
22 that could increase ridership, reduce costs, improve
23 coordination, or enhance transit-oriented development.

24 (c) The Authority shall have principal responsibility for
25 initiating any alternatives analysis and preliminary

1 environmental assessment required by federal or State law for
2 any new public transportation service or facility in the
3 metropolitan region in addition to conducting public and
4 stakeholder engagement activities to inform planning
5 decisions.

6 Section 4.30. Protection against crime; transit ambassador
7 program.

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

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

21 (c) The Authority shall establish minimum standards for
22 selection and training of members of a police force employed
23 by the Authority. Training shall be accomplished at schools
24 certified by the Illinois Law Enforcement Training Standards
25 Board established pursuant to the Illinois Police Training

1 Act. Such training is subject to the rules and standards
2 adopted pursuant to Section 7 of that Act. The Authority may
3 participate in any training program conducted under that Act.

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

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

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

22 (g) The Authority may perform fare inspections and issue
23 fare violation tickets using personnel other than law
24 enforcement, including transit ambassadors.

25 (h) Neither the Authority nor any of their Directors,
26 officers, or employees may be held liable for failure to

1 provide a security or police force or, if a security or police
2 force is provided, for failure to provide adequate police
3 protection or security, failure to prevent the commission of
4 crimes by fellow passengers or other third persons, or for the
5 failure to apprehend criminals.

6 Section 4.31. Traffic law enforcement.

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

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

20 (c) The Authority may establish by rule an enforcement
21 program that covers jurisdictions in the metropolitan region
22 that lack laws that protect the quality and safety of public
23 transportation operations or that, in the Authority's sole
24 discretion, fail to adequately enforce such laws.

25 (d) An enforcement program established under this Section

1 shall contain the following elements:

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

5 (2) publication on the Authority's website of
6 descriptions and locations of public transportation
7 facilities that are subject to the Authority's enforcement
8 program and other pertinent information about the
9 enforcement program;

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

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

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

20 (6) a process through which vehicle lessors may
21 transfer responsibility for a violation to lessees of
22 their vehicles;

23 (7) use of Internet tools, such as remote hearings and
24 allowance of online submission of documents contesting an
25 alleged violation, to provide alleged violators an
26 adequate opportunity to contest their alleged violation;

1 and

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

5 (e) The Authority shall:

6 (1) cooperate with local governments and law
7 enforcement agencies to help improve their enforcement of
8 their laws that are designed to improve the quality and
9 safety of public transportation operations; and

10 (2) inform and consult with local governments and law
11 enforcement agencies in jurisdictions in which the
12 Authority is establishing and operating an enforcement
13 program under subsections (c) and (d).

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

21 Section 4.32. Suspension of riding privileges and
22 confiscation of fare media.

23 (a) As used in this Section, "demographic information"
24 includes, but is not limited to, age, race, ethnicity, gender,
25 and housing status, as that term is defined under Section 10 of

1 the Bill of Rights for the Homeless Act.

2 (b) Suspension of riding privileges and confiscation of
3 fare media are limited to:

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

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

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

18 (c) Written notice shall be provided to an individual
19 regarding the suspension of the individual's riding privileges
20 or confiscation of fare media. The notice shall be provided in
21 person at the time of the alleged violation, except that, if
22 providing notice in person at the time of the alleged
23 violation is not practicable, then the Authority shall make a
24 reasonable effort to provide notice to the individual by
25 personal service, by mailing a copy of the notice by certified
26 mail, return receipt requested, by first-class mail to the

1 person's current address, or by emailing a copy of the notice
2 to an email address on file, if available. If the person is
3 known to be detained in jail, service shall be made as provided
4 under Section 2-203.2 of the Code of Civil Procedure. The
5 written notice shall be sufficient to inform the individual
6 about the following:

7 (1) the nature of the suspension of riding privileges
8 or confiscation of fare media;

9 (2) the person's rights and available remedies to
10 contest or appeal the suspension of riding privileges or
11 confiscation of fare media and to apply for reinstatement
12 of riding privileges; and

13 (3) the procedures for adjudicating whether a
14 suspension or confiscation is warranted and for applying
15 for reinstatement of riding privileges, including the time
16 and location of any hearing.

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

22 (e) Notwithstanding any other provision of this Section, a
23 person may not be denied the ability to contest or appeal a
24 suspension of riding privileges or confiscation of fare media
25 or to attend an in-person or virtual hearing to determine
26 whether a suspension or confiscation was warranted because the

1 person was detained in a jail.

2 (f) The Authority shall create an administrative
3 suspension hearing process as follows:

4 (1) the Authority shall designate an official to
5 oversee the administrative process to decide whether a
6 suspension is warranted and the length of the suspension;

7 (2) the accused and related parties, including legal
8 counsel, may attend this hearing in person, by telephone,
9 or virtually;

10 (3) the Authority shall present the suspension-related
11 evidence and outline the evidence that supports the need
12 for the suspension;

13 (4) the accused or the accused's legal counsel may
14 present and make an oral or written presentation and offer
15 documents, including affidavits, in response to the
16 Authority's evidence;

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

19 (6) the value of unexpended credit or unexpired passes
20 shall be reimbursed upon suspension of riding privileges
21 or confiscation of fare media;

22 (7) the alleged victims of the violation and related
23 parties, including witnesses who were present, may attend
24 this hearing in person, by telephone, or virtually; and

25 (8) the alleged victims of the violation and related
26 parties, including witnesses who were present, may present

1 and make an oral or written presentation and offer
2 documents, including affidavits, in response to the
3 Authority's evidence.

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

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

24 Section 4.33. Domestic Violence and Sexual Assault
25 Transportation Assistance Program.

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

10 (b) The Authority shall coordinate with The Network:
11 Advocating Against Domestic Violence to issue no less than
12 25,000 monetarily preloaded mass transit cards with a value of
13 \$20 per card for distribution to domestic violence and sexual
14 assault service providers throughout the Authority's
15 jurisdiction.

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

23 (d) The creation of the Program shall include an
24 appointment of a domestic violence or sexual assault program
25 service provider or a representative of the service provider's
26 choosing to the Authority's Citizen Advisory Board.

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

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

18 Section 4.34. Safety.

19 (a) The Authority shall establish, enforce, and facilitate
20 achievement and maintenance of standards of safety with
21 respect to public transportation provided by the Authority or
22 by transportation agencies pursuant to purchase of service or
23 grant agreements.

24 (b) In recognition of the fact that travel by public
25 transportation is significantly safer than travel by other

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

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

23 (d) Neither the Authority nor its directors, officers, or
24 employees may not be held liable in any civil action for any
25 injury to any person or property for any acts or omissions or
26 failure to act under this Section or pursuant to 49 CFR Part

1 659.

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

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

14 Section 4.36. Prompt payment. Purchases made pursuant to
15 this Act shall be made in compliance with the Local Government
16 Prompt Payment Act.

17 Article V. ACCOUNTABILITY

18 Section 5.01. Director selection process. The following
19 requirements apply to the appointing authorities for Directors
20 of the Board and members of the Citizens Advisory Board:

21 (1) Those responsible for appointing Directors shall
22 strive to assemble a set of Board members that, to the

1 greatest extent possible, reflects the ethnic, cultural,
2 economic, and geographic diversity of the metropolitan
3 region.

4 (2) The Authority shall implement the following
5 process to provide public input into the Director
6 selection process and bring qualified Board member
7 candidates to the attention of the appointing authorities:

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

15 (B) As soon as practical after the closure of the
16 period for applications and nominations, the Authority
17 shall publicly post the names and a summary of the
18 background and qualifications of at least 2
19 individuals that the appointing authority believes are
20 qualified to fill the Director position. Such
21 individuals may but need not be from among those
22 people who applied for or were nominated to fill the
23 Director position pursuant to subparagraph (A). The
24 posting shall give the public instructions for how
25 they may comment on those individuals identified by
26 the appointing authority and give them at least 21

1 days to submit such comments.

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

12 (D) The Authority shall commence the process set
13 forth in this paragraph (2) sufficiently in advance of
14 the date of the anticipated vacancy on the Board to
15 minimize the duration of such vacancy.

16 Section 5.02. System usage requirements.

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

20 (b) The Board may adopt rules governing system usage by
21 Directors consistent with the intention of this Act that the
22 Directors overseeing the public transportation system of the
23 metropolitan region should have substantial ridership
24 experience on that system.

25 (c) The Board may adopt public transportation system usage

1 requirements for the executives and staff of the Authority
2 that are no less demanding than public transportation system
3 ridership requirements applicable to Directors. System
4 ridership requirements may be included in performance-based
5 compensation systems established under Section 5.04.

6 (d) The Authority may incorporate public transportation
7 system usage requirements into its agreements with
8 transportation agencies and goods and services providers.

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

12 Section 5.03. Director attendance requirement.

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

15 (b) The failure of a Director to meet the Director
16 attendance requirement shall constitute sufficient grounds for
17 removal of that Director from the Board under subsection (a)
18 of Section 2.08.

19 Section 5.04. Employment agreements; performance-based
20 compensation.

21 (a) By no later than one year after the effective date of
22 this Act, after consideration of best practices for executive
23 compensation, the Authority shall enter into written
24 employment agreements with at least the 5 most senior staff

1 executives or officers of the Authority.

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

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

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

18 (e) Subject to any applicable collective bargaining
19 agreement, the Authority may extend the performance-based
20 compensation system to include more staff positions at the
21 Authority.

22 (f) The Authority may incorporate performance-based
23 compensation system requirements into its agreements with
24 transportation agencies and goods and services providers.

25 Section 5.05. Revolving door prohibition. A Director,

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

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

17 Section 5.07. Strategic Plan.

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

21 (b) To the maximum extent feasible, the Authority shall
22 adopt its Strategic Plan on a similar schedule as the regional
23 comprehensive plan adopted by the Chicago Metropolitan Agency
24 for Planning.

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

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

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

19 (f) The Authority may use staff of the Chicago
20 Metropolitan Agency for Planning for planning-related purposes
21 on terms and conditions acceptable to the Authority and the
22 Chicago Metropolitan Agency for Planning.

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

26 (h) The Strategic Plan shall identify goals and objectives

1 with respect to:

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

4 (2) coordination of public transportation services and
5 the investment in public transportation facilities to
6 enhance the integration of public transportation
7 throughout the metropolitan region;

8 (3) coordination of fare and transfer policies to
9 promote transfers by riders among public transportation
10 modes;

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

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

24 (6) the financial viability of the public
25 transportation system, including both operating and
26 capital programs;

1 (7) improving roadway operations within the
2 metropolitan region and enhancing transit options to
3 improve mobility;

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

11 (9) policies, practices, and incentives that will
12 better integrate public transportation with other active
13 modes of transportation; and

14 (10) other goals and objectives that advance the
15 policy of the State to provide adequate, efficient,
16 equitable and coordinated public transportation in the
17 metropolitan region.

18 (i) The Strategic Plan shall establish the process and
19 criteria by which proposals for capital improvements by the
20 Authority or a transportation agency shall be evaluated by the
21 Authority for inclusion in the Five-Year Capital Program,
22 which shall be in accordance with the prioritization process
23 set forth in Section 5.08, and may include criteria for:

24 (1) allocating funds among maintenance, enhancement,
25 and expansion improvements;

26 (2) projects to be funded from the City-Suburban

1 Mobility Innovations Fund;

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

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

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

9 (6) other criteria that advance the goals and
10 objectives of the Strategic Plan.

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

17 (k) The Strategic Plan shall extend on the plans adopted
18 pursuant to Sections 5.09, 5.10, 5.11, and 5.12 and describe
19 the expected financial condition of public transportation in
20 the metropolitan region prospectively over a 10-year period,
21 which may include information about the cash position and all
22 known obligations of the Authority, including operating
23 expenditures, debt service, contributions for payment of
24 pension and other post-employment benefits, the expected
25 revenues from fares, tax receipts, grants from the federal,
26 State, and local governments for operating and capital

1 purposes and issuance of debt, the availability of working
2 capital, and the additional resources, if any, needed to
3 achieve the goals and objectives described in the Strategic
4 Plan. The Strategic Plan shall outline the Authority's plan
5 for dealing with any projected shortfall in financial
6 resources necessary to keep public transportation facilities
7 in a state of good repair and to deliver public transportation
8 services that meet Service Standards adopted pursuant to
9 Section 5.11.

10 (1) The Executive Director of the Authority shall review
11 the Strategic Plan on an ongoing basis and make
12 recommendations to the Board with respect to any update or
13 amendment of the Strategic Plan.

14 Section 5.08. Prioritization process for transit capital
15 projects.

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

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

25 (c) The prioritization process must consider, at a

1 minimum:

- 2 (1) increasing access to key destinations such as
3 jobs, retail, healthcare, and recreation;
4 (2) reliability improvement;
5 (3) capacity needs;
6 (4) safety;
7 (5) state of good repair;
8 (6) racial equity and mobility justice;
9 (7) environmental protection;
10 (8) the Service Standards; and
11 (9) economic development.

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

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

22 (f) No project shall be included in the Five-Year Capital
23 Program, or amendments to that Program, without being
24 evaluated under the selection process described in this
25 Section.

1 Section 5.09. Five-Year Capital Program.

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

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

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

22 (d) Before adopting a Five-Year Capital Program, the
23 Authority shall consult with the Chicago Metropolitan Agency
24 for Planning regarding the consistency of the Five-Year
25 Capital Program with the Regional Comprehensive Plan adopted
26 pursuant to the Regional Planning Act.

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

3 Section 5.10. Annual Capital Improvement Plan.

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

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

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

17 (3) a certification that, as of September 30 of the
18 preceding calendar year or any later date, the balance of
19 all federal capital grant funds and all other funds to be
20 used as matching funds therefore which were committed to
21 or possessed by the Authority but which had not been
22 obligated was less than \$500,000,000, or a greater amount
23 as authorized in writing by the Governor. As used in this
24 paragraph, "obligated" means committed to be paid by the
25 Authority under a contract with a nongovernmental entity

1 in connection with the performance of a project or
2 committed under a force account plan approved by the
3 federal government;

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

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

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

22 (7) the source of funding for each project in the
23 Plan. For any project for which full funding has not yet
24 been secured and that is not subject to a federal full
25 funding contract, the Authority must identify alternative,
26 dedicated funding sources available to complete the

1 project. The Governor may waive this requirement on a
2 project-by-project basis.

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

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

16 (d) The Governor may approve the Plan for which approval
17 is requested. The Governor's approval is limited to the amount
18 of the project cost stated in the Plan. The Governor shall not
19 approve the Plan in a calendar year if the Authority is unable
20 to make the certifications required under paragraphs (2), (3),
21 and (4) of subsection (a). The Governor may not approve the
22 Plan for projects in an aggregate amount exceeding the
23 proceeds of bonds or notes for Strategic Capital Improvement
24 Projects issued under Section 6.05.

25 (e) With respect to capital improvements, only those
26 capital improvements which are in a Plan approved by the

1 Governor shall be financed with the proceeds of bonds or notes
2 issued for Strategic Capital Improvement Projects.

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

12 Section 5.11. Service Standards.

13 (a) The Authority shall adopt Service Standards in
14 conjunction with its Strategic Plan and Five-Year Capital
15 Program.

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

22 (c) The Service Standards shall include a framework that
23 describes the appropriate characteristics for each type of
24 service or mode. These characteristics include, but are not
25 limited to, mode, frequency, time span, vehicle type, stop

1 spacing, vehicle and stop amenities, network connectivity,
2 route directness, route deviation, and coverage of service.

3 (d) The Service Standards shall include the transition of
4 commuter rail in the metropolitan region to a regional rail
5 service pattern or the retention of commuter rail with
6 additional regional rail service.

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

22 (f) A local government or group of local governments may
23 petition the Authority to increase the level of transit
24 service provided above what would otherwise be provided
25 through the Service Standards. If a local government or group
26 of local governments demonstrates that the local government or

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

26 (g) The Service Standards shall be adjusted as appropriate

1 to accommodate the addition of modes of public transportation
2 not currently being provided by the Authority, which may
3 include, but is not limited to: streetcar; light rail;
4 full-scale bus rapid transit; a transition from commuter rail
5 to regional rail or a combination of commuter and regional
6 rail; and electrified versions of current combustion engine
7 vehicle systems.

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

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

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

- 21 (1) travel times and on-time performance;
- 22 (2) ridership data;
- 23 (3) equipment failure rates;
- 24 (4) employee and customer safety;
- 25 (5) crowding;
- 26 (6) cleanliness of vehicles and stations;

1 (7) service productivity; and

2 (8) customer satisfaction.

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

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

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

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

20 (b) The Annual Budget and Two-Year Financial Plan shall
21 contain a statement of the funds estimated to be on hand for
22 the Authority at the beginning of the fiscal year, the funds
23 estimated to be received from all sources for such year, the
24 estimated expenses and obligations of the Authority for all
25 purposes, including expenses for contributions to be made with

1 respect to pension and other employee benefits, and the funds
2 estimated to be on hand at the end of such year.

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

13 (d) Before the proposed Annual Budget and Two-Year
14 Financial Plan is adopted, the Authority shall hold at least
15 one public hearing on the Annual Budget and Two-Year Financial
16 Plan in the metropolitan region and shall meet with the county
17 board or its designee of each of the several counties in the
18 metropolitan region. After conducting the hearings and holding
19 the meetings and after making changes in the proposed Annual
20 Budget and Two-Year Financial Plan as the Board deems
21 appropriate, the Board shall adopt its annual appropriation
22 and Annual Budget and Two-Year Financial Plan ordinance. The
23 ordinance shall appropriate such sums of money as are deemed
24 necessary to defray all necessary expenses and obligations of
25 the Authority, specifying purposes and the objects or programs
26 for which appropriations are made and the amount appropriated

1 for each object or program. Additional appropriations,
2 transfers between items, and other changes in such ordinance
3 may be made from time to time by the Board.

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

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

15 (g) The Authority shall publish a monthly comprehensive
16 set of data regarding transit service and safety. The data
17 included shall include information to track operations,
18 including:

19 (1) staffing levels, including numbers of budgeted
20 positions, current positions employed, hired staff,
21 attrition, staff in training, and absenteeism rates;

22 (2) scheduled service and delivered service, including
23 percentage of scheduled service delivered by day, service
24 by mode of transportation, service by route and rail line,
25 total number of revenue miles driven, excess wait times by
26 day, by mode of transportation, by bus route, and by stop;

1 and

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

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

16 (i) All transportation agencies, comprehensive planning
17 agencies, including the Chicago Metropolitan Agency for
18 Planning and transportation planning agencies in the
19 metropolitan region, shall furnish to the Authority such
20 information pertaining to public transportation or relevant
21 plans therefore as it may from time to time require. The
22 Executive Director, or the Executive Director's designee,
23 shall, for the purpose of securing any such information
24 necessary or appropriate to carry out any of the powers and
25 responsibilities of the Authority under this Act, have access
26 to, and the right to examine, all books, documents, papers, or

1 records of any transportation agency receiving funds from the
2 Authority, and such transportation agency shall comply with
3 any request by the Executive Director, or the Executive
4 Director's designee, within 30 days or an extended time
5 provided by the Executive Director.

6 Section 5.13. Authority Inspector General.

7 (a) The Authority and the transportation agencies are
8 subject to the jurisdiction of the Governor's Executive
9 Inspector General.

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

19 (c) The Board shall provide sufficient staff and resources
20 so the Authority Inspector General can fulfill its functions
21 and responsibilities.

22 (d) All employees, agents, and contractors of the
23 Authority and the transportation agencies shall cooperate with
24 reviews, audits, and investigations conducted by the Authority
25 Inspector General.

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

7 (f) The appointment of an Authority Inspector General
8 shall not in any way limit the powers of the Governor's
9 Executive Inspector General.

10 Section 5.14. Executive Inspector General.

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

16 (b) The Governor's Office of the Executive Inspector
17 General shall annually report to the General Assembly the
18 expenses incurred while serving as the inspector general for
19 the Authority.

20 (c) All employees, agents, and contractors of the
21 Authority and the transportation agencies shall cooperate with
22 reviews, audits, and investigations conducted by the
23 Governor's Executive Inspector General.

24 Section 5.15. Performance audits.

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

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

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

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

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

21 (c) The Auditor General and the Authority shall coordinate
22 the timing of performance audits such that the findings will
23 be available to the Authority at the time when it begins
24 preparation of its Strategic Plan and Five-Year Capital
25 Program. The Authority shall reimburse the Auditor General for
26 the costs incurred in conducting the performance audits.

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

11 Section 5.17. Transparency and accountability portal.

12 (a) As used in this Section:

13 "CHI-TAP" means the Greater Chicago Mass Transit
14 Transparency and Accountability Portal.

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

17 "Recipients" means the Authority or transportation
18 agencies.

19 (b) The Authority shall maintain a website, known as the
20 Greater Chicago Mass Transit Transparency and Accountability
21 Portal, and shall be tasked with compiling and updating the
22 CHI-TAP database with information received by the Authority.

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

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

3 (A) name;

4 (B) division or department;

5 (C) employment position title;

6 (D) county of employment location;

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

9 (F) status of position including, but not limited
10 to, bargained-for positions, at-will positions, or not
11 bargained-for positions;

12 (G) employment status, including, but not limited
13 to, full-time permanent, full-time temporary,
14 part-time permanent and part-time temporary; and

15 (H) status as a military veteran.

16 (2) A database of all current Authority expenditures,
17 sorted by category.

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

21 (4) A database of publicly available accident-related
22 and safety-related information currently required to be
23 reported to the federal Secretary of Transportation under
24 49 U.S.C. 5335.

25 (d) The CHI-TAP shall include all information required to
26 be published by subsection (c) in a format the Authority can

1 compile and publish on the CHI-TAP. The Authority shall update
2 the CHI-TAP at least once every 30 days as additional
3 information becomes available.

4 Section 5.18. Financial statements and annual reports.

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

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

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

22 (d) The report shall be published on the Authority's
23 website. A sufficient number of copies of each annual report
24 shall be printed for distribution to anyone, upon request, and
25 a copy of the report shall be filed with the Governor, the

1 State Comptroller, the Speaker and Minority Leader of the
 2 House of Representatives, the President and Minority Leader of
 3 the Senate, the Mayor of the City of Chicago, the President or
 4 Chair of the county board of each county in the metropolitan
 5 region, and each transportation agency which, during such
 6 year, had a purchase of service agreement with the Authority
 7 or which received financial grants or other financial
 8 assistance from the Authority.

9 Section 5.19. Opt out.

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

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

20 -----
 21 Shall County terminate
 22 the powers of the Metropolitan YES
 23 Mobility Authority -----
 24 in County NO
 25 on (date)

1 -----
2 (c) If a majority of the voters vote in favor of
3 terminating the powers of the Authority, then all of the
4 powers of the Authority shall terminate in that county on the
5 date stated in the referendum, except those powers and
6 functions that the Authority determines to be necessary to
7 exercise with regard to:

8 (1) public transportation by commuter rail, and
9 related public transportation facilities;

10 (2) public transportation other than by commuter rail
11 that is required in order to comply with federal or State
12 laws and regulations, and related public transportation
13 facilities; and

14 (3) public transportation other than by commuter rail
15 provided by the Authority pursuant to contract with the
16 county or other governmental entity within the county, and
17 related public transportation facilities.

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

23 (1) assumed the obligations of the Authority under all
24 laws, federal or State, and all contracts with respect to
25 public transportation or public transportation facilities
26 in the county, which statutory or contractual obligations

1 extend beyond the termination date in the referendum if
2 the obligations shall not be deemed to include any
3 indebtedness of the Authority for borrowed money;

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

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

23 (e) Following an election to terminate the powers of the
24 Authority at a referendum held under subsection (a), the
25 county board shall notify the Authority of the results of the
26 referendum, including the termination date in the referendum,

1 which shall be the last day of a calendar month. Unless the
2 termination date is extended by mutual agreement between the
3 county and the Authority, the termination of the powers and
4 functions of the Authority in the county shall occur at
5 midnight on the termination date if the requirements of this
6 Section have been met.

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

22 Article VI. FINANCES

23 Section 6.01. Federal, State, and other funds.

24 (a) The Authority may apply for, receive, and expend

1 grants, loans, or other funds from the State of Illinois or a
2 department or agency thereof, from any unit of local
3 government, or from the federal government or a department or
4 agency thereof for use in connection with any of the powers or
5 purposes of the Authority as set forth in this Act. The
6 Authority shall have power to make such studies as may be
7 necessary and to enter into contracts or agreements with the
8 State of Illinois or any department or agency thereof, with
9 any unit of local government, or with the federal government
10 or a department or agency thereof concerning such grants,
11 loans, or other funds, or any conditions relating thereto,
12 including obligations to repay such funds. The Authority may
13 make such covenants concerning such grants, loans, and funds
14 as it deems proper and necessary in carrying out its
15 responsibilities, purposes, and powers as provided in this
16 Act.

17 (b) The Authority is designated the primary public body in
18 the metropolitan region with authority to apply for and
19 receive grants, loans, or other funds relating to public
20 transportation programs from the State of Illinois or a
21 department or agency thereof, or from the federal government
22 or a department or agency thereof. A unit of local government
23 or transportation agency may apply for and receive any such
24 federal or state capital grants, loans or other funds. A unit
25 of local government or transportation agency shall notify the
26 Authority and the Chicago Metropolitan Agency for Planning

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

11 Section 6.02. Taxes.

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

21 (b) The Board may impose a public transportation tax upon
22 all persons engaged in the metropolitan region in the business
23 of selling retail motor fuel for operation of motor vehicles
24 upon public highways. The tax shall be at a rate not to exceed
25 5% of the gross receipts from the sales of motor fuel in the

1 course of the business. The Board may provide details of the
2 tax. The provisions of any tax shall conform, as closely as may
3 be practicable, to the provisions of the Non-Home Rule
4 Municipal Retailers' Occupation Tax Act, including, without
5 limitation, conformity to penalties with respect to the tax
6 imposed and as to the powers of the Department of Revenue to
7 adopt and enforcing rules and regulations relating to the
8 administration and enforcement of the provisions of the tax
9 imposed, except that reference in that Act to any municipality
10 shall refer to the Authority and the tax shall be imposed only
11 with regard to receipts from sales of motor fuel in the
12 metropolitan region, at rates as limited by this Section.

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

19 (d) The Board may impose a motor vehicle parking tax upon
20 the privilege of parking motor vehicles at off-street parking
21 facilities in the metropolitan region at which a fee is
22 charged, may provide for reasonable classifications in and
23 exemptions to the tax for administration and enforcement
24 thereof and for civil penalties and refunds thereunder, and
25 may provide criminal penalties thereunder, the maximum
26 penalties not to exceed the maximum criminal penalties

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

13 (e) The Board may impose a Metropolitan Mobility Authority
14 Retailers' Occupation Tax upon all persons engaged in the
15 business of selling tangible personal property at retail in
16 the metropolitan region. In Cook County, the tax rate shall be
17 1.25% of the gross receipts from sales of tangible personal
18 property taxed at the 1% rate under the Retailers' Occupation
19 Tax Act and 1% of the gross receipts from other taxable sales
20 made in the course of that business. In DuPage, Kane, Lake,
21 McHenry, and Will counties, the tax rate shall be 0.75% of the
22 gross receipts from all taxable sales made in the course of
23 that business. However, the rate of tax imposed in DuPage,
24 Kane, Lake, McHenry, and Will counties under this Section on
25 sales of aviation fuel shall be 0.25% unless the Authority in
26 DuPage, Kane, Lake, McHenry, and Will counties has an

1 airport-related purpose and the additional 0.50% of the 0.75%
2 tax on aviation fuel is expended for airport-related purposes.
3 If there is no airport-related purpose to which aviation fuel
4 tax revenue is dedicated, then aviation fuel is excluded from
5 the additional 0.50% of the 0.75% tax. The tax imposed under
6 this Section and all civil penalties that may be assessed as an
7 incident thereof shall be collected and enforced by the
8 Department of Revenue. The Department has full power to
9 administer and enforce this Section; to collect all taxes and
10 penalties so collected in the manner provided in this Section;
11 and to determine all rights to credit memoranda arising on
12 account of the erroneous payment of tax or penalty under this
13 Section. In the administration of and compliance with this
14 Section, the Department and persons who are subject to this
15 Section shall have the same rights, remedies, privileges,
16 immunities, powers, and duties, and be subject to the same
17 conditions, restrictions, limitations, penalties, exclusions,
18 exemptions, and definitions of terms, and employ the same
19 modes of procedure, as are prescribed in Sections 1, 1a, 1a-1,
20 1c, 1d, 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all
21 provisions therein other than the State rate of tax), 2c, 3
22 (except as to the disposition of taxes and penalties
23 collected, and except that the retailer's discount is not
24 allowed for taxes paid on aviation fuel that are subject to the
25 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
26 47133), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l,

1 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12, and 13 of the
2 Retailers' Occupation Tax Act and Section 3-7 of the Uniform
3 Penalty and Interest Act, as fully as if those provisions were
4 set forth in this Section.

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

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

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

1 Government Aviation Trust Fund, as appropriate.

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

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

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

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

22 (m) If a tax has been imposed under subsection (e), a
23 Metropolitan Mobility Authority Service Occupation Tax shall
24 also be imposed upon all persons engaged in the metropolitan
25 region in the business of making sales of service who, as an
26 incident to making the sales of service, transfer tangible

1 personal property within the metropolitan region, either in
2 the form of tangible personal property or in the form of real
3 estate as an incident to a sale of service. In Cook County, the
4 tax rate shall be: (1) 1.25% of the serviceman's cost price of
5 food prepared for immediate consumption and transferred
6 incident to a sale of service subject to the service
7 occupation tax by an entity licensed under the Hospital
8 Licensing Act, the Nursing Home Care Act, the Specialized
9 Mental Health Rehabilitation Act of 2013, the ID/DD Community
10 Care Act, or the MC/DD Act that is located in the metropolitan
11 region; (2) 1.25% of the selling price of tangible personal
12 property taxed at the 1% rate under the Service Occupation Tax
13 Act; and (3) 1% of the selling price from other taxable sales
14 of tangible personal property transferred. In DuPage, Kane,
15 Lake, McHenry, and Will counties, the rate shall be 0.75% of
16 the selling price of all tangible personal property
17 transferred. However, the rate of tax imposed in DuPage, Kane,
18 Lake, McHenry, and Will counties under this Section on sales
19 of aviation fuel shall be 0.25% unless the Authority in
20 DuPage, Kane, Lake, McHenry, and Will counties has an
21 airport-related purpose and the additional 0.50% of the 0.75%
22 tax on aviation fuel is expended for airport-related purposes.
23 If there is no airport-related purpose to which aviation fuel
24 tax revenue is dedicated, then aviation fuel is excluded from
25 the additional 0.5% of the 0.75% tax.

26 (n) The tax imposed under subsection (e) and all civil

1 penalties that may be assessed as an incident thereof shall be
2 collected and enforced by the Department of Revenue. The
3 Department has full power to administer and enforce this
4 subsection; to collect all taxes and penalties due hereunder;
5 to dispose of taxes and penalties collected in the manner
6 hereinafter provided; and to determine all rights to credit
7 memoranda arising on account of the erroneous payment of tax
8 or penalty hereunder. In the administration of and compliance
9 with this subsection, the Department and persons who are
10 subject to this subsection shall have the same rights,
11 remedies, privileges, immunities, powers, and duties, and be
12 subject to the same conditions, restrictions, limitations,
13 penalties, exclusions, exemptions, and definitions of terms,
14 and employ the same modes of procedure, as are prescribed in
15 Sections 1a-1, 2, 2a, 3 through 3-50 (in respect to all
16 provisions therein other than the State rate of tax), 4
17 (except that the reference to the State shall be to the
18 Authority), 5, 7, 8 (except that the jurisdiction to which the
19 tax shall be a debt to the extent indicated in that Section 8
20 shall be the Authority), 9 (except as to the disposition of
21 taxes and penalties collected, and except that the returned
22 merchandise credit for this tax may not be taken against any
23 State tax, and except that the retailer's discount is not
24 allowed for taxes paid on aviation fuel that are subject to the
25 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
26 47133), 10, 11, 12 (except the reference therein to Section 2b

1 of the Retailers' Occupation Tax Act), 13 (except that any
2 reference to the State means the Authority), the first
3 paragraph of Section 15, 16, 17, 18, 19, and 20 of the Service
4 Occupation Tax Act and Section 3-7 of the Uniform Penalty and
5 Interest Act, as fully as if those provisions were set forth in
6 this Section.

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

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

24 (q) Nothing in this Section shall be construed to
25 authorize the Authority to impose a tax upon the privilege of
26 engaging in any business that under the Constitution of the

1 United States may not be made the subject of taxation by the
2 State.

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

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

23 (t) The Authority may impose a replacement vehicle tax of
24 \$50 on any passenger car, as defined in Section 1-157 of the
25 Illinois Vehicle Code, purchased within the metropolitan
26 region by or on behalf of an insurance company to replace a

1 passenger car of an insured person in settlement of a total
2 loss claim. The tax imposed may not become effective before
3 the first day of the month following the passage of the
4 ordinance imposing the tax and receipt of a certified copy of
5 the ordinance by the Department of Revenue. The Department of
6 Revenue shall collect the tax for the Authority in accordance
7 with Sections 3-2002 and 3-2003 of the Illinois Vehicle Code.

8 (u) The Department shall immediately pay over to the State
9 Treasurer, ex officio, as trustee, all taxes collected under
10 this Section.

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

19 (w) After the monthly transfer to the STAR Bonds Revenue
20 Fund, on or before the 25th day of each calendar month, the
21 Department shall prepare and certify to the Comptroller the
22 disbursement of stated sums of money to the Authority. The
23 amount to be paid to the Authority shall be the amount
24 collected under this Section during the second preceding
25 calendar month by the Department, less any amount determined
26 by the Department to be necessary for the payment of refunds,

1 and less any amounts that are transferred to the STAR Bonds
2 Revenue Fund. Within 10 days after receipt by the Comptroller
3 of the disbursement certification to the Authority provided
4 for in this Section to be given to the Comptroller by the
5 Department, the Comptroller shall cause the orders to be drawn
6 for that amount in accordance with the directions contained in
7 the certification.

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

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

19 (z) The provisions of any tax imposed under subsection (c)
20 shall conform as closely as may be practicable to the
21 provisions of the Use Tax Act, including, without limitation,
22 conformity as to penalties with respect to the tax imposed and
23 as to the powers of the Department of Revenue to adopt and
24 enforce rules and regulations relating to the administration
25 and enforcement of the provisions of the tax imposed. The
26 taxes shall be imposed only on use within the metropolitan

1 region and at rates as provided in subsection (b).

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

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

23 (cc) Except as otherwise provided in this subsection, the
24 Department of Revenue shall, upon collecting any taxes as
25 provided in this Section, pay the taxes to the State Treasurer
26 as trustee for the Authority. The taxes shall be held in the

1 Metropolitan Mobility Authority Occupation and Use Tax
2 Replacement Fund, a trust fund outside the State treasury. If
3 an airport-related purpose has been certified, taxes and
4 penalties collected in DuPage, Kane, Lake, McHenry, and Will
5 counties on aviation fuel sold from the 0.50% of the 0.75% rate
6 shall be immediately paid over by the Department to the State
7 Treasurer, ex officio, as trustee, for deposit into the Local
8 Government Aviation Trust Fund. The Department shall only pay
9 moneys into the Local Government Aviation Trust Fund under
10 this Act for so long as the revenue use requirements of 49
11 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the
12 Authority. On or before the 25th day of each calendar month,
13 the State Department of Revenue shall prepare and certify to
14 the Comptroller of the State of Illinois and to the Authority
15 (i) the amount of taxes collected in each county other than
16 Cook County in the metropolitan region, (not including, if an
17 airport-related purpose has been certified, the taxes and
18 penalties collected from the 0.50% of the 0.75% rate on
19 aviation fuel that are deposited into the Local Government
20 Aviation Trust Fund) (ii) the amount of taxes collected within
21 the City of Chicago, and (iii) the amount collected in that
22 portion of Cook County outside Chicago, each amount less the
23 amount necessary for the payment of refunds to taxpayers
24 located in those areas described in items (i), (ii), and
25 (iii), and less 1.5% of the remainder, which shall be
26 transferred from the trust fund into the Tax Compliance and

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

14 (dd) In addition to the disbursement required by
15 subsection (cc), an allocation shall be made in each year to
16 the Authority. The allocation shall be made in an amount equal
17 to the average monthly distribution during the preceding
18 calendar year (excluding the 2 months of lowest receipts) and
19 the allocation shall include the amount of average monthly
20 distribution from the Metropolitan Mobility Authority
21 Occupation and Use Tax Replacement Fund. The distribution made
22 in each year under this subsection and in subsection (cc)
23 shall be reduced by the amount allocated and disbursed under
24 this subsection in the preceding calendar year. The Department
25 of Revenue shall prepare and certify to the Comptroller for
26 disbursement the allocations made in accordance with this

1 subsection.

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

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

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

20 (hh) Any existing rights, remedies, and obligations,
21 including enforcement by the Authority, arising under any tax
22 imposed under subsections (b), (c), and (d) shall not be
23 affected by the imposition of a tax under subsections (e),
24 (m), and (r).

25 (ii) As used in this Section:

26 "Airport-related purposes" has the meaning given to that

1 term in Section 6z-20.2 of the State Finance Act.

2 "Motor fuel" has the meaning given to that term in Section
3 1.1 of the Motor Fuel Tax Law.

4 Section 6.03. Gross receipts tax-automobile rental.

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

1 erroneous payment of tax or penalty under this subsection. In
2 the administration of, and compliance with, this subsection,
3 the Department and persons who are subject to this subsection
4 have the same rights, remedies, privileges, immunities,
5 powers, and duties, and are subject to the same conditions,
6 restrictions, limitations, penalties, and definitions of
7 terms, and employ the same modes of procedure, as are
8 prescribed in Sections 2 and 3 (in respect to all provisions
9 therein other than the State rate of tax; and with relation to
10 the provisions of the Retailers' Occupation Tax referred to
11 therein, except as to the disposition of taxes and penalties
12 collected, and except for the provision allowing retailers a
13 deduction from the tax cover certain costs, and except that
14 credit memoranda issued hereunder may not be used to discharge
15 any State tax liability) of the Automobile Renting Occupation
16 and Use Tax Act as fully as if provisions contained in those
17 Sections of said Act were set forth in this subsection.
18 Persons subject to any tax imposed pursuant to the authority
19 granted in this paragraph may reimburse themselves for their
20 tax liability under this subsection by separately stating such
21 tax as an additional charge, which charge may be stated in
22 combination, in a single amount, with State tax which sellers
23 are required to collect under the Automobile Renting
24 Occupation and Use Tax Act pursuant to such bracket schedules
25 as the Department may prescribe. Nothing in this subsection
26 shall be construed to authorize the Authority to impose a tax

1 upon the privilege of engaging in any business which under the
2 United States Constitution may not be made the subject of
3 taxation by this State.

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

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

22 (c) Whenever the Department determines that a refund
23 should be made under this Section to a claimant instead of
24 issuing a credit memorandum, the Department shall notify the
25 State Comptroller, who shall cause the order to be drawn for
26 the amount specified, and to the person named, in such

1 notification from the Department. Such refund shall be paid by
2 the State Treasurer out of the Metropolitan Mobility Authority
3 Occupation and Use Tax Replacement Fund created under Section
4 6.02.

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

1 State Comptroller of the disbursement certification to the
2 Authority, the State Comptroller shall cause the orders to be
3 drawn in accordance with the directions contained in such
4 certification.

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

20 Section 6.04. Distribution of revenues.

21 (a) This Section applies only after the Department begins
22 administering and enforcing an increased tax under subsection
23 (bb) of Section 6.02 as authorized by this Act. After
24 providing for payment of its obligations with respect to bonds
25 and notes issued under the provisions of Section 6.05 and

1 obligations related to those bonds and notes and separately
2 accounting for the tax on aviation fuel deposited into the
3 Local Government Aviation Trust Fund, the Authority shall
4 disburse the remaining proceeds from taxes it has received
5 from the Department of Revenue under this Article VI and the
6 remaining proceeds it has received from the State under
7 subsection (a) of Section 6.08 among the Authority programs.

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

13 (c) The Authority shall allocate money received from the
14 State under subsection (a) of Section 6.08 among the Authority
15 programs.

16 (d) The Authority shall allocate funds provided by the
17 State of Illinois under subsection (cc) of Section 6.02 among
18 the Authority programs.

19 (e) With respect to those taxes collected in DuPage, Kane,
20 Lake, McHenry, and Will counties and paid directly to the
21 counties under Section 6.02, the county board of each county
22 shall use those amounts to fund operating and capital costs of
23 public safety and public transportation services or facilities
24 or to fund operating, capital, right-of-way, construction, and
25 maintenance costs of other transportation purposes, including
26 road, bridge, public safety, and transit purposes intended to

1 improve mobility or reduce congestion in the county. The
2 receipt of funding by such counties pursuant to this
3 subsection may not be used as the basis for reducing any funds
4 that such counties would otherwise have received from the
5 State of Illinois, any agency or instrumentality thereof, the
6 Authority, or the Operating Divisions.

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

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

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

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

19 (2) to repay advances to the Authority made for such
20 purposes; and to pay other expenses of the Authority
21 incident to or incurred in connection with such
22 construction or acquisition;

23 (3) to provide funds for any transportation agency to
24 pay principal of or interest or redemption premium on any
25 bonds or notes, whether as such amounts become due or by

1 earlier redemption, issued prior to the effective date of
2 this Act by such transportation agency to construct or
3 acquire public transportation facilities or to provide
4 funds to purchase such bonds or notes;

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

10 (5) to provide funds for payment of obligations,
11 including the funding of reserves, under any
12 self-insurance plan or joint self-insurance pool or
13 entity.

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

22 (d) Working cash notes may not be issued for a term of
23 longer than 24 months.

24 (e) Proceeds of working cash notes may be used to pay
25 day-to-day operating expenses of the Authority, consisting of
26 wages, salaries, and fringe benefits, professional and

1 technical services, including legal, audit, engineering, and
2 other consulting services, office rental, furniture, fixtures
3 and equipment, insurance premiums, claims for self-insured
4 amounts under insurance policies, public utility obligations
5 for telephone, light, heat, and similar items, travel
6 expenses, office supplies, postage, dues, subscriptions,
7 public hearings and information expenses, fuel purchases, and
8 payments of grants and payments under purchase of service
9 agreements for operations of transportation agencies, prior to
10 the receipt by the Authority from time to time of funds for
11 paying such expenses.

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

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

23 (h) The Authority may issue and deliver its bonds or notes
24 in exchange for any public transportation facilities,
25 including funds and rights relating thereto, or in exchange
26 for outstanding bonds or notes of the Authority, including any

1 accrued interest or redemption premium thereon, without
2 advertising or submitting such notes or bonds for public
3 bidding.

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

19 (j) Bonds and notes issued under this Section may be
20 issued as serial or term obligations, shall be of such
21 denomination or denominations and form, including interest
22 coupons to be attached thereto, be executed in such manner,
23 shall be payable at such place or places and bear such date as
24 the Authority shall fix by the ordinance authorizing such bond
25 or note and shall mature at such time or times, within a period
26 not to exceed 40 years from the date of issue, and may be

1 redeemable prior to maturity with or without premium, at the
2 option of the Authority, upon such terms and conditions as the
3 Authority shall fix by the ordinance authorizing the issuance
4 of such bonds or notes.

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

8 (l) The Authority may provide for the registration of
9 bonds or notes in the name of the owner as to the principal
10 alone or as to both principal and interest, upon such terms and
11 conditions as the Authority may determine.

12 (m) The ordinance authorizing bonds or notes may provide
13 for the exchange of such bonds or notes which are fully
14 registered, as to both principal and interest, with bonds or
15 notes which are registrable as to principal only.

16 (n) All bonds or notes issued under this Section by the
17 Authority other than those issued in exchange for property or
18 for bonds or notes of the Authority shall be sold at a price
19 which may be at a premium or discount but such that the
20 interest cost, excluding any redemption premium, to the
21 Authority of the proceeds of an issue of such bonds or notes,
22 computed to stated maturity according to standard tables of
23 bond values, shall not exceed that permitted in the Bond
24 Authorization Act.

25 (o) The Authority shall notify the Governor's Office of
26 Management and Budget and the State Comptroller at least 30

1 days before any bond sale and shall file with the Governor's
2 Office of Management and Budget and the State Comptroller a
3 certified copy of any ordinance authorizing the issuance of
4 bonds at or before the issuance of the bonds.

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

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

21 (r) In case any officer whose signature appears on any
22 bonds, notes, or coupons authorized pursuant to this Section
23 shall cease to be such officer before delivery of such bonds or
24 notes, such signature shall nevertheless be valid and
25 sufficient for all purposes, the same as if such officer had
26 remained in office until such delivery. Neither the Directors

1 of the Authority nor any person executing any bonds or notes
2 thereof shall be liable personally on any such bonds or notes
3 or coupons by reason of the issuance thereof.

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

1 to this Section are superior to and have priority over any
2 other obligations of the Authority.

3 (t) The Authority may provide in the ordinance authorizing
4 the issuance of any bonds or notes issued pursuant to this
5 Section for the creation of, deposits in, and regulation and
6 disposition of sinking fund or reserve accounts relating to
7 such bonds or notes. The ordinance authorizing the issuance of
8 any bonds or notes pursuant to this Section may contain
9 provisions as part of the contract with the holders of the
10 bonds or notes, for the creation of a separate fund to provide
11 for the payment of principal and interest on such bonds or
12 notes and for the deposit in such fund from any or all the tax
13 receipts of the Authority and from any or all such other moneys
14 or revenues of the Authority from whatever source which may by
15 law be used for debt service purposes, all as provided in such
16 ordinance, of amounts to meet the debt service requirements on
17 such bonds or notes, including principal and interest, and any
18 sinking fund or reserve fund account requirements as may be
19 provided by such ordinance, and all expenses incident to or in
20 connection with such fund and accounts or the payment of such
21 bonds or notes. Such ordinance may also provide limitations on
22 the issuance of additional bonds or notes of the Authority.
23 Such bonds or notes of the Authority do not constitute a debt
24 of the State of Illinois. Nothing in this Act shall be
25 construed to enable the Authority to impose any ad valorem tax
26 on property.

1 (u) The ordinance of the Authority authorizing the
2 issuance of any bonds or notes may provide additional security
3 for such bonds or notes by providing for appointment of a
4 corporate trustee, which may be any trust company or bank
5 having the powers of a trust company within the State, with
6 respect to such bonds or notes. The ordinance shall prescribe
7 the rights, duties, and powers of the trustee to be exercised
8 for the benefit of the Authority and the protection of the
9 holders of such bonds or notes. The ordinance may provide for
10 the trustee to hold in trust, invest, and use amounts in funds
11 and accounts created as provided by the ordinance with respect
12 to the bonds or notes. The ordinance may provide for the
13 assignment and direct payment to the trustee of any or all
14 amounts produced from the sources provided in Sections 6.02
15 and 6.08 and provided in Section 6z-17 of the State Finance
16 Act. Upon receipt of notice of any such assignment, the
17 Department of Revenue and the Comptroller of the State of
18 Illinois shall thereafter, notwithstanding the provisions of
19 Sections 6.02 and 6.08 and Section 6z-17 of the State Finance
20 Act, provide for such assigned amounts to be paid directly to
21 the trustee instead of the Authority, all in accordance with
22 the terms of the ordinance making the assignment. The
23 ordinance shall provide that amounts so paid to the trustee
24 which are not required to be deposited, held, or invested in
25 funds and accounts created by the ordinance with respect to
26 bonds or notes or used for paying bonds or notes to be paid by

1 the trustee to the Authority.

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

19 (w) The State of Illinois pledges to and agrees with the
20 holders of the bonds and notes of the Authority issued
21 pursuant to this Section that the State will not limit or alter
22 the rights and powers vested in the Authority by this Act to
23 impair the terms of any contract made by the Authority with
24 such holders or in any way impair the rights and remedies of
25 such holders until such bonds and notes, together with
26 interest thereon, with interest on any unpaid installments of

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

12 (x) Except as provided in subsections (y) and (aa), the
13 Authority may not issue, sell, or deliver any bonds or notes,
14 other than working cash notes and lines of credit, pursuant to
15 this Section which will cause it to have issued and
16 outstanding at any time in excess of \$800,000,000 of such
17 bonds and notes, other than working cash notes and lines of
18 credit. The Authority shall not issue, sell, or deliver any
19 working cash notes or establish a line of credit pursuant to
20 this Section that will cause it to have issued and outstanding
21 at any time in excess of \$100,000,000. Bonds or notes which are
22 being paid or retired by such issuance, sale, or delivery of
23 bonds or notes, and bonds or notes for which sufficient funds
24 have been deposited with the paying agency of such bonds or
25 notes to provide for payment of principal and interest thereon
26 or to provide for the redemption thereof, all pursuant to the

1 ordinance authorizing the issuance of such bonds or notes,
2 shall not be considered to be outstanding for the purposes of
3 this subsection.

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

14 (z) The Authority may also issue, sell, and deliver bonds
15 or notes in such amounts as are necessary to provide for the
16 refunding or advance refunding of bonds or notes issued for
17 Strategic Capital Improvement Projects under paragraph (3) of
18 subsection (g) of Section 4.04 of the Regional Transportation
19 Authority Act (repealed), provided that no such refunding bond
20 or note shall mature later than the final maturity date of the
21 series of bonds or notes being refunded, and provided further
22 that the debt service requirements for such refunding bonds or
23 notes in the current or any future fiscal year shall not exceed
24 the debt service requirements for that year on the refunded
25 bonds or notes.

26 (aa) The Authority, subject to the terms of any agreements

1 with noteholders or bondholders as may then exist, may, out of
2 any funds available therefore, purchase notes or bonds of the
3 Authority, which shall thereupon be canceled.

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

18 (i) in the first year after default, one-third of the
19 total amount of any payments of State funds to the
20 Authority;

21 (ii) in the second year after default, two-thirds of
22 the total amount of any payments of State funds to the
23 Authority; and

24 (iii) in the third year after default and for each
25 year thereafter until the total invested amount is repaid,
26 the total amount of any payments of State funds to the

1 Authority.

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

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

26 (ee) The Authority shall notify the Governor's Office of

1 Management and Budget and the State Comptroller at least 30
2 days before establishing a line of credit and shall file with
3 the Governor's Office of Management and Budget and the State
4 Comptroller a certified copy of any ordinance authorizing the
5 establishment of a line of credit upon or before establishing
6 the line of credit.

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

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

1 nothing in this Section may be construed as relieving any
2 person, firm, or corporation from any duty of exercising
3 reasonable care in selecting securities for purchase or
4 investment.

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

14 Section 6.08. Public Transportation Fund and the
15 Metropolitan Mobility Authority Occupation and Use Tax
16 Replacement Fund.

17 (a) As soon as possible after the first day of each month,
18 upon certification of the Department of Revenue, the
19 Comptroller shall order transferred and the Treasurer shall
20 transfer from the General Revenue Fund to the Public
21 Transportation Fund, a special fund in the State treasury, an
22 amount equal to 25% of the net revenue, before the deduction of
23 the serviceman and retailer discounts pursuant to Section 9 of
24 the Service Occupation Tax Act and Section 3 of the Retailers'

1 Occupation Tax Act, realized from any tax imposed by the
2 Authority pursuant to Sections 6.02 and 6.03 and 25% of the
3 amounts deposited into the Metropolitan Mobility Authority
4 Occupation and Use Tax Replacement Fund created by Section
5 6.02, from the County and Mass Transit District Fund as
6 provided in Section 6z-20 of the State Finance Act and 25% of
7 the amounts deposited into the Metropolitan Mobility Authority
8 Occupation and Use Tax Replacement Fund from the State and
9 Local Sales Tax Reform Fund as provided in Section 6z-17 of the
10 State Finance Act. On the first day of the month following the
11 date that the Department receives revenues from increased
12 taxes under subsection (cc) of Section 6.02, in lieu of the
13 transfers authorized in the preceding sentence, upon
14 certification of the Department of Revenue, the Comptroller
15 shall order transferred and the Treasurer shall transfer from
16 the General Revenue Fund to the Public Transportation Fund an
17 amount equal to 25% of the net revenue, before the deduction of
18 the serviceman and retailer discounts pursuant to Section 9 of
19 the Service Occupation Tax Act and Section 3 of the Retailers'
20 Occupation Tax Act, realized from (i) 80% of the proceeds of
21 any tax imposed by the Authority at a rate of 1.25% in Cook
22 County, (ii) 75% of the proceeds of any tax imposed by the
23 Authority at the rate of 1% in Cook County, and (iii) one-third
24 of the proceeds of any tax imposed by the Authority at the rate
25 of 0.75% in the Counties of DuPage, Kane, Lake, McHenry, and
26 Will, all pursuant to Section 6.02, and 25% of the net revenue

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

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

22 (c) Except as otherwise provided in subsection (c), on the
23 first day of each month, upon certification by the Department
24 of Revenue, the Comptroller shall order transferred and the
25 Treasurer shall transfer from the General Revenue Fund to the
26 Public Transportation Fund an amount equal to 5% of the net

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

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

25 (e) Except as otherwise provided in subsection (g), as
26 soon as possible after the first day of each month, upon

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

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

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

8 (h) All moneys deposited into the Public Transportation
9 Fund and the Metropolitan Mobility Authority Occupation and
10 Use Tax Replacement Fund, whether deposited pursuant to this
11 Section or otherwise, are allocated to the Authority, except
12 for amounts appropriated to the Office of the Executive
13 Inspector General under subsection (a) of Section 5.14 and
14 amounts transferred to the Audit Expense Fund pursuant to
15 Section 6z-27 of the State Finance Act. The Comptroller, as
16 soon as possible after each monthly transfer provided in this
17 Section and after each deposit into the Public Transportation
18 Fund, shall order the Treasurer to pay to the Authority out of
19 the Public Transportation Fund the amount so transferred or
20 deposited. Any additional state assistance and additional
21 financial assistance paid to the Authority under this Section
22 shall be expended by the Authority for its purposes as
23 provided in this Act. The balance of the amounts paid to the
24 Authority from the Public Transportation Fund shall be
25 expended by the Authority as provided in Section 6.04. The
26 Comptroller, as soon as possible after each deposit into the

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

21 (i) In recognition of the efforts of the Authority to
22 enhance the mass transportation facilities under its control,
23 the State shall provide financial assistance (hereinafter
24 "additional state assistance"). Additional state assistance
25 shall be calculated as provided in subsection (k), but may not
26 exceed \$55,000,000.

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

8 (k) The Authority shall annually certify to the State
9 Comptroller and State Treasurer, separately with respect to
10 each of paragraphs (2) and (3) of subsection (g) of Section
11 4.04 of the Regional Transportation Act (repealed), the
12 following amounts:

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

20 (2) An estimate of the amount necessary and required
21 to pay its obligations for debt service for any bonds or
22 notes which the Authority anticipates it will issue under
23 paragraphs (2) and (3) of subsection (g) of Section 4.04
24 of the Regional Transportation Authority Act (repealed)
25 during that State fiscal year.

26 (3) Its debt service savings during the preceding

1 State fiscal year from refunding or advance refunding of
2 bonds or notes issued under paragraphs (2) and (3) of
3 subsection (g) of Section 4.04 of the Regional
4 Transportation Authority Act (repealed) during that State
5 fiscal year.

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

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

19 (m) Immediately upon the issuance of bonds for which an
20 estimated schedule of debt service payments was prepared, the
21 Authority shall file an amended certification with respect to
22 paragraph (2) of subsection (k) to specify the actual schedule
23 of debt service payments, including the date and amount of
24 each payment, for the remainder of the State fiscal year.

25 (n) On the first day of each month of the State fiscal year
26 in which there are bonds outstanding with respect to which the

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

20 (1) The total transfers in any State fiscal year
21 relating to outstanding bonds and notes issued by the
22 Authority or under paragraph (2) of subsection (g) of
23 Section 4.04 of the Regional Transportation Authority Act
24 (repealed) may not exceed the lesser of the annual maximum
25 amount specified in subsection (e) or the sum of the
26 amounts certified under subsections (a) and (e), plus the

1 actual debt service certified under subsection (c), less
2 the amount certified under subsection (k), with respect to
3 those bonds and notes.

4 (2) The total transfers in any State fiscal year
5 relating to outstanding bonds and notes issued by the
6 Authority under paragraph (3) of subsection (g) of Section
7 4.04 of the Regional Transportation Authority Act
8 (repealed) may not exceed the lesser of the annual maximum
9 amount specified in subsection (j) or the sum of the
10 amounts certified under subsections (a) and (c), plus the
11 actual debt service certified under subsection (b), less
12 the amount certified under subsection (k), with respect to
13 those bonds and notes.

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

17 (p) Neither additional state assistance nor additional
18 financial assistance may be pledged, either directly or
19 indirectly, as general revenues of the Authority or as
20 security for any bonds issued by the Authority. The Authority
21 may not assign its right to receive additional state
22 assistance or additional financial assistance, or direct
23 payment of additional state assistance or additional financial
24 assistance, to a trustee or any other entity for the payment of
25 debt service on its bonds.

26 (q) The certification required under subsection (k) with

1 respect to outstanding bonds and notes of the Authority shall
2 be filed as early as practicable before the beginning of the
3 State fiscal year to which it relates. The certification shall
4 be revised as may be necessary to accurately state the debt
5 service requirements of the Authority.

6 Section 6.09. Strategic Capital Improvement Program.

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

21 (b) Any contracts for architectural or engineering
22 services for projects approved pursuant to Section 5.10 shall
23 comply with the requirements set forth in the Local Government
24 Professional Services Selection Act.

1 Section 6.10. Rate protection contracts.

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

20 (b) Notwithstanding any provision in paragraph (2) of
21 Section 4.02 to the contrary, in connection with or incidental
22 to the issuance by the Authority of its bonds or notes under
23 the provisions of Section 6.05 or the exercise of its powers
24 under paragraph (2) of Section 4.02, the Authority, for its
25 own benefit or for the benefit of the holders of its
26 obligations or their trustee, may enter into rate protection

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

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

21 Section 6.12. Nature of funds. The funds described in this
22 Act and the Equitable Transit-Supportive Development Act
23 generated from transportation sources and deposited into those
24 funds are protected under Section 11 of Article IX of the

1 Illinois Constitution and the uses of the funds allowed under
2 these Acts are deemed transportation purposes under Section 11
3 of Article IX and may not, by transfer, offset, or otherwise,
4 be diverted by any local government, including, without
5 limitation, any home rule unit of government, to any purpose
6 other than public transportation purposes. This Section is
7 declarative of existing law.

8 Article VII. OFFICE OF TRANSIT-ORIENTED DEVELOPMENT

9 Section 7.01. Short title; intent.

10 (a) This Article VII may be cited as the Equitable
11 Transit-Supportive Development Act. References to "this Act"
12 in this Article VII mean this Article VII.

13 (b) It is the intent of the General Assembly in enacting
14 this Act to (1) strengthen connections among people, places,
15 and transit, (2) establish a virtuous cycle of increasing
16 residential units and employment near transit that supports
17 increased transit service, which then makes nearby property
18 more attractive for development, (3) support increased housing
19 opportunities and other infill development in transit-served
20 locations, (4) enhance the resilience of Illinois' transit
21 assets and leverage the value of transit to property owners
22 and tenants, and (5) increase transit availability and
23 ridership to achieve quality of life, economic development,
24 and sustainability objectives.

1 Section 7.02. Definitions. As used in this Act:

2 "Affordable housing" means long-term income-restricted
3 housing units for households whose adjusted income is at or
4 below 60% of the metropolitan area median income, adjusted for
5 household size, for the transit agency service area in which
6 the housing units are to be built.

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

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

15 "Workforce housing" means long-term income-restricted
16 housing units for households whose adjusted income is at or
17 below 120% and above 60% of the metropolitan area, as that term
18 is defined in the Metropolitan Mobility Authority Act, median
19 income, adjusted for household size.

20 Section 7.03. Establishment of the Office of
21 Transit-Oriented Development and Transit-Supportive
22 Development Fund.

23 (a) There is established the Office of Transit-Oriented
24 Development and the Transit-Supportive Development Fund, a

1 special fund that is created in the State treasury, and,
2 subject to appropriation and as directed by the Office, may be
3 expended as provided in this Act.

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

8 (c) Eligible uses of the Fund include, but are not limited
9 to, conversion of nonresidential uses to residential use,
10 redevelopment of underused parking lots, provision of
11 affordable housing and workforce housing, mixed-use
12 development, and joint development with a transit agency on
13 agency-owned property.

14 (d) In using moneys from the Fund, the Office shall
15 prioritize projects that leverage other funding sources and
16 promote equitable access to housing and jobs in transit-served
17 locations. To qualify for financial support from the Office,
18 local jurisdictions must identify opportunity sites with site
19 control or documented concurrence from property owners,
20 subject to specific standards to be defined by the Office, to
21 support these eligible uses:

22 (1) funding offered by the Office for predevelopment
23 work, including, but not limited to, site acquisition,
24 parcel assembly, environmental remediation, and utility
25 and supporting infrastructure installation, directly or
26 through grants and partnerships with other public or

1 private organizations;

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

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

17 (e) The Office and the State's metropolitan planning
18 organizations may partner to carry out this Act, including the
19 Office providing operating funding to metropolitan planning
20 organizations for personnel with expertise in
21 transit-supportive development in accordance with this Act.

22 Section 7.04. Transit support overlay districts.

23 (a) The metropolitan planning organization for each
24 municipality seeking eligibility for assistance by the Office
25 shall develop standards for a transit support overlay district

1 for that urban area, which may include, but are not limited to,
2 transit-supportive allowable uses and densities, restriction
3 of auto-oriented uses, removal of parking requirements, site
4 planning standards that support walkability, sidewalk network
5 connectivity and local funding commitments for sidewalks in
6 compliance with the requirements of the Americans with
7 Disabilities Act of 1990, as amended, and streetscape features
8 that encourage transit use.

9 (b) Assistance by the Office shall be exclusively for
10 projects in municipalities that have adopted the standards in
11 the transit support overlay district for that area or that
12 have adopted zoning and other changes that the Office
13 determines have benefits greater than or equal to such a
14 District.

15 Section 7.05. Standards and annual reporting. The Office
16 shall develop standards and procedures necessary to implement
17 this Act and shall annually publish a comprehensive annual
18 report that describes its transactions, holdings, and
19 financial position.

20 Section 7.06. Report to General Assembly. By no later than
21 2 years after the effective date of this Act, the Office shall
22 submit to the General Assembly a comprehensive study of State
23 programs for affordable housing, economic development, and
24 other capital investments to determine how the criteria for

1 investment under those programs can be aligned to support
2 transit and transit-oriented development. The study shall also
3 identify opportunities to bundle or streamline access to other
4 State investments with the assistance provided by the Office.
5 The Illinois Housing Development Authority, Illinois Finance
6 Authority, Department of Commerce and Economic Opportunity,
7 Capital Development Board, and other relevant departments of
8 the State shall cooperate to provide any needed information to
9 complete the study and shall implement the recommendations of
10 the study.

11 Article VIII. MISCELLANEOUS

12 Section 8.01. The Open Meetings Act is amended by changing
13 Section 2 as follows:

14 (5 ILCS 120/2) (from Ch. 102, par. 42)

15 Sec. 2. Open meetings.

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

19 (b) Construction of exceptions. The exceptions contained
20 in subsection (c) are in derogation of the requirement that
21 public bodies meet in the open, and therefore, the exceptions
22 are to be strictly construed, extending only to subjects
23 clearly within their scope. The exceptions authorize but do

1 not require the holding of a closed meeting to discuss a
2 subject included within an enumerated exception.

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

5 (1) The appointment, employment, compensation,
6 discipline, performance, or dismissal of specific
7 employees, specific individuals who serve as independent
8 contractors in a park, recreational, or educational
9 setting, or specific volunteers of the public body or
10 legal counsel for the public body, including hearing
11 testimony on a complaint lodged against an employee, a
12 specific individual who serves as an independent
13 contractor in a park, recreational, or educational
14 setting, or a volunteer of the public body or against
15 legal counsel for the public body to determine its
16 validity. However, a meeting to consider an increase in
17 compensation to a specific employee of a public body that
18 is subject to the Local Government Wage Increase
19 Transparency Act may not be closed and shall be open to the
20 public and posted and held in accordance with this Act.

21 (2) Collective negotiating matters between the public
22 body and its employees or their representatives, or
23 deliberations concerning salary schedules for one or more
24 classes of employees.

25 (3) The selection of a person to fill a public office,
26 as defined in this Act, including a vacancy in a public

1 office, when the public body is given power to appoint
2 under law or ordinance, or the discipline, performance or
3 removal of the occupant of a public office, when the
4 public body is given power to remove the occupant under
5 law or ordinance.

6 (4) Evidence or testimony presented in open hearing,
7 or in closed hearing where specifically authorized by law,
8 to a quasi-adjudicative body, as defined in this Act,
9 provided that the body prepares and makes available for
10 public inspection a written decision setting forth its
11 determinative reasoning.

12 (4.5) Evidence or testimony presented to a school
13 board regarding denial of admission to school events or
14 property pursuant to Section 24-24 of the School Code,
15 provided that the school board prepares and makes
16 available for public inspection a written decision setting
17 forth its determinative reasoning.

18 (5) The purchase or lease of real property for the use
19 of the public body, including meetings held for the
20 purpose of discussing whether a particular parcel should
21 be acquired.

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

24 (7) The sale or purchase of securities, investments,
25 or investment contracts. This exception shall not apply to
26 the investment of assets or income of funds deposited into

1 the Illinois Prepaid Tuition Trust Fund.

2 (8) Security procedures, school building safety and
3 security, and the use of personnel and equipment to
4 respond to an actual, a threatened, or a reasonably
5 potential danger to the safety of employees, students,
6 staff, the public, or public property.

7 (9) Student disciplinary cases.

8 (10) The placement of individual students in special
9 education programs and other matters relating to
10 individual students.

11 (11) Litigation, when an action against, affecting or
12 on behalf of the particular public body has been filed and
13 is pending before a court or administrative tribunal, or
14 when the public body finds that an action is probable or
15 imminent, in which case the basis for the finding shall be
16 recorded and entered into the minutes of the closed
17 meeting.

18 (12) The establishment of reserves or settlement of
19 claims as provided in the Local Governmental and
20 Governmental Employees Tort Immunity Act, if otherwise the
21 disposition of a claim or potential claim might be
22 prejudiced, or the review or discussion of claims, loss or
23 risk management information, records, data, advice or
24 communications from or with respect to any insurer of the
25 public body or any intergovernmental risk management
26 association or self insurance pool of which the public

1 body is a member.

2 (13) Conciliation of complaints of discrimination in
3 the sale or rental of housing, when closed meetings are
4 authorized by the law or ordinance prescribing fair
5 housing practices and creating a commission or
6 administrative agency for their enforcement.

7 (14) Informant sources, the hiring or assignment of
8 undercover personnel or equipment, or ongoing, prior or
9 future criminal investigations, when discussed by a public
10 body with criminal investigatory responsibilities.

11 (15) Professional ethics or performance when
12 considered by an advisory body appointed to advise a
13 licensing or regulatory agency on matters germane to the
14 advisory body's field of competence.

15 (16) Self evaluation, practices and procedures or
16 professional ethics, when meeting with a representative of
17 a statewide association of which the public body is a
18 member.

19 (17) The recruitment, credentialing, discipline or
20 formal peer review of physicians or other health care
21 professionals, or for the discussion of matters protected
22 under the federal Patient Safety and Quality Improvement
23 Act of 2005, and the regulations promulgated thereunder,
24 including 42 CFR ~~C.F.R.~~ Part 3 (73 FR 70732), or the
25 federal Health Insurance Portability and Accountability
26 Act of 1996, and the regulations promulgated thereunder,

1 including 45 CFR ~~C.F.R.~~ Parts 160, 162, and 164, by a
2 hospital, or other institution providing medical care,
3 that is operated by the public body.

4 (18) Deliberations for decisions of the Prisoner
5 Review Board.

6 (19) Review or discussion of applications received
7 under the Experimental Organ Transplantation Procedures
8 Act.

9 (20) The classification and discussion of matters
10 classified as confidential or continued confidential by
11 the State Government Suggestion Award Board.

12 (21) Discussion of minutes of meetings lawfully closed
13 under this Act, whether for purposes of approval by the
14 body of the minutes or semi-annual review of the minutes
15 as mandated by Section 2.06.

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

18 (23) The operation by a municipality of a municipal
19 utility or the operation of a municipal power agency or
20 municipal natural gas agency when the discussion involves
21 (i) contracts relating to the purchase, sale, or delivery
22 of electricity or natural gas or (ii) the results or
23 conclusions of load forecast studies.

24 (24) Meetings of a residential health care facility
25 resident sexual assault and death review team or the
26 Executive Council under the Abuse Prevention Review Team

1 Act.

2 (25) Meetings of an independent team of experts under
3 Brian's Law.

4 (26) Meetings of a mortality review team appointed
5 under the Department of Juvenile Justice Mortality Review
6 Team Act.

7 (27) (Blank).

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

12 (29) Meetings between internal or external auditors
13 and governmental audit committees, finance committees, and
14 their equivalents, when the discussion involves internal
15 control weaknesses, identification of potential fraud risk
16 areas, known or suspected frauds, and fraud interviews
17 conducted in accordance with generally accepted auditing
18 standards of the United States of America.

19 (30) Those meetings or portions of meetings of a
20 fatality review team or the Illinois Fatality Review Team
21 Advisory Council during which a review of the death of an
22 eligible adult in which abuse or neglect is suspected,
23 alleged, or substantiated is conducted pursuant to Section
24 15 of the Adult Protective Services Act.

25 (31) Meetings and deliberations for decisions of the
26 Concealed Carry Licensing Review Board under the Firearm

1 Concealed Carry Act.

2 (32) (Blank). ~~Meetings between the Regional~~
3 ~~Transportation Authority Board and its Service Boards when~~
4 ~~the discussion involves review by the Regional~~
5 ~~Transportation Authority Board of employment contracts~~
6 ~~under Section 28d of the Metropolitan Transit Authority~~
7 ~~Act and Sections 3A.18 and 3B.26 of the Regional~~
8 ~~Transportation Authority Act.~~

9 (33) Those meetings or portions of meetings of the
10 advisory committee and peer review subcommittee created
11 under Section 320 of the Illinois Controlled Substances
12 Act during which specific controlled substance prescriber,
13 dispenser, or patient information is discussed.

14 (34) Meetings of the Tax Increment Financing Reform
15 Task Force under Section 2505-800 of the Department of
16 Revenue Law of the Civil Administrative Code of Illinois.

17 (35) Meetings of the group established to discuss
18 Medicaid capitation rates under Section 5-30.8 of the
19 Illinois Public Aid Code.

20 (36) Those deliberations or portions of deliberations
21 for decisions of the Illinois Gaming Board in which there
22 is discussed any of the following: (i) personal,
23 commercial, financial, or other information obtained from
24 any source that is privileged, proprietary, confidential,
25 or a trade secret; or (ii) information specifically
26 exempted from the disclosure by federal or State law.

1 (37) Deliberations for decisions of the Illinois Law
2 Enforcement Training Standards Board, the Certification
3 Review Panel, and the Illinois State Police Merit Board
4 regarding certification and decertification.

5 (38) Meetings of the Ad Hoc Statewide Domestic
6 Violence Fatality Review Committee of the Illinois
7 Criminal Justice Information Authority Board that occur in
8 closed executive session under subsection (d) of Section
9 35 of the Domestic Violence Fatality Review Act.

10 (39) Meetings of the regional review teams under
11 subsection (a) of Section 75 of the Domestic Violence
12 Fatality Review Act.

13 (40) Meetings of the Firearm Owner's Identification
14 Card Review Board under Section 10 of the Firearm Owners
15 Identification Card Act.

16 (d) Definitions. For purposes of this Section:

17 "Employee" means a person employed by a public body whose
18 relationship with the public body constitutes an
19 employer-employee relationship under the usual common law
20 rules, and who is not an independent contractor.

21 "Public office" means a position created by or under the
22 Constitution or laws of this State, the occupant of which is
23 charged with the exercise of some portion of the sovereign
24 power of this State. The term "public office" shall include
25 members of the public body, but it shall not include
26 organizational positions filled by members thereof, whether

1 established by law or by a public body itself, that exist to
2 assist the body in the conduct of its business.

3 "Quasi-adjudicative body" means an administrative body
4 charged by law or ordinance with the responsibility to conduct
5 hearings, receive evidence or testimony and make
6 determinations based thereon, but does not include local
7 electoral boards when such bodies are considering petition
8 challenges.

9 (e) Final action. No final action may be taken at a closed
10 meeting. Final action shall be preceded by a public recital of
11 the nature of the matter being considered and other
12 information that will inform the public of the business being
13 conducted.

14 (Source: P.A. 102-237, eff. 1-1-22; 102-520, eff. 8-20-21;
15 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 103-311, eff.
16 7-28-23.)

17 Section 8.02. The Freedom of Information Act is amended by
18 changing Section 7.5 as follows:

19 (5 ILCS 140/7.5)

20 (Text of Section before amendment by P.A. 103-472)

21 Sec. 7.5. Statutory exemptions. To the extent provided for
22 by the statutes referenced below, the following shall be
23 exempt from inspection and copying:

24 (a) All information determined to be confidential

1 under Section 4002 of the Technology Advancement and
2 Development Act.

3 (b) Library circulation and order records identifying
4 library users with specific materials under the Library
5 Records Confidentiality Act.

6 (c) Applications, related documents, and medical
7 records received by the Experimental Organ Transplantation
8 Procedures Board and any and all documents or other
9 records prepared by the Experimental Organ Transplantation
10 Procedures Board or its staff relating to applications it
11 has received.

12 (d) Information and records held by the Department of
13 Public Health and its authorized representatives relating
14 to known or suspected cases of sexually transmissible
15 disease or any information the disclosure of which is
16 restricted under the Illinois Sexually Transmissible
17 Disease Control Act.

18 (e) Information the disclosure of which is exempted
19 under Section 30 of the Radon Industry Licensing Act.

20 (f) Firm performance evaluations under Section 55 of
21 the Architectural, Engineering, and Land Surveying
22 Qualifications Based Selection Act.

23 (g) Information the disclosure of which is restricted
24 and exempted under Section 50 of the Illinois Prepaid
25 Tuition Act.

26 (h) Information the disclosure of which is exempted

1 under the State Officials and Employees Ethics Act, and
2 records of any lawfully created State or local inspector
3 general's office that would be exempt if created or
4 obtained by an Executive Inspector General's office under
5 that Act.

6 (i) Information contained in a local emergency energy
7 plan submitted to a municipality in accordance with a
8 local emergency energy plan ordinance that is adopted
9 under Section 11-21.5-5 of the Illinois Municipal Code.

10 (j) Information and data concerning the distribution
11 of surcharge moneys collected and remitted by carriers
12 under the Emergency Telephone System Act.

13 (k) Law enforcement officer identification information
14 or driver identification information compiled by a law
15 enforcement agency or the Department of Transportation
16 under Section 11-212 of the Illinois Vehicle Code.

17 (l) Records and information provided to a residential
18 health care facility resident sexual assault and death
19 review team or the Executive Council under the Abuse
20 Prevention Review Team Act.

21 (m) Information provided to the predatory lending
22 database created pursuant to Article 3 of the Residential
23 Real Property Disclosure Act, except to the extent
24 authorized under that Article.

25 (n) Defense budgets and petitions for certification of
26 compensation and expenses for court appointed trial

1 counsel as provided under Sections 10 and 15 of the
2 Capital Crimes Litigation Act (repealed). This subsection
3 (n) shall apply until the conclusion of the trial of the
4 case, even if the prosecution chooses not to pursue the
5 death penalty prior to trial or sentencing.

6 (o) Information that is prohibited from being
7 disclosed under Section 4 of the Illinois Health and
8 Hazardous Substances Registry Act.

9 (p) Security portions of system safety program plans,
10 investigation reports, surveys, schedules, lists, data, or
11 information compiled, collected, or prepared by or for the
12 Department of Transportation under Sections 2705-300 and
13 2705-616 of the Department of Transportation Law of the
14 Civil Administrative Code of Illinois, the Regional
15 Transportation Authority under Section 2.11 of the
16 Regional Transportation Authority Act, or the St. Clair
17 County Transit District under the Bi-State Transit Safety
18 Act (repealed).

19 (q) Information prohibited from being disclosed by the
20 Personnel Record Review Act.

21 (r) Information prohibited from being disclosed by the
22 Illinois School Student Records Act.

23 (s) Information the disclosure of which is restricted
24 under Section 5-108 of the Public Utilities Act.

25 (t) (Blank).

26 (u) Records and information provided to an independent

1 team of experts under the Developmental Disability and
2 Mental Health Safety Act (also known as Brian's Law).

3 (v) Names and information of people who have applied
4 for or received Firearm Owner's Identification Cards under
5 the Firearm Owners Identification Card Act or applied for
6 or received a concealed carry license under the Firearm
7 Concealed Carry Act, unless otherwise authorized by the
8 Firearm Concealed Carry Act; and databases under the
9 Firearm Concealed Carry Act, records of the Concealed
10 Carry Licensing Review Board under the Firearm Concealed
11 Carry Act, and law enforcement agency objections under the
12 Firearm Concealed Carry Act.

13 (v-5) Records of the Firearm Owner's Identification
14 Card Review Board that are exempted from disclosure under
15 Section 10 of the Firearm Owners Identification Card Act.

16 (w) Personally identifiable information which is
17 exempted from disclosure under subsection (g) of Section
18 19.1 of the Toll Highway Act.

19 (x) Information which is exempted from disclosure
20 under Section 5-1014.3 of the Counties Code or Section
21 8-11-21 of the Illinois Municipal Code.

22 (y) Confidential information under the Adult
23 Protective Services Act and its predecessor enabling
24 statute, the Elder Abuse and Neglect Act, including
25 information about the identity and administrative finding
26 against any caregiver of a verified and substantiated

1 decision of abuse, neglect, or financial exploitation of
2 an eligible adult maintained in the Registry established
3 under Section 7.5 of the Adult Protective Services Act.

4 (z) Records and information provided to a fatality
5 review team or the Illinois Fatality Review Team Advisory
6 Council under Section 15 of the Adult Protective Services
7 Act.

8 (aa) Information which is exempted from disclosure
9 under Section 2.37 of the Wildlife Code.

10 (bb) Information which is or was prohibited from
11 disclosure by the Juvenile Court Act of 1987.

12 (cc) Recordings made under the Law Enforcement
13 Officer-Worn Body Camera Act, except to the extent
14 authorized under that Act.

15 (dd) Information that is prohibited from being
16 disclosed under Section 45 of the Condominium and Common
17 Interest Community Ombudsperson Act.

18 (ee) Information that is exempted from disclosure
19 under Section 30.1 of the Pharmacy Practice Act.

20 (ff) Information that is exempted from disclosure
21 under the Revised Uniform Unclaimed Property Act.

22 (gg) Information that is prohibited from being
23 disclosed under Section 7-603.5 of the Illinois Vehicle
24 Code.

25 (hh) Records that are exempt from disclosure under
26 Section 1A-16.7 of the Election Code.

1 (ii) Information which is exempted from disclosure
2 under Section 2505-800 of the Department of Revenue Law of
3 the Civil Administrative Code of Illinois.

4 (jj) Information and reports that are required to be
5 submitted to the Department of Labor by registering day
6 and temporary labor service agencies but are exempt from
7 disclosure under subsection (a-1) of Section 45 of the Day
8 and Temporary Labor Services Act.

9 (kk) Information prohibited from disclosure under the
10 Seizure and Forfeiture Reporting Act.

11 (ll) Information the disclosure of which is restricted
12 and exempted under Section 5-30.8 of the Illinois Public
13 Aid Code.

14 (mm) Records that are exempt from disclosure under
15 Section 4.2 of the Crime Victims Compensation Act.

16 (nn) Information that is exempt from disclosure under
17 Section 70 of the Higher Education Student Assistance Act.

18 (oo) Communications, notes, records, and reports
19 arising out of a peer support counseling session
20 prohibited from disclosure under the First Responders
21 Suicide Prevention Act.

22 (pp) Names and all identifying information relating to
23 an employee of an emergency services provider or law
24 enforcement agency under the First Responders Suicide
25 Prevention Act.

26 (qq) Information and records held by the Department of

1 Public Health and its authorized representatives collected
2 under the Reproductive Health Act.

3 (rr) Information that is exempt from disclosure under
4 the Cannabis Regulation and Tax Act.

5 (ss) Data reported by an employer to the Department of
6 Human Rights pursuant to Section 2-108 of the Illinois
7 Human Rights Act.

8 (tt) Recordings made under the Children's Advocacy
9 Center Act, except to the extent authorized under that
10 Act.

11 (uu) Information that is exempt from disclosure under
12 Section 50 of the Sexual Assault Evidence Submission Act.

13 (vv) Information that is exempt from disclosure under
14 subsections (f) and (j) of Section 5-36 of the Illinois
15 Public Aid Code.

16 (ww) Information that is exempt from disclosure under
17 Section 16.8 of the State Treasurer Act.

18 (xx) Information that is exempt from disclosure or
19 information that shall not be made public under the
20 Illinois Insurance Code.

21 (yy) Information prohibited from being disclosed under
22 the Illinois Educational Labor Relations Act.

23 (zz) Information prohibited from being disclosed under
24 the Illinois Public Labor Relations Act.

25 (aaa) Information prohibited from being disclosed
26 under Section 1-167 of the Illinois Pension Code.

1 (bbb) Information that is prohibited from disclosure
2 by the Illinois Police Training Act and the Illinois State
3 Police Act.

4 (ccc) Records exempt from disclosure under Section
5 2605-304 of the Illinois State Police Law of the Civil
6 Administrative Code of Illinois.

7 (ddd) Information prohibited from being disclosed
8 under Section 35 of the Address Confidentiality for
9 Victims of Domestic Violence, Sexual Assault, Human
10 Trafficking, or Stalking Act.

11 (eee) Information prohibited from being disclosed
12 under subsection (b) of Section 75 of the Domestic
13 Violence Fatality Review Act.

14 (fff) Images from cameras under the Expressway Camera
15 Act. This subsection (fff) is inoperative on and after
16 July 1, 2025.

17 (ggg) Information prohibited from disclosure under
18 paragraph (3) of subsection (a) of Section 14 of the Nurse
19 Agency Licensing Act.

20 (hhh) Information submitted to the Illinois State
21 Police in an affidavit or application for an assault
22 weapon endorsement, assault weapon attachment endorsement,
23 .50 caliber rifle endorsement, or .50 caliber cartridge
24 endorsement under the Firearm Owners Identification Card
25 Act.

26 (iii) Data exempt from disclosure under Section 50 of

1 the School Safety Drill Act.

2 (jjj) ~~(hhh)~~ Information exempt from disclosure under
3 Section 30 of the Insurance Data Security Law.

4 (kkk) ~~(iii)~~ Confidential business information
5 prohibited from disclosure under Section 45 of the Paint
6 Stewardship Act.

7 (lll) (Reserved).

8 (mmm) ~~(iii)~~ Information prohibited from being
9 disclosed under subsection (e) of Section 1-129 of the
10 Illinois Power Agency Act.

11 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;
12 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.
13 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;
14 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.
15 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,
16 eff. 1-1-24; 103-508, eff. 8-4-23; 103-580, eff. 12-8-23;
17 revised 1-2-24.)

18 (Text of Section after amendment by P.A. 103-472)

19 Sec. 7.5. Statutory exemptions. To the extent provided for
20 by the statutes referenced below, the following shall be
21 exempt from inspection and copying:

22 (a) All information determined to be confidential
23 under Section 4002 of the Technology Advancement and
24 Development Act.

25 (b) Library circulation and order records identifying

1 library users with specific materials under the Library
2 Records Confidentiality Act.

3 (c) Applications, related documents, and medical
4 records received by the Experimental Organ Transplantation
5 Procedures Board and any and all documents or other
6 records prepared by the Experimental Organ Transplantation
7 Procedures Board or its staff relating to applications it
8 has received.

9 (d) Information and records held by the Department of
10 Public Health and its authorized representatives relating
11 to known or suspected cases of sexually transmissible
12 disease or any information the disclosure of which is
13 restricted under the Illinois Sexually Transmissible
14 Disease Control Act.

15 (e) Information the disclosure of which is exempted
16 under Section 30 of the Radon Industry Licensing Act.

17 (f) Firm performance evaluations under Section 55 of
18 the Architectural, Engineering, and Land Surveying
19 Qualifications Based Selection Act.

20 (g) Information the disclosure of which is restricted
21 and exempted under Section 50 of the Illinois Prepaid
22 Tuition Act.

23 (h) Information the disclosure of which is exempted
24 under the State Officials and Employees Ethics Act, and
25 records of any lawfully created State or local inspector
26 general's office that would be exempt if created or

1 obtained by an Executive Inspector General's office under
2 that Act.

3 (i) Information contained in a local emergency energy
4 plan submitted to a municipality in accordance with a
5 local emergency energy plan ordinance that is adopted
6 under Section 11-21.5-5 of the Illinois Municipal Code.

7 (j) Information and data concerning the distribution
8 of surcharge moneys collected and remitted by carriers
9 under the Emergency Telephone System Act.

10 (k) Law enforcement officer identification information
11 or driver identification information compiled by a law
12 enforcement agency or the Department of Transportation
13 under Section 11-212 of the Illinois Vehicle Code.

14 (l) Records and information provided to a residential
15 health care facility resident sexual assault and death
16 review team or the Executive Council under the Abuse
17 Prevention Review Team Act.

18 (m) Information provided to the predatory lending
19 database created pursuant to Article 3 of the Residential
20 Real Property Disclosure Act, except to the extent
21 authorized under that Article.

22 (n) Defense budgets and petitions for certification of
23 compensation and expenses for court appointed trial
24 counsel as provided under Sections 10 and 15 of the
25 Capital Crimes Litigation Act (repealed). This subsection

26 (n) shall apply until the conclusion of the trial of the

1 case, even if the prosecution chooses not to pursue the
2 death penalty prior to trial or sentencing.

3 (o) Information that is prohibited from being
4 disclosed under Section 4 of the Illinois Health and
5 Hazardous Substances Registry Act.

6 (p) Security portions of system safety program plans,
7 investigation reports, surveys, schedules, lists, data, or
8 information compiled, collected, or prepared by or for the
9 Department of Transportation under Sections 2705-300 and
10 2705-616 of the Department of Transportation Law of the
11 Civil Administrative Code of Illinois, the Metropolitan
12 Mobility Regional Transportation Authority under Section
13 4.33 of the Metropolitan Mobility Authority Act ~~2.11 of~~
14 ~~the Regional Transportation Authority Act~~, or the St.
15 Clair County Transit District under the Bi-State Transit
16 Safety Act (repealed).

17 (q) Information prohibited from being disclosed by the
18 Personnel Record Review Act.

19 (r) Information prohibited from being disclosed by the
20 Illinois School Student Records Act.

21 (s) Information the disclosure of which is restricted
22 under Section 5-108 of the Public Utilities Act.

23 (t) (Blank).

24 (u) Records and information provided to an independent
25 team of experts under the Developmental Disability and
26 Mental Health Safety Act (also known as Brian's Law).

1 (v) Names and information of people who have applied
2 for or received Firearm Owner's Identification Cards under
3 the Firearm Owners Identification Card Act or applied for
4 or received a concealed carry license under the Firearm
5 Concealed Carry Act, unless otherwise authorized by the
6 Firearm Concealed Carry Act; and databases under the
7 Firearm Concealed Carry Act, records of the Concealed
8 Carry Licensing Review Board under the Firearm Concealed
9 Carry Act, and law enforcement agency objections under the
10 Firearm Concealed Carry Act.

11 (v-5) Records of the Firearm Owner's Identification
12 Card Review Board that are exempted from disclosure under
13 Section 10 of the Firearm Owners Identification Card Act.

14 (w) Personally identifiable information which is
15 exempted from disclosure under subsection (g) of Section
16 19.1 of the Toll Highway Act.

17 (x) Information which is exempted from disclosure
18 under Section 5-1014.3 of the Counties Code or Section
19 8-11-21 of the Illinois Municipal Code.

20 (y) Confidential information under the Adult
21 Protective Services Act and its predecessor enabling
22 statute, the Elder Abuse and Neglect Act, including
23 information about the identity and administrative finding
24 against any caregiver of a verified and substantiated
25 decision of abuse, neglect, or financial exploitation of
26 an eligible adult maintained in the Registry established

1 under Section 7.5 of the Adult Protective Services Act.

2 (z) Records and information provided to a fatality
3 review team or the Illinois Fatality Review Team Advisory
4 Council under Section 15 of the Adult Protective Services
5 Act.

6 (aa) Information which is exempted from disclosure
7 under Section 2.37 of the Wildlife Code.

8 (bb) Information which is or was prohibited from
9 disclosure by the Juvenile Court Act of 1987.

10 (cc) Recordings made under the Law Enforcement
11 Officer-Worn Body Camera Act, except to the extent
12 authorized under that Act.

13 (dd) Information that is prohibited from being
14 disclosed under Section 45 of the Condominium and Common
15 Interest Community Ombudsperson Act.

16 (ee) Information that is exempted from disclosure
17 under Section 30.1 of the Pharmacy Practice Act.

18 (ff) Information that is exempted from disclosure
19 under the Revised Uniform Unclaimed Property Act.

20 (gg) Information that is prohibited from being
21 disclosed under Section 7-603.5 of the Illinois Vehicle
22 Code.

23 (hh) Records that are exempt from disclosure under
24 Section 1A-16.7 of the Election Code.

25 (ii) Information which is exempted from disclosure
26 under Section 2505-800 of the Department of Revenue Law of

1 the Civil Administrative Code of Illinois.

2 (jj) Information and reports that are required to be
3 submitted to the Department of Labor by registering day
4 and temporary labor service agencies but are exempt from
5 disclosure under subsection (a-1) of Section 45 of the Day
6 and Temporary Labor Services Act.

7 (kk) Information prohibited from disclosure under the
8 Seizure and Forfeiture Reporting Act.

9 (ll) Information the disclosure of which is restricted
10 and exempted under Section 5-30.8 of the Illinois Public
11 Aid Code.

12 (mm) Records that are exempt from disclosure under
13 Section 4.2 of the Crime Victims Compensation Act.

14 (nn) Information that is exempt from disclosure under
15 Section 70 of the Higher Education Student Assistance Act.

16 (oo) Communications, notes, records, and reports
17 arising out of a peer support counseling session
18 prohibited from disclosure under the First Responders
19 Suicide Prevention Act.

20 (pp) Names and all identifying information relating to
21 an employee of an emergency services provider or law
22 enforcement agency under the First Responders Suicide
23 Prevention Act.

24 (qq) Information and records held by the Department of
25 Public Health and its authorized representatives collected
26 under the Reproductive Health Act.

1 (rr) Information that is exempt from disclosure under
2 the Cannabis Regulation and Tax Act.

3 (ss) Data reported by an employer to the Department of
4 Human Rights pursuant to Section 2-108 of the Illinois
5 Human Rights Act.

6 (tt) Recordings made under the Children's Advocacy
7 Center Act, except to the extent authorized under that
8 Act.

9 (uu) Information that is exempt from disclosure under
10 Section 50 of the Sexual Assault Evidence Submission Act.

11 (vv) Information that is exempt from disclosure under
12 subsections (f) and (j) of Section 5-36 of the Illinois
13 Public Aid Code.

14 (ww) Information that is exempt from disclosure under
15 Section 16.8 of the State Treasurer Act.

16 (xx) Information that is exempt from disclosure or
17 information that shall not be made public under the
18 Illinois Insurance Code.

19 (yy) Information prohibited from being disclosed under
20 the Illinois Educational Labor Relations Act.

21 (zz) Information prohibited from being disclosed under
22 the Illinois Public Labor Relations Act.

23 (aaa) Information prohibited from being disclosed
24 under Section 1-167 of the Illinois Pension Code.

25 (bbb) Information that is prohibited from disclosure
26 by the Illinois Police Training Act and the Illinois State

1 Police Act.

2 (ccc) Records exempt from disclosure under Section
3 2605-304 of the Illinois State Police Law of the Civil
4 Administrative Code of Illinois.

5 (ddd) Information prohibited from being disclosed
6 under Section 35 of the Address Confidentiality for
7 Victims of Domestic Violence, Sexual Assault, Human
8 Trafficking, or Stalking Act.

9 (eee) Information prohibited from being disclosed
10 under subsection (b) of Section 75 of the Domestic
11 Violence Fatality Review Act.

12 (fff) Images from cameras under the Expressway Camera
13 Act. This subsection (fff) is inoperative on and after
14 July 1, 2025.

15 (ggg) Information prohibited from disclosure under
16 paragraph (3) of subsection (a) of Section 14 of the Nurse
17 Agency Licensing Act.

18 (hhh) Information submitted to the Illinois State
19 Police in an affidavit or application for an assault
20 weapon endorsement, assault weapon attachment endorsement,
21 .50 caliber rifle endorsement, or .50 caliber cartridge
22 endorsement under the Firearm Owners Identification Card
23 Act.

24 (iii) Data exempt from disclosure under Section 50 of
25 the School Safety Drill Act.

26 (jjj) ~~(hhh)~~ Information exempt from disclosure under

1 Section 30 of the Insurance Data Security Law.

2 (kkk) ~~(iii)~~ Confidential business information
3 prohibited from disclosure under Section 45 of the Paint
4 Stewardship Act.

5 (lll) ~~(iii)~~ Data exempt from disclosure under Section
6 2-3.196 of the School Code.

7 (mmm) ~~(iii)~~ Information prohibited from being
8 disclosed under subsection (e) of Section 1-129 of the
9 Illinois Power Agency Act.

10 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;
11 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.
12 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;
13 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.
14 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,
15 eff. 1-1-24; 103-472, eff. 8-1-24; 103-508, eff. 8-4-23;
16 103-580, eff. 12-8-23; revised 1-2-24.)

17 Section 8.03. The Transportation Cooperation Act of 1971
18 is amended by changing Section 2 as follows:

19 (5 ILCS 225/2) (from Ch. 111 2/3, par. 602)

20 Sec. 2. For the purposes of this Act:

21 (a) "Railroad passenger service" means any railroad
22 passenger service within the State of Illinois, including the
23 equipment and facilities used in connection therewith, with
24 the exception of the basic system operated by the National

1 Railroad Passenger Corporation pursuant to Title II and
2 Section 403(a) of the Federal Rail Passenger Service Act of
3 1970.

4 (b) "Federal Railroad Corporation" means the National
5 Railroad Passenger Corporation established pursuant to an Act
6 of Congress known as the "Rail Passenger Service Act of 1970."

7 (c) "Transportation system" means any and all modes of
8 public transportation within the State, including, but not
9 limited to, transportation of persons or property by rapid
10 transit, rail, bus, and aircraft, and all equipment,
11 facilities and property, real and personal, used in connection
12 therewith.

13 (d) "Carrier" means any corporation, authority,
14 partnership, association, person or district authorized to
15 maintain a transportation system within the State with the
16 exception of the Federal Railroad Corporation.

17 (e) "Units of local government" means cities, villages,
18 incorporated towns, counties, municipalities, townships, and
19 special districts, including any district created pursuant to
20 the "Local Mass Transit District Act", approved July 21, 1959,
21 as amended; the Metropolitan Mobility Authority; any Authority
22 ~~created pursuant to the "Metropolitan Transit Authority Act",~~
23 ~~approved April 12, 1945, as amended;~~ and, any authority,
24 commission, or other entity which by virtue of an interstate
25 compact approved by Congress is authorized to provide mass
26 transportation.

1 (f) "Universities" means all public institutions of higher
2 education as defined in an "Act creating a Board of Higher
3 Education, defining its powers and duties, making an
4 appropriation therefor, and repealing an Act herein named",
5 approved August 22, 1961, as amended, and all private
6 institutions of higher education as defined in the Illinois
7 Finance Authority Act.

8 (g) "Department" means the Illinois Department of
9 Transportation, or such other department designated by law to
10 perform the duties and functions of the Illinois Department of
11 Transportation prior to January 1, 1972.

12 (h) "Association" means any Transportation Service
13 Association created pursuant to Section 4 of this Act.

14 (i) "Contracting Parties" means any units of local
15 government or universities which have associated and joined
16 together pursuant to Section 3 of this Act.

17 (j) "Governing authorities" means (1) the city council or
18 similar legislative body of a city; (2) the board of trustees
19 or similar body of a village or incorporated town; (3) the
20 council of a municipality under the commission form of
21 municipal government; (4) the board of trustees in a township;
22 (5) the Board of Trustees of the University of Illinois, the
23 Board of Trustees of Southern Illinois University, the Board
24 of Trustees of Chicago State University, the Board of Trustees
25 of Eastern Illinois University, the Board of Trustees of
26 Governors State University, the Board of Trustees of Illinois

1 State University, the Board of Trustees of Northeastern
2 Illinois University, the Board of Trustees of Northern
3 Illinois University, the Board of Trustees of Western Illinois
4 University, and the Illinois Community College Board; (6) the
5 county board of a county; and (7) the trustees, commissioners,
6 board members, or directors of a university, special district,
7 authority or similar agency.

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

9 Section 8.04. The Illinois Public Labor Relations Act is
10 amended by changing Sections 5 and 15 as follows:

11 (5 ILCS 315/5) (from Ch. 48, par. 1605)

12 Sec. 5. Illinois Labor Relations Board; State Panel; Local
13 Panel.

14 (a) There is created the Illinois Labor Relations Board.
15 The Board shall be comprised of 2 panels, to be known as the
16 State Panel and the Local Panel.

17 (a-5) The State Panel shall have jurisdiction over
18 collective bargaining matters between employee organizations
19 and the State of Illinois, excluding the General Assembly of
20 the State of Illinois, between employee organizations and
21 units of local government and school districts with a
22 population not in excess of 2 million persons, and between
23 employee organizations and the Metropolitan Mobility ~~Regional~~
24 ~~Transportation~~ Authority.

1 The State Panel shall consist of 5 members appointed by
2 the Governor, with the advice and consent of the Senate. The
3 Governor shall appoint to the State Panel only persons who
4 have had a minimum of 5 years of experience directly related to
5 labor and employment relations in representing public
6 employers, private employers or labor organizations; or
7 teaching labor or employment relations; or administering
8 executive orders or regulations applicable to labor or
9 employment relations. At the time of his or her appointment,
10 each member of the State Panel shall be an Illinois resident.
11 The Governor shall designate one member to serve as the
12 Chairman of the State Panel and the Board.

13 Notwithstanding any other provision of this Section, the
14 term of each member of the State Panel who was appointed by the
15 Governor and is in office on June 30, 2003 shall terminate at
16 the close of business on that date or when all of the successor
17 members to be appointed pursuant to this amendatory Act of the
18 93rd General Assembly have been appointed by the Governor,
19 whichever occurs later. As soon as possible, the Governor
20 shall appoint persons to fill the vacancies created by this
21 amendatory Act.

22 The initial appointments under this amendatory Act of the
23 93rd General Assembly shall be for terms as follows: The
24 Chairman shall initially be appointed for a term ending on the
25 4th Monday in January, 2007; 2 members shall be initially
26 appointed for terms ending on the 4th Monday in January, 2006;

1 one member shall be initially appointed for a term ending on
2 the 4th Monday in January, 2005; and one member shall be
3 initially appointed for a term ending on the 4th Monday in
4 January, 2004. Each subsequent member shall be appointed for a
5 term of 4 years, commencing on the 4th Monday in January. Upon
6 expiration of the term of office of any appointive member,
7 that member shall continue to serve until a successor shall be
8 appointed and qualified. In case of a vacancy, a successor
9 shall be appointed to serve for the unexpired portion of the
10 term. If the Senate is not in session at the time the initial
11 appointments are made, the Governor shall make temporary
12 appointments in the same manner successors are appointed to
13 fill vacancies. A temporary appointment shall remain in effect
14 no longer than 20 calendar days after the commencement of the
15 next Senate session.

16 (b) The Local Panel shall have jurisdiction over
17 collective bargaining agreement matters between employee
18 organizations and units of local government with a population
19 in excess of 2 million persons, but excluding the Metropolitan
20 Mobility ~~Regional Transportation~~ Authority.

21 The Local Panel shall consist of one person appointed by
22 the Governor with the advice and consent of the Senate (or, if
23 no such person is appointed, the Chairman of the State Panel)
24 and two additional members, one appointed by the Mayor of the
25 City of Chicago and one appointed by the President of the Cook
26 County Board of Commissioners. Appointees to the Local Panel

1 must have had a minimum of 5 years of experience directly
2 related to labor and employment relations in representing
3 public employers, private employers or labor organizations; or
4 teaching labor or employment relations; or administering
5 executive orders or regulations applicable to labor or
6 employment relations. Each member of the Local Panel shall be
7 an Illinois resident at the time of his or her appointment. The
8 member appointed by the Governor (or, if no such person is
9 appointed, the Chairman of the State Panel) shall serve as the
10 Chairman of the Local Panel.

11 Notwithstanding any other provision of this Section, the
12 term of the member of the Local Panel who was appointed by the
13 Governor and is in office on June 30, 2003 shall terminate at
14 the close of business on that date or when his or her successor
15 has been appointed by the Governor, whichever occurs later. As
16 soon as possible, the Governor shall appoint a person to fill
17 the vacancy created by this amendatory Act. The initial
18 appointment under this amendatory Act of the 93rd General
19 Assembly shall be for a term ending on the 4th Monday in
20 January, 2007.

21 The initial appointments under this amendatory Act of the
22 91st General Assembly shall be for terms as follows: The
23 member appointed by the Governor shall initially be appointed
24 for a term ending on the 4th Monday in January, 2001; the
25 member appointed by the President of the Cook County Board
26 shall be initially appointed for a term ending on the 4th

1 Monday in January, 2003; and the member appointed by the Mayor
2 of the City of Chicago shall be initially appointed for a term
3 ending on the 4th Monday in January, 2004. Each subsequent
4 member shall be appointed for a term of 4 years, commencing on
5 the 4th Monday in January. Upon expiration of the term of
6 office of any appointive member, the member shall continue to
7 serve until a successor shall be appointed and qualified. In
8 the case of a vacancy, a successor shall be appointed by the
9 applicable appointive authority to serve for the unexpired
10 portion of the term.

11 (c) Three members of the State Panel shall at all times
12 constitute a quorum. Two members of the Local Panel shall at
13 all times constitute a quorum. A vacancy on a panel does not
14 impair the right of the remaining members to exercise all of
15 the powers of that panel. Each panel shall adopt an official
16 seal which shall be judicially noticed. The salary of the
17 Chairman of the State Panel shall be \$82,429 per year, or as
18 set by the Compensation Review Board, whichever is greater,
19 and that of the other members of the State and Local Panels
20 shall be \$74,188 per year, or as set by the Compensation Review
21 Board, whichever is greater.

22 (d) Each member shall devote his or her entire time to the
23 duties of the office, and shall hold no other office or
24 position of profit, nor engage in any other business,
25 employment, or vocation. No member shall hold any other public
26 office or be employed as a labor or management representative

1 by the State or any political subdivision of the State or of
2 any department or agency thereof, or actively represent or act
3 on behalf of an employer or an employee organization or an
4 employer in labor relations matters. Any member of the State
5 Panel may be removed from office by the Governor for
6 inefficiency, neglect of duty, misconduct or malfeasance in
7 office, and for no other cause, and only upon notice and
8 hearing. Any member of the Local Panel may be removed from
9 office by the applicable appointive authority for
10 inefficiency, neglect of duty, misconduct or malfeasance in
11 office, and for no other cause, and only upon notice and
12 hearing.

13 (e) Each panel at the end of every State fiscal year shall
14 make a report in writing to the Governor and the General
15 Assembly, stating in detail the work it has done in hearing and
16 deciding cases and otherwise.

17 (f) In order to accomplish the objectives and carry out
18 the duties prescribed by this Act, a panel or its authorized
19 designees may hold elections to determine whether a labor
20 organization has majority status; investigate and attempt to
21 resolve or settle charges of unfair labor practices; hold
22 hearings in order to carry out its functions; develop and
23 effectuate appropriate impasse resolution procedures for
24 purposes of resolving labor disputes; require the appearance
25 of witnesses and the production of evidence on any matter
26 under inquiry; and administer oaths and affirmations. The

1 panels shall sign and report in full an opinion in every case
2 which they decide.

3 (g) Each panel may appoint or employ an executive
4 director, attorneys, hearing officers, mediators,
5 fact-finders, arbitrators, and such other employees as it may
6 deem necessary to perform its functions. The governing boards
7 shall prescribe the duties and qualifications of such persons
8 appointed and, subject to the annual appropriation, fix their
9 compensation and provide for reimbursement of actual and
10 necessary expenses incurred in the performance of their
11 duties. The Board shall employ a minimum of 16 attorneys and 6
12 investigators.

13 (h) Each panel shall exercise general supervision over all
14 attorneys which it employs and over the other persons employed
15 to provide necessary support services for such attorneys. The
16 panels shall have final authority in respect to complaints
17 brought pursuant to this Act.

18 (i) The following rules and regulations shall be adopted
19 by the panels meeting in joint session: (1) procedural rules
20 and regulations which shall govern all Board proceedings; (2)
21 procedures for election of exclusive bargaining
22 representatives pursuant to Section 9, except for the
23 determination of appropriate bargaining units; and (3)
24 appointment of counsel pursuant to subsection (k) of this
25 Section.

26 (j) Rules and regulations may be adopted, amended or

1 rescinded only upon a vote of 5 of the members of the State and
2 Local Panels meeting in joint session. The adoption, amendment
3 or rescission of rules and regulations shall be in conformity
4 with the requirements of the Illinois Administrative Procedure
5 Act.

6 (k) The panels in joint session shall promulgate rules and
7 regulations providing for the appointment of attorneys or
8 other Board representatives to represent persons in unfair
9 labor practice proceedings before a panel. The regulations
10 governing appointment shall require the applicant to
11 demonstrate an inability to pay for or inability to otherwise
12 provide for adequate representation before a panel. Such rules
13 must also provide: (1) that an attorney may not be appointed in
14 cases which, in the opinion of a panel, are clearly without
15 merit; (2) the stage of the unfair labor proceeding at which
16 counsel will be appointed; and (3) the circumstances under
17 which a client will be allowed to select counsel.

18 (1) The panels in joint session may promulgate rules and
19 regulations which allow parties in proceedings before a panel
20 to be represented by counsel or any other representative of
21 the party's choice.

22 (m) The Chairman of the State Panel shall serve as
23 Chairman of a joint session of the panels. Attendance of at
24 least 2 members of the State Panel and at least one member of
25 the Local Panel, in addition to the Chairman, shall constitute
26 a quorum at a joint session. The panels shall meet in joint

1 session at least annually.

2 (Source: P.A. 96-813, eff. 10-30-09.)

3 (5 ILCS 315/15) (from Ch. 48, par. 1615)

4 (Text of Section WITHOUT the changes made by P.A. 98-599,
5 which has been held unconstitutional)

6 Sec. 15. Act Takes Precedence.

7 (a) In case of any conflict between the provisions of this
8 Act and any other law (other than Section 5 of the State
9 Employees Group Insurance Act of 1971 and other than the
10 changes made to the Illinois Pension Code by this amendatory
11 Act of the 96th General Assembly), executive order or
12 administrative regulation relating to wages, hours and
13 conditions of employment and employment relations, the
14 provisions of this Act or any collective bargaining agreement
15 negotiated thereunder shall prevail and control. Nothing in
16 this Act shall be construed to replace or diminish the rights
17 of employees established by Sections 4.14 through 4.18 of the
18 Metropolitan Mobility Authority Act ~~Sections 28 and 28a of the~~
19 ~~Metropolitan Transit Authority Act, Sections 2.15 through 2.19~~
20 ~~of the Regional Transportation Authority Act.~~ The provisions
21 of this Act are subject to Section 5 of the State Employees
22 Group Insurance Act of 1971. Nothing in this Act shall be
23 construed to replace the necessity of complaints against a
24 sworn peace officer, as defined in Section 2(a) of the Uniform
25 Peace Officer Disciplinary Act, from having a complaint

1 supported by a sworn affidavit.

2 (b) Except as provided in subsection (a) above, any
3 collective bargaining contract between a public employer and a
4 labor organization executed pursuant to this Act shall
5 supersede any contrary statutes, charters, ordinances, rules
6 or regulations relating to wages, hours and conditions of
7 employment and employment relations adopted by the public
8 employer or its agents. Any collective bargaining agreement
9 entered into prior to the effective date of this Act shall
10 remain in full force during its duration.

11 (c) It is the public policy of this State, pursuant to
12 paragraphs (h) and (i) of Section 6 of Article VII of the
13 Illinois Constitution, that the provisions of this Act are the
14 exclusive exercise by the State of powers and functions which
15 might otherwise be exercised by home rule units. Such powers
16 and functions may not be exercised concurrently, either
17 directly or indirectly, by any unit of local government,
18 including any home rule unit, except as otherwise authorized
19 by this Act.

20 (Source: P.A. 95-331, eff. 8-21-07; 96-889, eff. 1-1-11.)

21 Section 8.05. The State Employees Group Insurance Act of
22 1971 is amended by changing Section 2.5 as follows:

23 (5 ILCS 375/2.5)

24 Sec. 2.5. Application to Metropolitan Mobility ~~Regional~~

1 ~~Transportation~~ Authority Board members. Notwithstanding any
2 other provision of this Act to the contrary, this Act does not
3 apply to any member of the Regional Transportation Authority
4 Board or the Metropolitan Mobility Authority Board who first
5 becomes a member of either ~~that~~ Board on or after July 23, 2013
6 (the effective date of Public Act 98-108) with respect to
7 service of either ~~that~~ Board.

8 (Source: P.A. 98-108, eff. 7-23-13; 98-756, eff. 7-16-14.)

9 Section 8.06. The State Officials and Employees Ethics Act
10 is amended by changing Sections 1-5, 20-5, 20-10, 75-5, and
11 75-10 and by changing the heading of Article 75 as follows:

12 (5 ILCS 430/1-5)

13 Sec. 1-5. Definitions. As used in this Act:

14 "Appointee" means a person appointed to a position in or
15 with a State agency, regardless of whether the position is
16 compensated.

17 "Board members of Regional Development Authorities" means
18 any person appointed to serve on the governing board of a
19 Regional Development Authority.

20 "Board members of the Regional Transit Board ~~Boards~~" means
21 any person appointed to serve on the governing board of the
22 Metropolitan Mobility Authority Board ~~a Regional Transit~~
23 ~~Board~~.

24 "Campaign for elective office" means any activity in

1 furtherance of an effort to influence the selection,
2 nomination, election, or appointment of any individual to any
3 federal, State, or local public office or office in a
4 political organization, or the selection, nomination, or
5 election of Presidential or Vice-Presidential electors, but
6 does not include activities (i) relating to the support or
7 opposition of any executive, legislative, or administrative
8 action (as those terms are defined in Section 2 of the Lobbyist
9 Registration Act), (ii) relating to collective bargaining, or
10 (iii) that are otherwise in furtherance of the person's
11 official State duties.

12 "Candidate" means a person who has filed nominating papers
13 or petitions for nomination or election to an elected State
14 office, or who has been appointed to fill a vacancy in
15 nomination, and who remains eligible for placement on the
16 ballot at either a general primary election or general
17 election.

18 "Collective bargaining" has the same meaning as that term
19 is defined in Section 3 of the Illinois Public Labor Relations
20 Act.

21 "Commission" means an ethics commission created by this
22 Act.

23 "Compensated time" means any time worked by or credited to
24 a State employee that counts toward any minimum work time
25 requirement imposed as a condition of employment with a State
26 agency, but does not include any designated State holidays or

1 any period when the employee is on a leave of absence.

2 "Compensatory time off" means authorized time off earned
3 by or awarded to a State employee to compensate in whole or in
4 part for time worked in excess of the minimum work time
5 required of that employee as a condition of employment with a
6 State agency.

7 "Contribution" has the same meaning as that term is
8 defined in Section 9-1.4 of the Election Code.

9 "Employee" means (i) any person employed full-time,
10 part-time, or pursuant to a contract and whose employment
11 duties are subject to the direction and control of an employer
12 with regard to the material details of how the work is to be
13 performed or (ii) any appointed or elected commissioner,
14 trustee, director, or board member of a board of a State
15 agency, including any retirement system or investment board
16 subject to the Illinois Pension Code or (iii) any other
17 appointee.

18 "Employment benefits" include but are not limited to the
19 following: modified compensation or benefit terms; compensated
20 time off; or change of title, job duties, or location of office
21 or employment. An employment benefit may also include
22 favorable treatment in determining whether to bring any
23 disciplinary or similar action or favorable treatment during
24 the course of any disciplinary or similar action or other
25 performance review.

26 "Executive branch constitutional officer" means the

1 Governor, Lieutenant Governor, Attorney General, Secretary of
2 State, Comptroller, and Treasurer.

3 "Gift" means any gratuity, discount, entertainment,
4 hospitality, loan, forbearance, or other tangible or
5 intangible item having monetary value including, but not
6 limited to, cash, food and drink, and honoraria for speaking
7 engagements related to or attributable to government
8 employment or the official position of an employee, member, or
9 officer. The value of a gift may be further defined by rules
10 adopted by the appropriate ethics commission or by the Auditor
11 General for the Auditor General and for employees of the
12 office of the Auditor General.

13 "Governmental entity" means a unit of local government
14 (including a community college district) or a school district
15 but not a State agency, a Regional Transit Board, or a Regional
16 Development Authority.

17 "Leave of absence" means any period during which a State
18 employee does not receive (i) compensation for State
19 employment, (ii) service credit towards State pension
20 benefits, and (iii) health insurance benefits paid for by the
21 State.

22 "Legislative branch constitutional officer" means a member
23 of the General Assembly and the Auditor General.

24 "Legislative leader" means the President and Minority
25 Leader of the Senate and the Speaker and Minority Leader of the
26 House of Representatives.

1 "Member" means a member of the General Assembly.

2 "Officer" means an executive branch constitutional officer
3 or a legislative branch constitutional officer.

4 "Political" means any activity in support of or in
5 connection with any campaign for elective office or any
6 political organization, but does not include activities (i)
7 relating to the support or opposition of any executive,
8 legislative, or administrative action (as those terms are
9 defined in Section 2 of the Lobbyist Registration Act), (ii)
10 relating to collective bargaining, or (iii) that are otherwise
11 in furtherance of the person's official State duties or
12 governmental and public service functions.

13 "Political organization" means a party, committee,
14 association, fund, or other organization (whether or not
15 incorporated) that is required to file a statement of
16 organization with the State Board of Elections or a county
17 clerk under Section 9-3 of the Election Code, but only with
18 regard to those activities that require filing with the State
19 Board of Elections or a county clerk.

20 "Prohibited political activity" means:

21 (1) Preparing for, organizing, or participating in any
22 political meeting, political rally, political
23 demonstration, or other political event.

24 (2) Soliciting contributions, including but not
25 limited to the purchase of, selling, distributing, or
26 receiving payment for tickets for any political

1 fundraiser, political meeting, or other political event.

2 (3) Soliciting, planning the solicitation of, or
3 preparing any document or report regarding any thing of
4 value intended as a campaign contribution.

5 (4) Planning, conducting, or participating in a public
6 opinion poll in connection with a campaign for elective
7 office or on behalf of a political organization for
8 political purposes or for or against any referendum
9 question.

10 (5) Surveying or gathering information from potential
11 or actual voters in an election to determine probable vote
12 outcome in connection with a campaign for elective office
13 or on behalf of a political organization for political
14 purposes or for or against any referendum question.

15 (6) Assisting at the polls on election day on behalf
16 of any political organization or candidate for elective
17 office or for or against any referendum question.

18 (7) Soliciting votes on behalf of a candidate for
19 elective office or a political organization or for or
20 against any referendum question or helping in an effort to
21 get voters to the polls.

22 (8) Initiating for circulation, preparing,
23 circulating, reviewing, or filing any petition on behalf
24 of a candidate for elective office or for or against any
25 referendum question.

26 (9) Making contributions on behalf of any candidate

1 for elective office in that capacity or in connection with
2 a campaign for elective office.

3 (10) Preparing or reviewing responses to candidate
4 questionnaires in connection with a campaign for elective
5 office or on behalf of a political organization for
6 political purposes.

7 (11) Distributing, preparing for distribution, or
8 mailing campaign literature, campaign signs, or other
9 campaign material on behalf of any candidate for elective
10 office or for or against any referendum question.

11 (12) Campaigning for any elective office or for or
12 against any referendum question.

13 (13) Managing or working on a campaign for elective
14 office or for or against any referendum question.

15 (14) Serving as a delegate, alternate, or proxy to a
16 political party convention.

17 (15) Participating in any recount or challenge to the
18 outcome of any election, except to the extent that under
19 subsection (d) of Section 6 of Article IV of the Illinois
20 Constitution each house of the General Assembly shall
21 judge the elections, returns, and qualifications of its
22 members.

23 "Prohibited source" means any person or entity who:

24 (1) is seeking official action (i) by the member or
25 officer or (ii) in the case of an employee, by the employee
26 or by the member, officer, State agency, or other employee

1 directing the employee;

2 (2) does business or seeks to do business (i) with the
3 member or officer or (ii) in the case of an employee, with
4 the employee or with the member, officer, State agency, or
5 other employee directing the employee;

6 (3) conducts activities regulated (i) by the member or
7 officer or (ii) in the case of an employee, by the employee
8 or by the member, officer, State agency, or other employee
9 directing the employee;

10 (4) has interests that may be substantially affected
11 by the performance or non-performance of the official
12 duties of the member, officer, or employee;

13 (5) is registered or required to be registered with
14 the Secretary of State under the Lobbyist Registration
15 Act, except that an entity not otherwise a prohibited
16 source does not become a prohibited source merely because
17 a registered lobbyist is one of its members or serves on
18 its board of directors; or

19 (6) is an agent of, a spouse of, or an immediate family
20 member who is living with a "prohibited source".

21 "Regional Development Authority" means the following
22 regional development authorities:

23 (1) the Central Illinois Economic Development
24 Authority created by the Central Illinois Economic
25 Development Authority Act;

26 (2) the Eastern Illinois Economic Development

1 Authority created by the Eastern Illinois Economic
2 Development Authority Act;

3 (3) the Joliet Arsenal Development Authority created
4 by the Joliet Arsenal Development Authority Act;

5 (4) the Quad Cities Regional Economic Development
6 Authority created by Quad Cities Regional Economic
7 Development Authority Act, approved September 22, 1987;

8 (5) the Riverdale Development Authority created by the
9 Riverdale Development Authority Act;

10 (6) the Southeastern Illinois Economic Development
11 Authority created by the Southeastern Illinois Economic
12 Development Authority Act;

13 (7) the Southern Illinois Economic Development
14 Authority created by the Southern Illinois Economic
15 Development Authority Act;

16 (8) the Southwestern Illinois Development Authority
17 created by the Southwestern Illinois Development Authority
18 Act;

19 (9) the Tri-County River Valley Development Authority
20 created by the Tri-County River Valley Development
21 Authority Law;

22 (10) the Upper Illinois River Valley Development
23 Authority created by the Upper Illinois River Valley
24 Development Authority Act;

25 (11) the Illinois Urban Development Authority created
26 by the Illinois Urban Development Authority Act;

1 (12) the Western Illinois Economic Development
2 Authority created by the Western Illinois Economic
3 Development Authority Act; and

4 (13) the Will-Kankakee Regional Development Authority
5 created by the Will-Kankakee Regional Development
6 Authority Law.

7 "Regional Transit Board Boards" means ~~(i) the Metropolitan~~
8 Mobility Authority Board created by the Metropolitan Mobility
9 Authority Act ~~Regional Transportation Authority created by the~~
10 ~~Regional Transportation Authority Act, (ii) the Suburban Bus~~
11 ~~Division created by the Regional Transportation Authority Act,~~
12 ~~(iii) the Commuter Rail Division created by the Regional~~
13 ~~Transportation Authority Act, and (iv) the Chicago Transit~~
14 ~~Authority created by the Metropolitan Transit Authority Act.~~

15 "State agency" includes all officers, boards, commissions
16 and agencies created by the Constitution, whether in the
17 executive or legislative branch; all officers, departments,
18 boards, commissions, agencies, institutions, authorities,
19 public institutions of higher learning as defined in Section 2
20 of the Higher Education Cooperation Act (except community
21 colleges), and bodies politic and corporate of the State; and
22 administrative units or corporate outgrowths of the State
23 government which are created by or pursuant to statute, other
24 than units of local government (including community college
25 districts) and their officers, school districts, and boards of
26 election commissioners; and all administrative units and

1 corporate outgrowths of the above and as may be created by
2 executive order of the Governor. "State agency" includes the
3 General Assembly, the Senate, the House of Representatives,
4 the President and Minority Leader of the Senate, the Speaker
5 and Minority Leader of the House of Representatives, the
6 Senate Operations Commission, and the legislative support
7 services agencies. "State agency" includes the Office of the
8 Auditor General. "State agency" does not include the judicial
9 branch.

10 "State employee" means any employee of a State agency.

11 "Ultimate jurisdictional authority" means the following:

12 (1) For members, legislative partisan staff, and
13 legislative secretaries, the appropriate legislative
14 leader: President of the Senate, Minority Leader of the
15 Senate, Speaker of the House of Representatives, or
16 Minority Leader of the House of Representatives.

17 (2) For State employees who are professional staff or
18 employees of the Senate and not covered under item (1),
19 the Senate Operations Commission.

20 (3) For State employees who are professional staff or
21 employees of the House of Representatives and not covered
22 under item (1), the Speaker of the House of
23 Representatives.

24 (4) For State employees who are employees of the
25 legislative support services agencies, the Joint Committee
26 on Legislative Support Services.

1 (5) For State employees of the Auditor General, the
2 Auditor General.

3 (6) For State employees of public institutions of
4 higher learning as defined in Section 2 of the Higher
5 Education Cooperation Act (except community colleges), the
6 board of trustees of the appropriate public institution of
7 higher learning.

8 (7) For State employees of an executive branch
9 constitutional officer other than those described in
10 paragraph (6), the appropriate executive branch
11 constitutional officer.

12 (8) For State employees not under the jurisdiction of
13 paragraph (1), (2), (3), (4), (5), (6), or (7), the
14 Governor.

15 (9) (Blank). ~~For employees of Regional Transit Boards,~~
16 ~~the appropriate Regional Transit Board.~~

17 (10) For board members of the Regional Transit Board
18 Boards, the Governor.

19 (11) For employees of Regional Development
20 Authorities, the appropriate Regional Development
21 Authority.

22 (12) For board members of Regional Development
23 Authorities, the Governor.

24 (Source: P.A. 103-517, eff. 8-11-23.)

25 (5 ILCS 430/20-5)

1 Sec. 20-5. Executive Ethics Commission.

2 (a) The Executive Ethics Commission is created.

3 (b) The Executive Ethics Commission shall consist of 9
4 commissioners. The Governor shall appoint 5 commissioners, and
5 the Attorney General, Secretary of State, Comptroller, and
6 Treasurer shall each appoint one commissioner. Appointments
7 shall be made by and with the advice and consent of the Senate
8 by three-fifths of the elected members concurring by record
9 vote. Any nomination not acted upon by the Senate within 60
10 session days of the receipt thereof shall be deemed to have
11 received the advice and consent of the Senate. If, during a
12 recess of the Senate, there is a vacancy in an office of
13 commissioner, the appointing authority shall make a temporary
14 appointment until the next meeting of the Senate when the
15 appointing authority shall make a nomination to fill that
16 office. No person rejected for an office of commissioner
17 shall, except by the Senate's request, be nominated again for
18 that office at the same session of the Senate or be appointed
19 to that office during a recess of that Senate. No more than 5
20 commissioners may be of the same political party.

21 The terms of the initial commissioners shall commence upon
22 qualification. Four initial appointees of the Governor, as
23 designated by the Governor, shall serve terms running through
24 June 30, 2007. One initial appointee of the Governor, as
25 designated by the Governor, and the initial appointees of the
26 Attorney General, Secretary of State, Comptroller, and

1 Treasurer shall serve terms running through June 30, 2008. The
2 initial appointments shall be made within 60 days after the
3 effective date of this Act.

4 After the initial terms, commissioners shall serve for
5 4-year terms commencing on July 1 of the year of appointment
6 and running through June 30 of the fourth following year.
7 Commissioners may be reappointed to one or more subsequent
8 terms.

9 Vacancies occurring other than at the end of a term shall
10 be filled by the appointing authority only for the balance of
11 the term of the commissioner whose office is vacant.

12 Terms shall run regardless of whether the position is
13 filled.

14 (c) The appointing authorities shall appoint commissioners
15 who have experience holding governmental office or employment
16 and shall appoint commissioners from the general public. A
17 person is not eligible to serve as a commissioner if that
18 person (i) has been convicted of a felony or a crime of
19 dishonesty or moral turpitude, (ii) is, or was within the
20 preceding 12 months, engaged in activities that require
21 registration under the Lobbyist Registration Act, (iii) is
22 related to the appointing authority, or (iv) is a State
23 officer or employee.

24 (d) The Executive Ethics Commission shall have
25 jurisdiction over all officers and employees of State agencies
26 other than the General Assembly, the Senate, the House of

1 Representatives, the President and Minority Leader of the
2 Senate, the Speaker and Minority Leader of the House of
3 Representatives, the Senate Operations Commission, the
4 legislative support services agencies, and the Office of the
5 Auditor General. The Executive Ethics Commission shall have
6 jurisdiction over all board members and employees of the
7 Regional Transit Board ~~Boards~~ and all board members and
8 employees of Regional Development Authorities. The
9 jurisdiction of the Commission is limited to matters arising
10 under this Act, except as provided in subsection (d-5).

11 A member or legislative branch State employee serving on
12 an executive branch board or commission remains subject to the
13 jurisdiction of the Legislative Ethics Commission and is not
14 subject to the jurisdiction of the Executive Ethics
15 Commission.

16 (d-5) The Executive Ethics Commission shall have
17 jurisdiction over all chief procurement officers and
18 procurement compliance monitors and their respective staffs.
19 The Executive Ethics Commission shall have jurisdiction over
20 any matters arising under the Illinois Procurement Code if the
21 Commission is given explicit authority in that Code.

22 (d-6) (1) The Executive Ethics Commission shall have
23 jurisdiction over the Illinois Power Agency and its staff. The
24 Director of the Agency shall be appointed by a majority of the
25 commissioners of the Executive Ethics Commission, subject to
26 Senate confirmation, for a term of 2 years. The Director is

1 removable for cause by a majority of the Commission upon a
2 finding of neglect, malfeasance, absence, or incompetence.

3 (2) In case of a vacancy in the office of Director of the
4 Illinois Power Agency during a recess of the Senate, the
5 Executive Ethics Commission may make a temporary appointment
6 until the next meeting of the Senate, at which time the
7 Executive Ethics Commission shall nominate some person to fill
8 the office, and any person so nominated who is confirmed by the
9 Senate shall hold office during the remainder of the term and
10 until his or her successor is appointed and qualified. Nothing
11 in this subsection shall prohibit the Executive Ethics
12 Commission from removing a temporary appointee or from
13 appointing a temporary appointee as the Director of the
14 Illinois Power Agency.

15 (3) Prior to June 1, 2012, the Executive Ethics Commission
16 may, until the Director of the Illinois Power Agency is
17 appointed and qualified or a temporary appointment is made
18 pursuant to paragraph (2) of this subsection, designate some
19 person as an acting Director to execute the powers and
20 discharge the duties vested by law in that Director. An acting
21 Director shall serve no later than 60 calendar days, or upon
22 the making of an appointment pursuant to paragraph (1) or (2)
23 of this subsection, whichever is earlier. Nothing in this
24 subsection shall prohibit the Executive Ethics Commission from
25 removing an acting Director or from appointing an acting
26 Director as the Director of the Illinois Power Agency.

1 (4) No person rejected by the Senate for the office of
2 Director of the Illinois Power Agency shall, except at the
3 Senate's request, be nominated again for that office at the
4 same session or be appointed to that office during a recess of
5 that Senate.

6 (d-7) The Executive Ethics Commission shall have
7 jurisdiction over complainants and respondents in violation of
8 subsection (d) of Section 20-90.

9 (e) The Executive Ethics Commission must meet, either in
10 person or by other technological means, at least monthly and
11 as often as necessary. At the first meeting of the Executive
12 Ethics Commission, the commissioners shall choose from their
13 number a chairperson and other officers that they deem
14 appropriate. The terms of officers shall be for 2 years
15 commencing July 1 and running through June 30 of the second
16 following year. Meetings shall be held at the call of the
17 chairperson or any 3 commissioners. Official action by the
18 Commission shall require the affirmative vote of 5
19 commissioners, and a quorum shall consist of 5 commissioners.
20 Commissioners shall receive compensation in an amount equal to
21 the compensation of members of the State Board of Elections
22 and may be reimbursed for their reasonable expenses actually
23 incurred in the performance of their duties.

24 (f) No commissioner or employee of the Executive Ethics
25 Commission may during his or her term of appointment or
26 employment:

1 (1) become a candidate for any elective office;

2 (2) hold any other elected or appointed public office
3 except for appointments on governmental advisory boards or
4 study commissions or as otherwise expressly authorized by
5 law;

6 (3) be actively involved in the affairs of any
7 political party or political organization; or

8 (4) advocate for the appointment of another person to
9 an appointed or elected office or position or actively
10 participate in any campaign for any elective office.

11 (g) An appointing authority may remove a commissioner only
12 for cause.

13 (h) The Executive Ethics Commission shall appoint an
14 Executive Director. The compensation of the Executive Director
15 shall be as determined by the Commission. The Executive
16 Director of the Executive Ethics Commission may employ and
17 determine the compensation of staff, as appropriations permit.

18 (i) The Executive Ethics Commission shall appoint, by a
19 majority of the members appointed to the Commission, chief
20 procurement officers and may appoint procurement compliance
21 monitors in accordance with the provisions of the Illinois
22 Procurement Code. The compensation of a chief procurement
23 officer and procurement compliance monitor shall be determined
24 by the Commission.

25 (Source: P.A. 103-517, eff. 8-11-23.)

1 (5 ILCS 430/20-10)

2 Sec. 20-10. Offices of Executive Inspectors General.

3 (a) Five independent Offices of the Executive Inspector
4 General are created, one each for the Governor, the Attorney
5 General, the Secretary of State, the Comptroller, and the
6 Treasurer. Each Office shall be under the direction and
7 supervision of an Executive Inspector General and shall be a
8 fully independent office with separate appropriations.

9 (b) The Governor, Attorney General, Secretary of State,
10 Comptroller, and Treasurer shall each appoint an Executive
11 Inspector General, without regard to political affiliation and
12 solely on the basis of integrity and demonstrated ability.
13 Appointments shall be made by and with the advice and consent
14 of the Senate by three-fifths of the elected members
15 concurring by record vote. Any nomination not acted upon by
16 the Senate within 60 session days of the receipt thereof shall
17 be deemed to have received the advice and consent of the
18 Senate. If, during a recess of the Senate, there is a vacancy
19 in an office of Executive Inspector General, the appointing
20 authority shall make a temporary appointment until the next
21 meeting of the Senate when the appointing authority shall make
22 a nomination to fill that office. No person rejected for an
23 office of Executive Inspector General shall, except by the
24 Senate's request, be nominated again for that office at the
25 same session of the Senate or be appointed to that office
26 during a recess of that Senate.

1 Nothing in this Article precludes the appointment by the
2 Governor, Attorney General, Secretary of State, Comptroller,
3 or Treasurer of any other inspector general required or
4 permitted by law. The Governor, Attorney General, Secretary of
5 State, Comptroller, and Treasurer each may appoint an existing
6 inspector general as the Executive Inspector General required
7 by this Article, provided that such an inspector general is
8 not prohibited by law, rule, jurisdiction, qualification, or
9 interest from serving as the Executive Inspector General
10 required by this Article. An appointing authority may not
11 appoint a relative as an Executive Inspector General.

12 Each Executive Inspector General shall have the following
13 qualifications:

14 (1) has not been convicted of any felony under the
15 laws of this State, another State, or the United States;

16 (2) has earned a baccalaureate degree from an
17 institution of higher education; and

18 (3) has 5 or more years of cumulative service (A) with
19 a federal, State, or local law enforcement agency, at
20 least 2 years of which have been in a progressive
21 investigatory capacity; (B) as a federal, State, or local
22 prosecutor; (C) as a senior manager or executive of a
23 federal, State, or local agency; (D) as a member, an
24 officer, or a State or federal judge; or (E) representing
25 any combination of items (A) through (D).

26 The term of each initial Executive Inspector General shall

1 commence upon qualification and shall run through June 30,
2 2008. The initial appointments shall be made within 60 days
3 after the effective date of this Act.

4 After the initial term, each Executive Inspector General
5 shall serve for 5-year terms commencing on July 1 of the year
6 of appointment and running through June 30 of the fifth
7 following year. An Executive Inspector General may be
8 reappointed to one or more subsequent terms.

9 A vacancy occurring other than at the end of a term shall
10 be filled by the appointing authority only for the balance of
11 the term of the Executive Inspector General whose office is
12 vacant.

13 Terms shall run regardless of whether the position is
14 filled.

15 (c) The Executive Inspector General appointed by the
16 Attorney General shall have jurisdiction over the Attorney
17 General and all officers and employees of, and vendors and
18 others doing business with, State agencies within the
19 jurisdiction of the Attorney General. The Executive Inspector
20 General appointed by the Secretary of State shall have
21 jurisdiction over the Secretary of State and all officers and
22 employees of, and vendors and others doing business with,
23 State agencies within the jurisdiction of the Secretary of
24 State. The Executive Inspector General appointed by the
25 Comptroller shall have jurisdiction over the Comptroller and
26 all officers and employees of, and vendors and others doing

1 business with, State agencies within the jurisdiction of the
2 Comptroller. The Executive Inspector General appointed by the
3 Treasurer shall have jurisdiction over the Treasurer and all
4 officers and employees of, and vendors and others doing
5 business with, State agencies within the jurisdiction of the
6 Treasurer. The Executive Inspector General appointed by the
7 Governor shall have jurisdiction over (i) the Governor, (ii)
8 the Lieutenant Governor, (iii) all officers and employees of,
9 and vendors and others doing business with, executive branch
10 State agencies under the jurisdiction of the Executive Ethics
11 Commission and not within the jurisdiction of the Attorney
12 General, the Secretary of State, the Comptroller, or the
13 Treasurer, (iv) all board members and employees of the
14 Regional Transit Board ~~Boards~~ and all vendors and others doing
15 business with the Regional Transit Board ~~Boards~~, and (v) all
16 board members and employees of the Regional Development
17 Authorities and all vendors and others doing business with the
18 Regional Development Authorities.

19 The jurisdiction of each Executive Inspector General is to
20 investigate allegations of fraud, waste, abuse, mismanagement,
21 misconduct, nonfeasance, misfeasance, malfeasance, or
22 violations of this Act or violations of other related laws and
23 rules.

24 Each Executive Inspector General shall have jurisdiction
25 over complainants in violation of subsection (e) of Section
26 20-63 for disclosing a summary report prepared by the

1 respective Executive Inspector General.

2 (d) The compensation for each Executive Inspector General
3 shall be determined by the Executive Ethics Commission and
4 shall be provided from appropriations made to the Comptroller
5 for this purpose. For terms of office beginning on or after
6 July 1, 2023, each Executive Inspector General shall receive,
7 on July 1 of each year, beginning on July 1, 2024, an increase
8 in salary based on a cost of living adjustment as authorized by
9 Senate Joint Resolution 192 of the 86th General Assembly.
10 Subject to Section 20-45 of this Act, each Executive Inspector
11 General has full authority to organize his or her Office of the
12 Executive Inspector General, including the employment and
13 determination of the compensation of staff, such as deputies,
14 assistants, and other employees, as appropriations permit. A
15 separate appropriation shall be made for each Office of
16 Executive Inspector General.

17 (e) No Executive Inspector General or employee of the
18 Office of the Executive Inspector General may, during his or
19 her term of appointment or employment:

20 (1) become a candidate for any elective office;

21 (2) hold any other elected or appointed public office
22 except for appointments on governmental advisory boards or
23 study commissions or as otherwise expressly authorized by
24 law;

25 (3) be actively involved in the affairs of any
26 political party or political organization; or

1 (4) advocate for the appointment of another person to
2 an appointed or elected office or position or actively
3 participate in any campaign for any elective office.

4 In this subsection an appointed public office means a
5 position authorized by law that is filled by an appointing
6 authority as provided by law and does not include employment
7 by hiring in the ordinary course of business.

8 (e-1) No Executive Inspector General or employee of the
9 Office of the Executive Inspector General may, for one year
10 after the termination of his or her appointment or employment:

11 (1) become a candidate for any elective office;

12 (2) hold any elected public office; or

13 (3) hold any appointed State, county, or local
14 judicial office.

15 (e-2) The requirements of item (3) of subsection (e-1) may
16 be waived by the Executive Ethics Commission.

17 (f) An Executive Inspector General may be removed only for
18 cause and may be removed only by the appointing constitutional
19 officer. At the time of the removal, the appointing
20 constitutional officer must report to the Executive Ethics
21 Commission the justification for the removal.

22 (Source: P.A. 102-558, eff. 8-20-21; 102-1115, eff. 1-9-23;
23 103-517, eff. 8-11-23.)

24 (5 ILCS 430/Art. 75 heading)

25 ARTICLE 75. REGIONAL TRANSIT BOARD ~~BOARDS~~

1 AND REGIONAL DEVELOPMENT AUTHORITIES

2 (Source: P.A. 103-517, eff. 8-11-23.)

3 (5 ILCS 430/75-5)

4 Sec. 75-5. Application of the State Officials and
5 Employees Ethics Act to the Regional Transit Board ~~Boards~~ and
6 Regional Development Authorities.7 (a) The provisions of Articles 1, 5, 10, 20, and 50 of this
8 Act, as well as this Article, apply to the Regional Transit
9 Board ~~Boards~~ and Regional Development Authorities. As used in
10 Articles 1, 5, 10, 20, 50, and 75, (i) "appointee" and
11 "officer" include a person appointed to serve on the board of a
12 Regional Transit Board or a board of a Regional Development
13 Authority, and (ii) "employee" and "State employee" include:
14 (A) a full-time, part-time, or contractual employee of a
15 Regional Transit Board or a Regional Development Authority;
16 and (B) Authority leaders of a Regional Development Authority.
17 As used in this subsection, "Authority leader" has the meaning
18 given to that term in the various Acts and Laws creating the
19 Regional Development Authorities.20 (b) The Executive Ethics Commission shall have
21 jurisdiction over all board members and employees of the
22 Regional Transit Board ~~Boards~~ and Regional Development
23 Authorities. The Executive Inspector General appointed by the
24 Governor shall have jurisdiction over all board members,
25 employees, vendors, and others doing business with the

1 Regional Transit Board ~~Boards~~ and Regional Development
2 Authorities to investigate allegations of fraud, waste, abuse,
3 mismanagement, misconduct, nonfeasance, misfeasance,
4 malfeasance, or violations of this Act.

5 (Source: P.A. 103-517, eff. 8-11-23.)

6 (5 ILCS 430/75-10)

7 Sec. 75-10. Coordination between Executive Inspector
8 General and Inspectors General appointed by Regional Transit
9 Board ~~Boards~~.

10 (a) Nothing in this amendatory Act of the 96th General
11 Assembly precludes the ~~a~~ Regional Transit Board from
12 appointing or employing an Inspector General to serve under
13 the jurisdiction of the ~~a~~ Regional Transit Board to receive
14 complaints and conduct investigations in accordance with an
15 ordinance or resolution adopted by that respective Board,
16 provided he or she is approved by the Executive Ethics
17 Commission. The ~~A~~ Regional Transit Board shall notify the
18 Executive Ethics Commission within 10 days after employing or
19 appointing a person to serve as Inspector General, and the
20 Executive Ethics Commission shall approve or reject the
21 appointment or employment of the Inspector General. Any
22 notification not acted upon by the Executive Ethics Commission
23 within 60 days after its receipt shall be deemed to have
24 received the approval of the Executive Ethics Commission.
25 ~~Within 30 days after the effective date of this amendatory Act~~

1 ~~of the 96th General Assembly, a Regional Transit Board shall~~
2 ~~notify the Executive Ethics Commission of any person serving~~
3 ~~on the effective date of this amendatory Act as an Inspector~~
4 ~~General for the Regional Transit Board, and the Executive~~
5 ~~Ethics Commission shall approve or reject the appointment or~~
6 ~~employment within 30 days after receipt of the notification,~~
7 ~~provided that any notification not acted upon by the Executive~~
8 ~~Ethics Commission within 30 days shall be deemed to have~~
9 ~~received approval.~~ No person rejected by the Executive Ethics
10 Commission shall serve as an Inspector General for the a
11 Regional Transit Board for a term of 5 years after being
12 rejected by the Commission. For purposes of this subsection
13 (a), any person appointed or employed by a Transit Board to
14 receive complaints and investigate allegations of fraud,
15 waste, abuse, mismanagement, misconduct, nonfeasance,
16 misfeasance, malfeasance, or violations of this Act shall be
17 considered an Inspector General and shall be subject to
18 approval of the Executive Ethics Commission.

19 (b) The Executive Inspector General appointed by the
20 Governor shall have exclusive jurisdiction to investigate
21 complaints or allegations of violations of this Act and, in
22 his or her discretion, may investigate other complaints or
23 allegations. Complaints or allegations of a violation of this
24 Act received by an Inspector General appointed or employed by
25 the a Regional Transit Board shall be immediately referred to
26 the Executive Inspector General. The Executive Inspector

1 General shall have authority to assume responsibility and
2 investigate any complaint or allegation received by an
3 Inspector General appointed or employed by the a Regional
4 Transit Board. In the event the Executive Inspector General
5 provides written notification of intent to assume
6 investigatory responsibility for a complaint, allegation, or
7 ongoing investigation, the Inspector General appointed or
8 employed by the a Regional Transit Board shall cease review of
9 the complaint, allegation, or ongoing investigation and
10 provide all information to the Executive Inspector General.
11 The Executive Inspector General may delegate responsibility
12 for an investigation to the Inspector General appointed or
13 employed by the a Regional Transit Board. In the event the
14 Executive Inspector General provides an Inspector General
15 appointed or employed by the a Regional Transit Board with
16 written notification of intent to delegate investigatory
17 responsibility for a complaint, allegation, or ongoing
18 investigation, the Executive Inspector General shall provide
19 all information to the Inspector General appointed or employed
20 by the a Regional Transit Board.

21 (c) An Inspector General appointed or employed by the a
22 Regional Transit Board shall provide a monthly activity report
23 to the Executive Inspector General indicating:

24 (1) the total number of complaints or allegations
25 received since the date of the last report and a
26 description of each complaint;

1 (2) the number of investigations pending as of the
2 reporting date and the status of each investigation;

3 (3) the number of investigations concluded since the
4 date of the last report and the result of each
5 investigation; and

6 (4) the status of any investigation delegated by the
7 Executive Inspector General.

8 An Inspector General appointed or employed by the ~~a~~
9 Regional Transit Board and the Executive Inspector General
10 shall cooperate and share resources or information as
11 necessary to implement the provisions of this Article.

12 (d) Reports filed under this Section are exempt from the
13 Freedom of Information Act and shall be deemed confidential.
14 Investigatory files and reports prepared by the Office of the
15 Executive Inspector General and the Office of an Inspector
16 General appointed or employed by the ~~a~~ Regional Transit Board
17 may be disclosed between the Offices as necessary to implement
18 the provisions of this Article.

19 (Source: P.A. 96-1528, eff. 7-1-11.)

20 Section 8.07. The Illinois Act on the Aging is amended by
21 changing Section 4.15 as follows:

22 (20 ILCS 105/4.15)

23 Sec. 4.15. Eligibility determinations.

24 (a) The Department is authorized to make eligibility

1 determinations for benefits administered by other governmental
2 bodies based on the Senior Citizens and Persons with
3 Disabilities Property Tax Relief Act as follows:

4 (i) for the Secretary of State with respect to reduced
5 fees paid by qualified vehicle owners under the Illinois
6 Vehicle Code;

7 (ii) for special districts that offer free fixed-route
8 ~~fixed route~~ public transportation services for qualified
9 older adults under the Local Mass Transit District Act,
10 ~~the Metropolitan Transit Authority Act,~~ and the
11 Metropolitan Mobility Regional Transportation Authority
12 Act; and

13 (iii) for special districts that offer transit
14 services for qualified individuals with disabilities under
15 the Local Mass Transit District Act,~~the Metropolitan~~
16 ~~Transit Authority Act,~~ and the Metropolitan Mobility
17 ~~Regional Transportation~~ Authority Act.

18 (b) The Department shall establish the manner by which
19 claimants shall apply for these benefits. The Department is
20 authorized to promulgate rules regarding the following
21 matters: the application cycle; the application process; the
22 content for an electronic application; required personal
23 identification information; acceptable proof of eligibility as
24 to age, disability status, marital status, residency, and
25 household income limits; household composition; calculating
26 income; use of social security numbers; duration of

1 eligibility determinations; and any other matters necessary
2 for such administrative operations.

3 (c) All information received by the Department from an
4 application or from any investigation to determine eligibility
5 for benefits shall be confidential, except for official
6 purposes.

7 (d) A person may not under any circumstances charge a fee
8 to a claimant for assistance in completing an application form
9 for these benefits.

10 (Source: P.A. 98-887, eff. 8-15-14; 99-143, eff. 7-27-15.)

11 Section 8.08. The Department of Public Health Powers and
12 Duties Law of the Civil Administrative Code of Illinois is
13 amended by changing Section 2310-55.5 as follows:

14 (20 ILCS 2310/2310-55.5)

15 Sec. 2310-55.5. Free and reduced fare services. The
16 Metropolitan Mobility ~~Regional Transportation~~ Authority shall
17 monthly provide the Department with a list of riders that
18 receive free or reduced fares under the Metropolitan Mobility
19 ~~Regional Transportation~~ Authority Act. The list shall include
20 an individual's name, address, and date of birth. The
21 Department shall, within 2 weeks after receipt of the list,
22 report back to the Metropolitan Mobility ~~Regional~~
23 ~~Transportation~~ Authority any discrepancies that indicate that
24 a rider receiving free or reduced fare services is deceased.

1 (Source: P.A. 97-781, eff. 1-1-13.)

2 (20 ILCS 2605/2605-340 rep.)

3 Section 8.09. The Illinois State Police Law of the Civil
4 Administrative Code of Illinois is amended by repealing
5 Section 2605-340.

6 Section 8.10. The Department of Transportation Law of the
7 Civil Administrative Code of Illinois is amended by changing
8 Sections 2705-203, 2705-300, 2705-305, 2705-310, 2705-315, and
9 2705-440 and by adding Section 2705-594 as follows:

10 (20 ILCS 2705/2705-203)

11 Sec. 2705-203. Transportation asset management plan and
12 performance-based programming.

13 (a) The General Assembly declares it to be in the public
14 interest that a project prioritization process be developed
15 and implemented to: improve the efficiency and effectiveness
16 of the State's transportation system and transportation
17 safety; enhance movement and multi-modal connections of people
18 and goods; mitigate environmental impacts; and promote
19 inclusive economic growth throughout the State.

20 (b) In accordance with Section 2705-200, the Department of
21 Transportation shall develop and publish a statewide
22 multi-modal transportation improvement program for all
23 transportation facilities under its jurisdiction. The

1 development of the program shall use the following methods:

2 (1) use transportation system information to make
3 investment and policy decisions to achieve statewide and
4 regional performance goals established in the State's
5 long-range transportation plan;

6 (2) ensure transportation investment decisions emerge
7 from an objective and quantifiable technical analysis;

8 (3) evaluate the need and financial support necessary
9 for maintaining, expanding, and modernizing existing
10 transportation infrastructure;

11 (4) ensure that all State transportation funds
12 invested are directed to support progress toward the
13 achievement of performance targets established in the
14 State's long-range transportation plan;

15 (5) make investment decisions transparent and
16 accessible to the public;

17 (6) consider emissions and increase infrastructure
18 resilience to climate change; and

19 (7) reduce disparities in transportation system
20 performance experienced by racially marginalized
21 communities, low-income to moderate-income consumers, and
22 other disadvantaged groups and populations identified
23 under the Environmental Justice Act.

24 (c) The Department shall develop a risk-based, statewide
25 highway system asset management plan in accordance with 23
26 U.S.C. 119 and 23 CFR Part 515 to preserve and improve the

1 condition of highway and bridge assets and enhance the
2 performance of the system while minimizing the life-cycle
3 cost. The asset management plan shall be made publicly
4 available on the Department's website.

5 (d) The Department shall develop a needs-based transit
6 asset management plan for State-supported public
7 transportation assets, including vehicles, facilities,
8 equipment, and other infrastructure in accordance with 49 CFR
9 Part 625. The goal of the transit asset management plan is to
10 preserve and modernize capital transit assets that will
11 enhance the performance of the transit system. Federally
12 required transit asset management plans developed by the
13 Metropolitan Mobility Authority ~~Regional Transportation~~
14 ~~Authority (RTA) or service boards, as defined in Section 1.03~~
15 ~~of the Regional Transportation Authority Act,~~ shall become the
16 transportation asset management plans for all public
17 transportation assets owned and operated by the Authority
18 ~~service boards~~. The Department's transit asset management plan
19 shall be made publicly available on the Department's website.
20 The Metropolitan Mobility Authority ~~RTA~~ shall be responsible
21 for making public transit asset management plans for its
22 service area publicly available.

23 (e) The Department shall develop a performance-based
24 project selection process to prioritize taxpayer investment in
25 State-owned transportation assets that add capacity. The goal
26 of the process is to select projects through an evaluation

1 process. This process shall provide the ability to prioritize
2 projects based on geographic regions. The Department shall
3 solicit input from localities, metropolitan planning
4 organizations, transit authorities, transportation
5 authorities, representatives of labor and private businesses,
6 the public, community-based organizations, and other
7 stakeholders in its development of the prioritization process
8 pursuant to this subsection.

9 The selection process shall include a defined public
10 process by which candidate projects are evaluated and
11 selected. The process shall include both a quantitative
12 analysis of the evaluation factors and qualitative review by
13 the Department. The Department may apply different weights to
14 the performance measures based on regional geography or
15 project type. Projects selected as part of the process will be
16 considered for inclusion in the State's multi-year
17 transportation program and the annual element of the
18 multi-year program. Starting April 1, 2022, no new capacity
19 project shall be included in the multi-year transportation
20 plan or annual element without being evaluated under the
21 selection process described in this Section. Existing projects
22 in the multi-year highway improvement program may be included
23 regardless of the outcome of using the performance-based
24 project selection tool. The policies that guide the
25 performance-based project selection process shall be derived
26 from State and regional long-range transportation plans. The

1 Department shall certify that it is making progress toward the
2 goals included in the State's long-range transportation plan.
3 All plan and program development based on the project
4 selection process described in this subsection shall include
5 consideration of regional balance. The selection process shall
6 be based on an objective and quantifiable analysis that
7 considers, at a minimum, the goals identified in the
8 long-range transportation plan and shall:

9 (1) consider emissions and increase infrastructure
10 resilience due to climate change; and

11 (2) reduce disparities in transportation system
12 performance experienced by racially marginalized
13 communities, low-income to moderate-income consumers, and
14 other disadvantaged groups and populations identified
15 under the Environmental Justice Act.

16 (f) The prioritization process developed under subsection
17 (e) may apply only to State jurisdiction projects and not to:

18 (1) projects funded by the Congestion Mitigation and
19 Air Quality Improvement funds apportioned to the State
20 pursuant to 23 U.S.C. 104(b) (4) and State matching funds;

21 (2) projects funded by the Highway Safety Improvement
22 Program funds apportioned to the State pursuant to 23
23 U.S.C. 104(b) (3) and State matching funds;

24 (3) projects funded by the Transportation Alternatives
25 funds set-aside pursuant to 23 U.S.C. 133(h) and State
26 matching funds;

1 (4) projects funded by the National Highway Freight
2 Program pursuant to 23 U.S.C. 167 and State matching
3 funds;

4 (5) funds to be allocated to urban areas based on
5 population under federal law; and

6 (6) any new federal program that requires competitive
7 selection, distribution to local public agencies, or
8 specific eligibility.

9 (g) A summary of the project evaluation process, measures,
10 program, and scores for all candidate projects shall be
11 published on the Department website in a timely manner.

12 (Source: P.A. 102-573, eff. 8-24-21.)

13 (20 ILCS 2705/2705-300) (was 20 ILCS 2705/49.18)

14 Sec. 2705-300. Powers concerning mass transportation. The
15 Department has the power to do the following:

16 (1) Advise and assist the Governor and the General
17 Assembly in formulating (i) a mass transportation policy
18 for the State, (ii) proposals designed to help meet and
19 resolve special problems of mass transportation within the
20 State, and (iii) programs of assistance for the
21 comprehensive planning, development, and administration of
22 mass transportation facilities and services.

23 (2) Appear and participate in proceedings before any
24 federal, State, or local regulatory agency involving or
25 affecting mass transportation in the State.

1 (3) Study mass transportation problems and provide
2 technical assistance to units of local government.

3 (4) Encourage experimentation in developing new mass
4 transportation facilities and services.

5 (5) Recommend policies, programs, and actions designed
6 to improve utilization of mass transportation services.

7 (6) Cooperate with mass transit districts and systems,
8 local governments, and other State agencies in meeting
9 those problems of air, noise, and water pollution
10 associated with transportation.

11 (7) Participate fully in a statewide effort to improve
12 transport safety, including, as the designated State
13 agency responsible for overseeing the safety and security
14 of rail fixed guideway public transportation systems in
15 compliance with 49 U.S.C. 5329 and 49 U.S.C. 5330:

16 (A) developing, adopting, and implementing a
17 system safety program standard and procedures meeting
18 the compliance requirements of 49 U.S.C. 5329 and 49
19 U.S.C. 5330, as now or hereafter amended, for the
20 safety and security of rail fixed guideway public
21 transportation systems within the State; and

22 (B) establishing procedures in accordance with 49
23 U.S.C. 5329 and 49 U.S.C. 5330 to review, approve,
24 oversee, investigate, audit, and enforce all other
25 necessary and incidental functions related to the
26 effectuation of 49 U.S.C. 5329 and 49 U.S.C. 5330, or

1 other federal law, pertaining to public transportation
2 oversight. The Department may contract for the
3 services of a qualified consultant to comply with this
4 subsection.

5 The security portion of the system safety program,
6 investigation reports, surveys, schedules, lists, or data
7 compiled, collected, or prepared by or for the Department
8 under this subsection shall not be subject to discovery or
9 admitted into evidence in federal or State court or
10 considered for other purposes in any civil action for
11 damages arising from any matter mentioned or addressed in
12 such reports, surveys, schedules, lists, data, or
13 information. Except for willful or wanton conduct, neither
14 the Department nor its employees, nor the Metropolitan
15 Mobility Regional Transportation Authority, nor the St.
16 Clair County Transit District, nor any mass transit
17 district ~~nor service board~~ subject to this Section, nor
18 their respective directors, officers, or employees, shall
19 be held liable in any civil action for any injury to or
20 death of any person or loss of or damage to property for
21 any act, omission, or failure to act under this Section or
22 49 U.S.C. 5329 or 49 U.S.C. 5330 as now or hereafter
23 amended.

24 (8) Conduct by contract or otherwise technical
25 studies, and demonstration and development projects which
26 shall be designed to test and develop methods for

1 increasing public use of mass transportation and for
2 providing mass transportation in an efficient,
3 coordinated, and convenient manner.

4 (9) Make applications for, receive, and make use of
5 grants for mass transportation.

6 (10) Make grants for mass transportation from the
7 Transportation Fund pursuant to the standards and
8 procedures of Sections 2705-305 and 2705-310.

9 Nothing in this Section alleviates an individual's duty to
10 comply with the State Officials and Employees Ethics Act.

11 (Source: P.A. 102-559, eff. 8-20-21.)

12 (20 ILCS 2705/2705-305)

13 Sec. 2705-305. Grants for mass transportation.

14 (a) For the purpose of mass transportation grants and
15 contracts, the following definitions apply:

16 "Carrier" means any corporation, authority, partnership,
17 association, person, or district authorized to provide mass
18 transportation within the State.

19 "District" means all of the following:

20 (i) Any district created pursuant to the Local Mass
21 Transit District Act.

22 (ii) (Blank). ~~The Authority created pursuant to the~~
23 ~~Metropolitan Transit Authority Act.~~

24 (iii) Any authority, commission, or other entity that
25 by virtue of an interstate compact approved by Congress is

1 authorized to provide mass transportation.

2 (iv) The Authority created pursuant to the
3 Metropolitan Mobility ~~Regional Transportation~~ Authority
4 Act.

5 "Facilities" comprise all real and personal property used
6 in or appurtenant to a mass transportation system, including
7 parking lots.

8 "Mass transportation" means transportation provided within
9 the State of Illinois by rail, bus, or other conveyance and
10 available to the general public on a regular and continuing
11 basis, including the transportation of persons with
12 disabilities or elderly persons as provided more specifically
13 in Section 2705-310.

14 "Unit of local government" means any city, village,
15 incorporated town, or county.

16 (b) Grants may be made to units of local government,
17 districts, and carriers for the acquisition, construction,
18 extension, reconstruction, and improvement of mass
19 transportation facilities. Grants shall be made upon the terms
20 and conditions that in the judgment of the Secretary are
21 necessary to ensure their proper and effective utilization.

22 (c) The Department shall make grants under this Law in a
23 manner designed, so far as is consistent with the maintenance
24 and development of a sound mass transportation system within
25 the State, to: (i) maximize federal funds for the assistance
26 of mass transportation in Illinois under the Federal Transit

1 Act and other federal Acts; (ii) facilitate the movement of
2 persons who because of age, economic circumstance, or physical
3 infirmity are unable to drive; (iii) contribute to an improved
4 environment through the reduction of air, water, and noise
5 pollution; and (iv) reduce traffic congestion.

6 (d) The Secretary shall establish procedures for making
7 application for mass transportation grants. The procedures
8 shall provide for public notice of all applications and give
9 reasonable opportunity for the submission of comments and
10 objections by interested parties. The procedures shall be
11 designed with a view to facilitating simultaneous application
12 for a grant to the Department and to the federal government.

13 (e) Grants may be made for mass transportation projects as
14 follows:

15 (1) In an amount not to exceed 100% of the nonfederal
16 share of projects for which a federal grant is made.

17 (2) In an amount not to exceed 100% of the net project
18 cost for projects for which a federal grant is not made.

19 (3) In an amount not to exceed five-sixths of the net
20 project cost for projects essential for the maintenance of
21 a sound transportation system and eligible for federal
22 assistance for which a federal grant application has been
23 made but a federal grant has been delayed. If and when a
24 federal grant is made, the amount in excess of the
25 nonfederal share shall be promptly returned to the
26 Department.

1 In no event shall the Department make a grant that,
2 together with any federal funds or funds from any other
3 source, is in excess of 100% of the net project cost.

4 (f) Regardless of whether any funds are available under a
5 federal grant, the Department shall not make a mass
6 transportation grant unless the Secretary finds that the
7 recipient has entered into an agreement with the Department in
8 which the recipient agrees not to engage in school bus
9 operations exclusively for the transportation of students and
10 school personnel in competition with private school bus
11 operators where those private school bus operators are able to
12 provide adequate transportation, at reasonable rates, in
13 conformance with applicable safety standards, provided that
14 this requirement shall not apply to a recipient that operates
15 a school system in the area to be served and operates a
16 separate and exclusive school bus program for the school
17 system.

18 (g) Grants may be made for mass transportation purposes
19 with funds appropriated from the Build Illinois Bond Fund
20 consistent with the specific purposes for which those funds
21 are appropriated by the General Assembly. Grants under this
22 subsection (g) are not subject to any limitations or
23 conditions imposed upon grants by any other provision of this
24 Section, except that the Secretary may impose the terms and
25 conditions that in his or her judgment are necessary to ensure
26 the proper and effective utilization of the grants under this

1 subsection.

2 (h) The Department may let contracts for mass
3 transportation purposes and facilities for the purpose of
4 reducing urban congestion funded in whole or in part with
5 bonds described in subdivision (b)(1) of Section 4 of the
6 General Obligation Bond Act, not to exceed \$75,000,000 in
7 bonds.

8 (i) The Department may make grants to carriers, districts,
9 and units of local government for the purpose of reimbursing
10 them for providing reduced fares for mass transportation
11 services for students, persons with disabilities, and the
12 elderly. Grants shall be made upon the terms and conditions
13 that in the judgment of the Secretary are necessary to ensure
14 their proper and effective utilization.

15 (j) The Department may make grants to carriers, districts,
16 and units of local government for costs of providing ADA
17 paratransit service.

18 (Source: P.A. 99-143, eff. 7-27-15.)

19 (20 ILCS 2705/2705-310)

20 Sec. 2705-310. Grants for transportation for persons with
21 disabilities.

22 (a) For the purposes of this Section, the following
23 definitions apply:

24 "Carrier" means a district or a not for profit
25 corporation providing mass transportation for persons with

1 disabilities on a regular and continuing basis.

2 "Person with a disability" means any individual who, by
3 reason of illness, injury, age, congenital malfunction, or
4 other permanent or temporary incapacity or disability, is
5 unable without special mass transportation facilities or
6 special planning or design to utilize ordinary mass
7 transportation facilities and services as effectively as
8 persons who are not so affected.

9 "Unit of local government", "district", and "facilities"
10 have the meanings ascribed to them in Section 2705-305.

11 (b) The Department may make grants from the Transportation
12 Fund and the General Revenue Fund (i) to units of local
13 government, districts, and carriers for vehicles, equipment,
14 and the acquisition, construction, extension, reconstruction,
15 and improvement of mass transportation facilities for persons
16 with disabilities and (ii) during State fiscal years 1986 and
17 1987, to the Regional Transportation Authority (now the
18 Metropolitan Mobility Authority) for operating assistance for
19 mass transportation for mobility limited persons, including
20 paratransit services for the mobility limited. The grants
21 shall be made upon the terms and conditions that in the
22 judgment of the Secretary are necessary to ensure their proper
23 and effective utilization. The procedures, limitations, and
24 safeguards provided in Section 2705-305 to govern grants for
25 mass transportation shall apply to grants made under this
26 Section.

1 For the efficient administration of grants, the
2 Department, on behalf of grant recipients under this Section
3 and on behalf of recipients receiving funds under Sections
4 5309 and 5311 of the Federal Transit Act and State funds, may
5 administer and consolidate procurements and may enter into
6 contracts with manufacturers of vehicles and equipment.

7 (c) The Department may make operating assistance grants
8 from the Transportation Fund to those carriers that, during
9 federal fiscal year 1986, directly received operating
10 assistance pursuant to Section 5307 or Section 5311 of the
11 Federal Transit Act, or under contracts with a unit of local
12 government or mass transit district that received operating
13 expenses under Section 5307 or Section 5311 of the Federal
14 Transit Act, to provide public paratransit services to the
15 general mobility limited population. The Secretary shall take
16 into consideration the reduction in federal operating expense
17 grants to carriers when considering the grant applications.
18 The procedures, limitations, and safeguards provided in
19 Section 2705-305 to govern grants for mass transportation
20 shall apply to grants made under this Section.

21 (Source: P.A. 99-143, eff. 7-27-15.)

22 (20 ILCS 2705/2705-315) (was 20 ILCS 2705/49.19b)

23 Sec. 2705-315. Grants for passenger security. The
24 Department may make grants from the Transportation Fund and
25 the General Revenue Fund to the Metropolitan Mobility ~~Regional~~

1 ~~Transportation~~ Authority created under the Metropolitan
2 Mobility Regional Transportation Authority Act to be used to
3 provide protection against crime for the consumers of public
4 transportation, and for the employees and facilities of public
5 transportation providers, in the metropolitan region. The
6 grants may be used (1) to provide that protection directly, ~~or~~
7 (2) to contract with any municipality or county in the
8 metropolitan region to provide that protection, or (3) ~~except~~
9 ~~for the Chicago Transit Authority created under the~~
10 ~~Metropolitan Transit Authority Act,~~ to contract with a private
11 security agency to provide that protection.

12 The grants shall be made upon the terms and conditions
13 that in the judgment of the Secretary are necessary to ensure
14 their proper and effective utilization. The procedures
15 provided in Section 2705-305 to govern grants for mass
16 transportation shall apply to grants made under this Section.

17 (Source: P.A. 91-239, eff. 1-1-00.)

18 (20 ILCS 2705/2705-440) (was 20 ILCS 2705/49.25h)

19 Sec. 2705-440. Intercity Rail Service.

20 (a) For the purposes of providing intercity railroad
21 passenger service within this State and throughout the United
22 States, the Department is authorized to enter into agreements
23 with any state, state agency, units of local government or
24 political subdivisions, Metropolitan Mobility Authority ~~the~~
25 ~~Commuter Rail Division of the Regional Transportation~~

1 ~~Authority~~ (or a public corporation on behalf of that Authority
2 ~~Division~~), architecture or engineering firms, the National
3 Railroad Passenger Corporation, any carrier, or any
4 individual, corporation, partnership, or public or private
5 entity. The cost related to such services shall be borne in
6 such proportion as, by agreement or contract the parties may
7 desire.

8 (b) In providing any intercity railroad passenger service
9 as provided in this Section, the Department shall have the
10 following additional powers:

11 (1) to enter into trackage use agreements with rail
12 carriers;

13 (1.5) to freely lease or otherwise contract for any
14 purpose any of the locomotives, passenger railcars, and
15 other rolling stock equipment or accessions to any state
16 or state agency, public or private entity, or quasi-public
17 entities;

18 (2) to enter into haulage agreements with rail
19 carriers;

20 (3) to lease or otherwise contract for use,
21 maintenance, servicing, and repair of any needed
22 locomotives, rolling stock, stations, or other facilities,
23 the lease or contract having a term not to exceed 50 years
24 (but any multi-year contract shall recite that the
25 contract is subject to termination and cancellation,
26 without any penalty, acceleration payment, or other

1 recoupment mechanism, in any fiscal year for which the
2 General Assembly fails to make an adequate appropriation
3 to cover the contract obligation);

4 (4) to enter into management agreements;

5 (5) to include in any contract indemnification of
6 carriers or other parties for any liability with regard to
7 intercity railroad passenger service;

8 (6) to obtain insurance for any losses or claims with
9 respect to the service;

10 (7) to promote the use of the service;

11 (8) to make grants to any body politic and corporate,
12 any unit of local government, or the Metropolitan Mobility
13 Authority ~~Commuter Rail Division of the Regional~~
14 ~~Transportation Authority~~ to cover all or any part of any
15 capital or operating costs of the service and to enter
16 into agreements with respect to those grants;

17 (9) to set any fares or make other regulations with
18 respect to the service, consistent with any contracts for
19 the service; and

20 (10) to otherwise enter into any contracts necessary
21 or convenient to provide rail services, operate or
22 maintain locomotives, passenger railcars, and other
23 rolling stock equipment or accessions, including the lease
24 or use of such locomotives, railcars, equipment, or
25 accessions.

26 (c) All service provided under this Section shall be

1 exempt from all regulations by the Illinois Commerce
2 Commission (other than for safety matters). To the extent the
3 service is provided by the Metropolitan Mobility Authority
4 ~~Commuter Rail Division of the Regional Transportation~~
5 ~~Authority~~ (or a public corporation on behalf of that Authority
6 ~~Division~~), it shall be exempt from safety regulations of the
7 Illinois Commerce Commission to the extent the Authority
8 ~~Commuter Rail Division~~ adopts its own safety regulations.

9 (d) In connection with any powers exercised under this
10 Section, the Department

11 (1) shall not have the power of eminent domain; and

12 (2) shall not directly operate any railroad service
13 with its own employees.

14 (e) Any contract with the Metropolitan Mobility Authority
15 ~~Commuter Rail Division of the Regional Transportation~~
16 ~~Authority~~ (or a public corporation on behalf of the Authority
17 ~~Division~~) under this Section shall provide that all costs in
18 excess of revenue received by the Division generated from
19 intercity rail service provided by the Division shall be fully
20 borne by the Department, and no funds for operation of
21 commuter rail service shall be used, directly or indirectly,
22 or for any period of time, to subsidize the intercity rail
23 operation. If at any time the Division does not have
24 sufficient funds available to satisfy the requirements of this
25 Section, the Division shall forthwith terminate the operation
26 of intercity rail service. The payments made by the Department

1 to the Division for the intercity rail passenger service shall
2 not be made in excess of those costs or as a subsidy for costs
3 of commuter rail operations. This shall not prevent the
4 contract from providing for efficient coordination of service
5 and facilities to promote cost-effective ~~cost-effective~~
6 operations of both intercity rail passenger service and
7 commuter rail services with cost allocations as provided in
8 this paragraph.

9 (f) Whenever the Department enters into an agreement with
10 any carrier, state or state agency, any public or private
11 entity, or quasi-public entity for either the Department's
12 payment of such railroad required maintenance expenses
13 necessary for intercity passenger service or for the lease or
14 use of locomotives, passenger railcars, and other rolling
15 stock equipment or accessions, the Department may deposit such
16 required maintenance funds, use fees, or rental payments into
17 any escrow account. For purposes of this subsection, an escrow
18 account means any fiduciary account established with (i) any
19 banking corporation which is both organized under the Illinois
20 Banking Act and authorized to accept and administer trusts in
21 this State, or (ii) any national banking association which has
22 its principal place of business in this State and which also is
23 authorized to accept and administer trusts in this State. The
24 funds in any required maintenance escrow account may be
25 withdrawn by the carrier or entity in control of the railroad
26 being maintained, only with the consent of the Department,

1 pursuant to a written maintenance agreement and pursuant to a
2 maintenance plan that shall be updated each year. Funds in an
3 escrow account holding lease, use fees, or rental payments may
4 be withdrawn by the Department to be used or expended on
5 acquisition, offsets, overhaul fees, or costs of locomotives,
6 railcars, equipment or accessions, including any future
7 equipment purchase, expenses, fees, or costs, or any other
8 purpose permitted or required by the escrow agreement or any
9 other agreement regarding disbursement of funds. The moneys
10 deposited in the escrow accounts shall be invested and
11 reinvested, pursuant to the direction of the Department, in
12 bonds and other interest bearing obligations of this State, or
13 in such accounts, certificates, bills, obligations, shares,
14 pools or other securities as are authorized for the investment
15 of public funds under the Public Funds Investment Act. Escrow
16 accounts created under this subsection shall not have terms
17 that exceed 20 years. At the end of the term of an escrow
18 account, the remaining balance shall be deposited in the
19 High-Speed Rail Rolling Stock Fund, a special fund that is
20 created in the State treasury ~~Treasury~~. Moneys in the
21 High-Speed Rail Rolling Stock Fund may be used for any purpose
22 related to locomotives, passenger railcars, and other rolling
23 stock equipment. The Department shall prepare a report for
24 presentation to the Comptroller and the Treasurer each year
25 that shows the amounts deposited and withdrawn, the purposes
26 for withdrawal, the balance, and the amounts derived from

1 investment.

2 (Source: P.A. 100-773, eff. 1-1-19.)

3 (20 ILCS 2705/2705-594 new)

4 Sec. 2705-594. Office of Public Transportation Support.

5 (a) As used in this Section, "metropolitan region" has the
6 meaning given to that term in the Metropolitan Mobility
7 Authority Act.

8 (b) The Department shall establish, staff, and support an
9 Office of Public Transportation Support within District 1. The
10 Office's purpose is to optimize the operation of public
11 transportation vehicles and the delivery of public
12 transportation services on highways, as defined by Section
13 2-202 of the Illinois Highway Code, under the Department's
14 jurisdiction in the metropolitan region.

15 (c) The Office of Public Transportation Support shall have
16 the following duties:

17 (1) reviewing Department plans for the construction,
18 rehabilitation, and repair of roadways under the
19 Department's jurisdiction to identify opportunities for
20 enhancements that will improve public transportation
21 operations and safety on such highways, and making
22 recommendations for implementing such enhancements;

23 (2) reviewing the plans by other governmental entities
24 for the construction, rehabilitation, and repair of
25 highways under the Department's jurisdiction or that

1 intersect with such highways to identify opportunities for
2 enhancements that will improve public transportation
3 operations and safety on such highways, and making
4 recommendations for implementing such enhancements;

5 (3) facilitating the implementation of intelligent
6 transportation system solutions, such as bus priority at
7 signalized intersections, to improve public transportation
8 vehicle operations and safety on highways under the
9 Department's jurisdiction;

10 (4) facilitating the implementation of highway
11 infrastructure enhancements such as sidewalks, bus
12 shelters, and bicycle paths and lanes that help connect
13 people to public transportation services on highways under
14 the Department's jurisdiction;

15 (5) identifying and pursuing grant funding
16 opportunities for projects that will improve public
17 transportation operations and safety on highways under the
18 Department's jurisdiction;

19 (6) coordinating with the Metropolitan Mobility
20 Authority on the implementation of bus speed and
21 reliability improvements and other enhancements to
22 highways under the Department's jurisdiction to improve
23 public transportation operations and safety; and

24 (7) coordinating with the Metropolitan Mobility
25 Authority on the pursuit of grant opportunities for
26 projects that will improve public transportation on

1 highways under the Department's jurisdiction.

2 (d) To fulfill its obligations under this Section, and
3 notwithstanding any of its current policies and practices to
4 the contrary, the Department shall in its design and operation
5 of highways under its jurisdiction in the metropolitan region
6 give priority to public transportation vehicles and other
7 vehicles, such as school buses, designed to carry a sizable
8 number of people over the priority the Department gives to
9 standard light duty vehicles typically used to carry one or a
10 few people at a time.

11 (e) The Department shall prioritize maximizing the
12 throughput of people on highways under its jurisdiction in the
13 metropolitan region where public transportation is provided or
14 planned over maximizing the number and speeds of vehicles on
15 such highways.

16 (f) On highways in the metropolitan region under its
17 jurisdiction served by public transportation or where public
18 transportation is planned, the Department shall identify and
19 implement highway design, infrastructure, and operations
20 enhancements that maximize the attractiveness and efficacy of
21 public transportation compared to travel by single occupancy
22 vehicles on such highways and coordinate with the Metropolitan
23 Mobility Authority on such enhancements.

24 (g) The Department shall give the Metropolitan Mobility
25 Authority a timely opportunity to review, comment, and concur
26 on plans for the construction, rehabilitation, or repair of

1 highways under the jurisdiction of the Department in the
2 metropolitan region where public transportation is being
3 provided or is planned by the Metropolitan Mobility Authority.

4 (h) The Department shall not advance a project subject to
5 the process set forth in subsections (d) through (g) to
6 construction until it has received the Metropolitan Mobility
7 Authority's concurrence.

8 (i) The Chicago Metropolitan Agency for Planning shall
9 make appropriate changes to its travel demand model, project
10 scoring and prioritization processes, long-range plan, and
11 transportation improvement program to reflect the requirements
12 of subsections (d) through (h).

13 Section 8.11. The Illinois Finance Authority Act is
14 amended by changing Section 820-50 as follows:

15 (20 ILCS 3501/820-50)

16 Sec. 820-50. Pledge of Funds by Units of Local Government.

17 (a) Pledge of Funds. Any unit of local government which
18 receives funds from the Department of Revenue, including
19 without limitation funds received pursuant to Sections 8-11-1,
20 8-11-1.4, 8-11-5 or 8-11-6 of the Illinois Municipal Code, the
21 Home Rule County Retailers' Occupation Tax Act, the Home Rule
22 County Service Occupation Tax Act, Sections 25.05-2, 25.05-3
23 or 25.05-10 of "An Act to revise the law in relation to
24 counties", Section 5.01 of the Local Mass Transit District

1 Act, Section 4.03 of the Metropolitan Mobility ~~Regional~~
2 ~~Transportation~~ Authority Act, Sections 2 or 12 of the State
3 Revenue Sharing Act, or from the Department of Transportation
4 pursuant to Section 8 of the Motor Fuel Tax Law, or from the
5 State Superintendent of Education (directly or indirectly
6 through regional superintendents of schools) pursuant to
7 Article 18 of the School Code, or any unit of government which
8 receives other funds which are at any time in the custody of
9 the State Treasurer, the State Comptroller, the Department of
10 Revenue, the Department of Transportation or the State
11 Superintendent of Education may by appropriate proceedings,
12 pledge to the Authority or any entity acting on behalf of the
13 Authority (including, without limitation, any trustee), any or
14 all of such receipts to the extent that such receipts are
15 necessary to provide revenues to pay the principal of,
16 premium, if any, and interest on, and other fees related to, or
17 to secure, any of the local government securities of such unit
18 of local government which have been sold or delivered to the
19 Authority or its designee or to pay lease rental payments to be
20 made by such unit of local government to the extent that such
21 lease rental payments secure the payment of the principal of,
22 premium, if any, and interest on, and other fees related to,
23 any local government securities which have been sold or
24 delivered to the Authority or its designee. Any pledge of such
25 receipts (or any portion thereof) shall constitute a first and
26 prior lien thereon and shall be binding from the time the

1 pledge is made.

2 (b) Direct Payment of Pledged Receipts. Any such unit of
3 local government may, by such proceedings, direct that all or
4 any of such pledged receipts payable to such unit of local
5 government be paid directly to the Authority or such other
6 entity (including, without limitation, any trustee) for the
7 purpose of paying the principal of, premium, if any, and
8 interest on, and fees relating to, such local government
9 securities or for the purpose of paying such lease rental
10 payments to the extent necessary to pay the principal of,
11 premium, if any, and interest on, and other fees related to,
12 such local government securities secured by such lease rental
13 payments. Upon receipt of a certified copy of such proceedings
14 by the State Treasurer, the State Comptroller, the Department
15 of Revenue, the Department of Transportation or the State
16 Superintendent of Education, as the case may be, such
17 Department or State Superintendent shall direct the State
18 Comptroller and State Treasurer to pay to, or on behalf of, the
19 Authority or such other entity (including, without limitation,
20 any trustee) all or such portion of the pledged receipts from
21 the Department of Revenue, or the Department of Transportation
22 or the State Superintendent of Education (directly or
23 indirectly through regional superintendents of schools), as
24 the case may be, sufficient to pay the principal of and
25 premium, if any, and interest on, and other fees related to,
26 the local governmental securities for which the pledge was

1 made or to pay such lease rental payments securing such local
2 government securities for which the pledge was made. The
3 proceedings shall constitute authorization for such a
4 directive to the State Comptroller to cause orders to be drawn
5 and to the State Treasurer to pay in accordance with such
6 directive. To the extent that the Authority or its designee
7 notifies the Department of Revenue, the Department of
8 Transportation or the State Superintendent of Education, as
9 the case may be, that the unit of local government has
10 previously paid to the Authority or its designee the amount of
11 any principal, premium, interest and fees payable from such
12 pledged receipts, the State Comptroller shall cause orders to
13 be drawn and the State Treasurer shall pay such pledged
14 receipts to the unit of local government as if they were not
15 pledged receipts. To the extent that such receipts are pledged
16 and paid to the Authority or such other entity, any taxes which
17 have been levied or fees or charges assessed pursuant to law on
18 account of the issuance of such local government securities
19 shall be paid to the unit of local government and may be used
20 for the purposes for which the pledged receipts would have
21 been used.

22 (c) Payment of Pledged Receipts upon Default. Any such
23 unit of local government may, by such proceedings, direct that
24 such pledged receipts payable to such unit of local government
25 be paid to the Authority or such other entity (including,
26 without limitation, any trustee) upon a default in the payment

1 of any principal of, premium, if any, or interest on, or fees
2 relating to, any of the local government securities of such
3 unit of local government which have been sold or delivered to
4 the Authority or its designee or any of the local government
5 securities which have been sold or delivered to the Authority
6 or its designee and which are secured by such lease rental
7 payments. If such local governmental security is in default as
8 to the payment of principal thereof, premium, if any, or
9 interest thereon, or fees relating thereto, to the extent that
10 the State Treasurer, the State Comptroller, the Department of
11 Revenue, the Department of Transportation or the State
12 Superintendent of Education (directly or indirectly through
13 regional superintendents of schools) shall be the custodian at
14 any time of any other available funds or moneys pledged to the
15 payment of such local government securities or such lease
16 rental payments securing such local government securities
17 pursuant to this Section and due or payable to such a unit of
18 local government at any time subsequent to written notice to
19 the State Comptroller and State Treasurer from the Authority
20 or any entity acting on behalf of the Authority (including,
21 without limitation, any trustee) to the effect that such unit
22 of local government has not paid or is in default as to payment
23 of the principal of, premium, if any, or interest on, or fees
24 relating to, any local government security sold or delivered
25 to the Authority or any such entity (including, without
26 limitation, any trustee) or has not paid or is in default as to

1 the payment of such lease rental payments securing the payment
2 of the principal of, premium, if any, or interest on, or other
3 fees relating to, any local government security sold or
4 delivered to the Authority or such other entity (including,
5 without limitation, any trustee):

6 (i) The State Comptroller and the State Treasurer
7 shall withhold the payment of such funds or moneys from
8 such unit of local government until the amount of such
9 principal, premium, if any, interest or fees then due and
10 unpaid has been paid to the Authority or any such entity
11 (including, without limitation, any trustee), or the State
12 Comptroller and the State Treasurer have been advised that
13 arrangements, satisfactory to the Authority or such
14 entity, have been made for the payment of such principal,
15 premium, if any, interest and fees; and

16 (ii) Within 10 days after a demand for payment by the
17 Authority or such entity given to such unit of local
18 government, the State Treasurer and the State Comptroller,
19 the State Treasurer shall pay such funds or moneys as are
20 legally available therefor to the Authority or such entity
21 for the payment of principal of, premium, if any, or
22 interest on, or fees relating to, such local government
23 securities. The Authority or any such entity may carry out
24 this Section and exercise all the rights, remedies and
25 provisions provided or referred to in this Section.

26 (d) Remedies. Upon the sale or delivery of any local

1 government securities of the Authority or its designee, the
2 local government which issued such local government securities
3 shall be deemed to have agreed that upon its failure to pay
4 interest or premium, if any, on, or principal of, or fees
5 relating to, the local government securities sold or delivered
6 to the Authority or any entity acting on behalf of the
7 Authority (including, without limitation, any trustee) when
8 payable, all statutory defenses to nonpayment are thereby
9 waived. Upon a default in payment of principal of or interest
10 on any local government securities issued by a unit of local
11 government and sold or delivered to the Authority or its
12 designee, and upon demand on the unit of local government for
13 payment, if the local government securities are payable from
14 property taxes and funds are not legally available in the
15 treasury of the unit of local government to make payment, an
16 action in mandamus for the levy of a tax by the unit of local
17 government to pay the principal of or interest on the local
18 government securities shall lie, and the Authority or such
19 entity shall be constituted a holder or owner of the local
20 government securities as being in default. Upon the occurrence
21 of any failure or default with respect to any local government
22 securities issued by a unit of local government, the Authority
23 or such entity may thereupon avail itself of all remedies,
24 rights and provisions of law applicable in the circumstances,
25 and the failure to exercise or exert any rights or remedies
26 within a time or period provided by law may not be raised as a

1 defense by the unit of local government.

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

3 Section 8.12. The Illinois State Auditing Act is amended
4 by changing Section 3-1 as follows:

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

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

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

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

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

24 (c) to make audits of the records of local government

1 agencies to verify actual costs of state-mandated programs
2 when directed to do so by the Legislative Audit Commission
3 at the request of the State Board of Appeals under the
4 State Mandates Act.

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

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

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

25 The Auditor General may also conduct an audit, when
26 authorized by the Legislative Audit Commission, of any

1 hospital which receives 10% or more of its gross revenues from
2 payments from the State of Illinois, Department of Healthcare
3 and Family Services (formerly Department of Public Aid),
4 Medical Assistance Program.

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

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

19 The Auditor General shall conduct a financial and
20 compliance and program audit of distributions from the
21 Municipal Economic Development Fund during the immediately
22 preceding calendar year pursuant to Section 8-403.1 of the
23 Public Utilities Act at no cost to the city, village, or
24 incorporated town that received the distributions.

25 The Auditor General must conduct an audit of the Health
26 Facilities and Services Review Board pursuant to Section 19.5

1 of the Illinois Health Facilities Planning Act.

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

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

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

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

26 (Source: P.A. 95-331, eff. 8-21-07; 96-31, eff. 6-30-09;

1 96-939, eff. 6-24-10.)

2 (30 ILCS 5/3-2.3 rep.)

3 Section 8.12a. The Illinois State Auditing Act is amended
4 by repealing Section 3-2.3.

5 Section 8.13. The State Finance Act is amended by changing
6 Sections 5.277, 5.918, 6z-17, 6z-20, 6z-27, 6z-109, 8.25g, and
7 8.3 and by adding Sections 5.1015 and 5.1016 as follows:

8 (30 ILCS 105/5.277) (from Ch. 127, par. 141.277)

9 Sec. 5.277. The Metropolitan Mobility ~~Regional~~
10 ~~Transportation~~ Authority Occupation and Use Tax Replacement
11 Fund.

12 (Source: P.A. 86-928; 86-1028.)

13 (30 ILCS 105/5.918)

14 Sec. 5.918. The Metropolitan Mobility ~~Regional~~
15 ~~Transportation~~ Authority Capital Improvement Fund.

16 (Source: P.A. 101-31, eff. 6-28-19; 101-32, eff. 6-28-19;
17 102-558, eff. 8-20-21.)

18 (30 ILCS 105/5.1015 new)

19 Sec. 5.1015. The Transit-Supportive Development Fund.

20 (30 ILCS 105/5.1016 new)

1 Sec. 5.1016. The Metropolitan Mobility Authority
2 Additional Operating Funding Fund.

3 (30 ILCS 105/6z-17) (from Ch. 127, par. 142z-17)

4 Sec. 6z-17. State and Local Sales Tax Reform Fund.

5 (a) After deducting the amount transferred to the Tax
6 Compliance and Administration Fund under subsection (b), of
7 the money paid into the State and Local Sales Tax Reform Fund:

8 (i) subject to appropriation to the Department of Revenue,
9 Municipalities having 1,000,000 or more inhabitants shall

10 receive 20% and may expend such amount to fund and establish a
11 program for developing and coordinating public and private
12 resources targeted to meet the affordable housing needs of

13 low-income and very low-income households within such
14 municipality, (ii) 10% shall be transferred into the

15 Metropolitan Mobility ~~Regional Transportation~~ Authority
16 Occupation and Use Tax Replacement Fund, a special fund in the

17 State treasury which is hereby created, (iii) until July 1,
18 2013, subject to appropriation to the Department of

19 Transportation, the Madison County Mass Transit District shall
20 receive .6%, and beginning on July 1, 2013, subject to

21 appropriation to the Department of Revenue, 0.6% shall be
22 distributed each month out of the Fund to the Madison County

23 Mass Transit District, (iv) the following amounts, plus any
24 cumulative deficiency in such transfers for prior months,

25 shall be transferred monthly into the Build Illinois Fund and

1 credited to the Build Illinois Bond Account therein:

2 Fiscal Year	Amount
3 1990	\$2,700,000
4 1991	1,850,000
5 1992	2,750,000
6 1993	2,950,000

7 From Fiscal Year 1994 through Fiscal Year 2025 the
8 transfer shall total \$3,150,000 monthly, plus any cumulative
9 deficiency in such transfers for prior months, and (v) the
10 remainder of the money paid into the State and Local Sales Tax
11 Reform Fund shall be transferred into the Local Government
12 Distributive Fund and, except for municipalities with
13 1,000,000 or more inhabitants which shall receive no portion
14 of such remainder, shall be distributed, subject to
15 appropriation, in the manner provided by Section 2 of "An Act
16 in relation to State revenue sharing with local government
17 entities", approved July 31, 1969, as now or hereafter
18 amended. Municipalities with more than 50,000 inhabitants
19 according to the 1980 U.S. Census and located within the Metro
20 East Mass Transit District receiving funds pursuant to
21 provision (v) of this paragraph may expend such amounts to
22 fund and establish a program for developing and coordinating
23 public and private resources targeted to meet the affordable
24 housing needs of low-income and very low-income households
25 within such municipality.

26 Moneys transferred from the Grocery Tax Replacement Fund

1 to the State and Local Sales Tax Reform Fund under Section
2 6z-130 shall be treated under this Section in the same manner
3 as if they had been remitted with the return on which they were
4 reported.

5 (b) Beginning on the first day of the first calendar month
6 to occur on or after the effective date of this amendatory Act
7 of the 98th General Assembly, each month the Department of
8 Revenue shall certify to the State Comptroller and the State
9 Treasurer, and the State Comptroller shall order transferred
10 and the State Treasurer shall transfer from the State and
11 Local Sales Tax Reform Fund to the Tax Compliance and
12 Administration Fund, an amount equal to 1/12 of 5% of 20% of
13 the cash receipts collected during the preceding fiscal year
14 by the Audit Bureau of the Department of Revenue under the Use
15 Tax Act, the Service Use Tax Act, the Service Occupation Tax
16 Act, the Retailers' Occupation Tax Act, and associated local
17 occupation and use taxes administered by the Department. The
18 amount distributed under subsection (a) each month shall first
19 be reduced by the amount transferred to the Tax Compliance and
20 Administration Fund under this subsection (b). Moneys
21 transferred to the Tax Compliance and Administration Fund
22 under this subsection (b) shall be used, subject to
23 appropriation, to fund additional auditors and compliance
24 personnel at the Department of Revenue.

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

1 (30 ILCS 105/6z-20) (from Ch. 127, par. 142z-20)

2 Sec. 6z-20. County and Mass Transit District Fund. Of the
3 money received from the 6.25% general rate (and, beginning
4 July 1, 2000 and through December 31, 2000, the 1.25% rate on
5 motor fuel and gasohol, and beginning on August 6, 2010
6 through August 15, 2010, and beginning again on August 5, 2022
7 through August 14, 2022, the 1.25% rate on sales tax holiday
8 items) on sales subject to taxation under the Retailers'
9 Occupation Tax Act and Service Occupation Tax Act and paid
10 into the County and Mass Transit District Fund, distribution
11 to the Metropolitan Mobility Authority Occupation and Use Tax
12 Replacement Fund ~~Regional Transportation Authority tax fund,~~
13 created pursuant to Section 6.02 ~~4.03~~ of the Metropolitan
14 Mobility ~~Regional Transportation~~ Authority Act, for deposit
15 therein shall be made based upon the retail sales occurring in
16 a county having more than 3,000,000 inhabitants. The remainder
17 shall be distributed to each county having 3,000,000 or fewer
18 inhabitants based upon the retail sales occurring in each such
19 county.

20 For the purpose of determining allocation to the local
21 government unit, a retail sale by a producer of coal or other
22 mineral mined in Illinois is a sale at retail at the place
23 where the coal or other mineral mined in Illinois is extracted
24 from the earth. This paragraph does not apply to coal or other
25 mineral when it is delivered or shipped by the seller to the
26 purchaser at a point outside Illinois so that the sale is

1 exempt under the United States Constitution as a sale in
2 interstate or foreign commerce.

3 Of the money received from the 6.25% general use tax rate
4 on tangible personal property which is purchased outside
5 Illinois at retail from a retailer and which is titled or
6 registered by any agency of this State's government and paid
7 into the County and Mass Transit District Fund, the amount for
8 which Illinois addresses for titling or registration purposes
9 are given as being in each county having more than 3,000,000
10 inhabitants shall be distributed into the Metropolitan
11 Mobility Authority Occupation and Use Tax Replacement Fund
12 ~~Regional Transportation Authority tax fund~~, created pursuant
13 to Section 6.02 ~~4.03~~ of the Metropolitan Mobility ~~Regional~~
14 ~~Transportation~~ Authority Act. The remainder of the money paid
15 from such sales shall be distributed to each county based on
16 sales for which Illinois addresses for titling or registration
17 purposes are given as being located in the county. ~~Any money~~
18 ~~paid into the Regional Transportation Authority Occupation and~~
19 ~~Use Tax Replacement Fund from the County and Mass Transit~~
20 ~~District Fund prior to January 14, 1991, which has not been~~
21 ~~paid to the Authority prior to that date, shall be transferred~~
22 ~~to the Regional Transportation Authority tax fund.~~

23 Whenever the Department determines that a refund of money
24 paid into the County and Mass Transit District Fund should be
25 made to a claimant instead of issuing a credit memorandum, the
26 Department shall notify the State Comptroller, who shall cause

1 the order to be drawn for the amount specified, and to the
2 person named, in such notification from the Department. Such
3 refund shall be paid by the State Treasurer out of the County
4 and Mass Transit District Fund.

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

18 After the monthly transfer to the STAR Bonds Revenue Fund,
19 on or before the 25th day of each calendar month, the
20 Department shall prepare and certify to the Comptroller the
21 disbursement of stated sums of money to the Metropolitan
22 Mobility ~~Regional Transportation~~ Authority and to named
23 counties, the counties to be those entitled to distribution,
24 as hereinabove provided, of taxes or penalties paid to the
25 Department during the second preceding calendar month. The
26 amount to be paid to the Metropolitan Mobility ~~Regional~~

1 ~~Transportation~~ Authority and each county having 3,000,000 or
2 fewer inhabitants shall be the amount (not including credit
3 memoranda) collected during the second preceding calendar
4 month by the Department and paid into the County and Mass
5 Transit District Fund, plus an amount the Department
6 determines is necessary to offset any amounts which were
7 erroneously paid to a different taxing body, and not including
8 an amount equal to the amount of refunds made during the second
9 preceding calendar month by the Department, and not including
10 any amount which the Department determines is necessary to
11 offset any amounts which were payable to a different taxing
12 body but were erroneously paid to the Metropolitan Mobility
13 ~~Regional Transportation~~ Authority or county, and not including
14 any amounts that are transferred to the STAR Bonds Revenue
15 Fund, less 1.5% of the amount to be paid to the Metropolitan
16 Mobility ~~Regional Transportation~~ Authority, which shall be
17 transferred into the Tax Compliance and Administration Fund.
18 The Department, at the time of each monthly disbursement to
19 the Metropolitan Mobility ~~Regional Transportation~~ Authority,
20 shall prepare and certify to the State Comptroller the amount
21 to be transferred into the Tax Compliance and Administration
22 Fund under this Section. Within 10 days after receipt, by the
23 Comptroller, of the disbursement certification to the
24 Metropolitan Mobility ~~Regional Transportation~~ Authority,
25 counties, and the Tax Compliance and Administration Fund
26 provided for in this Section to be given to the Comptroller by

1 the Department, the Comptroller shall cause the orders to be
2 drawn for the respective amounts in accordance with the
3 directions contained in such certification.

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

11 The provisions directing the distributions from the
12 special fund in the State treasury ~~Treasury~~ provided for in
13 this Section and from the Metropolitan Mobility Authority
14 Occupation and Use Tax Replacement Fund ~~Regional~~
15 ~~Transportation Authority tax fund~~ created by Section 6.02 ~~4.03~~
16 of the Metropolitan Mobility ~~Regional Transportation~~ Authority
17 Act shall constitute an irrevocable and continuing
18 appropriation of all amounts as provided herein. The State
19 Treasurer and State Comptroller are hereby authorized to make
20 distributions as provided in this Section.

21 In construing any development, redevelopment, annexation,
22 preannexation or other lawful agreement in effect prior to
23 September 1, 1990, which describes or refers to receipts from
24 a county or municipal retailers' occupation tax, use tax or
25 service occupation tax which now cannot be imposed, such
26 description or reference shall be deemed to include the

1 replacement revenue for such abolished taxes, distributed from
2 the County and Mass Transit District Fund or Local Government
3 Distributive Fund, as the case may be.

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

5 (30 ILCS 105/6z-27)

6 Sec. 6z-27. All moneys in the Audit Expense Fund shall be
7 transferred, appropriated and used only for the purposes
8 authorized by, and subject to the limitations and conditions
9 prescribed by, the Illinois State Auditing Act.

10 Within 30 days after July 1, 2023, or as soon thereafter as
11 practical, the State Comptroller shall order transferred and
12 the State Treasurer shall transfer from the following funds
13 moneys in the specified amounts for deposit into the Audit
14 Expense Fund:

15	African-American HIV/AIDS Response RESP Fund	\$1,421
16	Agricultural Premium Fund.....	\$122,719
17	Alzheimer's Awareness Fund	\$1,499
18	Alzheimer's Disease Research, Care, and Support Fund	\$662
19	Amusement Ride and Patron Safety Fund	\$6,315
20	Assisted Living and Shared Housing Regulatory	
21	House Regulation Fund.....	\$2,564
22	Capital Development Board Revolving Fund	\$15,118
23	Care Provider Fund for Persons with a Developmental	
24	Disability	\$15,392
25	Carolyn Adams Ticket For The Cure Grant Fund	\$927

1	CDLIS/AAMVANET/NMVTIS Trust Fund (Commercial	
2	Driver's License Information	
3	System/American Association of	
4	Motor Vehicle Administrators	
5	network/National Motor Vehicle	
6	Title Information Service Trust Fund)	\$5,236
7	Chicago Police Memorial Foundation Fund	\$708
8	Chicago State University Education Improvement Fund ..	\$13,666
9	Child Labor and Day and Temporary Labor	
10	Services Enforcement Fund	\$11,991
11	Child Support Administrative Fund	\$5,287
12	Clean Air Act Permit Fund	\$1,556
13	Coal Technology Development Assistance Fund	\$6,936
14	Common School Fund	\$343,892
15	Community Mental Health Medicaid Trust Fund	\$14,084
16	Corporate Franchise Tax Refund Fund	\$1,096
17	DCFS Children's Services Fund	\$8,766
18	Death Certificate Surcharge Fund	\$2,060
19	Death Penalty Abolition Fund	\$2,448
20	Department of Business Services Service Special	
21	Operations Fund	\$13,889
22	Department of Human Services DHS Community	
23	Services Fund	\$7,970
24	Downstate Public Transportation Fund	\$11,631
25	Dram Shop Fund	\$142,500
26	Driver Services Administration Fund	\$1,873

1	Drug Rebate Fund	\$42,473
2	Drug Treatment Fund.....	\$1,767
3	Education Assistance Fund.....	\$2,031,292
4	Emergency Public Health Fund	\$5,162
5	Environmental Protection Permit and Inspection Fund	\$1,447
6	Estate Tax Refund Fund	\$852
7	Facilities Management Revolving Fund	\$50,148
8	Facility Licensing Fund.....	\$5,522
9	Fair and Ex Exposition Fund	\$4,248
10	Feed Control Fund.....	\$7,709
11	Fertilizer Control Fund.....	\$6,849
12	Fire Prevention Fund	\$3,859
13	Fund for the Advancement of Education	\$24,772
14	General Assembly Operations Revolving Rev Fund	\$1,146
15	General Professions Dedicated Fund	\$4,039
16	General Revenue Fund	\$17,653,153
17	Governor's Administrative Fund	\$2,832
18	Governor's Grant Fund.....	\$17,709
19	Grade Crossing Protection Fund	\$930
20	Grant Accountability and Trans parency Fund	\$805
21	Guardianship and Adv ocacy Fund	\$14,843
22	Hazardous Waste Fund	\$835
23	Health Facility Plan Review Fund	\$1,776
24	Health and Human Services Service Medicaid Trust Fund ..	\$6,554
25	Healthcare Provider Relief Fund.....	\$407,107
26	Healthy Smiles Fund.....	\$738

1	Home Care Services Agency Licensure Fund	\$3,101
2	Hospital Licensure Fund.....	\$1,688
3	Hospital Provider Fund	\$138,829
4	ICCB Federal Trust Fund	\$9,968
5	ICJIA Violence Prevention Fund	\$932
6	Illinois HB Affordable Housing Trust Fund	\$17,236
7	Illinois HB Clean Water Fund	\$2,152
8	<u>Illinois</u> HB Community College Board	
9	Contracts and Grants <u>Fund</u>	\$9,968
10	Illinois HB Health Facilities Planning Fund	\$3,094
11	IMSA Income Fund	\$12,417
12	Illinois HB Power Agency Operations Fund	\$62,583
13	Illinois HB School Asbestos Abatement Fund	\$784
14	Illinois HB State Fair Fund	\$29,752
15	Illinois HB State Police Memorial Park Fund	\$681
16	Illinois Telecommunications HB-Telecom Access	
17	Corporation Fund	\$1,668
18	Illinois HB Underground Utility Facilities	
19	Facility Damage Prevention Fund.....	\$4,276
20	Illinois HB Veterans' Rehabilitation Fund.....	\$5,943
21	Illinois HB Workers' Compensation Commission	
22	Operations Fund.....	\$243,187
23	Income Tax Refund Fund	\$54,420
24	Lead Poisoning Screening, Prevention, and	
25	Abatement Fund	\$16,379
26	Live and Learn Fund	\$25,492

1	Lobbyist Registration Administration Fund.....	\$1,471
2	Local Government Distributive Fund	\$44,025
3	Long Term Care Monitor/Receiver Receive Fund	\$42,016
4	Long-Term Long-Term Care Provider Fund	\$13,537
5	Low-Level Radioactive Low-Level Rad Facility	
6	Development and Operation Dev & Op Fund	\$618
7	Mandatory Arbitration Fund	\$2,104
8	Medical Special Purposes Purpose Trust Fund	\$786
9	Mental Health Fund	\$9,376
10	Mental Health Reporting Fund	\$1,443
11	Metabolic Screening and & Treatment Fund	\$32,049
12	Monitoring Device Driving Permit Administration	
13	Fee Fund	\$1,616
14	Motor Fuel Tax Fund	\$36,238
15	Motor Vehicle License Plate Fund	\$17,694
16	Motor Vehicle Theft Prevention and Insurance	
17	Verification Trust	10,970
18	Multiple Sclerosis Research Fund	\$758
19	Nuclear Safety Emergency Preparedness Fund	\$26,117
20	Nursing Dedicated and Professional Fund.....	\$2,420
21	Open Space Lands Acquisition and & Development Fund	\$658
22	Partners For Conservation Fund	\$89,847
23	Pension Stabilization Fund	\$1,031
24	Personal Property Tax Replacement Fund	\$290,755
25	Pesticide Control Fund	\$30,513
26	Plumbing Licensure and & Program Fund	\$6,276

1	Police Memorial Committee Fund	\$813
2	Professional Services Fund	\$72,029
3	Public Health Laboratory Lab Services Revolving	
4	Rev Fund	\$5,816
5	Public Transportation Fund	\$46,826
6	Public Utility Fund.....	\$198,423
7	Radiation Protection Fund.....	\$11,034
8	Renewable Energy Resources Trust Fund.....	\$7,834
9	Road Fund.....	\$226,150
10	Regional Transportation Authority RTA Occupation	
11	and U Use Tax Replacement Fund <u>(now the</u>	
12	<u>Metropolitan Mobility Authority Occupation</u>	
13	<u>and Use Tax Replacement Fund)</u>	\$1,167
14	School Infrastructure Fund	\$7,749
15	Secretary of State DUI Administration Fund	\$2,694
16	Secretary of State Identification and Security	
17	and Theft Prevention Fund.....	\$12,676
18	Secretary of State Police Services Fund	\$717
19	Secretary of State Special License Plate Fund	\$4,203
20	Secretary of State Special Services Fund	\$34,491
21	Securities Audit and Enforcement Fund.....	\$8,198
22	Solid Waste Management Fund.....	\$1,613
23	Special Olympics Illinois and Special	
24	Children's Charities Fund.....	\$852
25	Special Education Medicaid Matching Fund	\$5,131
26	Sports Wagering Fund	\$4,450

1	State and Local Sales Tax Reform Fund	\$2,361
2	State Construction Account Fund	\$37,865
3	State Gaming Fund	\$94,435
4	State Garage Revolving Fund	\$8,977
5	State Lottery Fund	\$340,323
6	State Pensions Fund	\$500,000
7	State Treasurer's Bank Services Trust Fund	\$1,295
8	Supreme Court Special Purposes Fund	\$1,722
9	Tattoo and & Body Piercing Establishment	
10	Registration Fund	\$950
11	Tax Compliance and & Administration Fund	\$1,483
12	Technology Management Revolving Fund	\$186,193
13	Tobacco Settlement Recovery Fund	\$29,864
14	Tourism Promotion Fund	\$50,155
15	Transportation Regulatory Fund	\$78,256
16	Trauma Center Fund	\$1,960
17	Underground Storage Tank Fund	\$3,630
18	University of Illinois HH Hospital Services Fund	\$6,712
19	Vehicle Hijacking and Motor Vehicle	
20	Theft Prevention and Insurance	
21	Verification Trust Fund	\$10,970
22	Vehicle Inspection Fund	\$5,069
23	Weights and Measures Fund	\$22,129
24	Youth Alcoholism and & Substance Abuse Prevention Fund ..	\$526
25	Notwithstanding any provision of the law to the contrary,	
26	the General Assembly hereby authorizes the use of such funds	

1 for the purposes set forth in this Section.

2 These provisions do not apply to funds classified by the
3 Comptroller as federal trust funds or State trust funds. The
4 Audit Expense Fund may receive transfers from those trust
5 funds only as directed herein, except where prohibited by the
6 terms of the trust fund agreement. The Auditor General shall
7 notify the trustees of those funds of the estimated cost of the
8 audit to be incurred under the Illinois State Auditing Act for
9 the fund. The trustees of those funds shall direct the State
10 Comptroller and Treasurer to transfer the estimated amount to
11 the Audit Expense Fund.

12 The Auditor General may bill entities that are not subject
13 to the above transfer provisions, including private entities,
14 related organizations and entities whose funds are
15 locally-held, for the cost of audits, studies, and
16 investigations incurred on their behalf. Any revenues received
17 under this provision shall be deposited into the Audit Expense
18 Fund.

19 In the event that moneys on deposit in any fund are
20 unavailable, by reason of deficiency or any other reason
21 preventing their lawful transfer, the State Comptroller shall
22 order transferred and the State Treasurer shall transfer the
23 amount deficient or otherwise unavailable from the General
24 Revenue Fund for deposit into the Audit Expense Fund.

25 On or before December 1, 1992, and each December 1
26 thereafter, the Auditor General shall notify the Governor's

1 Office of Management and Budget (formerly Bureau of the
2 Budget) of the amount estimated to be necessary to pay for
3 audits, studies, and investigations in accordance with the
4 Illinois State Auditing Act during the next succeeding fiscal
5 year for each State fund for which a transfer or reimbursement
6 is anticipated.

7 Beginning with fiscal year 1994 and during each fiscal
8 year thereafter, the Auditor General may direct the State
9 Comptroller and Treasurer to transfer moneys from funds
10 authorized by the General Assembly for that fund. In the event
11 funds, including federal and State trust funds but excluding
12 the General Revenue Fund, are transferred, during fiscal year
13 1994 and during each fiscal year thereafter, in excess of the
14 amount to pay actual costs attributable to audits, studies,
15 and investigations as permitted or required by the Illinois
16 State Auditing Act or specific action of the General Assembly,
17 the Auditor General shall, on September 30, or as soon
18 thereafter as is practicable, direct the State Comptroller and
19 Treasurer to transfer the excess amount back to the fund from
20 which it was originally transferred.

21 (Source: P.A. 102-16, eff. 6-17-21; 102-699, eff. 4-19-22;
22 103-8, eff. 6-7-23; 103-129, eff. 6-30-23; revised 11-21-23.)

23 (30 ILCS 105/6z-109)

24 Sec. 6z-109. Metropolitan Mobility ~~Regional Transportation~~
25 Authority Capital Improvement Fund.

1 (a) The Metropolitan Mobility ~~Regional Transportation~~
2 Authority Capital Improvement Fund is created as a special
3 fund in the State treasury and shall receive a portion of the
4 moneys deposited into the Transportation Renewal Fund from
5 Motor Fuel Tax revenues pursuant to Section 8b of the Motor
6 Fuel Tax Law.

7 (b) Money in the Metropolitan Mobility ~~Regional~~
8 ~~Transportation~~ Authority Capital Improvement Fund shall be
9 used exclusively for transportation-related purposes as
10 described in Section 11 of Article IX of the Illinois
11 Constitution of 1970.

12 (Source: P.A. 101-30, eff. 6-28-19.)

13 (30 ILCS 105/8.3)

14 Sec. 8.3. Money in the Road Fund shall, if and when the
15 State of Illinois incurs any bonded indebtedness for the
16 construction of permanent highways, be set aside and used for
17 the purpose of paying and discharging annually the principal
18 and interest on that bonded indebtedness then due and payable,
19 and for no other purpose. The surplus, if any, in the Road Fund
20 after the payment of principal and interest on that bonded
21 indebtedness then annually due shall be used as follows:

22 first -- to pay the cost of administration of Chapters
23 2 through 10 of the Illinois Vehicle Code, except the cost
24 of administration of Articles I and II of Chapter 3 of that
25 Code, and to pay the costs of the Executive Ethics

1 Commission for oversight and administration of the Chief
2 Procurement Officer appointed under paragraph (2) of
3 subsection (a) of Section 10-20 of the Illinois
4 Procurement Code for transportation; and

5 secondly -- for expenses of the Department of
6 Transportation for construction, reconstruction,
7 improvement, repair, maintenance, operation, and
8 administration of highways in accordance with the
9 provisions of laws relating thereto, or for any purpose
10 related or incident to and connected therewith, including
11 the separation of grades of those highways with railroads
12 and with highways and including the payment of awards made
13 by the Illinois Workers' Compensation Commission under the
14 terms of the Workers' Compensation Act or Workers'
15 Occupational Diseases Act for injury or death of an
16 employee of the Division of Highways in the Department of
17 Transportation; or for the acquisition of land and the
18 erection of buildings for highway purposes, including the
19 acquisition of highway right-of-way or for investigations
20 to determine the reasonably anticipated future highway
21 needs; or for making of surveys, plans, specifications and
22 estimates for and in the construction and maintenance of
23 flight strips and of highways necessary to provide access
24 to military and naval reservations, to defense industries
25 and defense-industry sites, and to the sources of raw
26 materials and for replacing existing highways and highway

1 connections shut off from general public use at military
2 and naval reservations and defense-industry sites, or for
3 the purchase of right-of-way, except that the State shall
4 be reimbursed in full for any expense incurred in building
5 the flight strips; or for the operating and maintaining of
6 highway garages; or for patrolling and policing the public
7 highways and conserving the peace; or for the operating
8 expenses of the Department relating to the administration
9 of public transportation programs; or, during fiscal year
10 2023, for the purposes of a grant not to exceed \$8,394,800
11 to the Regional Transportation Authority (now the
12 Metropolitan Mobility Transportation Authority) on behalf
13 of PACE for the purpose of ADA/Para-transit expenses; or,
14 during fiscal year 2024, for the purposes of a grant not to
15 exceed \$9,108,400 to the Regional Transportation Authority
16 (now the Metropolitan Mobility Transportation Authority)
17 on behalf of PACE for the purpose of ADA/Para-transit
18 expenses; or for any of those purposes or any other
19 purpose that may be provided by law.

20 Appropriations for any of those purposes are payable from
21 the Road Fund. Appropriations may also be made from the Road
22 Fund for the administrative expenses of any State agency that
23 are related to motor vehicles or arise from the use of motor
24 vehicles.

25 Beginning with fiscal year 1980 and thereafter, no Road
26 Fund monies shall be appropriated to the following Departments

1 or agencies of State government for administration, grants, or
2 operations; but this limitation is not a restriction upon
3 appropriating for those purposes any Road Fund monies that are
4 eligible for federal reimbursement:

5 1. Department of Public Health;

6 2. Department of Transportation, only with respect to
7 subsidies for one-half fare Student Transportation and
8 Reduced Fare for Elderly, except fiscal year 2023 when no
9 more than \$17,570,000 may be expended and except fiscal
10 year 2024 when no more than \$19,063,500 may be expended;

11 3. Department of Central Management Services, except
12 for expenditures incurred for group insurance premiums of
13 appropriate personnel;

14 4. Judicial Systems and Agencies.

15 Beginning with fiscal year 1981 and thereafter, no Road
16 Fund monies shall be appropriated to the following Departments
17 or agencies of State government for administration, grants, or
18 operations; but this limitation is not a restriction upon
19 appropriating for those purposes any Road Fund monies that are
20 eligible for federal reimbursement:

21 1. Illinois State Police, except for expenditures with
22 respect to the Division of Patrol and Division of Criminal
23 Investigation;

24 2. Department of Transportation, only with respect to
25 Intercity Rail Subsidies, except fiscal year 2023 when no
26 more than \$55,000,000 may be expended and except fiscal

1 year 2024 when no more than \$60,000,000 may be expended,
2 and Rail Freight Services.

3 Beginning with fiscal year 1982 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: Department of Central
9 Management Services, except for awards made by the Illinois
10 Workers' Compensation Commission under the terms of the
11 Workers' Compensation Act or Workers' Occupational Diseases
12 Act for injury or death of an employee of the Division of
13 Highways in the Department of Transportation.

14 Beginning with fiscal year 1984 and thereafter, no Road
15 Fund monies shall be appropriated to the following Departments
16 or agencies of State government for administration, grants, or
17 operations; but this limitation is not a restriction upon
18 appropriating for those purposes any Road Fund monies that are
19 eligible for federal reimbursement:

20 1. Illinois State Police, except not more than 40% of
21 the funds appropriated for the Division of Patrol and
22 Division of Criminal Investigation;

23 2. State Officers.

24 Beginning with fiscal year 1984 and thereafter, no Road
25 Fund monies shall be appropriated to any Department or agency
26 of State government for administration, grants, or operations

1 except as provided hereafter; but this limitation is not a
2 restriction upon appropriating for those purposes any Road
3 Fund monies that are eligible for federal reimbursement. It
4 shall not be lawful to circumvent the above appropriation
5 limitations by governmental reorganization or other methods.
6 Appropriations shall be made from the Road Fund only in
7 accordance with the provisions of this Section.

8 Money in the Road Fund shall, if and when the State of
9 Illinois incurs any bonded indebtedness for the construction
10 of permanent highways, be set aside and used for the purpose of
11 paying and discharging during each fiscal year the principal
12 and interest on that bonded indebtedness as it becomes due and
13 payable as provided in the Transportation Bond Act, and for no
14 other purpose. The surplus, if any, in the Road Fund after the
15 payment of principal and interest on that bonded indebtedness
16 then annually due shall be used as follows:

17 first -- to pay the cost of administration of Chapters
18 2 through 10 of the Illinois Vehicle Code; and

19 secondly -- no Road Fund monies derived from fees,
20 excises, or license taxes relating to registration,
21 operation and use of vehicles on public highways or to
22 fuels used for the propulsion of those vehicles, shall be
23 appropriated or expended other than for costs of
24 administering the laws imposing those fees, excises, and
25 license taxes, statutory refunds and adjustments allowed
26 thereunder, administrative costs of the Department of

1 Transportation, including, but not limited to, the
2 operating expenses of the Department relating to the
3 administration of public transportation programs, payment
4 of debts and liabilities incurred in construction and
5 reconstruction of public highways and bridges, acquisition
6 of rights-of-way for and the cost of construction,
7 reconstruction, maintenance, repair, and operation of
8 public highways and bridges under the direction and
9 supervision of the State, political subdivision, or
10 municipality collecting those monies, or during fiscal
11 year 2023 for the purposes of a grant not to exceed
12 \$8,394,800 to the Regional Transportation Authority (now
13 the Metropolitan Mobility Transportation Authority) on
14 behalf of PACE for the purpose of ADA/Para-transit
15 expenses, or during fiscal year 2024 for the purposes of a
16 grant not to exceed \$9,108,400 to the Regional
17 Transportation Authority (now the Metropolitan Mobility
18 Transportation Authority) on behalf of PACE for the
19 purpose of ADA/Para-transit expenses, and the costs for
20 patrolling and policing the public highways (by the State,
21 political subdivision, or municipality collecting that
22 money) for enforcement of traffic laws. The separation of
23 grades of such highways with railroads and costs
24 associated with protection of at-grade highway and
25 railroad crossing shall also be permissible.
26 Appropriations for any of such purposes are payable from

1 the Road Fund or the Grade Crossing Protection Fund as
2 provided in Section 8 of the Motor Fuel Tax Law.

3 Except as provided in this paragraph, beginning with
4 fiscal year 1991 and thereafter, no Road Fund monies shall be
5 appropriated to the Illinois State Police for the purposes of
6 this Section in excess of its total fiscal year 1990 Road Fund
7 appropriations for those purposes unless otherwise provided in
8 Section 5g of this Act. For fiscal years 2003, 2004, 2005,
9 2006, and 2007 only, no Road Fund monies shall be appropriated
10 to the Department of State Police for the purposes of this
11 Section in excess of \$97,310,000. For fiscal year 2008 only,
12 no Road Fund monies shall be appropriated to the Department of
13 State Police for the purposes of this Section in excess of
14 \$106,100,000. For fiscal year 2009 only, no Road Fund monies
15 shall be appropriated to the Department of State Police for
16 the purposes of this Section in excess of \$114,700,000.
17 Beginning in fiscal year 2010, no Road Fund ~~road fund~~ moneys
18 shall be appropriated to the Illinois State Police. It shall
19 not be lawful to circumvent this limitation on appropriations
20 by governmental reorganization or other methods unless
21 otherwise provided in Section 5g of this Act.

22 In fiscal year 1994, no Road Fund monies shall be
23 appropriated to the Secretary of State for the purposes of
24 this Section in excess of the total fiscal year 1991 Road Fund
25 appropriations to the Secretary of State for those purposes,
26 plus \$9,800,000. It shall not be lawful to circumvent this

1 limitation on appropriations by governmental reorganization or
2 other method.

3 Beginning with fiscal year 1995 and thereafter, no Road
4 Fund monies shall be appropriated to the Secretary of State
5 for the purposes of this Section in excess of the total fiscal
6 year 1994 Road Fund appropriations to the Secretary of State
7 for those purposes. It shall not be lawful to circumvent this
8 limitation on appropriations by governmental reorganization or
9 other methods.

10 Beginning with fiscal year 2000, total Road Fund
11 appropriations to the Secretary of State for the purposes of
12 this Section shall not exceed the amounts specified for the
13 following fiscal years:

14	Fiscal Year 2000	\$80,500,000;
15	Fiscal Year 2001	\$80,500,000;
16	Fiscal Year 2002	\$80,500,000;
17	Fiscal Year 2003	\$130,500,000;
18	Fiscal Year 2004	\$130,500,000;
19	Fiscal Year 2005	\$130,500,000;
20	Fiscal Year 2006	\$130,500,000;
21	Fiscal Year 2007	\$130,500,000;
22	Fiscal Year 2008	\$130,500,000;
23	Fiscal Year 2009	\$130,500,000.

24 For fiscal year 2010, no road fund moneys shall be
25 appropriated to the Secretary of State.

26 Beginning in fiscal year 2011, moneys in the Road Fund

1 shall be appropriated to the Secretary of State for the
2 exclusive purpose of paying refunds due to overpayment of fees
3 related to Chapter 3 of the Illinois Vehicle Code unless
4 otherwise provided for by law.

5 It shall not be lawful to circumvent this limitation on
6 appropriations by governmental reorganization or other
7 methods.

8 No new program may be initiated in fiscal year 1991 and
9 thereafter that is not consistent with the limitations imposed
10 by this Section for fiscal year 1984 and thereafter, insofar
11 as appropriation of Road Fund monies is concerned.

12 Nothing in this Section prohibits transfers from the Road
13 Fund to the State Construction Account Fund under Section 5e
14 of this Act; nor to the General Revenue Fund, as authorized by
15 Public Act 93-25.

16 The additional amounts authorized for expenditure in this
17 Section by Public Acts 92-0600, 93-0025, 93-0839, and 94-91
18 shall be repaid to the Road Fund from the General Revenue Fund
19 in the next succeeding fiscal year that the General Revenue
20 Fund has a positive budgetary balance, as determined by
21 generally accepted accounting principles applicable to
22 government.

23 The additional amounts authorized for expenditure by the
24 Secretary of State and the Department of State Police in this
25 Section by Public Act 94-91 shall be repaid to the Road Fund
26 from the General Revenue Fund in the next succeeding fiscal

1 year that the General Revenue Fund has a positive budgetary
2 balance, as determined by generally accepted accounting
3 principles applicable to government.

4 (Source: P.A. 102-16, eff. 6-17-21; 102-538, eff. 8-20-21;
5 102-699, eff. 4-19-22; 102-813, eff. 5-13-22; 103-8, eff.
6 6-7-23; 103-34, eff. 1-1-24; revised 12-12-23.)

7 (30 ILCS 105/8.25g)

8 Sec. 8.25g. The Civic and Transit Infrastructure Fund. The
9 Civic and Transit Infrastructure Fund is created as a special
10 fund in the State treasury ~~Treasury~~. Money in the Civic and
11 Transit Infrastructure Fund shall, when the State of Illinois
12 incurs infrastructure indebtedness pursuant to the
13 public-private partnership entered into by the public agency
14 on behalf of the State of Illinois with private entity
15 pursuant to the Public-Private Partnership for Civic and
16 Transit Infrastructure Project Act, be used for the purpose of
17 paying and discharging monthly the principal and interest on
18 that infrastructure indebtedness then due and payable
19 consistent with the term established in the public-private
20 agreement entered into by the public agency on behalf of the
21 State of Illinois. The public agency shall, pursuant to its
22 authority under the Public-Private Partnership for Civic and
23 Transit Infrastructure Project Act, annually certify to the
24 State Comptroller and the State Treasurer the amount necessary
25 and required, during the fiscal year with respect to which the

1 certification is made, to pay the amounts due under the
2 Public-Private Partnership for Civic and Transit
3 Infrastructure Project Act. On or before the last day of each
4 month, the State Comptroller and State Treasurer shall
5 transfer the moneys required to be deposited into the Fund
6 under Section 3 of the Retailers' Occupation Tax Act and the
7 Public-Private Partnership for Civic and Transit
8 Infrastructure Project Act and shall pay from that Fund the
9 required amount certified by the public agency, plus any
10 cumulative deficiency in such transfers and payments for prior
11 months, to the public agency for distribution pursuant to the
12 Public-Private Partnership for Civic and Transit
13 Infrastructure Project Act. Such transferred amount shall be
14 sufficient to pay all amounts due under the Public-Private
15 Partnership for Civic and Transit Infrastructure Project Act.
16 Provided that all amounts deposited in the Fund have been paid
17 accordingly under the Public-Private Partnership for Civic and
18 Transit Infrastructure Project Act, all amounts remaining in
19 the Civic and Transit Infrastructure Fund shall be held in
20 that Fund for other subsequent payments required under the
21 Public-Private Partnership for Civic and Transit
22 Infrastructure Project Act. In the event the State fails to
23 pay the amount necessary and required under the Public-Private
24 Partnership for Civic and Transit Infrastructure Project Act
25 for any reason during the fiscal year with respect to which the
26 certification is made or if the State takes any steps that

1 result in an impact to the irrevocable, first priority pledge
2 of and lien on moneys on deposit in the Civic and Transit
3 Infrastructure Fund, the public agency shall certify such
4 delinquent amounts to the State Comptroller and the State
5 Treasurer and the State Comptroller and the State Treasurer
6 shall take all steps required to intercept the tax revenues
7 collected from within the boundary of the civic transit
8 infrastructure project pursuant to Section 3 of the Retailers'
9 Occupation Tax Act, Section 9 of the Use Tax Act, Section 9 of
10 the Service Use Tax Act, Section 9 of the Service Occupation
11 Tax Act, Section 6.02 ~~4.03~~ of the Metropolitan Mobility
12 ~~Regional Transportation~~ Authority Act, and Section 6 of the
13 Hotel Operators' Occupation Tax Act, and shall pay such
14 amounts to the Fund for distribution by the public agency for
15 the time period required to ensure that the State's
16 distribution requirements under the Public-Private Partnership
17 for Civic and Transit Infrastructure Project Act are fully
18 met.

19 As used in the Section, "private entity", "public-private
20 agreement", and "public agency" have meanings provided in
21 Section 25-10 of the Public-Private Partnership for Civic and
22 Transit Infrastructure Project Act.

23 (Source: P.A. 101-10, eff. 6-5-19; 102-558, eff. 8-20-21.)

24 Section 8.14. The State Officers and Employees Money
25 Disposition Act is amended by changing Section 2a as follows:

1 (30 ILCS 230/2a) (from Ch. 127, par. 172)

2 Sec. 2a. Every officer, board, commission, commissioner,
3 department, institute, arm, or agency to whom or to which this
4 Act applies is to notify the State Treasurer as to money paid
5 to him, her, or it under protest as provided in Section 2a.1,
6 and the Treasurer is to place the money in a special fund to be
7 known as the protest fund. At the expiration of 30 days from
8 the date of payment, the money is to be transferred from the
9 protest fund to the appropriate fund in which it would have
10 been placed had there been payment without protest unless the
11 party making that payment under protest has filed a complaint
12 and secured within that 30 days a temporary restraining order
13 or a preliminary injunction, restraining the making of that
14 transfer and unless, in addition, within that 30 days, a copy
15 of the temporary restraining order or preliminary injunction
16 has been served upon the State Treasurer and also upon the
17 officer, board, commission, commissioner, department,
18 institute, arm, or agency to whom or to which the payment under
19 protest was made, in which case the payment and such other
20 payments as are subsequently made under notice of protest, as
21 provided in Section 2a.1, by the same person, the transfer of
22 which payments is restrained by such temporary restraining
23 order or preliminary injunction, are to be held in the protest
24 fund until the final order or judgment of the court. The
25 judicial remedy herein provided, however, relates only to

1 questions which must be decided by the court in determining
2 the proper disposition of the moneys paid under protest. Any
3 authorized payment from the protest fund shall bear simple
4 interest at a rate equal to the average of the weekly rates at
5 issuance on 13-week U.S. Treasury Bills from the date of
6 deposit into the protest fund to the date of disbursement from
7 the protest fund. In cases involving temporary restraining
8 orders or preliminary injunctions entered March 10, 1982, or
9 thereafter, pursuant to this Section, when the party paying
10 under protest fails in the protest action the State Treasurer
11 shall determine if any moneys paid under protest were paid as a
12 result of assessments under the following provisions: the
13 Municipal Retailers' Occupation Tax Act, the Municipal Service
14 Occupation Tax Act, the Municipal Use Tax Act, the Municipal
15 Automobile Renting Occupation Tax Act, the Municipal
16 Automobile Renting Use Tax Act, Section 8-11-9 of the Illinois
17 Municipal Code, the Tourism, Conventions and Other Special
18 Events Promotion Act of 1967, the County Automobile Renting
19 Occupation Tax Act, the County Automobile Renting Use Tax Act,
20 Section 5-1034 of the Counties Code, Section 5.01 of the Local
21 Mass Transit District Act, the Downstate Public Transportation
22 Act, Section 6.02 ~~4.03~~ of the Metropolitan Mobility Regional
23 ~~Transportation~~ Authority Act, subsections (c) and (d) of
24 Section 201 of the Illinois Income Tax Act, Section 2a.1 of the
25 Messages Tax Act, Section 2a.1 of the Gas Revenue Tax Act,
26 Section 2a.1 of the Public Utilities Revenue Act, and the

1 Water Company Invested Capital Tax Act. Any such moneys paid
2 under protest shall bear simple interest at a rate equal to the
3 average of the weekly rates at issuance on 13-week U.S.
4 Treasury Bills from the date of deposit into the protest fund
5 to the date of disbursement from the protest fund.

6 It is unlawful for the Clerk of a court, a bank or any
7 person other than the State Treasurer to be appointed as
8 trustee with respect to any purported payment under protest,
9 or otherwise to be authorized by a court to hold any purported
10 payment under protest, during the pendency of the litigation
11 involving such purported payment under protest, it being the
12 expressed intention of the General Assembly that no one is to
13 act as custodian of any such purported payment under protest
14 except the State Treasurer.

15 No payment under protest within the meaning of this Act
16 has been made unless paid to an officer, board, commission,
17 commissioner, department, institute, arm or agency brought
18 within this Act by Section 1 and unless made in the form
19 specified by Section 2a.1. No payment into court or to a
20 circuit clerk or other court-appointed trustee is a payment
21 under protest within the meaning of this Act.

22 (Source: P.A. 87-950.)

23 Section 8.15. The Transportation Bond Act is amended by
24 changing Section 2 as follows:

1 (30 ILCS 415/2) (from Ch. 127, par. 702)

2 Sec. 2. The State of Illinois is authorized to issue, sell
3 and provide for the retirement of bonds of the State of
4 Illinois in the amount of \$1,729,000,000, hereinafter called
5 the "Bonds", for the specific purpose of promoting and
6 assuring rapid, efficient, and safe highway, air and mass
7 transportation for the inhabitants of the State by providing
8 monies, including the making of grants and loans, to be used
9 for the acquisition, construction, reconstruction, extension
10 and improvement of the following transportation facilities and
11 equipment and for the acquisition of real property and
12 interests in real property required or expected to be required
13 in connection therewith, and within the limitations set forth
14 in Section 5.1 of this Act for the specific purpose set forth
15 in Section 2(b) (2) and (3) of this Act:

16 (a) (1) the acquisition, construction, reconstruction,
17 extension and improvement of State highways, arterial
18 highways, freeways, roads, structures separating highways and
19 railroads and bridges; and

20 (2) the repair and reconstruction of bridges on roads
21 maintained by counties, municipalities, townships or road
22 districts;

23 (b) (1) the acquisition, construction, extension,
24 reconstruction and improvement of mass transportation
25 facilities including rapid transit, rail, bus and other
26 equipment used in connection therewith by the State or any

1 unit of local government, special transportation district,
2 municipal corporation or other corporation or public authority
3 authorized to provide and promote public transportation within
4 the State or two or more of the foregoing acting jointly; and

5 (2) for the purpose of providing immediate relief from
6 existing or impending inability to meet principal and interest
7 payments and thereby aiding in achieving the maximum benefit
8 for the public from the transportation capital improvement
9 program, to provide funds for any payments required to be made
10 for principal of and interest on bonds, certificates,
11 equipment trust certificates or other evidences of
12 indebtedness issued or guaranteed prior to the passage of this
13 Act by the State or any unit of local government, special
14 transportation district, municipal corporation or other
15 corporation or public authority authorized to provide public
16 transportation within the State, or two or more of the
17 foregoing acting jointly, pursuant to any indenture,
18 ordinance, resolution, agreement or contract to obtain and
19 finance transportation facilities; and,

20 (3) for the purpose of reimbursing the General Revenue
21 Fund for monies paid from the General Revenue Fund after
22 passage of this Act for the purpose described in Section 2(b)
23 (2).

24 (c) the acquisition, construction, extension,
25 reconstruction, and improvement of airport or aviation
26 facilities and any equipment used in connection therewith,

1 including reimbursement for certain engineering and land
2 acquisition costs as provided in Section 34a of the "Illinois
3 Aeronautics Act", approved July 24, 1945, as amended, by the
4 State or any unit of local government, special transportation
5 district, municipal corporation or other corporation or public
6 authority authorized to provide public transportation within
7 the State or two or more of the foregoing acting jointly.

8 \$1,326,000,000 of the Bonds will be used for State highway
9 acquisition, construction, reconstruction, extension and
10 improvement as specifically described herein, hereinafter
11 called the "Transportation Bonds, Series A". \$363,000,000 of
12 the Bonds will be used for the mass transportation purposes
13 specifically described herein and \$40,000,000 of the Bonds
14 will be used for the aviation purposes specifically described
15 herein, such \$403,000,000 of Bonds collectively hereinafter
16 called the "Transportation Bonds, Series B".

17 The \$75,000,000 authorized for mass transportation
18 purposes by this amendatory Act of 1973 shall be used for the
19 acquisition of mass transportation equipment including rail
20 and bus, and other equipment used in connection therewith for
21 the area comprising the counties of DuPage, Kane, Lake,
22 McHenry and Will, and that portion of the County of Cook
23 outside the City of Chicago, as determined by the Metropolitan
24 Mobility ~~Regional Transportation~~ Authority established
25 pursuant to the Metropolitan Mobility ~~"The Regional~~
26 ~~Transportation Authority Act"~~, enacted by the 78th General

1 ~~Assembly~~. The proceeds of the sale of such bonds shall be
2 expended only to, or with the approval of, such Authority.
3 Nothing in this paragraph prohibits that Authority from using
4 or approving the use of such proceeds for purposes of
5 acquisition of mass transportation equipment for use between
6 such area and other areas.

7 Of the Bonds authorized to be used for highway purposes,
8 the proceeds of \$14,965,100 of such bonds shall be used by the
9 Department of Transportation for the purpose of the repair and
10 reconstruction of unsafe and substandard bridges on roads
11 maintained by counties, municipalities, townships and road
12 districts under the Illinois Highway Code and the proceeds of
13 \$12,000,000 of such bonds shall be used by the Department of
14 Transportation for the same purposes as provided in Sections
15 6-902 through 6-905 of the Illinois Highway Code.

16 Of the Bonds authorized to be sold for highway purposes,
17 the proceeds of \$36,939,400 of the Bonds shall be used for such
18 purposes within the City of Chicago, the proceeds of
19 \$42,457,000 of the Bonds shall be used for such purposes in the
20 Chicago urbanized area, the proceeds of \$46,359,000 of the
21 bonds shall be used for such purposes outside the Chicago
22 urbanized area, the proceeds of \$142,105,500 of the Bonds
23 shall be used for such purposes within the Counties of Cook,
24 DuPage, Kane, Lake, McHenry and Will, the proceeds of
25 \$181,139,100 of the Bonds shall be used for such purposes
26 within the Counties of the State outside the Counties of Cook,

1 DuPage, Kane, Lake, McHenry and Will.

2 Of the \$106,000,000 of Bonds authorized to be sold for
3 mass transportation purposes by this amendatory Act of 1979,
4 \$98,000,000 of the Bonds shall be used for such purposes
5 within the Counties of Cook, DuPage, Kane, Lake, McHenry and
6 Will and the proceeds of \$8,000,000 of the Bonds shall be used
7 for such purposes within the Counties of the State outside the
8 Counties of Cook, DuPage, Kane, Lake, McHenry and Will.

9 (Source: P.A. 86-453.)

10 Section 8.16. The Downstate Public Transportation Act is
11 amended by changing Sections 2-2.02, 3-1.02, and 4-1.7 as
12 follows:

13 (30 ILCS 740/2-2.02) (from Ch. 111 2/3, par. 662.02)

14 Sec. 2-2.02. "Participant" means:

15 (1) a city, village, or incorporated town, a county, or a
16 local mass transit district organized under the Local Mass
17 Transit District Act (a) serving an urbanized area of over
18 50,000 population or (b) serving a nonurbanized area; or

19 (2) any Metro-East Transit District established pursuant
20 to Section 3 of the Local Mass Transit District Act and serving
21 one or more of the Counties of Madison, Monroe, and St. Clair
22 during Fiscal Year 1989, all located outside the boundaries of
23 the Metropolitan Mobility ~~Regional Transportation~~ Authority as
24 established pursuant to the Metropolitan Mobility ~~Regional~~

1 ~~Transportation~~ Authority Act.

2 (Source: P.A. 94-70, eff. 6-22-05.)

3 (30 ILCS 740/3-1.02) (from Ch. 111 2/3, par. 683)

4 Sec. 3-1.02. "Participant" means any county located
5 outside the boundaries of the Metropolitan Mobility Regional
6 ~~Transportation~~ Authority as established under the Metropolitan
7 Mobility Regional Transportation Authority Act and outside the
8 Bi-State Metropolitan Development District established under
9 an Act approved July 26, 1949, except that beginning, July 1,
10 1987 the counties within the boundaries of the Bi-State
11 Metropolitan Development District may be eligible for capital
12 assistance only, or within such county any municipality with
13 20,000 or more population that is not included in an urbanized
14 area or the boundaries of a local mass transit district; or
15 within such county any municipality with 20,000 or less
16 population receiving State mass transportation operating
17 assistance under the Downstate Public Transportation Act
18 during Fiscal Year 1979; or within such county or counties a
19 local mass transit district organized under the Local ~~local~~
20 Mass Transit District Act which is not included in an
21 urbanized area or the boundaries of a local mass transit
22 district which includes an urbanized area; provided, however,
23 that no such entity shall be eligible to participate unless it
24 agrees to adhere to the regulations and requirements of the
25 Secretary of Transportation of the federal Department of

1 Transportation affecting Section 18 assistance or any other
2 conditions as deemed reasonable and necessary by the Illinois
3 Department of Transportation.

4 (Source: P.A. 87-1235.)

5 (30 ILCS 740/4-1.7) (from Ch. 111 2/3, par. 699.7)

6 Sec. 4-1.7. "Participant" means (1) a city, village or
7 incorporated town, or a local mass transit district organized
8 under the Local Mass Transit District Act, that is named as a
9 designated recipient by the Governor, or is eligible to
10 receive federal UMTA Section 9 funds, or (2) the recipient
11 designated by the Governor within the Bi-State Metropolitan
12 Development District; provided that such entity is all located
13 outside the boundaries of the Metropolitan Mobility Regional
14 ~~Transportation~~ Authority as established pursuant to the
15 Metropolitan Mobility Regional Transportation Authority Act,
16 ~~as amended~~, and has formally requested to participate in the
17 program defined in this Article. However, no such entity shall
18 be eligible to participate unless it agrees to adhere to the
19 regulations and requirements of the Secretary of
20 Transportation of the federal Department of Transportation
21 affecting UMTA Section 9 assistance or any other conditions
22 that are deemed reasonable and necessary by the Illinois
23 Department of Transportation.

24 (Source: P.A. 86-16.)

1 Section 8.17. The State Mandates Act is amended by
2 changing Section 8.47 as follows:

3 (30 ILCS 805/8.47)

4 Sec. 8.47. Exempt mandate.

5 (a) Notwithstanding Sections 6 and 8 of this Act, no
6 reimbursement by the State is required for the implementation
7 of any mandate created by Public Act 103-2, 103-110, 103-409,
8 103-455, 103-529, 103-552, 103-553, 103-579, or 103-582 ~~this~~
9 ~~amendatory Act of the 103rd General Assembly.~~

10 (b) Notwithstanding Sections 6 and 8 of this Act, no
11 reimbursement by the State is required for the implementation
12 of any mandate created by the Decennial Committees on Local
13 Government Efficiency Act.

14 (c) Notwithstanding Sections 6 and 8 of this Act, no
15 reimbursement by the State is required for the implementation
16 of the mandate created by Section 2.10a of the Regional
17 Transportation Authority Act (now Section 4.25 of the
18 Metropolitan Mobility Authority Act) in Public Act 103-281
19 ~~this amendatory Act of the 103rd General Assembly.~~

20 (Source: P.A. 102-1136, eff. 2-10-23; 103-2, eff. 5-10-23;
21 103-110, eff. 6-29-23; 103-281, eff. 1-1-24; 103-409, eff.
22 1-1-24; 103-455, eff. 1-1-24; 103-529, eff. 8-11-23; 103-552,
23 eff. 8-11-23; 103-553, eff. 8-11-23; 103-579, eff. 12-8-23;
24 103-582, eff. 12-8-23; revised 1-2-24.)

1 Section 8.18. The Use Tax Act is amended by changing
2 Sections 2b and 22 as follows:

3 (35 ILCS 105/2b) (from Ch. 120, par. 439.2b)

4 Sec. 2b. "Selling price" does ~~shall~~ not include any
5 amounts added to prices by sellers on account of the seller's
6 duty to collect any tax imposed under the Metropolitan
7 Mobility ~~"Regional Transportation Authority Act", enacted by~~
8 ~~the 78th General Assembly.~~

9 (Source: P.A. 78-3rd S.S.-12.)

10 (35 ILCS 105/22) (from Ch. 120, par. 439.22)

11 Sec. 22. If it is determined that the Department should
12 issue a credit or refund under this Act, the Department may
13 first apply the amount thereof against any amount of tax or
14 penalty or interest due hereunder, or under the Retailers'
15 Occupation Tax Act, the Service Occupation Tax Act, the
16 Service Use Tax Act, any local occupation or use tax
17 administered by the Department, Section 4 of the Water
18 Commission Act of 1985, subsections (b), (c) and (d) of
19 Section 5.01 of the Local Mass Transit District Act, or
20 subsections (e), (m), and (r) of Section 6.02 of the
21 Metropolitan Mobility Authority Act ~~(e), (f) and (g) of~~
22 ~~Section 4.03 of the Regional Transportation Authority Act,~~
23 from the person entitled to such credit or refund. For this
24 purpose, if proceedings are pending to determine whether or

1 not any tax or penalty or interest is due under this Act or
2 under the Retailers' Occupation Tax Act, the Service
3 Occupation Tax Act, the Service Use Tax Act, any local
4 occupation or use tax administered by the Department, Section
5 4 of the Water Commission Act of 1985, subsections (b), (c) and
6 (d) of 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,~~
10 from such person, the Department may withhold issuance of the
11 credit or refund pending the final disposition of such
12 proceedings and may apply such credit or refund against any
13 amount found to be due to the Department as a result of such
14 proceedings. The balance, if any, of the credit or refund
15 shall be issued to the person entitled thereto.

16 Any credit memorandum issued hereunder may be used by the
17 authorized holder thereof to pay any tax or penalty or
18 interest due or to become due under this Act or under the
19 Retailers' Occupation Tax Act, the Service Occupation Tax Act,
20 the Service Use Tax Act, any local occupation or use tax
21 administered by the Department, Section 4 of the Water
22 Commission Act of 1985, subsections (b), (c) and (d) of
23 Section 5.01 of the Local Mass Transit District Act, or
24 subsections (e), (m), and (r) of Section 6.02 of the
25 Metropolitan Mobility Authority Act ~~(e), (f) and (g) of~~
26 ~~Section 4.03 of the Regional Transportation Authority Act,~~

1 from such holder. Subject to reasonable rules of the
2 Department, a credit memorandum issued hereunder may be
3 assigned by the holder thereof to any other person for use in
4 paying tax or penalty or interest which may be due or become
5 due under this Act or under the Retailers' Occupation Tax Act,
6 the Service Occupation Tax Act or the Service Use Tax Act, from
7 the assignee.

8 In any case in which there has been an erroneous refund of
9 tax payable under this Act, a notice of tax liability may be
10 issued at any time within 3 years from the making of that
11 refund, or within 5 years from the making of that refund if it
12 appears that any part of the refund was induced by fraud or the
13 misrepresentation of a material fact. The amount of any
14 proposed assessment set forth in the notice shall be limited
15 to the amount of the erroneous refund.

16 (Source: P.A. 91-901, eff. 1-1-01.)

17 Section 8.19. The Service Use Tax Act is amended by
18 changing Section 20 as follows:

19 (35 ILCS 110/20) (from Ch. 120, par. 439.50)

20 Sec. 20. If it is determined that the Department should
21 issue a credit or refund hereunder, the Department may first
22 apply the amount thereof against any amount of tax or penalty
23 or interest due hereunder, or under the Service Occupation Tax
24 Act, the Retailers' Occupation Tax Act, the Use Tax Act, any

1 local occupation or use tax administered by the Department,
2 Section 4 of the Water Commission Act of 1985, subsections
3 (b), (c) and (d) of Section 5.01 of the Local Mass Transit
4 District Act, or subsections (e), (m), and (r) of Section 6.02
5 of the Metropolitan Mobility Authority Act ~~(e), (f) and (g) of~~
6 ~~Section 4.03 of the Regional Transportation Authority Act,~~
7 from the person entitled to such credit or refund. For this
8 purpose, if proceedings are pending to determine whether or
9 not any tax or penalty or interest is due hereunder, or under
10 the Service Occupation Tax Act, the Retailers' Occupation Tax
11 Act, the 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 such person, the Department may withhold issuance of the
19 credit or refund pending the final disposition of such
20 proceedings and may apply such credit or refund against any
21 amount found to be due to the Department as a result of such
22 proceedings. The balance, if any, of the credit or refund
23 shall be issued to the person entitled thereto.

24 Any credit memorandum issued hereunder may be used by the
25 authorized holder thereof to pay any tax or penalty or
26 interest due or to become due under this Act, the Service

1 Occupation Tax Act, the Retailers' Occupation Tax Act, the Use
2 Tax Act, any local occupation or use tax administered by the
3 Department, Section 4 of the Water Commission Act of 1985,
4 subsections (b), (c) and (d) of Section 5.01 of the Local Mass
5 Transit District Act, or subsections (e), (m), and (r) of
6 Section 6.02 of the Metropolitan Mobility Authority Act ~~(e),~~
7 ~~(f) and (g) of Section 4.03 of the Regional Transportation~~
8 ~~Authority Act~~, from such holder. Subject to reasonable rules
9 of the Department, a credit memorandum issued hereunder may be
10 assigned by the holder thereof to any other person for use in
11 paying tax or penalty or interest which may be due or become
12 due under this Act, the Service Occupation Tax Act, the
13 Retailers' Occupation Tax Act, the 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 assignee.

21 In any case which there has been an erroneous refund of tax
22 payable under this Act, a notice of tax liability may be issued
23 at any time within 3 years from the making of that refund, or
24 within 5 years from the making of that refund if it appears
25 that any part of the refund was induced by fraud or the
26 misrepresentation of a material fact. The amount of any

1 proposed assessment set forth in the notice shall be limited
2 to the amount of the erroneous refund.

3 (Source: P.A. 91-901, eff. 1-1-01.)

4 Section 8.20. The Service Occupation Tax Act is amended by
5 changing Section 20 as follows:

6 (35 ILCS 115/20) (from Ch. 120, par. 439.120)

7 Sec. 20. If it is determined that the Department should
8 issue a credit or refund hereunder, the Department may first
9 apply the amount thereof against any amount of tax or penalty
10 or interest due hereunder, or under the Service Use Tax Act,
11 the Retailers' Occupation Tax Act, the Use Tax Act, any local
12 occupation or use tax administered by the Department, Section
13 4 of the Water Commission Act of 1985, subsections (b), (c) and
14 (d) of 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 hereunder, or under
21 the Service Use Tax Act, the Retailers' Occupation Tax Act,
22 the Use Tax Act, any local occupation or use tax administered
23 by the Department, Section 4 of the Water Commission Act of
24 1985, subsections (b), (c) and (d) of Section 5.01 of the Local

1 Mass Transit District Act, or subsections (e), (m), and (r) of
2 Section 6.02 of the Metropolitan Mobility Authority Act ~~(e),~~
3 ~~(f) and (g) of Section 4.03 of the Regional Transportation~~
4 ~~Authority Act~~, from such person, the Department may withhold
5 issuance of the credit or refund pending the final disposition
6 of such proceedings and may apply such credit or refund
7 against any amount found to be due to the Department as a
8 result of such proceedings. The balance, if any, of the credit
9 or refund 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 Service Use Tax Act, the Retailers' Occupation Tax Act, the
14 Use Tax Act, any local occupation or use tax administered by
15 the Department, Section 4 of the Water Commission Act of 1985,
16 subsections (b), (c) and (d) of Section 5.01 of the Local Mass
17 Transit District Act, or subsections (e), (m), and (r) of
18 Section 6.02 of the Metropolitan Mobility Authority Act ~~(e),~~
19 ~~(f) and (g) of Section 4.03 of the Regional Transportation~~
20 ~~Authority Act~~, from such holder. Subject to reasonable rules
21 of the Department, a credit memorandum issued hereunder may be
22 assigned by the holder thereof to any other person for use in
23 paying tax or penalty or interest which may be due or become
24 due under this Act, the Service Use Tax Act, the Retailers'
25 Occupation Tax Act, the Use Tax Act, any local occupation or
26 use tax administered by the Department, Section 4 of the Water

1 Commission Act of 1985, subsections (b), (c) and (d) of
2 Section 5.01 of the Local Mass Transit District Act, or
3 subsections (e), (m), and (r) of Section 6.02 of the
4 Metropolitan Mobility Authority Act ~~(e), (f) and (g) of~~
5 ~~Section 4.03 of the Regional Transportation Authority Act,~~
6 from the assignee.

7 In any case in which there has been an erroneous refund of
8 tax payable under this Act, a notice of tax liability may be
9 issued at any time within 3 years from the making of that
10 refund, or within 5 years from the making of that refund if it
11 appears that any part of the refund was induced by fraud or the
12 misrepresentation of a material fact. The amount of any
13 proposed assessment set forth in the notice shall be limited
14 to the amount of the erroneous refund.

15 (Source: P.A. 91-901, eff. 1-1-01.)

16 Section 8.21. The Retailers' Occupation Tax Act is amended
17 by changing Section 6 as follows:

18 (35 ILCS 120/6) (from Ch. 120, par. 445)

19 Sec. 6. Credit memorandum or refund. If it appears, after
20 claim therefor filed with the Department, that an amount of
21 tax or penalty or interest has been paid which was not due
22 under this Act, whether as the result of a mistake of fact or
23 an error of law, except as hereinafter provided, then the
24 Department shall issue a credit memorandum or refund to the

1 person who made the erroneous payment or, if that person died
2 or became a person under legal disability, to his or her legal
3 representative, as such. For purposes of this Section, the tax
4 is deemed to be erroneously paid by a retailer when the
5 manufacturer of a motor vehicle sold by the retailer accepts
6 the return of that automobile and refunds to the purchaser the
7 selling price of that vehicle as provided in the New Vehicle
8 Buyer Protection Act. When a motor vehicle is returned for a
9 refund of the purchase price under the New Vehicle Buyer
10 Protection Act, the Department shall issue a credit memorandum
11 or a refund for the amount of tax paid by the retailer under
12 this Act attributable to the initial sale of that vehicle.
13 Claims submitted by the retailer are subject to the same
14 restrictions and procedures provided for in this Act. If it is
15 determined that the Department should issue a credit
16 memorandum or refund, the Department may first apply the
17 amount thereof against any tax or penalty or interest due or to
18 become due under this Act or under the Use Tax Act, the Service
19 Occupation Tax Act, the Service Use Tax Act, any local
20 occupation or use tax administered by the Department, Section
21 4 of the Water Commission Act of 1985, subsections (b), (c) and
22 (d) of 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 person who made the erroneous payment. If no tax or

1 penalty or interest is due and no proceeding is pending to
2 determine whether such person is indebted to the Department
3 for tax or penalty or interest, the credit memorandum or
4 refund shall be issued to the claimant; or (in the case of a
5 credit memorandum) the credit memorandum may be assigned and
6 set over by the lawful holder thereof, subject to reasonable
7 rules of the Department, to any other person who is subject to
8 this Act, the Use Tax Act, the Service Occupation Tax Act, the
9 Service Use Tax Act, any local occupation or use tax
10 administered by the Department, Section 4 of the Water
11 Commission Act of 1985, subsections (b), (c) and (d) of
12 Section 5.01 of the Local Mass Transit District Act, or
13 subsections (e), (m), and (r) of Section 6.02 of the
14 Metropolitan Mobility Authority Act ~~(e), (f) and (g) of~~
15 ~~Section 4.03 of the Regional Transportation Authority Act,~~ and
16 the amount thereof applied by the Department against any tax
17 or penalty or interest due or to become due under this Act or
18 under the Use Tax Act, the Service Occupation Tax Act, the
19 Service Use Tax Act, any local occupation or use tax
20 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 such assignee. However, as to any claim for credit or

1 refund filed with the Department on and after each January 1
2 and July 1 no amount of tax or penalty or interest erroneously
3 paid (either in total or partial liquidation of a tax or
4 penalty or amount of interest under this Act) more than 3 years
5 prior to such January 1 and July 1, respectively, shall be
6 credited or refunded, except that if both the Department and
7 the taxpayer have agreed to an extension of time to issue a
8 notice of tax liability as provided in Section 4 of this Act,
9 such claim may be filed at any time prior to the expiration of
10 the period agreed upon. Notwithstanding any other provision of
11 this Act to the contrary, for any period included in a claim
12 for credit or refund for which the statute of limitations for
13 issuing a notice of tax liability under this Act will expire
14 less than 6 months after the date a taxpayer files the claim
15 for credit or refund, the statute of limitations is
16 automatically extended for 6 months from the date it would
17 have otherwise expired.

18 No claim may be allowed for any amount paid to the
19 Department, whether paid voluntarily or involuntarily, if paid
20 in total or partial liquidation of an assessment which had
21 become final before the claim for credit or refund to recover
22 the amount so paid is filed with the Department, or if paid in
23 total or partial liquidation of a judgment or order of court.
24 No credit may be allowed or refund made for any amount paid by
25 or collected from any claimant unless it appears (a) that the
26 claimant bore the burden of such amount and has not been

1 relieved thereof nor reimbursed therefor and has not shifted
2 such burden directly or indirectly through inclusion of such
3 amount in the price of the tangible personal property sold by
4 him or her or in any manner whatsoever; and that no
5 understanding or agreement, written or oral, exists whereby he
6 or she or his or her legal representative may be relieved of
7 the burden of such amount, be reimbursed therefor or may shift
8 the burden thereof; or (b) that he or she or his or her legal
9 representative has repaid unconditionally such amount to his
10 or her vendee (1) who bore the burden thereof and has not
11 shifted such burden directly or indirectly, in any manner
12 whatsoever; (2) who, if he or she has shifted such burden, has
13 repaid unconditionally such amount to his own vendee; and (3)
14 who is not entitled to receive any reimbursement therefor from
15 any other source than from his or her vendor, nor to be
16 relieved of such burden in any manner whatsoever. No credit
17 may be allowed or refund made for any amount paid by or
18 collected from any claimant unless it appears that the
19 claimant has unconditionally repaid, to the purchaser, any
20 amount collected from the purchaser and retained by the
21 claimant with respect to the same transaction under the Use
22 Tax Act.

23 Any credit or refund that is allowed under this Section
24 shall bear interest at the rate and in the manner specified in
25 the Uniform Penalty and Interest Act.

26 In case the Department determines that the claimant is

1 entitled to a refund, such refund shall be made only from the
2 Aviation Fuel Sales Tax Refund Fund or from such appropriation
3 as may be available for that purpose, as appropriate. If it
4 appears unlikely that the amount available would permit
5 everyone having a claim allowed during the period covered by
6 such appropriation or from the Aviation Fuel Sales Tax Refund
7 Fund, as appropriate, to elect to receive a cash refund, the
8 Department, by rule or regulation, shall provide for the
9 payment of refunds in hardship cases and shall define what
10 types of cases qualify as hardship cases.

11 If a retailer who has failed to pay retailers' occupation
12 tax on gross receipts from retail sales is required by the
13 Department to pay such tax, such retailer, without filing any
14 formal claim with the Department, shall be allowed to take
15 credit against such retailers' occupation tax liability to the
16 extent, if any, to which such retailer has paid an amount
17 equivalent to retailers' occupation tax or has paid use tax in
18 error to his or her vendor or vendors of the same tangible
19 personal property which such retailer bought for resale and
20 did not first use before selling it, and no penalty or interest
21 shall be charged to such retailer on the amount of such credit.
22 However, when such credit is allowed to the retailer by the
23 Department, the vendor is precluded from refunding any of that
24 tax to the retailer and filing a claim for credit or refund
25 with respect thereto with the Department. The provisions of
26 this amendatory Act shall be applied retroactively, regardless

1 of the date of the transaction.

2 (Source: P.A. 101-10, eff. 6-5-19; 102-40, eff. 6-25-21.)

3 Section 8.22. The Governmental Tax Reform Validation Act
4 is amended by changing Section 10 as follows:

5 (35 ILCS 165/10)

6 Sec. 10. Re-enactment; findings; purpose; validation.

7 (a) The General Assembly finds and declares that:

8 (1) The amendatory provisions of this Act were first
9 enacted by Public Act 85-1135 and all related to taxation.

10 (A) Article I of Public Act 85-1135, effective
11 July 28, 1988, contained provisions stating
12 legislative intent.

13 (B) Article II of Public Act 85-1135, effective
14 January 1, 1990, contained provisions amending or
15 creating Sections 8-11-1, 8-11-1.1, 8-11-1.2,
16 8-11-1.3, 8-11-1.4, 8-11-5, 8-11-6, 8-11-6a, 8-11-16,
17 and 11-74.4-8a of the Illinois Municipal Code;
18 Sections 24a-1, 24a-2, 24a-3, 24a-4, and 25.05 of "An
19 Act to revise the law in relation to counties";
20 Section 4 of the Water Commission Act of 1985; Section
21 5.01 of the Local Mass Transit District Act; Sections
22 5.12, 6.02, 6.05, and 6.08 of the Metropolitan
23 Mobility Authority Act ~~Sections 4.01, 4.03, 4.04, and~~
24 ~~4.09 of the Regional Transportation Authority Act;~~

1 Sections 3, 9, and 10b of the Use Tax Act; Sections 2,
2 3, 3d, 7a, 9, 10, 10b, and 15 of the Service Use Tax
3 Act; Sections 2, 3, 9, 13, 15, and 20.1 of the Service
4 Occupation Tax Act; Sections 2, 3, 5k, and 6d of the
5 Retailers' Occupation Tax Act; and Sections 5.240,
6 5.241, 6z-16, and 6z-17 of the State Finance Act.
7 Article II of Public Act 85-1135, effective January 1,
8 1990, also contained provisions repealing Sections
9 25.05a, 25.05-2, 25.05-2a, 25.05-3, 25.05-3a,
10 25.05-10, 25.05-10a, and 25.05-10.1 of "An Act to
11 revise the law in relation to counties" and Sections
12 10 and 14 of the Service Occupation Tax Act.

13 (C) Article III of Public Act 85-1135, effective
14 September 1, 1988, contained provisions further
15 amending Sections 3 and 9 of the Use Tax Act; Sections
16 2, 3, and 9 of the Service Use Tax Act; Sections 2, 3,
17 and 9 of the Service Occupation Tax Act; and Sections 2
18 and 3 of the Retailers' Occupation Tax Act; and
19 amending Section 2 of the State Revenue Sharing Act.

20 (D) Article IV of Public Act 85-1135, effective
21 July 28, 1988, contained provisions amending Section
22 6z-9 of the State Finance Act and creating Section .01
23 of the State Revenue Sharing Act.

24 (E) Article V of Public Act 85-1135, effective
25 July 28, 1988, contained provisions precluding any
26 effect on a pre-existing right, remedy, or liability

1 and authorizing enactment of home rule municipality
2 ordinances.

3 (2) Public Act 85-1135 also contained provisions
4 relating to State bonds and creating the Water Pollution
5 Control Revolving Fund loan program.

6 (3) On August 26, 1998, the Cook County Circuit Court
7 entered an order in the case of Oak Park Arms Associates v.
8 Whitley (No. 92 L 51045), in which it found that Public Act
9 85-1135 violates the single subject clause of the Illinois
10 Constitution (Article IV, Section 8(d)). As of the time
11 this Act was prepared, the order declaring P.A. 85-1135
12 invalid has been vacated but the case is subject to
13 appeal.

14 (4) The tax provisions of Public Act 85-1135 affect
15 many areas of vital concern to the people of this State.
16 The disruption of the tax reform contained in those
17 provisions could constitute a grave threat to the
18 continued health, safety, and welfare of the people of
19 this State.

20 (b) It is the purpose of this Act to prevent or minimize
21 any problems relating to taxation that may result from
22 challenges to the constitutional validity of Public Act
23 85-1135, by (1) re-enacting provisions from Public Act 85-1135
24 and (2) validating all actions taken in reliance on those
25 provisions from Public Act 85-1135.

26 (c) Because Public Act 86-962, effective January 1, 1990,

1 renumbered Sections 24a-1, 24a-2, 24a-3, 24a-4, and 25.05 of
2 the Counties Code, this Act contains those provisions as
3 renumbered under Sections 5-1006, 5-1007, 5-1008, 5-1009, and
4 5-1024 of the Counties Code. Because Public Act 86-1475,
5 effective January 10, 1991, resectioned Section 3 of the Use
6 Tax Act, Section 3 of the Service Use Tax Act, Section 3 of the
7 Service Occupation Tax Act, and Section 2 of the Retailers'
8 Occupation Tax Act, this Act contains those provisions as
9 resectioned under Sections 3, 3-5, 3-10, 3-15, 3-20, 3-25,
10 3-30, 3-35, 3-40, 3-45, 3-50, 3-55, 3-60, 3-65, 3-70, 3-75,
11 and 3-80 of the Use Tax Act; Sections 3, 3-5, 3-10, 3-15, 3-20,
12 3-25, 3-30, 3-35, 3-40, 3-45, 3-50, 3-55, 3-60, and 3-65 of the
13 Service Use Tax Act; Sections 3, 3-5, 3-10, 3-15, 3-20, 3-25,
14 3-30, 3-35, 3-40, 3-45, and 3-50 of the Service Occupation Tax
15 Act; and Sections 2, 2-5, 2-10, 2-15, 2-20, 2-25, 2-30, 2-35,
16 2-40, 2-45, 2-50, 2-55, 2-60, 2-65 of the Retailers'
17 Occupation Tax Act. Because Public Act 85-1440, effective
18 February 1, 1989, renumbered Section 6z-16 of the State
19 Finance Act and Section .01 of the State Revenue Sharing Act,
20 this Act contains those provisions as renumbered under Section
21 6z-18 of the State Finance Act and Section 0.1 of the State
22 Revenue Sharing Act. Sections 10b of the Use Tax Act, 10b of
23 the Service Use Tax Act, 20.1 of the Service Occupation Tax
24 Act, and 6d of the Retailers' Occupation Tax Act have been
25 omitted from this Act because they were repealed by Public Act
26 87-1258, effective January 7, 1993.

1 (d) This Act re-enacts Section 1 of Article I of Public Act
2 85-1135; Sections 8-11-1, 8-11-1.1, 8-11-1.2, 8-11-1.3,
3 8-11-1.4, 8-11-5, 8-11-6, 8-11-6a, 8-11-16, and 11-74.4-8a of
4 the Illinois Municipal Code; Sections 5-1006, 5-1007, 5-1008,
5 5-1009, and 5-1024 of the Counties Code; Section 4 of the Water
6 Commission Act of 1985; Section 5.01 of the Local Mass Transit
7 District Act; Sections 5.12, 6.02, 6.05, and 6.08 of the
8 Metropolitan Mobility Authority Act ~~Sections 4.01, 4.03, 4.04,~~
9 ~~and 4.09 of the Regional Transportation Authority Act;~~
10 Sections 3, 3-5, 3-10, 3-15, 3-20, 3-25, 3-30, 3-35, 3-40,
11 3-45, 3-50, 3-55, 3-60, 3-65, 3-70, 3-75, 3-80, 9, and 10b of
12 the Use Tax Act; Sections 2, 3, 3-5, 3-10, 3-15, 3-20, 3-25,
13 3-30, 3-35, 3-40, 3-45, 3-50, 3-55, 3-60, 3-65, 3d, 7a, 9, 10,
14 10b, and 15 of the Service Use Tax Act; Sections 2, 3, 3-5,
15 3-10, 3-15, 3-20, 3-25, 3-30, 3-35, 3-40, 3-45, 3-50, 9, 13,
16 15, and 20.1 of the Service Occupation Tax Act; Sections 2,
17 2-5, 2-10, 2-15, 2-20, 2-25, 2-30, 2-35, 2-40, 2-45, 2-50,
18 2-55, 2-60, 2-65, 3, 5k, and 6d of the Retailers' Occupation
19 Tax Act; Sections 5.240, 5.241, 6z-9, 6z-17, and 6z-18 of the
20 State Finance Act; Sections 0.1 and 2 of the State Revenue
21 Sharing Act; and Sections 1 and 2 of Article V of Public Act
22 85-1135 as they have been amended. It also re-repeals Sections
23 25.05a, 25.05-2, 25.05-2a, 25.05-3, 25.05-3a, 25.05-10,
24 25.05-10a, and 25.05-10.1 of "An Act to revise the law in
25 relation to counties" and Sections 10 and 14 of the Service
26 Occupation Tax Act. This re-enactment and re-repeal is

1 intended to remove any questions as to the validity or content
2 of those Sections; it is not intended to supersede any other
3 Public Act that amends the text of a Section as set forth in
4 this Act. The re-enacted material in this Act is shown as
5 existing text (i.e., without underscoring) because, as of the
6 time this Act was prepared, the order declaring P.A. 85-1135
7 invalid has been vacated.

8 (e) In Sections 100 and 900 of this Act, references to
9 "this amendatory Act of 1988" mean Public Act 85-1135, as
10 re-enacted by this Act.

11 (f) The re-enactment or re-repeal of Sections of Public
12 Act 85-1135 by this Act is not intended, and shall not be
13 construed, to imply that Public Act 85-1135 is invalid or to
14 limit or impair any legal argument (1) upholding the validity
15 of Public Act 85-1135 or (2) concerning whether the provisions
16 of Public Act 85-1135 were substantially re-enacted by other
17 Public Acts.

18 (g) All otherwise lawful actions taken in reasonable
19 reliance on or pursuant to the Sections re-enacted by this
20 Act, as set forth in Public Act 85-1135 or subsequently
21 amended, by any officer, employee, agency, or unit of State or
22 local government or by any other person or entity, are hereby
23 validated.

24 With respect to actions taken in relation to matters
25 arising under the Sections re-enacted by this Act, as set
26 forth in Public Act 85-1135 or subsequently amended, a person

1 is rebuttably presumed to have acted in reasonable reliance on
2 and pursuant to the provisions of Public Act 85-1135, as those
3 provisions had been amended at the time the action was taken.

4 (h) With respect to its administration of matters arising
5 under the Sections re-enacted by this Act, the Department of
6 Revenue shall continue to apply the provisions of Public Act
7 85-1135, as those provisions had been amended at the relevant
8 time.

9 (i) This Act applies, without limitation, to proceedings
10 pending on or after the effective date of this Act.

11 (Source: P.A. 91-51, eff. 6-30-99.)

12 Section 8.23. The Simplified Sales and Use Tax
13 Administration Act is amended by changing Section 2 as
14 follows:

15 (35 ILCS 171/2)

16 Sec. 2. Definitions. As used in this Act:

17 (a) "Agreement" means the Streamlined Sales and Use Tax
18 Agreement as amended and adopted on January 27, 2001.

19 (b) "Certified Automated System" means software certified
20 jointly by the states that are signatories to the Agreement to
21 calculate the tax imposed by each jurisdiction on a
22 transaction, determine the amount of tax to remit to the
23 appropriate state, and maintain a record of the transaction.

24 (c) "Certified Service Provider" means an agent certified

1 jointly by the states that are signatories to the Agreement to
2 perform all of the seller's sales tax functions.

3 (d) "Person" means an individual, trust, estate,
4 fiduciary, partnership, limited liability company, limited
5 liability partnership, corporation, or any other legal entity.

6 (e) "Sales Tax" means the tax levied under the Service
7 Occupation Tax Act (35 ILCS 115/) and the Retailers'
8 Occupation Tax Act (35 ILCS 120/). "Sales tax" also means any
9 local sales tax levied under the Home Rule Municipal
10 Retailers' Occupation Tax Act (65 ILCS 5/8-11-1), the Non-Home
11 Rule Municipal Retailers' Occupation Tax Act (65 ILCS
12 5/8-11-1.3), the Non-Home Rule Municipal Service Occupation
13 Tax Act (65 ILCS 5/8-11-1.4), the Home Rule Municipal Service
14 Occupation Tax (65 ILCS 5/8-11-5), the Home Rule County
15 Retailers' Occupation Tax Law (55 ILCS 5/5-1006), the Special
16 County Occupation Tax for Public Safety, Public Facilities,
17 Mental Health, Substance Abuse, or Transportation Law (55 ILCS
18 5/5-1006.5), the Home Rule County Service Occupation Tax Law
19 (55 ILCS 5/5-1007), subsection (b) of the Rock Island County
20 Use and Occupation Tax Law (55 ILCS 5/5-1008.5(b)), the Metro
21 East Mass Transit District Retailers' Occupation Tax (70 ILCS
22 3610/5.01(b)), the Metro East Mass Transit District Service
23 Occupation Tax (70 ILCS 3610/5.01(c)), the Metropolitan
24 Mobility Regional—Transportation Authority Retailers'
25 Occupation Tax (subsection (e) of Section 6.02 of the
26 Metropolitan Mobility Authority Act) ~~70 ILCS 3615/4.03(e)~~),

1 the Metropolitan Mobility ~~Regional Transportation~~ Authority
2 Service Occupation Tax ~~(70 ILCS 3615/4.03(f))~~, the County
3 Water Commission Retailers' Occupation Tax (70 ILCS
4 3720/4(b)), or the County Water Commission Service Occupation
5 Tax (70 ILCS 3720/4(c)).

6 (f) "Seller" means any person making sales of personal
7 property or services.

8 (g) "State" means any state of the United States and the
9 District of Columbia.

10 (h) "Use tax" means the tax levied under the Use Tax Act
11 (35 ILCS 105/) and the Service Use Tax Act (35 ILCS 110/). "Use
12 tax" also means any local use tax levied under the Home Rule
13 Municipal Use Tax Act (65 ILCS 5/8-11-6(b)), provided that the
14 State and the municipality have entered into an agreement that
15 provides for administration of the tax by the State.

16 (Source: P.A. 100-1167, eff. 1-4-19.)

17 Section 8.24. The Property Tax Code is amended by changing
18 Section 15-100 as follows:

19 (35 ILCS 200/15-100)

20 Sec. 15-100. Public transportation systems.

21 (a) All property belonging to any municipal corporation
22 created for the sole purpose of owning and operating a
23 transportation system for public service is exempt.

24 (b) Property owned by (i) a municipal corporation of

1 500,000 or more inhabitants, used for public transportation
2 purposes, and operated by the Metropolitan Mobility Chicago
3 ~~Transit~~ Authority; (ii) the Metropolitan Mobility Regional
4 ~~Transportation~~ Authority; (iii) (blank); ~~or any service board~~
5 ~~or division of the Regional Transportation Authority;~~ (iv) the
6 Northeast Illinois Regional Commuter Railroad Corporation, ~~or~~
7 ~~(v) the Chicago Transit Authority~~ shall be exempt. For
8 purposes of this Section alone, the Metropolitan Mobility
9 Authority Regional Transportation Authority, ~~any service board~~
10 ~~or division of the Regional Transportation Authority,~~ the
11 Northeast Illinois Regional Commuter Railroad Corporation, ~~the~~
12 ~~Chicago Transit Authority,~~ or a municipal corporation, as
13 defined in item (i), shall be deemed an "eligible
14 transportation authority". The exemption provided in this
15 subsection shall not be affected by any transaction in which,
16 for the purpose of obtaining financing, the eligible
17 transportation authority, directly or indirectly, leases or
18 otherwise transfers such property to another whose property is
19 not exempt and immediately thereafter enters into a leaseback
20 or other agreement that directly or indirectly gives the
21 eligible transportation authority a right to use, control, and
22 possess the property. In the case of a conveyance of such
23 property, the eligible transportation authority must retain an
24 option to purchase the property at a future date or, within the
25 limitations period for reverters, the property must revert
26 back to the eligible transportation authority.

1 (c) If such property has been conveyed as described in
2 subsection (b), the property will no longer be exempt pursuant
3 to this Section as of the date when:

4 (1) the right of the eligible transportation authority
5 to use, control, and possess the property has been
6 terminated;

7 (2) the eligible transportation authority no longer
8 has an option to purchase or otherwise acquire the
9 property; and

10 (3) there is no provision for a reverter of the
11 property to the eligible transportation authority within
12 the limitations period for reverters.

13 (d) Pursuant to Sections 15-15 and 15-20 of this Code, the
14 eligible transportation authority shall notify the chief
15 county assessment officer of any transaction under subsection
16 (b) of this Section. The chief county assessment officer shall
17 determine initial and continuing compliance with the
18 requirements of this Section for tax exemption. Failure to
19 notify the chief county assessment officer of a transaction
20 under this Section or to otherwise comply with the
21 requirements of Sections 15-15 and 15-20 of this Code shall,
22 in the discretion of the chief county assessment officer,
23 constitute cause to terminate the exemption, notwithstanding
24 any other provision of this Code.

25 (e) No provision of this Section shall be construed to
26 affect the obligation of the eligible transportation authority

1 to which an exemption certificate has been issued under this
2 Section from its obligation under Section 15-10 of this Code
3 to file an annual certificate of status or to notify the chief
4 county assessment officer of transfers of interest or other
5 changes in the status of the property as required by this Code.

6 (f) The changes made by this amendatory Act of 1997 are
7 declarative of existing law and shall not be construed as a new
8 enactment.

9 (Source: P.A. 90-562, eff. 12-16-97.)

10 Section 8.25. The Motor Fuel Tax Law is amended by
11 changing Section 8b as follows:

12 (35 ILCS 505/8b)

13 Sec. 8b. Transportation Renewal Fund; creation;
14 distribution of proceeds.

15 (a) The Transportation Renewal Fund is hereby created as a
16 special fund in the State treasury. Moneys in the Fund shall be
17 used as provided in this Section:

18 (1) 80% of the moneys in the Fund shall be used for
19 highway maintenance, highway construction, bridge repair,
20 congestion relief, and construction of aviation
21 facilities; of that 80%:

22 (A) the State Comptroller shall order transferred
23 and the State Treasurer shall transfer 60% to the
24 State Construction Account Fund; those moneys shall be

1 used solely for construction, reconstruction,
2 improvement, repair, maintenance, operation, and
3 administration of highways and are limited to payments
4 made pursuant to design and construction contracts
5 awarded by the Department of Transportation;

6 (B) 40% shall be distributed by the Department of
7 Transportation to municipalities, counties, and road
8 districts of the State using the percentages set forth
9 in subdivisions (A), (B), (C), and (D) of paragraph
10 (2) of subsection (e) of Section 8; distributions to
11 particular municipalities, counties, and road
12 districts under this subdivision (B) shall be made
13 according to the allocation procedures described for
14 municipalities, counties, and road districts in
15 subsection (e) of Section 8 and shall be subject to the
16 same requirements and limitations described in that
17 subsection; and

18 (2) 20% of the moneys in the Fund shall be used for
19 projects related to rail facilities and mass transit
20 facilities, as defined in Section 2705-305 of the
21 Department of Transportation Law of the Civil
22 Administrative Code of Illinois, including rapid transit,
23 rail, high-speed rail, bus and other equipment in
24 connection with the State or a unit of local government,
25 special district, municipal corporation, or other public
26 agency authorized to provide and promote public

1 transportation within the State; of that 20%:

2 (A) 90% shall be deposited into the Metropolitan
3 Mobility ~~Regional Transportation~~ Authority Capital
4 Improvement Fund, a special fund created in the State
5 treasury ~~Treasury~~; moneys in the Metropolitan Mobility
6 ~~Regional Transportation~~ Authority Capital Improvement
7 Fund shall be used by the Metropolitan Mobility
8 ~~Regional Transportation~~ Authority for construction,
9 improvements, and deferred maintenance on mass transit
10 facilities and acquisition of buses and other
11 equipment; and

12 (B) 10% shall be deposited into the Downstate Mass
13 Transportation Capital Improvement Fund, a special
14 fund created in the State treasury ~~Treasury~~; moneys in
15 the Downstate Mass Transportation Capital Improvement
16 Fund shall be used by local mass transit districts
17 other than the Metropolitan Mobility ~~Regional~~
18 ~~Transportation~~ Authority for construction,
19 improvements, and deferred maintenance on mass transit
20 facilities and acquisition of buses and other
21 equipment.

22 (b) Beginning on July 1, 2020, the Auditor General shall
23 conduct an annual financial audit of the obligations,
24 expenditures, receipt, and use of the funds deposited into the
25 Transportation Renewal Fund and provide specific
26 recommendations to help ensure compliance with State and

1 federal statutes, rules, and regulations.

2 (Source: P.A. 101-32, eff. 6-28-19; 101-604, eff. 12-13-19.)

3 Section 8.26. The Postage Stamp Vending Machine Act is
4 amended by changing Section 1 as follows:

5 (35 ILCS 815/1) (from Ch. 121 1/2, par. 911)

6 Sec. 1. Vending machines which vend only United States
7 postage stamps are exempt from license fees or any excise or
8 license tax levied by the State of Illinois or any county or
9 municipality or other taxing district thereof, but are not
10 exempt from State, county, municipal, or Metropolitan Mobility
11 ~~Regional Transportation~~ Authority occupation and use taxes.

12 (Source: P.A. 82-985.)

13 Section 8.27. The Illinois Pension Code is amended by
14 changing Sections 8-230.1, 11-221.1, 18-112, 22-101, 22-101B,
15 22-103, and 22-105 as follows:

16 (40 ILCS 5/8-230.1) (from Ch. 108 1/2, par. 8-230.1)

17 Sec. 8-230.1. Right of employees to contribute for certain
18 other service. Any employee in the service, after having made
19 contributions covering a period of 10 or more years to the
20 annuity and benefit fund herein provided for, may elect to pay
21 for and receive credit for all annuity purposes for service
22 theretofore rendered by the employee to the Chicago Transit

1 Authority created by the Metropolitan Transit Authority Act
2 (repealed) or its predecessor public utilities; provided that
3 the last 5 years of service prior to retirement on annuity
4 shall have been as an employee of the City and a contributor to
5 this Fund. Such service credit may be paid for and granted on
6 the same basis and conditions as are applicable in the case of
7 employees who make payment for past service under the
8 provisions of Section 8-230, but on the assumption that the
9 employee's salary throughout all of his or her service with
10 the Authority or its predecessor public utilities was at the
11 rate of the employee's salary at the later of the date of his
12 or her entrance or reentrance into the service as a municipal
13 employee, as applicable. In no event, however, shall such
14 service be credited if the employee has not forfeited and
15 relinquished pension credit for service covering such period
16 under any pension or retirement plan applicable to the
17 Authority or its predecessor public utilities and instituted
18 and maintained by the Authority or its predecessor public
19 utilities for the benefit of its employees.

20 (Source: P.A. 103-455, eff. 1-1-24.)

21 (40 ILCS 5/11-221.1) (from Ch. 108 1/2, par. 11-221.1)

22 Sec. 11-221.1. Right of employees to contribute for
23 certain other service. Any employee in the service, after
24 having made contributions covering a period of 10 or more
25 years to the annuity and benefit fund herein provided for, may

1 elect to pay for and receive credit for all annuity purposes
2 for service theretofore rendered by the employee to the
3 Chicago Transit Authority created by the Metropolitan Transit
4 Authority Act (repealed); provided that if the employee has
5 more than 10 years of such service, only the last 10 years of
6 such service shall be credited. Such service credit may be
7 paid for and granted on the same basis and conditions as are
8 applicable in the case of employees who make payment for past
9 service under the provisions of Section 11-221, but on the
10 assumption that the employee's salary throughout all of his or
11 her service with the Authority was at the rate of the
12 employee's salary at the date of his or her entrance into the
13 service as an employee. In no event, however, shall such
14 service be credited if the employee has not forfeited and
15 relinquished pension credit for service covering such period
16 under any pension or retirement plan applicable to the
17 Authority and instituted and maintained by the Authority for
18 the benefit of its employees.

19 (Source: P.A. 90-655, eff. 7-30-98.)

20 (40 ILCS 5/18-112) (from Ch. 108 1/2, par. 18-112)

21 Sec. 18-112. Service. "Service": The period beginning on
22 the day a person first became a judge, whether prior or
23 subsequent to the effective date, and ending on the date under
24 consideration, excluding all intervening periods during which
25 he or she was not a judge following resignation or expiration

1 of any term of election or appointment.

2 Service also includes the following: (a) Any period prior
3 to January 1, 1964 during which a judge served as a justice of
4 the peace, police magistrate or master in chancery, or as a
5 civil referee, commissioner or trial assistant to the chief
6 judge in the Municipal Court of Chicago, or performed judicial
7 duties as an assistant to the judge of the Probate Court of
8 Cook County. A judge shall be entitled to credit for all or as
9 much as the judge may desire of such service, not exceeding 8
10 years, upon payment of the participant's contribution covering
11 such service at the contribution rates in effect on July 1,
12 1969, together with interest at 4% per annum compounded
13 annually, from the dates the service was rendered to the date
14 of payment, provided credit for such service had not been
15 granted in any public pension fund or retirement system in the
16 State. The required contributions shall be based upon the rate
17 of salary in effect for the judge on the date he or she entered
18 the system or on January 1, 1964, whichever is later.

19 (b) Service rendered after January 1, 1964, as a holdover
20 magistrate or master in chancery of the Circuit Court. A judge
21 shall be entitled to credit for any period of such service, not
22 exceeding a total of 8 years, together with the period of
23 service taken into account in paragraph (a). Service credit
24 under this paragraph is subject to the same contribution
25 requirements and other limitations that are prescribed for
26 service credit under paragraph (a).

1 (c) Any period that a participant served as a member of the
2 General Assembly, subject to the following conditions:

3 (1) He or she has been a participant in this system for at
4 least 4 years and has contributed to the system for service
5 rendered as a member of the General Assembly subsequent to
6 November 1, 1941, at the contribution rates in effect for a
7 judge on the date of becoming a participant, including
8 interest at 3% per annum compounded annually from the date
9 such service was rendered to the date of payment, based on the
10 salary in effect during such period of service; and

11 (2) The participant is not entitled to credit for such
12 service in any other public retirement system in the State.

13 (d) Any period a participant served as a judge or
14 commissioner of the Court of Claims of this State after
15 November 1, 1941, provided he or she contributes to the system
16 at the contribution rates in effect on the date of becoming a
17 participant, based on salary received during such service,
18 including interest at 3% per annum compounded annually from
19 the date such service was rendered to the date of payment.

20 (e) Any period that a participant served as State's
21 Attorney or Public Defender of any county of this State,
22 subject to the following conditions: (1) such service was not
23 credited under any public pension fund or retirement system;
24 (2) the maximum service to be credited in this system shall be
25 8 years; (3) the participant must have at least 6 years of
26 service as a judge and as a participant of this system; and (4)

1 the participant has made contributions to the system for such
2 service at the contribution rates in effect on the date of
3 becoming a participant in this system based upon the salary of
4 the judge on such date, including interest at 4% per annum
5 compounded annually from such date to the date of payment.

6 A judge who terminated service before January 26, 1988 and
7 whose retirement annuity began after January 1, 1988 may
8 establish credit for service as a Public Defender in
9 accordance with the other provisions of this subsection by
10 making application and paying the required contributions to
11 the Board not later than 30 days after August 23, 1989. In such
12 cases, the Board shall recalculate the retirement annuity,
13 effective on the first day of the next calendar month
14 beginning at least 30 days after the application is received.

15 (f) Any period as a participating policeman, employee or
16 teacher under Article 5, 14 or 16 of this Code, subject to the
17 following conditions: (1) the credits accrued under Article 5,
18 14 or 16 have been transferred to this system; and (2) the
19 participant has contributed to the system an amount equal to
20 (A) contributions at the rate in effect for participants at
21 the date of membership in this system based upon the salary of
22 the judge on such date, (B) the employer's share of the normal
23 cost under this system for each year that credit is being
24 established, based on the salary in effect at the date of
25 membership in this system, and (C) interest at 6% per annum,
26 compounded annually, from the date of membership to the date

1 of payment; less (D) the amount transferred on behalf of the
2 participant from Article 5, 14 or 16.

3 (g) Any period that a participant served as the
4 Administrative Director of the Circuit Court of Cook County,
5 as Executive Director of the Home Rule Commission, as
6 assistant corporation counsel in the Chicago Law Department,
7 or as an employee of the Cook County Treasurer, subject to the
8 following conditions: (1) the maximum amount of such service
9 which may be credited is 10 years; (2) in order to qualify for
10 such credit in this system, a judge must have at least 6 years
11 of service as a judge and participant of this system; (3) the
12 last 6 years of service credited in this system shall be as a
13 judge and a participant in this system; (4) credits accrued to
14 the participant under any other public pension fund or public
15 retirement system in the State, if any, by reason of the
16 service to be established under this paragraph (g) has been
17 transferred to this system; and (5) the participant has
18 contributed to this system the amount, if any, by which the
19 amount transferred pursuant to subdivision (4) of this
20 paragraph, if any, is less than the amount which the
21 participant would have contributed to the system during the
22 period of time being counted as service under this paragraph
23 had the participant been a judge participating in this system
24 during that time, based on the rate of contribution in effect
25 and the salary earned by the participant on the date he or she
26 became a participant, with interest accruing on such

1 deficiency at a rate of 5% per annum from the date he or she
2 became a participant through the date on which such deficiency
3 is paid.

4 (h) Any period that a participant served as a full-time
5 attorney employed by the Chicago Transit Authority created by
6 the Metropolitan Transit Authority Act (repealed), subject to
7 the following conditions: (1) any credit received for such
8 service in the pension fund established under Section 22-101
9 has been terminated; (2) the maximum amount of such service to
10 be credited in this system shall be 10 years; (3) the
11 participant must have at least 6 years of service as a judge
12 and as a participant of this system; and (4) the participant
13 has made contributions to the system for such service at the
14 contribution rates in effect on the date of becoming a
15 participant in this system based upon the salary of the judge
16 on such date, including interest at 5% per annum compounded
17 annually from such date to the date of payment.

18 (i) Any period during which a participant received
19 temporary total disability benefit payments, as provided in
20 Section 18-126.1.

21 Service during a fraction of a month shall be considered a
22 month of service, but no more than one month of service shall
23 be credited for all service during any calendar month.

24 (Source: P.A. 86-272; 86-273; 86-1028; 87-1265.)

25 (40 ILCS 5/22-101) (from Ch. 108 1/2, par. 22-101)

1 Sec. 22-101. Retirement Plan for Chicago Transit Authority
2 Employees.

3 (a) There shall be ~~established and~~ maintained by the
4 Metropolitan Mobility Authority created by the Metropolitan
5 Mobility Authority Act ~~the Authority created by the~~
6 ~~"Metropolitan Transit Authority Act", approved April 12, 1945,~~
7 ~~as amended,~~ (referred to in this Section as the "Authority") a
8 financially sound pension and retirement system adequate to
9 provide for all payments when due under such established
10 system or as modified from time to time by ordinance of the
11 Authority ~~Chicago Transit Board~~ or collective bargaining
12 agreement. For this purpose, the Metropolitan Mobility
13 Authority Board must make contributions to the established
14 system as required under this Section and may make any
15 additional contributions provided for by Board ordinance or
16 collective bargaining agreement. The participating employees
17 shall make such periodic payments to the established system as
18 required under this Section and may make any additional
19 contributions provided for by Board ordinance or collective
20 bargaining agreement.

21 Provisions shall be made by the Board for all officers,
22 except those who first become members on or after January 1,
23 2012, and employees of the Authority appointed pursuant to the
24 ~~"Metropolitan Transit Authority Act"~~ (repealed) to become,
25 subject to reasonable rules and regulations, participants of
26 the pension or retirement system with uniform rights,

1 privileges, obligations and status as to the class in which
2 such officers and employees belong. The terms, conditions and
3 provisions of any pension or retirement system or of any
4 amendment or modification thereof affecting employees who are
5 members of any labor organization may be established, amended
6 or modified by agreement with such labor organization,
7 provided the terms, conditions and provisions must be
8 consistent with this Act, the annual funding levels for the
9 retirement system established by law must be met and the
10 benefits paid to future participants in the system may not
11 exceed the benefit ceilings set for future participants under
12 this Act and the contribution levels required by the Authority
13 and its employees may not be less than the contribution levels
14 established under this Act.

15 (b) The Board of Trustees shall consist of 11 members
16 appointed as follows: (i) 6 ~~5~~ trustees shall be appointed by
17 the Metropolitan Mobility Authority Board ~~Chicago Transit~~
18 ~~Board~~; (ii) 3 trustees shall be appointed by an organization
19 representing the highest number of Chicago Transit Authority
20 participants; (iii) one trustee shall be appointed by an
21 organization representing the second-highest number of Chicago
22 Transit Authority participants; and (iv) one trustee shall be
23 appointed by the recognized coalition representatives of
24 participants who are not represented by an organization with
25 the highest or second-highest number of Chicago Transit
26 Authority participants; ~~and (v) one trustee shall be selected~~

1 ~~by the Regional Transportation Authority Board of Directors,~~
2 and the trustee shall be a professional fiduciary who has
3 experience in the area of collectively bargained pension
4 plans. Those trustees serving on the effective date of this
5 amendatory Act of the 103rd General Assembly appointed by the
6 Chicago Transit Board and the Regional Transportation
7 Authority Board of Directors shall continue serving until
8 their terms end or they are replaced by the Metropolitan
9 Mobility Authority Board. Trustees shall serve until a
10 successor has been appointed and qualified, or until
11 resignation, death, incapacity, or disqualification.

12 Any person appointed as a trustee of the board shall
13 qualify by taking an oath of office that he or she will
14 diligently and honestly administer the affairs of the system
15 and will not knowingly violate or willfully permit the
16 violation of any of the provisions of law applicable to the
17 Plan, including Sections 1-109, 1-109.1, 1-109.2, 1-110,
18 1-111, 1-114, and 1-115 of the Illinois Pension Code.

19 Each trustee shall cast individual votes, and a majority
20 vote shall be final and binding upon all interested parties,
21 provided that the Board of Trustees may require a
22 supermajority vote with respect to the investment of the
23 assets of the Retirement Plan, and may set forth that
24 requirement in the Retirement Plan documents, by-laws, or
25 rules of the Board of Trustees. Each trustee shall have the
26 rights, privileges, authority, and obligations as are usual

1 and customary for such fiduciaries.

2 The Board of Trustees may cause amounts on deposit in the
3 Retirement Plan to be invested in those investments that are
4 permitted investments for the investment of moneys held under
5 any one or more of the pension or retirement systems of the
6 State, any unit of local government or school district, or any
7 agency or instrumentality thereof. The Board, by a vote of at
8 least two-thirds of the trustees, may transfer investment
9 management to the Illinois State Board of Investment, which is
10 hereby authorized to manage these investments when so
11 requested by the Board of Trustees.

12 Notwithstanding any other provision of this Article or any
13 law to the contrary, any person who first became ~~becomes~~ a
14 member of the Chicago Transit Board on or after January 1, 2012
15 shall not be eligible to participate in this Retirement Plan.

16 (c) All individuals who were previously participants in
17 the Retirement Plan for Chicago Transit Authority Employees
18 shall remain participants, and shall receive the same benefits
19 established by the Retirement Plan for Chicago Transit
20 Authority Employees, except as provided in this amendatory Act
21 or by subsequent legislative enactment or amendment to the
22 Retirement Plan. For Authority employees hired on or after the
23 effective date of this amendatory Act of the 95th General
24 Assembly, the Retirement Plan for Chicago Transit Authority
25 Employees shall be the exclusive retirement plan and such
26 employees shall not be eligible for any supplemental plan,

1 except for a deferred compensation plan funded only by
2 employee contributions.

3 For all Authority employees who are first hired on or
4 after the effective date of this amendatory Act of the 95th
5 General Assembly and are participants in the Retirement Plan
6 for Chicago Transit Authority Employees, the following terms,
7 conditions and provisions with respect to retirement shall be
8 applicable:

9 (1) Such participant shall be eligible for an
10 unreduced retirement allowance for life upon the
11 attainment of age 64 with 25 years of continuous service.

12 (2) Such participant shall be eligible for a reduced
13 retirement allowance for life upon the attainment of age
14 55 with 10 years of continuous service.

15 (3) For the purpose of determining the retirement
16 allowance to be paid to a retiring employee, the term
17 "Continuous Service" as used in the Retirement Plan for
18 Chicago Transit Authority Employees shall also be deemed
19 to include all pension credit for service with any
20 retirement system established under Article 8 or Article
21 11 of this Code, provided that the employee forfeits and
22 relinquishes all pension credit under Article 8 or Article
23 11 of this Code, and the contribution required under this
24 subsection is made by the employee. The Retirement Plan's
25 actuary shall determine the contribution paid by the
26 employee as an amount equal to the normal cost of the

1 benefit accrued, had the service been rendered as an
2 employee, plus interest per annum from the time such
3 service was rendered until the date the payment is made.

4 (d) From the effective date of this amendatory Act through
5 December 31, 2008, all participating employees shall
6 contribute to the Retirement Plan in an amount not less than 6%
7 of compensation, and the Authority shall contribute to the
8 Retirement Plan in an amount not less than 12% of
9 compensation.

10 (e)(1) Beginning January 1, 2009 the Authority shall make
11 contributions to the Retirement Plan in an amount equal to
12 twelve percent (12%) of compensation and participating
13 employees shall make contributions to the Retirement Plan in
14 an amount equal to six percent (6%) of compensation. These
15 contributions may be paid by the Authority and participating
16 employees on a payroll or other periodic basis, but shall in
17 any case be paid to the Retirement Plan at least monthly.

18 (2) For the period ending December 31, 2040, the amount
19 paid by the Authority in any year with respect to debt service
20 on bonds issued for the purposes of funding a contribution to
21 the Retirement Plan under Section 12c of the Metropolitan
22 Transit Authority Act (repealed), other than debt service paid
23 with the proceeds of bonds or notes issued by the Authority for
24 any year after calendar year 2008, shall be treated as a credit
25 against the amount of required contribution to the Retirement
26 Plan by the Authority under subsection (e)(1) for the

1 following year up to an amount not to exceed 6% of compensation
2 paid by the Authority in that following year.

3 (3) By September 15 of each year beginning in 2009 and
4 ending on December 31, 2039, on the basis of a report prepared
5 by an enrolled actuary retained by the Plan, the Board of
6 Trustees of the Retirement Plan shall determine the estimated
7 funded ratio of the total assets of the Retirement Plan to its
8 total actuarially determined liabilities. A report containing
9 that determination and the actuarial assumptions on which it
10 is based shall be filed with the Authority, the
11 representatives of its participating employees, the Auditor
12 General of the State of Illinois, and the Metropolitan
13 Mobility ~~Regional Transportation~~ Authority. If the funded
14 ratio is projected to decline below 60% in any year before
15 2040, the Board of Trustees shall also determine the increased
16 contribution required each year as a level percentage of
17 payroll over the years remaining until 2040 using the
18 projected unit credit actuarial cost method so the funded
19 ratio does not decline below 60% and include that
20 determination in its report. If the actual funded ratio
21 declines below 60% in any year prior to 2040, the Board of
22 Trustees shall also determine the increased contribution
23 required each year as a level percentage of payroll during the
24 years after the then current year using the projected unit
25 credit actuarial cost method so the funded ratio is projected
26 to reach at least 60% no later than 10 years after the then

1 current year and include that determination in its report.
2 Within 60 days after receiving the report, the Auditor General
3 shall review the determination and the assumptions on which it
4 is based, and if he finds that the determination and the
5 assumptions on which it is based are unreasonable in the
6 aggregate, he shall issue a new determination of the funded
7 ratio, the assumptions on which it is based and the increased
8 contribution required each year as a level percentage of
9 payroll over the years remaining until 2040 using the
10 projected unit credit actuarial cost method so the funded
11 ratio does not decline below 60%, or, in the event of an actual
12 decline below 60%, so the funded ratio is projected to reach
13 60% by no later than 10 years after the then current year. If
14 the Board of Trustees or the Auditor General determine that an
15 increased contribution is required to meet the funded ratio
16 required by the subsection, effective January 1 following the
17 determination or 30 days after such determination, whichever
18 is later, one-third of the increased contribution shall be
19 paid by participating employees and two-thirds by the
20 Authority, in addition to the contributions required by this
21 subsection (1).

22 (4) For the period beginning 2040, the minimum
23 contribution to the Retirement Plan for each fiscal year shall
24 be an amount determined by the Board of Trustees of the
25 Retirement Plan to be sufficient to bring the total assets of
26 the Retirement Plan up to 90% of its total actuarial

1 liabilities by the end of 2059. Participating employees shall
2 be responsible for one-third of the required contribution and
3 the Authority shall be responsible for two-thirds of the
4 required contribution. In making these determinations, the
5 Board of Trustees shall calculate the required contribution
6 each year as a level percentage of payroll over the years
7 remaining to and including fiscal year 2059 using the
8 projected unit credit actuarial cost method. A report
9 containing that determination and the actuarial assumptions on
10 which it is based shall be filed by September 15 of each year
11 with the Authority, the representatives of its participating
12 employees, the Auditor General of the State of Illinois and
13 the Metropolitan Mobility ~~Regional Transportation~~ Authority.
14 If the funded ratio is projected to fail to reach 90% by
15 December 31, 2059, the Board of Trustees shall also determine
16 the increased contribution required each year as a level
17 percentage of payroll over the years remaining until December
18 31, 2059 using the projected unit credit actuarial cost method
19 so the funded ratio will meet 90% by December 31, 2059 and
20 include that determination in its report. Within 60 days after
21 receiving the report, the Auditor General shall review the
22 determination and the assumptions on which it is based and if
23 he finds that the determination and the assumptions on which
24 it is based are unreasonable in the aggregate, he shall issue a
25 new determination of the funded ratio, the assumptions on
26 which it is based and the increased contribution required each

1 year as a level percentage of payroll over the years remaining
2 until December 31, 2059 using the projected unit credit
3 actuarial cost method so the funded ratio reaches no less than
4 90% by December 31, 2059. If the Board of Trustees or the
5 Auditor General determine that an increased contribution is
6 required to meet the funded ratio required by this subsection,
7 effective January 1 following the determination or 30 days
8 after such determination, whichever is later, one-third of the
9 increased contribution shall be paid by participating
10 employees and two-thirds by the Authority, in addition to the
11 contributions required by subsection (e) (1).

12 (5) Beginning in 2060, the minimum contribution for each
13 year shall be the amount needed to maintain the total assets of
14 the Retirement Plan at 90% of the total actuarial liabilities
15 of the Plan, and the contribution shall be funded two-thirds
16 by the Authority and one-third by the participating employees
17 in accordance with this subsection.

18 (f) The Authority shall take the steps necessary to comply
19 with Section 414(h) (2) of the Internal Revenue Code of 1986,
20 as amended, to permit the pick-up of employee contributions
21 under subsections (d) and (e) on a tax-deferred basis.

22 (g) The Board of Trustees shall certify to the Governor,
23 the General Assembly, the Auditor General, the Board of the
24 Metropolitan Mobility ~~Regional Transportation~~ Authority, and
25 the Authority at least 90 days prior to the end of each fiscal
26 year the amount of the required contributions to the

1 retirement system for the next retirement system fiscal year
2 under this Section. The certification shall include a copy of
3 the actuarial recommendations upon which it is based. In
4 addition, copies of the certification shall be sent to the
5 Commission on Government Forecasting and Accountability and
6 the Mayor of Chicago.

7 (h) (1) As to an employee who first becomes entitled to a
8 retirement allowance commencing on or after November 30, 1989,
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 seventy-five hundredths percent (1.75%) 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 (2) As to an employee who first becomes entitled to a
24 retirement allowance commencing on or after January 1, 1993,
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) One and eighty hundredths percent (1.80%) of his
7 "Average Annual Compensation in the highest four (4)
8 completed Plan Years" for each year (including fractions
9 thereof to completed calendar months) of continuous
10 service as provided for in the Retirement Plan for Chicago
11 Transit Authority Employees.

12 Provided, however that:

13 (3) As to an employee who first becomes entitled to a
14 retirement allowance commencing on or after January 1, 1994,
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) One and eighty-five hundredths percent (1.85%) of
23 his "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 Provided, however that:

3 (4) As to an employee who first becomes entitled to a
4 retirement allowance commencing on or after January 1, 2000,
5 the retirement allowance shall be the amount determined in
6 accordance with the following formula:

7 (A) One percent (1%) of his "Average Annual
8 Compensation in the highest four (4) completed Plan Years"
9 for each full year of continuous service from the date of
10 original employment to the effective date of the Plan;
11 plus

12 (B) Two percent (2%) of his "Average Annual
13 Compensation in the highest four (4) completed Plan Years"
14 for each year (including fractions thereof to completed
15 calendar months) of continuous service as provided for in
16 the Retirement Plan for Chicago Transit Authority
17 Employees.

18 Provided, however that:

19 (5) As to an employee who first becomes entitled to a
20 retirement allowance commencing on or after January 1, 2001,
21 the retirement allowance shall be the amount determined in
22 accordance with the following formula:

23 (A) One percent (1%) of his "Average Annual
24 Compensation in the highest four (4) completed Plan Years"
25 for each full year of continuous service from the date of
26 original employment to the effective date of the Plan;

1 plus

2 (B) Two and fifteen hundredths percent (2.15%) of his
3 "Average Annual Compensation in the highest four (4)
4 completed Plan Years" for each year (including fractions
5 thereof to completed calendar months) of continuous
6 service as provided for in the Retirement Plan for Chicago
7 Transit Authority Employees.

8 The changes made by this amendatory Act of the 95th
9 General Assembly, to the extent that they affect the rights or
10 privileges of Authority employees that are currently the
11 subject of collective bargaining, have been agreed to between
12 the authorized representatives of these employees and of the
13 Authority prior to enactment of this amendatory Act, as
14 evidenced by a Memorandum of Understanding between these
15 representatives that will be filed with the Secretary of State
16 Index Department and designated as "95-GA-C05". The General
17 Assembly finds and declares that those changes are consistent
18 with 49 U.S.C. 5333(b) (also known as Section 13(c) of the
19 Federal Transit Act) because of this agreement between
20 authorized representatives of these employees and of the
21 Authority, and that any future amendments to the provisions of
22 this amendatory Act of the 95th General Assembly, to the
23 extent those amendments would affect the rights and privileges
24 of Authority employees that are currently the subject of
25 collective bargaining, would be consistent with 49 U.S.C.
26 5333(b) if and only if those amendments were agreed to between

1 these authorized representatives prior to enactment.

2 (i) Early retirement incentive plan; funded ratio.

3 (1) Beginning on the effective date of this Section,
4 no early retirement incentive shall be offered to
5 participants of the Plan unless the Funded Ratio of the
6 Plan is at least 80% or more.

7 (2) For the purposes of this Section, the Funded Ratio
8 shall be the Adjusted Assets divided by the Actuarial
9 Accrued Liability developed in accordance with Statement
10 #25 promulgated by the Government Accounting Standards
11 Board and the actuarial assumptions described in the Plan.
12 The Adjusted Assets shall be calculated based on the
13 methodology described in the Plan.

14 (j) Nothing in this amendatory Act of the 95th General
15 Assembly shall impair the rights or privileges of Authority
16 employees under any other law.

17 (k) Any individual who, on or after August 19, 2011 (the
18 effective date of Public Act 97-442), first becomes a
19 participant of the Retirement Plan shall not be paid any of the
20 benefits provided under this Code if he or she is convicted of
21 a felony relating to, arising out of, or in connection with his
22 or her service as a participant.

23 This subsection (k) shall not operate to impair any
24 contract or vested right acquired before August 19, 2011 (the
25 effective date of Public Act 97-442) under any law or laws
26 continued in this Code, and it shall not preclude the right to

1 refund.

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 5/22-101B)

5 Sec. 22-101B. Health Care Benefits.

6 (a) The Metropolitan Mobility ~~Chicago Transit~~ Authority
7 (hereinafter referred to in this Section as the "Authority")
8 shall take all actions lawfully available to it to separate
9 the funding of health care benefits for retirees and their
10 dependents and survivors from the funding for its retirement
11 system. ~~The Authority shall endeavor to achieve this~~
12 ~~separation as soon as possible, and in any event no later than~~
13 ~~July 1, 2009.~~

14 (b) Effective 90 days after the effective date of this
15 amendatory Act of the 95th General Assembly, a Retiree Health
16 Care Trust is established for the purpose of providing health
17 care benefits to eligible retirees and their dependents and
18 survivors in accordance with the terms and conditions set
19 forth in this Section 22-101B. The Retiree Health Care Trust
20 shall be solely responsible for providing health care benefits
21 to eligible retirees and their dependents and survivors upon
22 the exhaustion of the account established by the Retirement
23 Plan for Chicago Transit Authority Employees pursuant to
24 Section 401(h) of the Internal Revenue Code of 1986, but no
25 earlier than January 1, 2009 and no later than July 1, 2009.

1 (1) The Board of Trustees shall consist of 7 members
2 appointed as follows: (i) 4 ~~3~~ trustees shall be appointed
3 by the Metropolitan Mobility Authority Board Chicago
4 ~~Transit Board~~; (ii) one trustee shall be appointed by an
5 organization representing the highest number of former
6 Chicago Transit Authority participants; (iii) one trustee
7 shall be appointed by an organization representing the
8 second-highest number of former Chicago Transit Authority
9 participants; and (iv) one trustee shall be appointed by
10 the recognized coalition representatives of participants
11 who are not represented by an organization with the
12 highest or second-highest number of former Chicago Transit
13 Authority participants; ~~and (v) one trustee shall be~~
14 ~~selected by the Regional Transportation Authority Board of~~
15 ~~Directors~~, and the trustee shall be a professional
16 fiduciary who has experience in the area of collectively
17 bargained retiree health plans. Those trustees serving on
18 the effective date of this amendatory Act of the 103rd
19 General Assembly appointed by the Chicago Transit Board
20 and the Regional Transportation Authority Board of
21 Directors shall continue serving until their terms end or
22 they are replaced by the Metropolitan Mobility Authority
23 Board. Trustees shall serve until a successor has been
24 appointed and qualified, or until resignation, death,
25 incapacity, or disqualification.

26 Any person appointed as a trustee of the board shall

1 qualify by taking an oath of office that he or she will
2 diligently and honestly administer the affairs of the
3 system, and will not knowingly violate or willfully permit
4 the violation of any of the provisions of law applicable
5 to the Plan, including Sections 1-109, 1-109.1, 1-109.2,
6 1-110, 1-111, 1-114, and 1-115 of Article 1 of the
7 Illinois Pension Code.

8 Each trustee shall cast individual votes, and a
9 majority vote shall be final and binding upon all
10 interested parties, provided that the Board of Trustees
11 may require a supermajority vote with respect to the
12 investment of the assets of the Retiree Health Care Trust,
13 and may set forth that requirement in the trust agreement
14 or by-laws of the Board of Trustees. Each trustee shall
15 have the rights, privileges, authority and obligations as
16 are usual and customary for such fiduciaries.

17 (2) The Board of Trustees shall establish and
18 administer a health care benefit program for eligible
19 retirees and their dependents and survivors. Any health
20 care benefit program established by the Board of Trustees
21 for eligible retirees and their dependents and survivors
22 effective on or after July 1, 2009 shall not contain any
23 plan which provides for more than 90% coverage for
24 in-network services or 70% coverage for out-of-network
25 services after any deductible has been paid, except that
26 coverage through a health maintenance organization ("HMO")

1 may be provided at 100%.

2 (2.5) The Board of Trustees may also establish and
3 administer a health reimbursement arrangement for retirees
4 and for former employees of the Authority or the
5 Retirement Plan, and their survivors, who have contributed
6 to the Retiree Health Care Trust but do not satisfy the
7 years of service requirement of subdivision (b)(4) and the
8 terms of the retiree health care plan; or for those who do
9 satisfy the requirements of subdivision (b)(4) and the
10 terms of the retiree health care plan but who decline
11 coverage under the plan prior to retirement. Any such
12 health reimbursement arrangement may provide that: the
13 retirees or former employees of the Authority or the
14 Retirement Plan, and their survivors, must have reached
15 age 65 to be eligible to participate in the health
16 reimbursement arrangement; contributions by the retirees
17 or former employees of the Authority or the Retirement
18 Plan to the Retiree Health Care Trust shall be considered
19 assets of the Retiree Health Care Trust only;
20 contributions shall not accrue interest for the benefit of
21 the retiree or former employee of the Authority or the
22 Retirement Plan or survivor; benefits shall be payable in
23 accordance with the Internal Revenue Code of 1986; the
24 amounts paid to or on account of the retiree or former
25 employee of the Authority or the Retirement Plan or
26 survivor shall not exceed the total amount which the

1 retiree or former employee of the Authority or the
2 Retirement Plan contributed to the Retiree Health Care
3 Trust; the Retiree Health Care Trust may charge a
4 reasonable administrative fee for processing the benefits.
5 The Board of Trustees of the Retiree Health Care Trust may
6 establish such rules, limitations and requirements as the
7 Board of Trustees deems appropriate.

8 (3) The Retiree Health Care Trust shall be
9 administered by the Board of Trustees according to the
10 following requirements:

11 (i) The Board of Trustees may cause amounts on
12 deposit in the Retiree Health Care Trust to be
13 invested in those investments that are permitted
14 investments for the investment of moneys held under
15 any one or more of the pension or retirement systems of
16 the State, any unit of local government or school
17 district, or any agency or instrumentality thereof.
18 The Board, by a vote of at least two-thirds of the
19 trustees, may transfer investment management to the
20 Illinois State Board of Investment, which is hereby
21 authorized to manage these investments when so
22 requested by the Board of Trustees.

23 (ii) The Board of Trustees shall establish and
24 maintain an appropriate funding reserve level which
25 shall not be less than the amount of incurred and
26 unreported claims plus 12 months of expected claims

1 and administrative expenses.

2 (iii) The Board of Trustees shall make an annual
3 assessment of the funding levels of the Retiree Health
4 Care Trust and shall submit a report to the Auditor
5 General at least 90 days prior to the end of the fiscal
6 year. The report shall provide the following:

7 (A) the actuarial present value of projected
8 benefits expected to be paid to current and future
9 retirees and their dependents and survivors;

10 (B) the actuarial present value of projected
11 contributions and trust income plus assets;

12 (C) the reserve required by subsection
13 (b) (3) (ii); and

14 (D) an assessment of whether the actuarial
15 present value of projected benefits expected to be
16 paid to current and future retirees and their
17 dependents and survivors exceeds or is less than
18 the actuarial present value of projected
19 contributions and trust income plus assets in
20 excess of the reserve required by subsection
21 (b) (3) (ii).

22 If the actuarial present value of projected
23 benefits expected to be paid to current and future
24 retirees and their dependents and survivors exceeds
25 the actuarial present value of projected contributions
26 and trust income plus assets in excess of the reserve

1 required by subsection (b)(3)(ii), then the report
2 shall provide a plan, to be implemented over a period
3 of not more than 10 years from each valuation date,
4 which would make the actuarial present value of
5 projected contributions and trust income plus assets
6 equal to or exceed the actuarial present value of
7 projected benefits expected to be paid to current and
8 future retirees and their dependents and survivors.
9 The plan may consist of increases in employee,
10 retiree, dependent, or survivor contribution levels,
11 decreases in benefit levels, or other plan changes or
12 any combination thereof. If the actuarial present
13 value of projected benefits expected to be paid to
14 current and future retirees and their dependents and
15 survivors is less than the actuarial present value of
16 projected contributions and trust income plus assets
17 in excess of the reserve required by subsection
18 (b)(3)(ii), then the report may provide a plan of
19 decreases in employee, retiree, dependent, or survivor
20 contribution levels, increases in benefit levels, or
21 other plan changes, or any combination thereof, to the
22 extent of the surplus.

23 (iv) The Auditor General shall review the report
24 and plan provided in subsection (b)(3)(iii) and issue
25 a determination within 90 days after receiving the
26 report and plan, with a copy of such determination

1 provided to the General Assembly and the Metropolitan
2 Mobility ~~Regional Transportation~~ Authority, as
3 follows:

4 (A) In the event of a projected shortfall, if
5 the Auditor General determines that the
6 assumptions stated in the report are not
7 unreasonable in the aggregate and that the plan of
8 increases in employee, retiree, dependent, or
9 survivor contribution levels, decreases in benefit
10 levels, or other plan changes, or any combination
11 thereof, to be implemented over a period of not
12 more than 10 years from each valuation date, is
13 reasonably projected to make the actuarial present
14 value of projected contributions and trust income
15 plus assets equal to or in excess of the actuarial
16 present value of projected benefits expected to be
17 paid to current and future retirees and their
18 dependents and survivors, then the Board of
19 Trustees shall implement the plan. If the Auditor
20 General determines that the assumptions stated in
21 the report are unreasonable in the aggregate, or
22 that the plan of increases in employee, retiree,
23 dependent, or survivor contribution levels,
24 decreases in benefit levels, or other plan changes
25 to be implemented over a period of not more than 10
26 years from each valuation date, is not reasonably

1 projected to make the actuarial present value of
2 projected contributions and trust income plus
3 assets equal to or in excess of the actuarial
4 present value of projected benefits expected to be
5 paid to current and future retirees and their
6 dependents and survivors, then the Board of
7 Trustees shall not implement the plan, the Auditor
8 General shall explain the basis for such
9 determination to the Board of Trustees, and the
10 Auditor General may make recommendations as to an
11 alternative report and plan.

12 (B) In the event of a projected surplus, if
13 the Auditor General determines that the
14 assumptions stated in the report are not
15 unreasonable in the aggregate and that the plan of
16 decreases in employee, retiree, dependent, or
17 survivor contribution levels, increases in benefit
18 levels, or both, is not unreasonable in the
19 aggregate, then the Board of Trustees shall
20 implement the plan. If the Auditor General
21 determines that the assumptions stated in the
22 report are unreasonable in the aggregate, or that
23 the plan of decreases in employee, retiree,
24 dependent, or survivor contribution levels,
25 increases in benefit levels, or both, is
26 unreasonable in the aggregate, 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 (C) The Board of Trustees shall submit an
7 alternative report and plan within 45 days after
8 receiving a rejection determination by the Auditor
9 General. A determination by the Auditor General on
10 any alternative report and plan submitted by the
11 Board of Trustees shall be made within 90 days
12 after receiving the alternative report and plan,
13 and shall be accepted or rejected according to the
14 requirements of this subsection (b) (3) (iv). The
15 Board of Trustees shall continue to submit
16 alternative reports and plans to the Auditor
17 General, as necessary, until a favorable
18 determination is made by the Auditor General.

19 (4) For any retiree who first retires effective on or
20 after January 18, 2008, to be eligible for retiree health
21 care benefits upon retirement, the retiree must be at
22 least 55 years of age, retire with 10 or more years of
23 continuous service and satisfy the preconditions
24 established by Public Act 95-708 in addition to any rules
25 or regulations promulgated by the Board of Trustees.
26 Notwithstanding the foregoing, any retiree hired on or

1 before September 5, 2001 who retires with 25 years or more
2 of continuous service shall be eligible for retiree health
3 care benefits upon retirement in accordance with any rules
4 or regulations adopted by the Board of Trustees; provided
5 he or she retires prior to the full execution of the
6 successor collective bargaining agreement to the
7 collective bargaining agreement that became effective
8 January 1, 2007 between the Authority and the
9 organizations representing the highest and second-highest
10 number of former Chicago Transit Authority participants.
11 This paragraph (4) shall not apply to a disability
12 allowance.

13 (5) Effective January 1, 2009, the aggregate amount of
14 retiree, dependent and survivor contributions to the cost
15 of their health care benefits shall not exceed more than
16 45% of the total cost of such benefits. The Board of
17 Trustees shall have the discretion to provide different
18 contribution levels for retirees, dependents and survivors
19 based on their years of service, level of coverage or
20 Medicare eligibility, provided that the total contribution
21 from all retirees, dependents, and survivors shall be not
22 more than 45% of the total cost of such benefits. The term
23 "total cost of such benefits" for purposes of this
24 subsection shall be the total amount expended by the
25 retiree health benefit program in the prior plan year, as
26 calculated and certified in writing by the Retiree Health

1 Care Trust's enrolled actuary to be appointed and paid for
2 by the Board of Trustees.

3 (6) Effective January 1, 2022, all employees of the
4 Authority shall contribute to the Retiree Health Care
5 Trust in an amount not less than 1% of compensation.

6 (7) No earlier than January 1, 2009 and no later than
7 July 1, 2009 as the Retiree Health Care Trust becomes
8 solely responsible for providing health care benefits to
9 eligible retirees and their dependents and survivors in
10 accordance with subsection (b) of this Section 22-101B,
11 the Authority shall not have any obligation to provide
12 health care to current or future retirees and their
13 dependents or survivors. Employees, retirees, dependents,
14 and survivors who are required to make contributions to
15 the Retiree Health Care Trust shall make contributions at
16 the level set by the Board of Trustees pursuant to the
17 requirements of this Section 22-101B.

18 (Source: P.A. 102-415, eff. 1-1-22.)

19 (40 ILCS 5/22-103)

20 Sec. 22-103. Metropolitan Mobility ~~Regional Transportation~~
21 Authority and related pension plans.

22 (a) As used in this Section:

23 "Affected pension plan" means a defined-benefit pension
24 plan supported in whole or in part by employer contributions
25 and maintained by the Metropolitan Mobility Authority ~~Regional~~

1 ~~Transportation Authority, the Suburban Bus Division, or the~~
2 ~~Commuter Rail Division, or any combination thereof,~~ under the
3 general authority of the Metropolitan Mobility Regional
4 ~~Transportation~~ Authority Act, including but not limited to any
5 such plan that has been established under or is subject to a
6 collective bargaining agreement or is limited to employees
7 covered by a collective bargaining agreement. "Affected
8 pension plan" does not include any pension fund or retirement
9 system subject to Section 22-101 of this Section.

10 "Authority" means the Metropolitan Mobility Regional
11 ~~Transportation~~ Authority created under the Metropolitan
12 Mobility Regional Transportation Authority Act.

13 "Contributing employer" means an employer that is required
14 to make contributions to an affected pension plan under the
15 terms of that plan.

16 "Funding ratio" means the ratio of an affected pension
17 plan's assets to the present value of its actuarial
18 liabilities, as determined at its latest actuarial valuation
19 in accordance with applicable actuarial assumptions and
20 recommendations.

21 "Under-funded pension plan" or "under-funded" means an
22 affected pension plan that, at the time of its last actuarial
23 valuation, has a funding ratio of less than 90%.

24 (b) The contributing employers of each affected pension
25 plan have a general duty to make the required employer
26 contributions to the affected pension plan in a timely manner

1 in accordance with the terms of the plan. A contributing
2 employer must make contributions to the affected pension plan
3 as required under this subsection and, if applicable,
4 subsection (c); a contributing employer may make any
5 additional contributions provided for by the board of the
6 employer or collective bargaining agreement.

7 (c) In the case of an affected pension plan that is
8 under-funded on January 1, 2009 or becomes under-funded at any
9 time after that date, the contributing employers shall
10 contribute to the affected pension plan, in addition to all
11 amounts otherwise required, amounts sufficient to bring the
12 funding ratio of the affected pension plan up to 90% in
13 accordance with an amortization schedule adopted jointly by
14 the contributing employers and the trustee of the affected
15 pension plan. The amortization schedule may extend for any
16 period up to a maximum of 50 years and shall provide for
17 additional employer contributions in substantially equal
18 annual amounts over the selected period. If the contributing
19 employers and the trustee of the affected pension plan do not
20 agree on an appropriate period for the amortization schedule
21 within 6 months of the date of determination that the plan is
22 under-funded, then the amortization schedule shall be based on
23 a period of 50 years.

24 In the case of an affected pension plan that has more than
25 one contributing employer, each contributing employer's share
26 of the total additional employer contributions required under

1 this subsection shall be determined: (i) in proportion to the
2 amounts, if any, by which the respective contributing
3 employers have failed to meet their contribution obligations
4 under the terms of the affected pension plan; or (ii) if all of
5 the contributing employers have met their contribution
6 obligations under the terms of the affected pension plan, then
7 in the same proportion as they are required to contribute
8 under the terms of that plan. In the case of an affected
9 pension plan that has only one contributing employer, that
10 contributing employer is responsible for all of the additional
11 employer contributions required under this subsection.

12 If an under-funded pension plan is determined to have
13 achieved a funding ratio of at least 90% during the period when
14 an amortization schedule is in force under this Section, the
15 contributing employers and the trustee of the affected pension
16 plan, acting jointly, may cancel the amortization schedule and
17 the contributing employers may cease making additional
18 contributions under this subsection for as long as the
19 affected pension plan retains a funding ratio of at least 90%.

20 (d) Beginning January 1, 2009, if the Authority fails to
21 pay to an affected pension fund within 30 days after it is due
22 (i) any employer contribution that it is required to make as a
23 contributing employer, (ii) any additional employer
24 contribution that it is required to pay under subsection (c),
25 or (iii) any payment that it is required to make under
26 subsection (d) of Section 3.03 of the Metropolitan Mobility

1 Authority Act as a result of Section 4.02a or 4.02b of the
2 Regional Transportation Authority Act (repealed), the trustee
3 of the affected pension fund shall promptly so notify the
4 Commission on Government Forecasting and Accountability, the
5 Mayor of Chicago, the Governor, and the General Assembly.

6 (e) For purposes of determining employer contributions,
7 assets, and actuarial liabilities under this subsection,
8 contributions, assets, and liabilities relating to health care
9 benefits shall not be included.

10 (f) This amendatory Act of the 94th General Assembly does
11 not affect or impair the right of any contributing employer or
12 its employees to collectively bargain the amount or level of
13 employee contributions to an affected pension plan, to the
14 extent that the plan includes employees subject to collective
15 bargaining.

16 (g) Any individual who, on or after August 19, 2011 (the
17 effective date of Public Act 97-442), first becomes a
18 participant of an affected pension plan shall not be paid any
19 of the benefits provided under this Code if he or she is
20 convicted of a felony relating to, arising out of, or in
21 connection with his or her service as a participant.

22 This subsection shall not operate to impair any contract
23 or vested right acquired before August 19, 2011 (the effective
24 date of Public Act 97-442) under any law or laws continued in
25 this Code, and it shall not preclude the right to refund.

26 (h) Notwithstanding any other provision of this Article or

1 any law to the contrary, a person who, on or after January 1,
2 2012 (the effective date of Public Act 97-609), first becomes
3 a director on the Suburban Bus Board, the Commuter Rail Board,
4 ~~or~~ the Board of Directors of the Regional Transportation
5 Authority, or the Board of Directors of the Metropolitan
6 Mobility Authority shall not be eligible to participate in an
7 affected pension plan.

8 (Source: P.A. 97-442, eff. 8-19-11; 97-609, eff. 1-1-12;
9 97-813, eff. 7-13-12.)

10 (40 ILCS 5/22-105)

11 Sec. 22-105. Application to Metropolitan Mobility ~~Regional~~
12 ~~Transportation~~ Authority Board members. This Code does not
13 apply to any individual who first becomes a member of the
14 Regional Transportation Authority Board on or after the
15 effective date of this amendatory Act of the 98th General
16 Assembly with respect to service on that Board or the
17 Metropolitan Mobility Authority Board on or after the
18 effective date of this amendatory Act of the 103rd General
19 Assembly with respect to service on that Board.

20 (Source: P.A. 98-108, eff. 7-23-13.)

21 Section 8.28. The Illinois Municipal Budget Law is amended
22 by changing Section 2 as follows:

23 (50 ILCS 330/2) (from Ch. 85, par. 802)

1 Sec. 2. The following terms, unless the context otherwise
2 indicates, have the following meaning:

3 (1) "Municipality" means and includes all municipal
4 corporations and political subdivisions of this State, or any
5 such unit or body hereafter created by authority of law,
6 except the following: (a) The State of Illinois; (b) counties;
7 (c) cities, villages and incorporated towns; (d) sanitary
8 districts created under "An Act to create sanitary districts
9 and to remove obstructions in the Des Plaines and Illinois
10 Rivers", approved May 29, 1889, as amended; (e) forest
11 preserve districts having a population of 500,000 or more,
12 created under "An Act to provide for the creation and
13 management of forest preserve districts and repealing certain
14 Acts therein named", approved June 27, 1913, as amended; (f)
15 school districts; (g) the Chicago Park District created under
16 "An Act in relation to the creation, maintenance, operation
17 and improvement of the Chicago Park District", approved, June
18 10, 1933, as amended; (h) park districts created under "The
19 Park District Code", approved July 8, 1947, as amended; (i)
20 the Metropolitan Mobility ~~Regional Transportation~~ Authority
21 created under the Metropolitan Mobility ~~"Regional~~
22 ~~Transportation~~ Authority Act", ~~enacted by the 78th General~~
23 ~~Assembly~~; and (j) the Illinois Sports Facilities Authority.

24 (2) "Governing body" means the corporate authorities,
25 body, or other officer of the municipality authorized by law
26 to raise revenue, appropriate funds, or levy taxes for the

1 operation and maintenance thereof.

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

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

5 Section 8.29. The Counties Code is amended by changing
6 Section 6-34000 as follows:

7 (55 ILCS 5/6-34000)

8 Sec. 6-34000. Report on funds received under the
9 Metropolitan Mobility ~~Regional Transportation~~ Authority Act.
10 If the Board of the Metropolitan Mobility ~~Regional~~
11 ~~Transportation~~ Authority adopts an ordinance under Section
12 6.02 ~~4.03~~ of the Metropolitan Mobility ~~Regional Transportation~~
13 Authority Act imposing a retailers' occupation tax and a
14 service occupation tax at the rate of 0.75% in the counties of
15 DuPage, Kane, Lake, McHenry, and Will, then the County Boards
16 of DuPage, Kane, Lake, McHenry, and Will counties shall each
17 report to the General Assembly and the Commission on
18 Government Forecasting and Accountability by March 1 of the
19 year following the adoption of the ordinance and March 1 of
20 each year thereafter. That report shall include the total
21 amounts received by the County under subsection (cc) of
22 Section 6.02 ~~(n)~~ of ~~Section 4.03~~ of the Metropolitan Mobility
23 ~~Regional Transportation~~ Authority Act and the expenditures and
24 obligations of the County using those funds during the

1 previous calendar year.

2 (Source: P.A. 95-906, eff. 8-26-08.)

3 Section 8.30. The Illinois Municipal Code is amended by
4 changing Sections 11-1-11, 11-74.4-3 and 11-122.2-1 and
5 changing the heading of Division 122.2 of Article 11 as
6 follows:

7 (65 ILCS 5/11-1-11) (from Ch. 24, par. 11-1-11)

8 Sec. 11-1-11. Agreement with another entity to enforce
9 traffic ordinances. The corporate authorities of a
10 municipality with a population greater than 1,000,000 may
11 enter into an agreement with the Metropolitan Mobility ~~Chicago~~
12 ~~Transit~~ Authority, created under the Metropolitan Mobility
13 ~~Metropolitan Transit~~ Authority Act, whereby ~~Chicago Transit~~
14 Authority supervisory employees are empowered to enforce
15 certain traffic ordinances enacted by the municipality.

16 (Source: P.A. 87-597.)

17 (65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)

18 Sec. 11-74.4-3. Definitions. The following terms, wherever
19 used or referred to in this Division 74.4 shall have the
20 following respective meanings, unless in any case a different
21 meaning clearly appears from the context.

22 (a) For any redevelopment project area that has been
23 designated pursuant to this Section by an ordinance adopted

1 prior to November 1, 1999 (the effective date of Public Act
2 91-478), "blighted area" shall have the meaning set forth in
3 this Section prior to that date.

4 On and after November 1, 1999, "blighted area" means any
5 improved or vacant area within the boundaries of a
6 redevelopment project area located within the territorial
7 limits of the municipality where:

8 (1) If improved, industrial, commercial, and
9 residential buildings or improvements are detrimental to
10 the public safety, health, or welfare because of a
11 combination of 5 or more of the following factors, each of
12 which is (i) present, with that presence documented, to a
13 meaningful extent so that a municipality may reasonably
14 find that the factor is clearly present within the intent
15 of the Act and (ii) reasonably distributed throughout the
16 improved part of the redevelopment project area:

17 (A) Dilapidation. An advanced state of disrepair
18 or neglect of necessary repairs to the primary
19 structural components of buildings or improvements in
20 such a combination that a documented building
21 condition analysis determines that major repair is
22 required or the defects are so serious and so
23 extensive that the buildings must be removed.

24 (B) Obsolescence. The condition or process of
25 falling into disuse. Structures have become ill-suited
26 for the original use.

1 (C) Deterioration. With respect to buildings,
2 defects including, but not limited to, major defects
3 in the secondary building components such as doors,
4 windows, porches, gutters and downspouts, and fascia.
5 With respect to surface improvements, that the
6 condition of roadways, alleys, curbs, gutters,
7 sidewalks, off-street parking, and surface storage
8 areas evidence deterioration, including, but not
9 limited to, surface cracking, crumbling, potholes,
10 depressions, loose paving material, and weeds
11 protruding through paved surfaces.

12 (D) Presence of structures below minimum code
13 standards. All structures that do not meet the
14 standards of zoning, subdivision, building, fire, and
15 other governmental codes applicable to property, but
16 not including housing and property maintenance codes.

17 (E) Illegal use of individual structures. The use
18 of structures in violation of applicable federal,
19 State, or local laws, exclusive of those applicable to
20 the presence of structures below minimum code
21 standards.

22 (F) Excessive vacancies. The presence of buildings
23 that are unoccupied or under-utilized and that
24 represent an adverse influence on the area because of
25 the frequency, extent, or duration of the vacancies.

26 (G) Lack of ventilation, light, or sanitary

1 facilities. The absence of adequate ventilation for
2 light or air circulation in spaces or rooms without
3 windows, or that require the removal of dust, odor,
4 gas, smoke, or other noxious airborne materials.
5 Inadequate natural light and ventilation means the
6 absence of skylights or windows for interior spaces or
7 rooms and improper window sizes and amounts by room
8 area to window area ratios. Inadequate sanitary
9 facilities refers to the absence or inadequacy of
10 garbage storage and enclosure, bathroom facilities,
11 hot water and kitchens, and structural inadequacies
12 preventing ingress and egress to and from all rooms
13 and units within a building.

14 (H) Inadequate utilities. Underground and overhead
15 utilities such as storm sewers and storm drainage,
16 sanitary sewers, water lines, and gas, telephone, and
17 electrical services that are shown to be inadequate.
18 Inadequate utilities are those that are: (i) of
19 insufficient capacity to serve the uses in the
20 redevelopment project area, (ii) deteriorated,
21 antiquated, obsolete, or in disrepair, or (iii)
22 lacking within the redevelopment project area.

23 (I) Excessive land coverage and overcrowding of
24 structures and community facilities. The
25 over-intensive use of property and the crowding of
26 buildings and accessory facilities onto a site.

1 Examples of problem conditions warranting the
2 designation of an area as one exhibiting excessive
3 land coverage are: (i) the presence of buildings
4 either improperly situated on parcels or located on
5 parcels of inadequate size and shape in relation to
6 present-day standards of development for health and
7 safety and (ii) the presence of multiple buildings on
8 a single parcel. For there to be a finding of excessive
9 land coverage, these parcels must exhibit one or more
10 of the following conditions: insufficient provision
11 for light and air within or around buildings,
12 increased threat of spread of fire due to the close
13 proximity of buildings, lack of adequate or proper
14 access to a public right-of-way, lack of reasonably
15 required off-street parking, or inadequate provision
16 for loading and service.

17 (J) Deleterious land use or layout. The existence
18 of incompatible land-use relationships, buildings
19 occupied by inappropriate mixed-uses, or uses
20 considered to be noxious, offensive, or unsuitable for
21 the surrounding area.

22 (K) Environmental clean-up. The proposed
23 redevelopment project area has incurred Illinois
24 Environmental Protection Agency or United States
25 Environmental Protection Agency remediation costs for,
26 or a study conducted by an independent consultant

1 recognized as having expertise in environmental
2 remediation has determined a need for, the clean-up of
3 hazardous waste, hazardous substances, or underground
4 storage tanks required by State or federal law,
5 provided that the remediation costs constitute a
6 material impediment to the development or
7 redevelopment of the redevelopment project area.

8 (L) Lack of community planning. The proposed
9 redevelopment project area was developed prior to or
10 without the benefit or guidance of a community plan.
11 This means that the development occurred prior to the
12 adoption by the municipality of a comprehensive or
13 other community plan or that the plan was not followed
14 at the time of the area's development. This factor
15 must be documented by evidence of adverse or
16 incompatible land-use relationships, inadequate street
17 layout, improper subdivision, parcels of inadequate
18 shape and size to meet contemporary development
19 standards, or other evidence demonstrating an absence
20 of effective community planning.

21 (M) The total equalized assessed value of the
22 proposed redevelopment project area has declined for 3
23 of the last 5 calendar years prior to the year in which
24 the redevelopment project area is designated or is
25 increasing at an annual rate that is less than the
26 balance of the municipality for 3 of the last 5

1 calendar years for which information is available or
2 is increasing at an annual rate that is less than the
3 Consumer Price Index for All Urban Consumers published
4 by the United States Department of Labor or successor
5 agency for 3 of the last 5 calendar years prior to the
6 year in which the redevelopment project area is
7 designated.

8 (2) If vacant, the sound growth of the redevelopment
9 project area is impaired by a combination of 2 or more of
10 the following factors, each of which is (i) present, with
11 that presence documented, to a meaningful extent so that a
12 municipality may reasonably find that the factor is
13 clearly present within the intent of the Act and (ii)
14 reasonably distributed throughout the vacant part of the
15 redevelopment project area to which it pertains:

16 (A) Obsolete platting of vacant land that results
17 in parcels of limited or narrow size or configurations
18 of parcels of irregular size or shape that would be
19 difficult to develop on a planned basis and in a manner
20 compatible with contemporary standards and
21 requirements, or platting that failed to create
22 rights-of-ways for streets or alleys or that created
23 inadequate right-of-way widths for streets, alleys, or
24 other public rights-of-way or that omitted easements
25 for public utilities.

26 (B) Diversity of ownership of parcels of vacant

1 land sufficient in number to retard or impede the
2 ability to assemble the land for development.

3 (C) Tax and special assessment delinquencies exist
4 or the property has been the subject of tax sales under
5 the Property Tax Code within the last 5 years.

6 (D) Deterioration of structures or site
7 improvements in neighboring areas adjacent to the
8 vacant land.

9 (E) The area has incurred Illinois Environmental
10 Protection Agency or United States Environmental
11 Protection Agency remediation costs for, or a study
12 conducted by an independent consultant recognized as
13 having expertise in environmental remediation has
14 determined a need for, the clean-up of hazardous
15 waste, hazardous substances, or underground storage
16 tanks required by State or federal law, provided that
17 the remediation costs constitute a material impediment
18 to the development or redevelopment of the
19 redevelopment project area.

20 (F) The total equalized assessed value of the
21 proposed redevelopment project area has declined for 3
22 of the last 5 calendar years prior to the year in which
23 the redevelopment project area is designated or is
24 increasing at an annual rate that is less than the
25 balance of the municipality for 3 of the last 5
26 calendar years for which information is available or

1 is increasing at an annual rate that is less than the
2 Consumer Price Index for All Urban Consumers published
3 by the United States Department of Labor or successor
4 agency for 3 of the last 5 calendar years prior to the
5 year in which the redevelopment project area is
6 designated.

7 (3) If vacant, the sound growth of the redevelopment
8 project area is impaired by one of the following factors
9 that (i) is present, with that presence documented, to a
10 meaningful extent so that a municipality may reasonably
11 find that the factor is clearly present within the intent
12 of the Act and (ii) is reasonably distributed throughout
13 the vacant part of the redevelopment project area to which
14 it pertains:

15 (A) The area consists of one or more unused
16 quarries, mines, or strip mine ponds.

17 (B) The area consists of unused rail yards, rail
18 tracks, or railroad rights-of-way.

19 (C) The area, prior to its designation, is subject
20 to (i) chronic flooding that adversely impacts on real
21 property in the area as certified by a registered
22 professional engineer or appropriate regulatory agency
23 or (ii) surface water that discharges from all or a
24 part of the area and contributes to flooding within
25 the same watershed, but only if the redevelopment
26 project provides for facilities or improvements to

1 contribute to the alleviation of all or part of the
2 flooding.

3 (D) The area consists of an unused or illegal
4 disposal site containing earth, stone, building
5 debris, or similar materials that were removed from
6 construction, demolition, excavation, or dredge sites.

7 (E) Prior to November 1, 1999, the area is not less
8 than 50 nor more than 100 acres and 75% of which is
9 vacant (notwithstanding that the area has been used
10 for commercial agricultural purposes within 5 years
11 prior to the designation of the redevelopment project
12 area), and the area meets at least one of the factors
13 itemized in paragraph (1) of this subsection, the area
14 has been designated as a town or village center by
15 ordinance or comprehensive plan adopted prior to
16 January 1, 1982, and the area has not been developed
17 for that designated purpose.

18 (F) The area qualified as a blighted improved area
19 immediately prior to becoming vacant, unless there has
20 been substantial private investment in the immediately
21 surrounding area.

22 (b) For any redevelopment project area that has been
23 designated pursuant to this Section by an ordinance adopted
24 prior to November 1, 1999 (the effective date of Public Act
25 91-478), "conservation area" shall have the meaning set forth
26 in this Section prior to that date.

1 On and after November 1, 1999, "conservation area" means
2 any improved area within the boundaries of a redevelopment
3 project area located within the territorial limits of the
4 municipality in which 50% or more of the structures in the area
5 have an age of 35 years or more. Such an area is not yet a
6 blighted area but because of a combination of 3 or more of the
7 following factors is detrimental to the public safety, health,
8 morals or welfare and such an area may become a blighted area:

9 (1) Dilapidation. An advanced state of disrepair or
10 neglect of necessary repairs to the primary structural
11 components of buildings or improvements in such a
12 combination that a documented building condition analysis
13 determines that major repair is required or the defects
14 are so serious and so extensive that the buildings must be
15 removed.

16 (2) Obsolescence. The condition or process of falling
17 into disuse. Structures have become ill-suited for the
18 original use.

19 (3) Deterioration. With respect to buildings, defects
20 including, but not limited to, major defects in the
21 secondary building components such as doors, windows,
22 porches, gutters and downspouts, and fascia. With respect
23 to surface improvements, that the condition of roadways,
24 alleys, curbs, gutters, sidewalks, off-street parking, and
25 surface storage areas evidence deterioration, including,
26 but not limited to, surface cracking, crumbling, potholes,

1 depressions, loose paving material, and weeds protruding
2 through paved surfaces.

3 (4) Presence of structures below minimum code
4 standards. All structures that do not meet the standards
5 of zoning, subdivision, building, fire, and other
6 governmental codes applicable to property, but not
7 including housing and property maintenance codes.

8 (5) Illegal use of individual structures. The use of
9 structures in violation of applicable federal, State, or
10 local laws, exclusive of those applicable to the presence
11 of structures below minimum code standards.

12 (6) Excessive vacancies. The presence of buildings
13 that are unoccupied or under-utilized and that represent
14 an adverse influence on the area because of the frequency,
15 extent, or duration of the vacancies.

16 (7) Lack of ventilation, light, or sanitary
17 facilities. The absence of adequate ventilation for light
18 or air circulation in spaces or rooms without windows, or
19 that require the removal of dust, odor, gas, smoke, or
20 other noxious airborne materials. Inadequate natural light
21 and ventilation means the absence or inadequacy of
22 skylights or windows for interior spaces or rooms and
23 improper window sizes and amounts by room area to window
24 area ratios. Inadequate sanitary facilities refers to the
25 absence or inadequacy of garbage storage and enclosure,
26 bathroom facilities, hot water and kitchens, and

1 structural inadequacies preventing ingress and egress to
2 and from all rooms and units within a building.

3 (8) Inadequate utilities. Underground and overhead
4 utilities such as storm sewers and storm drainage,
5 sanitary sewers, water lines, and gas, telephone, and
6 electrical services that are shown to be inadequate.
7 Inadequate utilities are those that are: (i) of
8 insufficient capacity to serve the uses in the
9 redevelopment project area, (ii) deteriorated, antiquated,
10 obsolete, or in disrepair, or (iii) lacking within the
11 redevelopment project area.

12 (9) Excessive land coverage and overcrowding of
13 structures and community facilities. The over-intensive
14 use of property and the crowding of buildings and
15 accessory facilities onto a site. Examples of problem
16 conditions warranting the designation of an area as one
17 exhibiting excessive land coverage are: the presence of
18 buildings either improperly situated on parcels or located
19 on parcels of inadequate size and shape in relation to
20 present-day standards of development for health and safety
21 and the presence of multiple buildings on a single parcel.
22 For there to be a finding of excessive land coverage,
23 these parcels must exhibit one or more of the following
24 conditions: insufficient provision for light and air
25 within or around buildings, increased threat of spread of
26 fire due to the close proximity of buildings, lack of

1 adequate or proper access to a public right-of-way, lack
2 of reasonably required off-street parking, or inadequate
3 provision for loading and service.

4 (10) Deleterious land use or layout. The existence of
5 incompatible land-use relationships, buildings occupied by
6 inappropriate mixed-uses, or uses considered to be
7 noxious, offensive, or unsuitable for the surrounding
8 area.

9 (11) Lack of community planning. The proposed
10 redevelopment project area was developed prior to or
11 without the benefit or guidance of a community plan. This
12 means that the development occurred prior to the adoption
13 by the municipality of a comprehensive or other community
14 plan or that the plan was not followed at the time of the
15 area's development. This factor must be documented by
16 evidence of adverse or incompatible land-use
17 relationships, inadequate street layout, improper
18 subdivision, parcels of inadequate shape and size to meet
19 contemporary development standards, or other evidence
20 demonstrating an absence of effective community planning.

21 (12) The area has incurred Illinois Environmental
22 Protection Agency or United States Environmental
23 Protection Agency remediation costs for, or a study
24 conducted by an independent consultant recognized as
25 having expertise in environmental remediation has
26 determined a need for, the clean-up of hazardous waste,

1 hazardous substances, or underground storage tanks
2 required by State or federal law, provided that the
3 remediation costs constitute a material impediment to the
4 development or redevelopment of the redevelopment project
5 area.

6 (13) The total equalized assessed value of the
7 proposed redevelopment project area has declined for 3 of
8 the last 5 calendar years for which information is
9 available or is increasing at an annual rate that is less
10 than the balance of the municipality for 3 of the last 5
11 calendar years for which information is available or is
12 increasing at an annual rate that is less than the
13 Consumer Price Index for All Urban Consumers published by
14 the United States Department of Labor or successor agency
15 for 3 of the last 5 calendar years for which information is
16 available.

17 (c) "Industrial park" means an area in a blighted or
18 conservation area suitable for use by any manufacturing,
19 industrial, research or transportation enterprise, of
20 facilities to include but not be limited to factories, mills,
21 processing plants, assembly plants, packing plants,
22 fabricating plants, industrial distribution centers,
23 warehouses, repair overhaul or service facilities, freight
24 terminals, research facilities, test facilities or railroad
25 facilities.

26 (d) "Industrial park conservation area" means an area

1 within the boundaries of a redevelopment project area located
2 within the territorial limits of a municipality that is a
3 labor surplus municipality or within 1 1/2 miles of the
4 territorial limits of a municipality that is a labor surplus
5 municipality if the area is annexed to the municipality; which
6 area is zoned as industrial no later than at the time the
7 municipality by ordinance designates the redevelopment project
8 area, and which area includes both vacant land suitable for
9 use as an industrial park and a blighted area or conservation
10 area contiguous to such vacant land.

11 (e) "Labor surplus municipality" means a municipality in
12 which, at any time during the 6 months before the municipality
13 by ordinance designates an industrial park conservation area,
14 the unemployment rate was over 6% and was also 100% or more of
15 the national average unemployment rate for that same time as
16 published in the United States Department of Labor Bureau of
17 Labor Statistics publication entitled "The Employment
18 Situation" or its successor publication. For the purpose of
19 this subsection, if unemployment rate statistics for the
20 municipality are not available, the unemployment rate in the
21 municipality shall be deemed to be the same as the
22 unemployment rate in the principal county in which the
23 municipality is located.

24 (f) "Municipality" shall mean a city, village,
25 incorporated town, or a township that is located in the
26 unincorporated portion of a county with 3 million or more

1 inhabitants, if the county adopted an ordinance that approved
2 the township's redevelopment plan.

3 (g) "Initial Sales Tax Amounts" means the amount of taxes
4 paid under the Retailers' Occupation Tax Act, Use Tax Act,
5 Service Use Tax Act, the Service Occupation Tax Act, the
6 Municipal Retailers' Occupation Tax Act, and the Municipal
7 Service Occupation Tax Act by retailers and servicemen on
8 transactions at places located in a State Sales Tax Boundary
9 during the calendar year 1985.

10 (g-1) "Revised Initial Sales Tax Amounts" means the amount
11 of taxes paid under the Retailers' Occupation Tax Act, Use Tax
12 Act, Service Use Tax Act, the Service Occupation Tax Act, the
13 Municipal Retailers' Occupation Tax Act, and the Municipal
14 Service Occupation Tax Act by retailers and servicemen on
15 transactions at places located within the State Sales Tax
16 Boundary revised pursuant to Section 11-74.4-8a(9) of this
17 Act.

18 (h) "Municipal Sales Tax Increment" means an amount equal
19 to the increase in the aggregate amount of taxes paid to a
20 municipality from the Local Government Tax Fund arising from
21 sales by retailers and servicemen within the redevelopment
22 project area or State Sales Tax Boundary, as the case may be,
23 for as long as the redevelopment project area or State Sales
24 Tax Boundary, as the case may be, exist over and above the
25 aggregate amount of taxes as certified by the Illinois
26 Department of Revenue and paid under the Municipal Retailers'

1 Occupation Tax Act and the Municipal Service Occupation Tax
2 Act by retailers and servicemen, on transactions at places of
3 business located in the redevelopment project area or State
4 Sales Tax Boundary, as the case may be, during the base year
5 which shall be the calendar year immediately prior to the year
6 in which the municipality adopted tax increment allocation
7 financing. For purposes of computing the aggregate amount of
8 such taxes for base years occurring prior to 1985, the
9 Department of Revenue shall determine the Initial Sales Tax
10 Amounts for such taxes and deduct therefrom an amount equal to
11 4% of the aggregate amount of taxes per year for each year the
12 base year is prior to 1985, but not to exceed a total deduction
13 of 12%. The amount so determined shall be known as the
14 "Adjusted Initial Sales Tax Amounts". For purposes of
15 determining the Municipal Sales Tax Increment, the Department
16 of Revenue shall for each period subtract from the amount paid
17 to the municipality from the Local Government Tax Fund arising
18 from sales by retailers and servicemen on transactions located
19 in the redevelopment project area or the State Sales Tax
20 Boundary, as the case may be, the certified Initial Sales Tax
21 Amounts, the Adjusted Initial Sales Tax Amounts or the Revised
22 Initial Sales Tax Amounts for the Municipal Retailers'
23 Occupation Tax Act and the Municipal Service Occupation Tax
24 Act. For the State Fiscal Year 1989, this calculation shall be
25 made by utilizing the calendar year 1987 to determine the tax
26 amounts received. For the State Fiscal Year 1990, this

1 calculation shall be made by utilizing the period from January
2 1, 1988, until September 30, 1988, to determine the tax
3 amounts received from retailers and servicemen pursuant to the
4 Municipal Retailers' Occupation Tax and the Municipal Service
5 Occupation Tax Act, which shall have deducted therefrom
6 nine-twelfths of the certified Initial Sales Tax Amounts, the
7 Adjusted Initial Sales Tax Amounts or the Revised Initial
8 Sales Tax Amounts as appropriate. For the State Fiscal Year
9 1991, this calculation shall be made by utilizing the period
10 from October 1, 1988, to June 30, 1989, to determine the tax
11 amounts received from retailers and servicemen pursuant to the
12 Municipal Retailers' Occupation Tax and the Municipal Service
13 Occupation Tax Act which shall have deducted therefrom
14 nine-twelfths of the certified Initial Sales Tax Amounts,
15 Adjusted Initial Sales Tax Amounts or the Revised Initial
16 Sales Tax Amounts as appropriate. For every State Fiscal Year
17 thereafter, the applicable period shall be the 12 months
18 beginning July 1 and ending June 30 to determine the tax
19 amounts received which shall have deducted therefrom the
20 certified Initial Sales Tax Amounts, the Adjusted Initial
21 Sales Tax Amounts or the Revised Initial Sales Tax Amounts, as
22 the case may be.

23 (i) "Net State Sales Tax Increment" means the sum of the
24 following: (a) 80% of the first \$100,000 of State Sales Tax
25 Increment annually generated within a State Sales Tax
26 Boundary; (b) 60% of the amount in excess of \$100,000 but not

1 exceeding \$500,000 of State Sales Tax Increment annually
2 generated within a State Sales Tax Boundary; and (c) 40% of all
3 amounts in excess of \$500,000 of State Sales Tax Increment
4 annually generated within a State Sales Tax Boundary. If,
5 however, a municipality established a tax increment financing
6 district in a county with a population in excess of 3,000,000
7 before January 1, 1986, and the municipality entered into a
8 contract or issued bonds after January 1, 1986, but before
9 December 31, 1986, to finance redevelopment project costs
10 within a State Sales Tax Boundary, then the Net State Sales Tax
11 Increment means, for the fiscal years beginning July 1, 1990,
12 and July 1, 1991, 100% of the State Sales Tax Increment
13 annually generated within a State Sales Tax Boundary; and
14 notwithstanding any other provision of this Act, for those
15 fiscal years the Department of Revenue shall distribute to
16 those municipalities 100% of their Net State Sales Tax
17 Increment before any distribution to any other municipality
18 and regardless of whether or not those other municipalities
19 will receive 100% of their Net State Sales Tax Increment. For
20 Fiscal Year 1999, and every year thereafter until the year
21 2007, for any municipality that has not entered into a
22 contract or has not issued bonds prior to June 1, 1988 to
23 finance redevelopment project costs within a State Sales Tax
24 Boundary, the Net State Sales Tax Increment shall be
25 calculated as follows: By multiplying the Net State Sales Tax
26 Increment by 90% in the State Fiscal Year 1999; 80% in the

1 State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60%
2 in the State Fiscal Year 2002; 50% in the State Fiscal Year
3 2003; 40% in the State Fiscal Year 2004; 30% in the State
4 Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in
5 the State Fiscal Year 2007. No payment shall be made for State
6 Fiscal Year 2008 and thereafter.

7 Municipalities that issued bonds in connection with a
8 redevelopment project in a redevelopment project area within
9 the State Sales Tax Boundary prior to July 29, 1991, or that
10 entered into contracts in connection with a redevelopment
11 project in a redevelopment project area before June 1, 1988,
12 shall continue to receive their proportional share of the
13 Illinois Tax Increment Fund distribution until the date on
14 which the redevelopment project is completed or terminated.
15 If, however, a municipality that issued bonds in connection
16 with a redevelopment project in a redevelopment project area
17 within the State Sales Tax Boundary prior to July 29, 1991
18 retires the bonds prior to June 30, 2007 or a municipality that
19 entered into contracts in connection with a redevelopment
20 project in a redevelopment project area before June 1, 1988
21 completes the contracts prior to June 30, 2007, then so long as
22 the redevelopment project is not completed or is not
23 terminated, the Net State Sales Tax Increment shall be
24 calculated, beginning on the date on which the bonds are
25 retired or the contracts are completed, as follows: By
26 multiplying the Net State Sales Tax Increment by 60% in the

1 State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40%
2 in the State Fiscal Year 2004; 30% in the State Fiscal Year
3 2005; 20% in the State Fiscal Year 2006; and 10% in the State
4 Fiscal Year 2007. No payment shall be made for State Fiscal
5 Year 2008 and thereafter. Refunding of any bonds issued prior
6 to July 29, 1991, shall not alter the Net State Sales Tax
7 Increment.

8 (j) "State Utility Tax Increment Amount" means an amount
9 equal to the aggregate increase in State electric and gas tax
10 charges imposed on owners and tenants, other than residential
11 customers, of properties located within the redevelopment
12 project area under Section 9-222 of the Public Utilities Act,
13 over and above the aggregate of such charges as certified by
14 the Department of Revenue and paid by owners and tenants,
15 other than residential customers, of properties within the
16 redevelopment project area during the base year, which shall
17 be the calendar year immediately prior to the year of the
18 adoption of the ordinance authorizing tax increment allocation
19 financing.

20 (k) "Net State Utility Tax Increment" means the sum of the
21 following: (a) 80% of the first \$100,000 of State Utility Tax
22 Increment annually generated by a redevelopment project area;
23 (b) 60% of the amount in excess of \$100,000 but not exceeding
24 \$500,000 of the State Utility Tax Increment annually generated
25 by a redevelopment project area; and (c) 40% of all amounts in
26 excess of \$500,000 of State Utility Tax Increment annually

1 generated by a redevelopment project area. For the State
2 Fiscal Year 1999, and every year thereafter until the year
3 2007, for any municipality that has not entered into a
4 contract or has not issued bonds prior to June 1, 1988 to
5 finance redevelopment project costs within a redevelopment
6 project area, the Net State Utility Tax Increment shall be
7 calculated as follows: By multiplying the Net State Utility
8 Tax Increment by 90% in the State Fiscal Year 1999; 80% in the
9 State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60%
10 in the State Fiscal Year 2002; 50% in the State Fiscal Year
11 2003; 40% in the State Fiscal Year 2004; 30% in the State
12 Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in
13 the State Fiscal Year 2007. No payment shall be made for the
14 State Fiscal Year 2008 and thereafter.

15 Municipalities that issue bonds in connection with the
16 redevelopment project during the period from June 1, 1988
17 until 3 years after the effective date of this Amendatory Act
18 of 1988 shall receive the Net State Utility Tax Increment,
19 subject to appropriation, for 15 State Fiscal Years after the
20 issuance of such bonds. For the 16th through the 20th State
21 Fiscal Years after issuance of the bonds, the Net State
22 Utility Tax Increment shall be calculated as follows: By
23 multiplying the Net State Utility Tax Increment by 90% in year
24 16; 80% in year 17; 70% in year 18; 60% in year 19; and 50% in
25 year 20. Refunding of any bonds issued prior to June 1, 1988,
26 shall not alter the revised Net State Utility Tax Increment

1 payments set forth above.

2 (l) "Obligations" mean bonds, loans, debentures, notes,
3 special certificates or other evidence of indebtedness issued
4 by the municipality to carry out a redevelopment project or to
5 refund outstanding obligations.

6 (m) "Payment in lieu of taxes" means those estimated tax
7 revenues from real property in a redevelopment project area
8 derived from real property that has been acquired by a
9 municipality which according to the redevelopment project or
10 plan is to be used for a private use which taxing districts
11 would have received had a municipality not acquired the real
12 property and adopted tax increment allocation financing and
13 which would result from levies made after the time of the
14 adoption of tax increment allocation financing to the time the
15 current equalized value of real property in the redevelopment
16 project area exceeds the total initial equalized value of real
17 property in said area.

18 (n) "Redevelopment plan" means the comprehensive program
19 of the municipality for development or redevelopment intended
20 by the payment of redevelopment project costs to reduce or
21 eliminate those conditions the existence of which qualified
22 the redevelopment project area as a "blighted area" or
23 "conservation area" or combination thereof or "industrial park
24 conservation area," and thereby to enhance the tax bases of
25 the taxing districts which extend into the redevelopment
26 project area, provided that, with respect to redevelopment

1 project areas described in subsections (p-1) and (p-2),
2 "redevelopment plan" means the comprehensive program of the
3 affected municipality for the development of qualifying
4 transit facilities. On and after November 1, 1999 (the
5 effective date of Public Act 91-478), no redevelopment plan
6 may be approved or amended that includes the development of
7 vacant land (i) with a golf course and related clubhouse and
8 other facilities or (ii) designated by federal, State, county,
9 or municipal government as public land for outdoor
10 recreational activities or for nature preserves and used for
11 that purpose within 5 years prior to the adoption of the
12 redevelopment plan. For the purpose of this subsection,
13 "recreational activities" is limited to mean camping and
14 hunting. Each redevelopment plan shall set forth in writing
15 the program to be undertaken to accomplish the objectives and
16 shall include but not be limited to:

17 (A) an itemized list of estimated redevelopment
18 project costs;

19 (B) evidence indicating that the redevelopment project
20 area on the whole has not been subject to growth and
21 development through investment by private enterprise,
22 provided that such evidence shall not be required for any
23 redevelopment project area located within a transit
24 facility improvement area established pursuant to Section
25 11-74.4-3.3;

26 (C) an assessment of any financial impact of the

1 redevelopment project area on or any increased demand for
2 services from any taxing district affected by the plan and
3 any program to address such financial impact or increased
4 demand;

5 (D) the sources of funds to pay costs;

6 (E) the nature and term of the obligations to be
7 issued;

8 (F) the most recent equalized assessed valuation of
9 the redevelopment project area;

10 (G) an estimate as to the equalized assessed valuation
11 after redevelopment and the general land uses to apply in
12 the redevelopment project area;

13 (H) a commitment to fair employment practices and an
14 affirmative action plan;

15 (I) if it concerns an industrial park conservation
16 area, the plan shall also include a general description of
17 any proposed developer, user and tenant of any property, a
18 description of the type, structure and general character
19 of the facilities to be developed, a description of the
20 type, class and number of new employees to be employed in
21 the operation of the facilities to be developed; and

22 (J) if property is to be annexed to the municipality,
23 the plan shall include the terms of the annexation
24 agreement.

25 The provisions of items (B) and (C) of this subsection (n)
26 shall not apply to a municipality that before March 14, 1994

1 (the effective date of Public Act 88-537) had fixed, either by
2 its corporate authorities or by a commission designated under
3 subsection (k) of Section 11-74.4-4, a time and place for a
4 public hearing as required by subsection (a) of Section
5 11-74.4-5. No redevelopment plan shall be adopted unless a
6 municipality complies with all of the following requirements:

7 (1) The municipality finds that the redevelopment
8 project area on the whole has not been subject to growth
9 and development through investment by private enterprise
10 and would not reasonably be anticipated to be developed
11 without the adoption of the redevelopment plan, provided,
12 however, that such a finding shall not be required with
13 respect to any redevelopment project area located within a
14 transit facility improvement area established pursuant to
15 Section 11-74.4-3.3.

16 (2) The municipality finds that the redevelopment plan
17 and project conform to the comprehensive plan for the
18 development of the municipality as a whole, or, for
19 municipalities with a population of 100,000 or more,
20 regardless of when the redevelopment plan and project was
21 adopted, the redevelopment plan and project either: (i)
22 conforms to the strategic economic development or
23 redevelopment plan issued by the designated planning
24 authority of the municipality, or (ii) includes land uses
25 that have been approved by the planning commission of the
26 municipality.

1 (3) The redevelopment plan establishes the estimated
2 dates of completion of the redevelopment project and
3 retirement of obligations issued to finance redevelopment
4 project costs. Those dates may not be later than the dates
5 set forth under Section 11-74.4-3.5.

6 A municipality may by municipal ordinance amend an
7 existing redevelopment plan to conform to this paragraph
8 (3) as amended by Public Act 91-478, which municipal
9 ordinance may be adopted without further hearing or notice
10 and without complying with the procedures provided in this
11 Act pertaining to an amendment to or the initial approval
12 of a redevelopment plan and project and designation of a
13 redevelopment project area.

14 (3.5) The municipality finds, in the case of an
15 industrial park conservation area, also that the
16 municipality is a labor surplus municipality and that the
17 implementation of the redevelopment plan will reduce
18 unemployment, create new jobs and by the provision of new
19 facilities enhance the tax base of the taxing districts
20 that extend into the redevelopment project area.

21 (4) If any incremental revenues are being utilized
22 under Section 8(a)(1) or 8(a)(2) of this Act in
23 redevelopment project areas approved by ordinance after
24 January 1, 1986, the municipality finds: (a) that the
25 redevelopment project area would not reasonably be
26 developed without the use of such incremental revenues,

1 and (b) that such incremental revenues will be exclusively
2 utilized for the development of the redevelopment project
3 area.

4 (5) If: (a) the redevelopment plan will not result in
5 displacement of residents from 10 or more inhabited
6 residential units, and the municipality certifies in the
7 plan that such displacement will not result from the plan;
8 or (b) the redevelopment plan is for a redevelopment
9 project area or a qualifying transit facility located
10 within a transit facility improvement area established
11 pursuant to Section 11-74.4-3.3, and the applicable
12 project is subject to the process for evaluation of
13 environmental effects under the National Environmental
14 Policy Act of 1969, 42 U.S.C. 4321 et seq., then a housing
15 impact study need not be performed. If, however, the
16 redevelopment plan would result in the displacement of
17 residents from 10 or more inhabited residential units, or
18 if the redevelopment project area contains 75 or more
19 inhabited residential units and no certification is made,
20 then the municipality shall prepare, as part of the
21 separate feasibility report required by subsection (a) of
22 Section 11-74.4-5, a housing impact study.

23 Part I of the housing impact study shall include (i)
24 data as to whether the residential units are single family
25 or multi-family units, (ii) the number and type of rooms
26 within the units, if that information is available, (iii)

1 whether the units are inhabited or uninhabited, as
2 determined not less than 45 days before the date that the
3 ordinance or resolution required by subsection (a) of
4 Section 11-74.4-5 is passed, and (iv) data as to the
5 racial and ethnic composition of the residents in the
6 inhabited residential units. The data requirement as to
7 the racial and ethnic composition of the residents in the
8 inhabited residential units shall be deemed to be fully
9 satisfied by data from the most recent federal census.

10 Part II of the housing impact study shall identify the
11 inhabited residential units in the proposed redevelopment
12 project area that are to be or may be removed. If inhabited
13 residential units are to be removed, then the housing
14 impact study shall identify (i) the number and location of
15 those units that will or may be removed, (ii) the
16 municipality's plans for relocation assistance for those
17 residents in the proposed redevelopment project area whose
18 residences are to be removed, (iii) the availability of
19 replacement housing for those residents whose residences
20 are to be removed, and shall identify the type, location,
21 and cost of the housing, and (iv) the type and extent of
22 relocation assistance to be provided.

23 (6) On and after November 1, 1999, the housing impact
24 study required by paragraph (5) shall be incorporated in
25 the redevelopment plan for the redevelopment project area.

26 (7) On and after November 1, 1999, no redevelopment

1 plan shall be adopted, nor an existing plan amended, nor
2 shall residential housing that is occupied by households
3 of low-income and very low-income persons in currently
4 existing redevelopment project areas be removed after
5 November 1, 1999 unless the redevelopment plan provides,
6 with respect to inhabited housing units that are to be
7 removed for households of low-income and very low-income
8 persons, affordable housing and relocation assistance not
9 less than that which would be provided under the federal
10 Uniform Relocation Assistance and Real Property
11 Acquisition Policies Act of 1970 and the regulations under
12 that Act, including the eligibility criteria. Affordable
13 housing may be either existing or newly constructed
14 housing. For purposes of this paragraph (7), "low-income
15 households", "very low-income households", and "affordable
16 housing" have the meanings set forth in the Illinois
17 Affordable Housing Act. The municipality shall make a good
18 faith effort to ensure that this affordable housing is
19 located in or near the redevelopment project area within
20 the municipality.

21 (8) On and after November 1, 1999, if, after the
22 adoption of the redevelopment plan for the redevelopment
23 project area, any municipality desires to amend its
24 redevelopment plan to remove more inhabited residential
25 units than specified in its original redevelopment plan,
26 that change shall be made in accordance with the

1 procedures in subsection (c) of Section 11-74.4-5.

2 (9) For redevelopment project areas designated prior
3 to November 1, 1999, the redevelopment plan may be amended
4 without further joint review board meeting or hearing,
5 provided that the municipality shall give notice of any
6 such changes by mail to each affected taxing district and
7 registrant on the interested party registry, to authorize
8 the municipality to expend tax increment revenues for
9 redevelopment project costs defined by paragraphs (5) and
10 (7.5), subparagraphs (E) and (F) of paragraph (11), and
11 paragraph (11.5) of subsection (q) of Section 11-74.4-3,
12 so long as the changes do not increase the total estimated
13 redevelopment project costs set out in the redevelopment
14 plan by more than 5% after adjustment for inflation from
15 the date the plan was adopted.

16 (o) "Redevelopment project" means any public and private
17 development project in furtherance of the objectives of a
18 redevelopment plan. On and after November 1, 1999 (the
19 effective date of Public Act 91-478), no redevelopment plan
20 may be approved or amended that includes the development of
21 vacant land (i) with a golf course and related clubhouse and
22 other facilities or (ii) designated by federal, State, county,
23 or municipal government as public land for outdoor
24 recreational activities or for nature preserves and used for
25 that purpose within 5 years prior to the adoption of the
26 redevelopment plan. For the purpose of this subsection,

1 "recreational activities" is limited to mean camping and
2 hunting.

3 (p) "Redevelopment project area" means an area designated
4 by the municipality, which is not less in the aggregate than 1
5 1/2 acres and in respect to which the municipality has made a
6 finding that there exist conditions which cause the area to be
7 classified as an industrial park conservation area or a
8 blighted area or a conservation area, or a combination of both
9 blighted areas and conservation areas.

10 (p-1) Notwithstanding any provision of this Act to the
11 contrary, on and after August 25, 2009 (the effective date of
12 Public Act 96-680), a redevelopment project area may include
13 areas within a one-half mile radius of an existing or proposed
14 Metropolitan Mobility ~~Regional Transportation~~ Authority
15 Suburban Transit Access Route (STAR Line) station without a
16 finding that the area is classified as an industrial park
17 conservation area, a blighted area, a conservation area, or a
18 combination thereof, but only if the municipality receives
19 unanimous consent from the joint review board created to
20 review the proposed redevelopment project area.

21 (p-2) Notwithstanding any provision of this Act to the
22 contrary, on and after the effective date of this amendatory
23 Act of the 99th General Assembly, a redevelopment project area
24 may include areas within a transit facility improvement area
25 that has been established pursuant to Section 11-74.4-3.3
26 without a finding that the area is classified as an industrial

1 park conservation area, a blighted area, a conservation area,
2 or any combination thereof.

3 (q) "Redevelopment project costs", except for
4 redevelopment project areas created pursuant to subsection
5 (p-1) or (p-2), means and includes the sum total of all
6 reasonable or necessary costs incurred or estimated to be
7 incurred, and any such costs incidental to a redevelopment
8 plan and a redevelopment project. Such costs include, without
9 limitation, the following:

10 (1) Costs of studies, surveys, development of plans,
11 and specifications, implementation and administration of
12 the redevelopment plan including but not limited to staff
13 and professional service costs for architectural,
14 engineering, legal, financial, planning or other services,
15 provided however that no charges for professional services
16 may be based on a percentage of the tax increment
17 collected; except that on and after November 1, 1999 (the
18 effective date of Public Act 91-478), no contracts for
19 professional services, excluding architectural and
20 engineering services, may be entered into if the terms of
21 the contract extend beyond a period of 3 years. In
22 addition, "redevelopment project costs" shall not include
23 lobbying expenses. After consultation with the
24 municipality, each tax increment consultant or advisor to
25 a municipality that plans to designate or has designated a
26 redevelopment project area shall inform the municipality

1 in writing of any contracts that the consultant or advisor
2 has entered into with entities or individuals that have
3 received, or are receiving, payments financed by tax
4 increment revenues produced by the redevelopment project
5 area with respect to which the consultant or advisor has
6 performed, or will be performing, service for the
7 municipality. This requirement shall be satisfied by the
8 consultant or advisor before the commencement of services
9 for the municipality and thereafter whenever any other
10 contracts with those individuals or entities are executed
11 by the consultant or advisor;

12 (1.5) After July 1, 1999, annual administrative costs
13 shall not include general overhead or administrative costs
14 of the municipality that would still have been incurred by
15 the municipality if the municipality had not designated a
16 redevelopment project area or approved a redevelopment
17 plan;

18 (1.6) The cost of marketing sites within the
19 redevelopment project area to prospective businesses,
20 developers, and investors;

21 (2) Property assembly costs, including but not limited
22 to acquisition of land and other property, real or
23 personal, or rights or interests therein, demolition of
24 buildings, site preparation, site improvements that serve
25 as an engineered barrier addressing ground level or below
26 ground environmental contamination, including, but not

1 limited to parking lots and other concrete or asphalt
2 barriers, and the clearing and grading of land;

3 (3) Costs of rehabilitation, reconstruction or repair
4 or remodeling of existing public or private buildings,
5 fixtures, and leasehold improvements; and the cost of
6 replacing an existing public building if pursuant to the
7 implementation of a redevelopment project the existing
8 public building is to be demolished to use the site for
9 private investment or devoted to a different use requiring
10 private investment; including any direct or indirect costs
11 relating to Green Globes or LEED certified construction
12 elements or construction elements with an equivalent
13 certification;

14 (4) Costs of the construction of public works or
15 improvements, including any direct or indirect costs
16 relating to Green Globes or LEED certified construction
17 elements or construction elements with an equivalent
18 certification, except that on and after November 1, 1999,
19 redevelopment project costs shall not include the cost of
20 constructing a new municipal public building principally
21 used to provide offices, storage space, or conference
22 facilities or vehicle storage, maintenance, or repair for
23 administrative, public safety, or public works personnel
24 and that is not intended to replace an existing public
25 building as provided under paragraph (3) of subsection (q)
26 of Section 11-74.4-3 unless either (i) the construction of

1 the new municipal building implements a redevelopment
2 project that was included in a redevelopment plan that was
3 adopted by the municipality prior to November 1, 1999,
4 (ii) the municipality makes a reasonable determination in
5 the redevelopment plan, supported by information that
6 provides the basis for that determination, that the new
7 municipal building is required to meet an increase in the
8 need for public safety purposes anticipated to result from
9 the implementation of the redevelopment plan, or (iii) the
10 new municipal public building is for the storage,
11 maintenance, or repair of transit vehicles and is located
12 in a transit facility improvement area that has been
13 established pursuant to Section 11-74.4-3.3;

14 (5) Costs of job training and retraining projects,
15 including the cost of "welfare to work" programs
16 implemented by businesses located within the redevelopment
17 project area;

18 (6) Financing costs, including but not limited to all
19 necessary and incidental expenses related to the issuance
20 of obligations and which may include payment of interest
21 on any obligations issued hereunder including interest
22 accruing during the estimated period of construction of
23 any redevelopment project for which such obligations are
24 issued and for not exceeding 36 months thereafter and
25 including reasonable reserves related thereto;

26 (7) To the extent the municipality by written

1 agreement accepts and approves the same, all or a portion
2 of a taxing district's capital costs resulting from the
3 redevelopment project necessarily incurred or to be
4 incurred within a taxing district in furtherance of the
5 objectives of the redevelopment plan and project;

6 (7.5) For redevelopment project areas designated (or
7 redevelopment project areas amended to add or increase the
8 number of tax-increment-financing assisted housing units)
9 on or after November 1, 1999, an elementary, secondary, or
10 unit school district's increased costs attributable to
11 assisted housing units located within the redevelopment
12 project area for which the developer or redeveloper
13 receives financial assistance through an agreement with
14 the municipality or because the municipality incurs the
15 cost of necessary infrastructure improvements within the
16 boundaries of the assisted housing sites necessary for the
17 completion of that housing as authorized by this Act, and
18 which costs shall be paid by the municipality from the
19 Special Tax Allocation Fund when the tax increment revenue
20 is received as a result of the assisted housing units and
21 shall be calculated annually as follows:

22 (A) for foundation districts, excluding any school
23 district in a municipality with a population in excess
24 of 1,000,000, by multiplying the district's increase
25 in attendance resulting from the net increase in new
26 students enrolled in that school district who reside

1 in housing units within the redevelopment project area
2 that have received financial assistance through an
3 agreement with the municipality or because the
4 municipality incurs the cost of necessary
5 infrastructure improvements within the boundaries of
6 the housing sites necessary for the completion of that
7 housing as authorized by this Act since the
8 designation of the redevelopment project area by the
9 most recently available per capita tuition cost as
10 defined in Section 10-20.12a of the School Code less
11 any increase in general State aid as defined in
12 Section 18-8.05 of the School Code or evidence-based
13 funding as defined in Section 18-8.15 of the School
14 Code attributable to these added new students subject
15 to the following annual limitations:

16 (i) for unit school districts with a district
17 average 1995-96 Per Capita Tuition Charge of less
18 than \$5,900, no more than 25% of the total amount
19 of property tax increment revenue produced by
20 those housing units that have received tax
21 increment finance assistance under this Act;

22 (ii) for elementary school districts with a
23 district average 1995-96 Per Capita Tuition Charge
24 of less than \$5,900, no more than 17% 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; and

2 (iii) for secondary school districts with a
3 district average 1995-96 Per Capita Tuition Charge
4 of less than \$5,900, no more than 8% of the total
5 amount of property tax increment revenue produced
6 by those housing units that have received tax
7 increment finance assistance under this Act.

8 (B) For alternate method districts, flat grant
9 districts, and foundation districts with a district
10 average 1995-96 Per Capita Tuition Charge equal to or
11 more than \$5,900, excluding any school district with a
12 population in excess of 1,000,000, by multiplying the
13 district's increase in attendance resulting from the
14 net increase in new students enrolled in that school
15 district who reside in housing units within the
16 redevelopment project area that have received
17 financial assistance through an agreement with the
18 municipality or because the municipality incurs the
19 cost of necessary infrastructure improvements within
20 the boundaries of the housing sites necessary for the
21 completion of that housing as authorized by this Act
22 since the designation of the redevelopment project
23 area by the most recently available per capita tuition
24 cost as defined in Section 10-20.12a of the School
25 Code less any increase in general state aid as defined
26 in Section 18-8.05 of the School Code or

1 evidence-based funding as defined in Section 18-8.15
2 of the School Code attributable to these added new
3 students subject to the following annual limitations:

4 (i) for unit school districts, no more than
5 40% of the total amount of property tax increment
6 revenue produced by those housing units that have
7 received tax increment finance assistance under
8 this Act;

9 (ii) for elementary school districts, no more
10 than 27% of the total amount of property tax
11 increment revenue produced by those housing units
12 that have received tax increment finance
13 assistance under this Act; and

14 (iii) for secondary school districts, no more
15 than 13% of the total amount of property tax
16 increment revenue produced by those housing units
17 that have received tax increment finance
18 assistance under this Act.

19 (C) For any school district in a municipality with
20 a population in excess of 1,000,000, the following
21 restrictions shall apply to the reimbursement of
22 increased costs under this paragraph (7.5):

23 (i) no increased costs shall be reimbursed
24 unless the school district certifies that each of
25 the schools affected by the assisted housing
26 project is at or over its student capacity;

1 (ii) the amount reimbursable shall be reduced
2 by the value of any land donated to the school
3 district by the municipality or developer, and by
4 the value of any physical improvements made to the
5 schools by the municipality or developer; and

6 (iii) the amount reimbursed may not affect
7 amounts otherwise obligated by the terms of any
8 bonds, notes, or other funding instruments, or the
9 terms of any redevelopment agreement.

10 Any school district seeking payment under this
11 paragraph (7.5) shall, after July 1 and before
12 September 30 of each year, provide the municipality
13 with reasonable evidence to support its claim for
14 reimbursement before the municipality shall be
15 required to approve or make the payment to the school
16 district. If the school district fails to provide the
17 information during this period in any year, it shall
18 forfeit any claim to reimbursement for that year.
19 School districts may adopt a resolution waiving the
20 right to all or a portion of the reimbursement
21 otherwise required by this paragraph (7.5). By
22 acceptance of this reimbursement the school district
23 waives the right to directly or indirectly set aside,
24 modify, or contest in any manner the establishment of
25 the redevelopment project area or projects;

26 (7.7) 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 January 1, 2005 (the effective date of Public
4 Act 93-961), a public library district's increased costs
5 attributable to assisted housing units located within the
6 redevelopment project area for which the developer or
7 redeveloper receives financial assistance through an
8 agreement with the municipality or because the
9 municipality incurs the cost of necessary infrastructure
10 improvements within the boundaries of the assisted housing
11 sites necessary for the completion of that housing as
12 authorized by this Act shall be paid to the library
13 district by the municipality from the Special Tax
14 Allocation Fund when the tax increment revenue is received
15 as a result of the assisted housing units. This paragraph
16 (7.7) applies only if (i) the library district is located
17 in a county that is subject to the Property Tax Extension
18 Limitation Law or (ii) the library district is not located
19 in a county that is subject to the Property Tax Extension
20 Limitation Law but the district is prohibited by any other
21 law from increasing its tax levy rate without a prior
22 voter referendum.

23 The amount paid to a library district under this
24 paragraph (7.7) shall be calculated by multiplying (i) the
25 net increase in the number of persons eligible to obtain a
26 library card in that district who reside in housing units

1 within the redevelopment project area that have received
2 financial assistance through an agreement with the
3 municipality or because the municipality incurs the cost
4 of necessary infrastructure improvements within the
5 boundaries of the housing sites necessary for the
6 completion of that housing as authorized by this Act since
7 the designation of the redevelopment project area by (ii)
8 the per-patron cost of providing library services so long
9 as it does not exceed \$120. The per-patron cost shall be
10 the Total Operating Expenditures Per Capita for the
11 library in the previous fiscal year. The municipality may
12 deduct from the amount that it must pay to a library
13 district under this paragraph any amount that it has
14 voluntarily paid to the library district from the tax
15 increment revenue. The amount paid to a library district
16 under this paragraph (7.7) shall be no more than 2% of the
17 amount produced by the assisted housing units and
18 deposited into the Special Tax Allocation Fund.

19 A library district is not eligible for any payment
20 under this paragraph (7.7) unless the library district has
21 experienced an increase in the number of patrons from the
22 municipality that created the tax-increment-financing
23 district since the designation of the redevelopment
24 project area.

25 Any library district seeking payment under this
26 paragraph (7.7) shall, after July 1 and before September

1 30 of each year, provide the municipality with convincing
2 evidence to support its claim for reimbursement before the
3 municipality shall be required to approve or make the
4 payment to the library district. If the library district
5 fails to provide the information during this period in any
6 year, it shall forfeit any claim to reimbursement for that
7 year. Library districts may adopt a resolution waiving the
8 right to all or a portion of the reimbursement otherwise
9 required by this paragraph (7.7). By acceptance of such
10 reimbursement, the library district shall forfeit any
11 right to directly or indirectly set aside, modify, or
12 contest in any manner whatsoever the establishment of the
13 redevelopment project area or projects;

14 (8) Relocation costs to the extent that a municipality
15 determines that relocation costs shall be paid or is
16 required to make payment of relocation costs by federal or
17 State law or in order to satisfy subparagraph (7) of
18 subsection (n);

19 (9) Payment in lieu of taxes;

20 (10) Costs of job training, retraining, advanced
21 vocational education or career education, including but
22 not limited to courses in occupational, semi-technical or
23 technical fields leading directly to employment, incurred
24 by one or more taxing districts, provided that such costs
25 (i) are related to the establishment and maintenance of
26 additional job training, advanced vocational education or

1 career education programs for persons employed or to be
2 employed by employers located in a redevelopment project
3 area; and (ii) when incurred by a taxing district or
4 taxing districts other than the municipality, are set
5 forth in a written agreement by or among the municipality
6 and the taxing district or taxing districts, which
7 agreement describes the program to be undertaken,
8 including but not limited to the number of employees to be
9 trained, a description of the training and services to be
10 provided, the number and type of positions available or to
11 be available, itemized costs of the program and sources of
12 funds to pay for the same, and the term of the agreement.
13 Such costs include, specifically, the payment by community
14 college districts of costs pursuant to Sections 3-37,
15 3-38, 3-40 and 3-40.1 of the Public Community College Act
16 and by school districts of costs pursuant to Sections
17 10-22.20a and 10-23.3a of the School Code;

18 (11) Interest cost incurred by a redeveloper related
19 to the construction, renovation or rehabilitation of a
20 redevelopment project provided that:

21 (A) such costs are to be paid directly from the
22 special tax allocation fund established pursuant to
23 this Act;

24 (B) such payments in any one year may not exceed
25 30% of the annual interest costs incurred by the
26 redeveloper with regard to the redevelopment project

1 during that year;

2 (C) if there are not sufficient funds available in
3 the special tax allocation fund to make the payment
4 pursuant to this paragraph (11) then the amounts so
5 due shall accrue and be payable when sufficient funds
6 are available in the special tax allocation fund;

7 (D) the total of such interest payments paid
8 pursuant to this Act may not exceed 30% of the total
9 (i) cost paid or incurred by the redeveloper for the
10 redevelopment project plus (ii) redevelopment project
11 costs excluding any property assembly costs and any
12 relocation costs incurred by a municipality pursuant
13 to this Act;

14 (E) the cost limits set forth in subparagraphs (B)
15 and (D) of paragraph (11) shall be modified for the
16 financing of rehabilitated or new housing units for
17 low-income households and very low-income households,
18 as defined in Section 3 of the Illinois Affordable
19 Housing Act. The percentage of 75% shall be
20 substituted for 30% in subparagraphs (B) and (D) of
21 paragraph (11); and

22 (F) instead of the eligible costs provided by
23 subparagraphs (B) and (D) of paragraph (11), as
24 modified by this subparagraph, and notwithstanding any
25 other provisions of this Act to the contrary, the
26 municipality may pay from tax increment revenues up to

1 50% of the cost of construction of new housing units to
2 be occupied by low-income households and very
3 low-income households as defined in Section 3 of the
4 Illinois Affordable Housing Act. The cost of
5 construction of those units may be derived from the
6 proceeds of bonds issued by the municipality under
7 this Act or other constitutional or statutory
8 authority or from other sources of municipal revenue
9 that may be reimbursed from tax increment revenues or
10 the proceeds of bonds issued to finance the
11 construction of that housing.

12 The eligible costs provided under this
13 subparagraph (F) of paragraph (11) shall be an
14 eligible cost for the construction, renovation, and
15 rehabilitation of all low and very low-income housing
16 units, as defined in Section 3 of the Illinois
17 Affordable Housing Act, within the redevelopment
18 project area. If the low and very low-income units are
19 part of a residential redevelopment project that
20 includes units not affordable to low and very
21 low-income households, only the low and very
22 low-income units shall be eligible for benefits under
23 this subparagraph (F) of paragraph (11). The standards
24 for maintaining the occupancy by low-income households
25 and very low-income households, as defined in Section
26 3 of the Illinois Affordable Housing Act, of those

1 units constructed with eligible costs made available
2 under the provisions of this subparagraph (F) of
3 paragraph (11) shall be established by guidelines
4 adopted by the municipality. The responsibility for
5 annually documenting the initial occupancy of the
6 units by low-income households and very low-income
7 households, as defined in Section 3 of the Illinois
8 Affordable Housing Act, shall be that of the then
9 current owner of the property. For ownership units,
10 the guidelines will provide, at a minimum, for a
11 reasonable recapture of funds, or other appropriate
12 methods designed to preserve the original
13 affordability of the ownership units. For rental
14 units, the guidelines will provide, at a minimum, for
15 the affordability of rent to low and very low-income
16 households. As units become available, they shall be
17 rented to income-eligible tenants. The municipality
18 may modify these guidelines from time to time; the
19 guidelines, however, shall be in effect for as long as
20 tax increment revenue is being used to pay for costs
21 associated with the units or for the retirement of
22 bonds issued to finance the units or for the life of
23 the redevelopment project area, whichever is later;

24 (11.5) If the redevelopment project area is located
25 within a municipality with a population of more than
26 100,000, the cost of day care services for children of

1 employees from low-income families working for businesses
2 located within the redevelopment project area and all or a
3 portion of the cost of operation of day care centers
4 established by redevelopment project area businesses to
5 serve employees from low-income families working in
6 businesses located in the redevelopment project area. For
7 the purposes of this paragraph, "low-income families"
8 means families whose annual income does not exceed 80% of
9 the municipal, county, or regional median income, adjusted
10 for family size, as the annual income and municipal,
11 county, or regional median income are determined from time
12 to time by the United States Department of Housing and
13 Urban Development.

14 (12) Costs relating to the development of urban
15 agricultural areas under Division 15.2 of the Illinois
16 Municipal Code.

17 Unless explicitly stated herein the cost of construction
18 of new privately-owned buildings shall not be an eligible
19 redevelopment project cost.

20 After November 1, 1999 (the effective date of Public Act
21 91-478), none of the redevelopment project costs enumerated in
22 this subsection shall be eligible redevelopment project costs
23 if those costs would provide direct financial support to a
24 retail entity initiating operations in the redevelopment
25 project area while terminating operations at another Illinois
26 location within 10 miles of the redevelopment project area but

1 outside the boundaries of the redevelopment project area
2 municipality. For purposes of this paragraph, termination
3 means a closing of a retail operation that is directly related
4 to the opening of the same operation or like retail entity
5 owned or operated by more than 50% of the original ownership in
6 a redevelopment project area, but it does not mean closing an
7 operation for reasons beyond the control of the retail entity,
8 as documented by the retail entity, subject to a reasonable
9 finding by the municipality that the current location
10 contained inadequate space, had become economically obsolete,
11 or was no longer a viable location for the retailer or
12 serviceman.

13 No cost shall be a redevelopment project cost in a
14 redevelopment project area if used to demolish, remove, or
15 substantially modify a historic resource, after August 26,
16 2008 (the effective date of Public Act 95-934), unless no
17 prudent and feasible alternative exists. "Historic resource"
18 for the purpose of this paragraph means (i) a place or
19 structure that is included or eligible for inclusion on the
20 National Register of Historic Places or (ii) a contributing
21 structure in a district on the National Register of Historic
22 Places. This paragraph does not apply to a place or structure
23 for which demolition, removal, or modification is subject to
24 review by the preservation agency of a Certified Local
25 Government designated as such by the National Park Service of
26 the United States Department of the Interior.

1 If a special service area has been established pursuant to
2 the Special Service Area Tax Act or Special Service Area Tax
3 Law, then any tax increment revenues derived from the tax
4 imposed pursuant to the Special Service Area Tax Act or
5 Special Service Area Tax Law may be used within the
6 redevelopment project area for the purposes permitted by that
7 Act or Law as well as the purposes permitted by this Act.

8 (q-1) For redevelopment project areas created pursuant to
9 subsection (p-1), redevelopment project costs are limited to
10 those costs in paragraph (q) that are related to the existing
11 or proposed Metropolitan Mobility Regional ~~Transportation~~
12 Authority Suburban Transit Access Route (STAR Line) station.

13 (q-2) For a transit facility improvement area established
14 prior to, on, or after the effective date of this amendatory
15 Act of the 102nd General Assembly: (i) "redevelopment project
16 costs" means those costs described in subsection (q) that are
17 related to the construction, reconstruction, rehabilitation,
18 remodeling, or repair of any existing or proposed transit
19 facility, whether that facility is located within or outside
20 the boundaries of a redevelopment project area established
21 within that transit facility improvement area (and, to the
22 extent a redevelopment project cost is described in subsection
23 (q) as incurred or estimated to be incurred with respect to a
24 redevelopment project area, then it shall apply with respect
25 to such transit facility improvement area); and (ii) the
26 provisions of Section 11-74.4-8 regarding tax increment

1 allocation financing for a redevelopment project area located
2 in a transit facility improvement area shall apply only to the
3 lots, blocks, tracts and parcels of real property that are
4 located within the boundaries of that redevelopment project
5 area and not to the lots, blocks, tracts, and parcels of real
6 property that are located outside the boundaries of that
7 redevelopment project area.

8 (r) "State Sales Tax Boundary" means the redevelopment
9 project area or the amended redevelopment project area
10 boundaries which are determined pursuant to subsection (9) of
11 Section 11-74.4-8a of this Act. The Department of Revenue
12 shall certify pursuant to subsection (9) of Section 11-74.4-8a
13 the appropriate boundaries eligible for the determination of
14 State Sales Tax Increment.

15 (s) "State Sales Tax Increment" means an amount equal to
16 the increase in the aggregate amount of taxes paid by
17 retailers and servicemen, other than retailers and servicemen
18 subject to the Public Utilities Act, on transactions at places
19 of business located within a State Sales Tax Boundary pursuant
20 to the Retailers' Occupation Tax Act, the Use Tax Act, the
21 Service Use Tax Act, and the Service Occupation Tax Act,
22 except such portion of such increase that is paid into the
23 State and Local Sales Tax Reform Fund, the Local Government
24 Distributive Fund, the Local Government Tax Fund and the
25 County and Mass Transit District Fund, for as long as State
26 participation exists, over and above the Initial Sales Tax

1 Amounts, Adjusted Initial Sales Tax Amounts or the Revised
2 Initial Sales Tax Amounts for such taxes as certified by the
3 Department of Revenue and paid under those Acts by retailers
4 and servicemen on transactions at places of business located
5 within the State Sales Tax Boundary during the base year which
6 shall be the calendar year immediately prior to the year in
7 which the municipality adopted tax increment allocation
8 financing, less 3.0% of such amounts generated under the
9 Retailers' Occupation Tax Act, Use Tax Act and Service Use Tax
10 Act and the Service Occupation Tax Act, which sum shall be
11 appropriated to the Department of Revenue to cover its costs
12 of administering and enforcing this Section. For purposes of
13 computing the aggregate amount of such taxes for base years
14 occurring prior to 1985, the Department of Revenue shall
15 compute the Initial Sales Tax Amount for such taxes and deduct
16 therefrom an amount equal to 4% of the aggregate amount of
17 taxes per year for each year the base year is prior to 1985,
18 but not to exceed a total deduction of 12%. The amount so
19 determined shall be known as the "Adjusted Initial Sales Tax
20 Amount". For purposes of determining the State Sales Tax
21 Increment the Department of Revenue shall for each period
22 subtract from the tax amounts received from retailers and
23 servicemen on transactions located in the State Sales Tax
24 Boundary, the certified Initial Sales Tax Amounts, Adjusted
25 Initial Sales Tax Amounts or Revised Initial Sales Tax Amounts
26 for the Retailers' Occupation Tax Act, the Use Tax Act, the

1 Service Use Tax Act and the Service Occupation Tax Act. For the
2 State Fiscal Year 1989 this calculation shall be made by
3 utilizing the calendar year 1987 to determine the tax amounts
4 received. For the State Fiscal Year 1990, this calculation
5 shall be made by utilizing the period from January 1, 1988,
6 until September 30, 1988, to determine the tax amounts
7 received from retailers and servicemen, which shall have
8 deducted therefrom nine-twelfths of the certified Initial
9 Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the
10 Revised Initial Sales Tax Amounts as appropriate. For the
11 State Fiscal Year 1991, this calculation shall be made by
12 utilizing the period from October 1, 1988, until June 30,
13 1989, to determine the tax amounts received from retailers and
14 servicemen, which shall have deducted therefrom nine-twelfths
15 of the certified Initial State Sales Tax Amounts, Adjusted
16 Initial Sales Tax Amounts or the Revised Initial Sales Tax
17 Amounts as appropriate. For every State Fiscal Year
18 thereafter, the applicable period shall be the 12 months
19 beginning July 1 and ending on June 30, to determine the tax
20 amounts received which shall have deducted therefrom the
21 certified Initial Sales Tax Amounts, Adjusted Initial Sales
22 Tax Amounts or the Revised Initial Sales Tax Amounts.
23 Municipalities intending to receive a distribution of State
24 Sales Tax Increment must report a list of retailers to the
25 Department of Revenue by October 31, 1988 and by July 31, of
26 each year thereafter.

1 (t) "Taxing districts" means counties, townships, cities
2 and incorporated towns and villages, school, road, park,
3 sanitary, mosquito abatement, forest preserve, public health,
4 fire protection, river conservancy, tuberculosis sanitarium
5 and any other municipal corporations or districts with the
6 power to levy taxes.

7 (u) "Taxing districts' capital costs" means those costs of
8 taxing districts for capital improvements that are found by
9 the municipal corporate authorities to be necessary and
10 directly result from the redevelopment project.

11 (v) As used in subsection (a) of Section 11-74.4-3 of this
12 Act, "vacant land" means any parcel or combination of parcels
13 of real property without industrial, commercial, and
14 residential buildings which has not been used for commercial
15 agricultural purposes within 5 years prior to the designation
16 of the redevelopment project area, unless the parcel is
17 included in an industrial park conservation area or the parcel
18 has been subdivided; provided that if the parcel was part of a
19 larger tract that has been divided into 3 or more smaller
20 tracts that were accepted for recording during the period from
21 1950 to 1990, then the parcel shall be deemed to have been
22 subdivided, and all proceedings and actions of the
23 municipality taken in that connection with respect to any
24 previously approved or designated redevelopment project area
25 or amended redevelopment project area are hereby validated and
26 hereby declared to be legally sufficient for all purposes of

1 this Act. For purposes of this Section and only for land
2 subject to the subdivision requirements of the Plat Act, land
3 is subdivided when the original plat of the proposed
4 Redevelopment Project Area or relevant portion thereof has
5 been properly certified, acknowledged, approved, and recorded
6 or filed in accordance with the Plat Act and a preliminary
7 plat, if any, for any subsequent phases of the proposed
8 Redevelopment Project Area or relevant portion thereof has
9 been properly approved and filed in accordance with the
10 applicable ordinance of the municipality.

11 (w) "Annual Total Increment" means the sum of each
12 municipality's annual Net Sales Tax Increment and each
13 municipality's annual Net Utility Tax Increment. The ratio of
14 the Annual Total Increment of each municipality to the Annual
15 Total Increment for all municipalities, as most recently
16 calculated by the Department, shall determine the proportional
17 shares of the Illinois Tax Increment Fund to be distributed to
18 each municipality.

19 (x) "LEED certified" means any certification level of
20 construction elements by a qualified Leadership in Energy and
21 Environmental Design Accredited Professional as determined by
22 the U.S. Green Building Council.

23 (y) "Green Globes certified" means any certification level
24 of construction elements by a qualified Green Globes
25 Professional as determined by the Green Building Initiative.

26 (Source: P.A. 102-627, eff. 8-27-21.)

1 (65 ILCS 5/Art. 11 Div. 122.2 heading)

2 DIVISION 122.2. METROPOLITAN MOBILITY ~~REGIONAL TRANSPORTATION~~
3 AUTHORITY

4 (65 ILCS 5/11-122.2-1) (from Ch. 24, par. 11-122.2-1)

5 Sec. 11-122.2-1. In addition to all its other powers,
6 every municipality shall, in all its dealings with the
7 Metropolitan Mobility ~~Regional Transportation~~ Authority
8 established by the Metropolitan Mobility ~~"Regional~~
9 ~~Transportation~~ Authority Act", ~~enacted by the 78th General~~
10 ~~Assembly~~, have the following powers:

11 (a) to cooperate with the Metropolitan Mobility ~~Regional~~
12 ~~Transportation~~ Authority in the exercise by the Metropolitan
13 Mobility ~~Regional Transportation~~ Authority of all the powers
14 granted it by the Act;

15 (b) to receive funds from the Metropolitan Mobility
16 ~~Regional Transportation~~ Authority upon such terms and
17 conditions as shall be set forth in an agreement between the
18 municipality and Metropolitan Mobility Authority ~~the Suburban~~
19 ~~Bus Board or the Commuter Rail Board~~, which contract or
20 agreement may be for such number of years or duration as they
21 may agree, all as provided in the Metropolitan Mobility
22 ~~"Regional Transportation~~ Authority Act";

23 (c) (blank); ~~to receive financial grants from a Service~~
24 ~~Board, as defined in the "Regional Transportation Authority~~

1 ~~Act", upon such terms and conditions as shall be set forth in a~~
2 ~~Purchase of Service Agreement or other grant contract between~~
3 ~~the municipality and the Service Board, which contract or~~
4 ~~agreement may be for such number of years or duration as the~~
5 ~~Service Board and the municipality may agree, all as provided~~
6 ~~in the "Regional Transportation Authority Act",~~

7 (d) to acquire from the Metropolitan Mobility Authority
8 any public transportation facility ~~Regional Transportation~~
9 ~~Authority or a Service Board any Public Transportation~~
10 ~~Facility~~, as defined in the Metropolitan Mobility ~~"Regional~~
11 ~~Transportation Authority Act"~~, by purchase contract, gift,
12 grant, exchange for other property or rights in property,
13 lease (or sublease) or installment or conditional purchase
14 contracts, which contracts or leases may provide for
15 consideration to be paid in annual installments during a
16 period not exceeding 40 years; such property may be acquired
17 subject to such conditions, restrictions, liens or security or
18 other interests of other parties as the municipality may deem
19 appropriate and in each case the municipality may acquire a
20 joint, leasehold, easement, license or other partial interest
21 in such property;

22 (e) to sell, sell by installment contract, lease (or
23 sublease) as lessor, or transfer to, or grant to or provide for
24 the use by the Metropolitan Mobility Authority any public
25 transportation facility ~~Regional Transportation Authority or a~~
26 ~~Service Board any Public Transportation Facility~~, as defined

1 in the Metropolitan Mobility ~~"Regional Transportation~~
2 Authority Act," upon such terms and for such consideration, or
3 for no consideration, as the municipality may deem proper;

4 (f) to cooperate with the Metropolitan Mobility ~~Regional~~
5 ~~Transportation~~ Authority ~~or a Service Board~~ for the protection
6 of employees and users of public transportation facilities
7 against crime and also to protect such facilities; such
8 cooperation may include, without limitation, agreements for
9 the coordination of police or security forces;

10 (g) to file such reports with and transfer such records,
11 papers or documents to the Metropolitan Mobility Authority
12 ~~Regional Transportation Authority or a Service Board~~ as may be
13 agreed upon with, or required by, the Metropolitan Mobility
14 ~~Regional Transportation~~ Authority ~~or a Service Board~~.

15 In exercising any of the powers granted in this Section
16 the municipality shall not be subject to the provisions of
17 this Code or any Act making public bidding or notice a
18 requirement for any purchase or sale by a municipality.
19 Notwithstanding any provision of this Code to the contrary,
20 every municipality may enter into purchase of service
21 agreements, grant agreements ~~Purchase of Service Agreements,~~
22 ~~grant contracts,~~ other contracts, agreements or leases, as
23 provided in this Section, and may incur obligations and
24 expenses thereunder without making a previous appropriation
25 therefor.

26 (Source: P.A. 83-886.)

1 Section 8.31. The Regional Planning Act is amended by
2 changing Section 10 as follows:

3 (70 ILCS 1707/10)

4 Sec. 10. Definitions.

5 "Board" means the Board of the Chicago Metropolitan Agency
6 for Planning.

7 "CMAP" means the Chicago Metropolitan Agency for Planning.

8 "Chief elected county official" means the Board Chairman
9 in DuPage, Kane, Kendall, Lake, and McHenry Counties and the
10 County Executive in Will County.

11 "Fiscal year" means the fiscal year of the State.

12 "IDOT" means the Illinois Department of Transportation.

13 "MPO" means the metropolitan planning organization
14 designated under 23 U.S.C. 134.

15 "Members" means the members of the Board.

16 "Person" means an individual, partnership, firm, public or
17 private corporation, State agency, transportation agency, or
18 unit of local government.

19 "Policy Committee" means the decision-making body of the
20 MPO.

21 "Region" or "northeastern Illinois region" means Cook,
22 DuPage, Kane, Kendall, Lake, McHenry, and Will Counties.

23 "State agency" means "agency" as defined in Section 1-20
24 of the Illinois Administrative Procedure Act.

1 "Transportation agency" means the Metropolitan Mobility
2 ~~Regional Transportation Authority and its Service Boards~~; the
3 Illinois State Toll Highway Authority; the Illinois Department
4 of Transportation; and the transportation functions of units
5 of local government.

6 "Unit of local government" means a unit of local
7 government, as defined in Section 1 of Article VII of the
8 Illinois Constitution, that is located within the jurisdiction
9 and area of operation of the Board.

10 "USDOT" means the United States Department of
11 Transportation.

12 (Source: P.A. 94-510, eff. 8-9-05; 95-677, eff. 10-11-07.)

13 (70 ILCS 3605/Act rep.)

14 Section 8.32. The Metropolitan Transit Authority Act is
15 repealed.

16 Section 8.33. The Local Mass Transit District Act is
17 amended by changing Sections 3.1, 5.05, and 8.5 as follows:

18 (70 ILCS 3610/3.1) (from Ch. 111 2/3, par. 353.1)

19 Sec. 3.1. Also in the manner provided in this Act as
20 amended, a "Local Mass Transit District" may be created with
21 boundary to enclose a unit area of contiguous land, to be known
22 as the "participating area". Such a "participating area" may
23 be organized as a district under this Act without regard to

1 boundaries of counties or other political subdivisions or
2 municipal corporations.

3 (a) Any 500 or more legal voters who are residents within
4 such "participating area" may file a petition in the circuit
5 court of the county where the proposed district or a major part
6 thereof is located, asking that the question of creating such
7 district be submitted under this Act by referendum to the
8 voters residing within the proposed district. By their power
9 of attorney signed by them and filed in the cause the
10 petitioners may authorize a committee of their number named by
11 the petitioners, to conduct and pursue the cause for them to a
12 conclusion. Such petition shall define the boundaries of the
13 proposed district, shall indicate distances to nearest mass
14 transportation lines in each direction, naming them, shall
15 have attached a fair map of the proposed district, and shall
16 suggest a name for the proposed district.

17 (b) The circuit clerk shall present to the circuit judge
18 any petition so filed in the court. The judge shall enter an
19 order of record to set a date, hour and place for judicial
20 hearing on the petition. That order shall include instructions
21 to the circuit clerk to give notice by newspaper publication
22 to be made and completed at least 20 days before the hearing is
23 to be held, in 2 or more newspapers published or circulating
24 generally among the people residing within the proposed
25 district. The circuit clerk shall prepare that notice and
26 cause such publication notice to be given as directed.

1 (c) After proof of such newspaper publication of notice
2 has been made and filed in the cause and shown to the court in
3 full accord with the prior order, the circuit judge shall hear
4 all persons who attend and so request, as to location and
5 boundary and name for the proposed district. After the hearing
6 on such petition is completed, the circuit court by an order of
7 record, shall determine and establish the location, name and
8 boundary for such proposed district, and shall order the
9 proposition submitted at an election in accordance with the
10 general election law to the voters resident within such
11 proposed district. The circuit clerk shall certify the
12 proposition to the proper election officials who shall submit
13 the proposition in accordance with the general election law.

14 (d) The county clerk shall canvass the ballots and other
15 returns from such referendum, and prepare a full certification
16 of the result and shall file same in the cause pending in the
17 circuit court. When the vote is in favor of the creation of
18 such district as determined by the court order, a true map of
19 such district shall be filed with such report in the circuit
20 court.

21 (e) When the vote is in favor of creation of such district,
22 the circuit court by an order of record shall confirm the
23 result of election. If the district is wholly contained within
24 a single county the presiding officer of the county board with
25 the advice and consent of the county board shall appoint 5
26 trustees, not more than 3 of whom shall be affiliated with the

1 same political party, to govern the district and serve one
2 each for 1, 2, 3, 4 and 5 years respectively; upon the
3 expiration of the term of a trustee who is in office on the
4 effective date of this amendatory Act of 1989, the successor
5 shall, at the time of the appointment, and thereafter at all
6 times while serving as trustee, be a resident of the Mass
7 Transit District for which such person is appointed as
8 trustee. If a trustee removes his residence to a place outside
9 of the District, a trustee shall be appointed in the same
10 manner as herein provided to take the place of the trustee who
11 so removed his residence. If however the district is located
12 in more than one county, the number of trustees who are
13 residents of a county shall be in proportion, as nearly as
14 practicable, to the number of residents of the district who
15 reside in that county in relation to the total population of
16 the district.

17 Upon the expiration of the term of a trustee who is in
18 office on the effective date of this amendatory Act of 1975,
19 the successor shall be a resident of whichever county is
20 entitled to such representation in order to bring about the
21 proportional representation required herein, and he shall be
22 appointed by the county board of that county, or in the case of
23 a home rule county as defined by Article VII, Section 6 of the
24 Constitution of 1970, the chief executive officer of that
25 county, with the advice and consent of the county board in
26 accordance with the provisions previously enumerated.

1 Successors shall serve 5 year overlapping terms.

2 Thereafter, each trustee shall be succeeded by a resident
3 of the same county who shall be appointed by the same
4 appointing authority; however, the provisions of the preceding
5 paragraph shall apply to the appointment of the successor to
6 each trustee who is in office at the time of the publication of
7 each decennial Federal census of population.

8 (f) Upon the creation of such district, the circuit clerk
9 shall prepare and certify a copy of the final court order
10 confirming the referendum creating the district, and a
11 duplicate of the map of such district, from the record of the
12 circuit court, and shall file the same with the county clerk
13 for recording in his office as "Certificate of Incorporation"
14 for the district. The county clerk shall cause a duplicate of
15 such "Certificate of Incorporation" to be filed in the office
16 of the Secretary of State of Illinois.

17 (g) The Board of Trustees of such "Local Mass Transit
18 District" shall have and exercise all the powers and shall
19 perform all the duties of any Board of Trustees of any district
20 created under this Act, as now or hereafter amended.

21 (h) The circuit court shall require the petitioners to
22 post a surety bond for the payment of all costs and expenses of
23 such proceeding and such referendum. When a district is
24 created, the circuit court shall order the district to pay or
25 reimburse others for all such costs and expenses. The surety
26 bond shall not be released until complete receipts for all

1 such costs and expenses have been filed in the cause and fully
2 audited by the circuit and county clerks.

3 (i) If the District is wholly contained within a single
4 county, the County Board of such county may, by resolution,
5 provide that, effective upon the next appointment of a
6 Trustee, after the effective date of this amendatory Act of
7 1989, that the Board of Trustees of such Mass Transit District
8 shall be comprised of 7 Trustees, with no more than 4 members
9 of the same political party. This Subsection shall not apply
10 to any Mass Transit District in the State which receives
11 funding in whole or in part from the Metropolitan Mobility
12 Authority ~~Regional Transportation Authority or any of its~~
13 ~~service boards.~~

14 (Source: P.A. 86-472.)

15 (70 ILCS 3610/5.05) (from Ch. 111 2/3, par. 355.05)

16 Sec. 5.05. In addition to all its other powers, each
17 District shall, in all its dealings with the Metropolitan
18 Mobility ~~Regional Transportation~~ Authority established by the
19 Metropolitan Mobility ~~"Regional Transportation Authority Act"~~
20 ~~enacted by the 78th General Assembly,~~ have the following
21 powers:

22 (a) to cooperate with the Metropolitan Mobility ~~Regional~~
23 ~~Transportation~~ Authority in the exercise by the Metropolitan
24 Mobility ~~Regional Transportation~~ Authority of all the powers
25 granted it by such Act;

1 (b) to receive funds from the Metropolitan Mobility
2 ~~Regional Transportation~~ Authority upon such terms and
3 conditions as shall be set forth in an agreement between the
4 District and the Metropolitan Mobility ~~Regional Transportation~~
5 Authority, which contract or agreement may be for such number
6 of years or duration as the Authority and the District may
7 agree, all as provided in the Metropolitan Mobility "~~Regional~~
8 ~~Transportation~~ Authority Act";

9 (c) (blank); ~~to receive financial grants from a Service~~
10 ~~Board, as defined in the "Regional Transportation Authority~~
11 ~~Act", upon such terms and conditions as shall be set forth in a~~
12 ~~Purchase of Service Agreement or other grant contract between~~
13 ~~the District and the Service Board, which contract or~~
14 ~~agreement may be for such number of years or duration as the~~
15 ~~Service Board and the District may agree, all as provided in~~
16 ~~the "Regional Transportation Authority Act";~~

17 (d) to acquire from the Metropolitan Mobility Authority
18 any public transportation facility ~~Regional Transportation~~
19 ~~Authority or Service Board any Public Transportation Facility,~~
20 as defined in the Metropolitan Mobility "~~Regional~~
21 ~~Transportation~~ Authority Act", by purchase contract, gift,
22 grant, exchange for other property or rights in property,
23 lease (or sublease) or installment or conditional purchase
24 contracts, which contracts or leases may provide for
25 consideration to be paid in annual installments during a
26 period not exceeding 40 years; such property may be acquired

1 subject to such conditions, restrictions, liens or security or
2 other interests of other parties as the District may deem
3 appropriate and in each case the District may acquire a joint,
4 leasehold, easement, license or other partial interest in such
5 property;

6 (e) to sell, sell by installment contract, lease (or
7 sublease) as lessor, or transfer to, or grant to or provide for
8 the use by the Metropolitan Mobility Authority any public
9 transportation facility ~~Regional Transportation Authority or a~~
10 ~~Service Board any Public Transportation Facility~~, as defined
11 in the Metropolitan Mobility ~~"Regional Transportation~~
12 ~~Authority Act,"~~ upon such terms and for such consideration, as
13 the District may deem proper;

14 (f) to cooperate with the Metropolitan Mobility Authority
15 ~~Regional Transportation Authority or a Service Board~~ for the
16 protection of employees of the District and users of public
17 transportation facilities against crime and also to protect
18 such facilities, but neither the District, the member of its
19 Board nor its officers or employees shall be held liable for
20 failure to provide a security or police force, or, if a
21 security or police force is provided, for failure to provide
22 adequate police protection or security, failure to prevent the
23 commission of crimes by fellow passengers or other third
24 persons or for the failure to apprehend criminals; and

25 (g) to file such reports with and transfer such records,
26 papers or documents to the Metropolitan Mobility Authority

1 ~~Regional Transportation Authority or a Service Board~~ as may be
2 agreed upon with, or required by, the Metropolitan Mobility
3 Authority ~~Regional Transportation Authority or a Service~~
4 ~~Board.~~

5 In exercising any of the powers granted in this Section,
6 the District shall not be subject to the provisions of any Act
7 making public bidding or notice a requirement of any purchase
8 or sale by a District.

9 (Source: P.A. 84-939.)

10 (70 ILCS 3610/8.5) (from Ch. 111 2/3, par. 358.5)

11 Sec. 8.5. In addition to any other method provided for
12 annexation under this Act, any territory, except property
13 classified as farmland, which (1) lies within the corporate
14 limits of a municipality as defined in this Act, (2) is
15 contiguous to a local mass transit district organized under
16 this Act, and (3) is not a part of another local mass transit
17 district, may be annexed by the contiguous local mass transit
18 district, by ordinance, after a public hearing has been held
19 thereon by the board of trustees of the district at a location
20 within the territory sought to be annexed, or within 1 mile of
21 any part of the territory sought to be annexed. The annexing
22 district shall cause to be published three times in a
23 newspaper having general circulation within the area
24 considered for annexation, at least 30 days prior to the
25 public hearing thereon, a notice that the local mass transit

1 district is considering the annexation of the territory
2 specified. The notice shall also state the date, time and
3 place of the public hearing. The annexing district shall cause
4 to be delivered to each owner of a parcel of land which is 5 or
5 more acres, which land is proposed to be annexed in whole or in
6 part, a written notice containing the information required to
7 be included in the published notice. The notice shall be
8 delivered by first class mail so that said notice arrives 30
9 days in advance of the public hearing. The board of trustees of
10 the district shall give due consideration to all testimony.
11 For the purposes of this Section "property classified as
12 farmland" shall mean property classified as farmland for
13 assessment purposes pursuant to the Property Tax Code. This
14 Section shall not apply to any mass transit district in the
15 State which receives funding in whole or in part from the
16 Metropolitan Mobility Authority ~~Regional Transportation~~
17 ~~Authority or any of its service boards.~~

18 (Source: P.A. 88-670, eff. 12-2-94.)

19 (70 ILCS 3615/Act rep.)

20 Section 8.34. The Regional Transportation Authority Act is
21 repealed.

22 Section 8.35. The Water Commission Act of 1985 is amended
23 by changing Section 4 as follows:

1 (70 ILCS 3720/4) (from Ch. 111 2/3, par. 254)

2 Sec. 4. Taxes.

3 (a) The board of commissioners of any county water
4 commission may, by ordinance, impose throughout the territory
5 of the commission any or all of the taxes provided in this
6 Section for its corporate purposes. However, no county water
7 commission may impose any such tax unless the commission
8 certifies the proposition of imposing the tax to the proper
9 election officials, who shall submit the proposition to the
10 voters residing in the territory at an election in accordance
11 with the general election law, and the proposition has been
12 approved by a majority of those voting on the proposition.

13 The proposition shall be in the form provided in Section 5
14 or shall be substantially in the following form:

15 -----

16	Shall the (insert corporate	
17	name of county water commission)	YES
18	impose (state type of tax or	-----
19	taxes to be imposed) at the	NO
20	rate of 1/4%?	
21		-----

22 Taxes imposed under this Section and civil penalties
23 imposed incident thereto shall be collected and enforced by
24 the State Department of Revenue. The Department shall have the
25 power to administer and enforce the taxes and to determine all
26 rights for refunds for erroneous payments of the taxes.

1 (b) The board of commissioners may impose a County Water
2 Commission Retailers' Occupation Tax upon all persons engaged
3 in the business of selling tangible personal property at
4 retail in the territory of the commission at a rate of 1/4% of
5 the gross receipts from the sales made in the course of such
6 business within the territory. Beginning January 1, 2021, this
7 tax is not imposed on sales of aviation fuel for so long as the
8 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
9 47133 are binding on the District.

10 The tax imposed under this paragraph and all civil
11 penalties that may be assessed as an incident thereof shall be
12 collected and enforced by the State Department of Revenue. The
13 Department shall have full power to administer and enforce
14 this paragraph; to collect all taxes and penalties due
15 hereunder; to dispose of taxes and penalties so collected in
16 the manner hereinafter provided; and to determine all rights
17 to credit memoranda arising on account of the erroneous
18 payment of tax or penalty hereunder. In the administration of,
19 and compliance with, this paragraph, the Department and
20 persons who are subject to this paragraph shall have the same
21 rights, remedies, privileges, immunities, powers and duties,
22 and be subject to the same conditions, restrictions,
23 limitations, penalties, exclusions, exemptions and definitions
24 of terms, and employ the same modes of procedure, as are
25 prescribed in Sections 1, 1a, 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2
26 through 2-65 (in respect to all provisions therein other than

1 the State rate of tax except that tangible personal property
2 taxed at the 1% rate under the Retailers' Occupation Tax Act
3 shall not be subject to tax hereunder), 2c, 3 (except as to the
4 disposition of taxes and penalties collected, and except that
5 the retailer's discount is not allowed for taxes paid on
6 aviation fuel sold on or after December 1, 2019 and through
7 December 31, 2020), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i,
8 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12, and 13 of
9 the Retailers' Occupation Tax Act and Section 3-7 of the
10 Uniform Penalty and Interest Act, as fully as if those
11 provisions were set forth herein.

12 Persons subject to any tax imposed under the authority
13 granted in this paragraph may reimburse themselves for their
14 seller's tax liability hereunder by separately stating the tax
15 as an additional charge, which charge may be stated in
16 combination, in a single amount, with State taxes that sellers
17 are required to collect under the Use Tax Act and under
18 subsection (e) of Section 6.02 ~~4.03~~ of the Metropolitan
19 Mobility ~~Regional Transportation~~ Authority Act, in accordance
20 with such bracket schedules as the Department may prescribe.

21 Whenever the Department determines that a refund should be
22 made under this paragraph to a claimant instead of issuing a
23 credit memorandum, the Department shall notify the State
24 Comptroller, who shall cause the warrant to be drawn for the
25 amount specified, and to the person named, in the notification
26 from the Department. The refund shall be paid by the State

1 Treasurer out of a county water commission tax fund
2 established under subsection (g) of this Section.

3 For the purpose of determining whether a tax authorized
4 under this paragraph is applicable, a retail sale by a
5 producer of coal or other mineral mined in Illinois is a sale
6 at retail at the place where the coal or other mineral mined in
7 Illinois is extracted from the earth. This paragraph does not
8 apply to coal or other mineral when it is delivered or shipped
9 by the seller to the purchaser at a point outside Illinois so
10 that the sale is exempt under the Federal Constitution as a
11 sale in interstate or foreign commerce.

12 If a tax is imposed under this subsection (b), a tax shall
13 also be imposed under subsections (c) and (d) of this Section.

14 No tax shall be imposed or collected under this subsection
15 on the sale of a motor vehicle in this State to a resident of
16 another state if that motor vehicle will not be titled in this
17 State.

18 Nothing in this paragraph shall be construed to authorize
19 a county water commission to impose a tax upon the privilege of
20 engaging in any business which under the Constitution of the
21 United States may not be made the subject of taxation by this
22 State.

23 (c) If a tax has been imposed under subsection (b), a
24 County Water Commission Service Occupation Tax shall also be
25 imposed upon all persons engaged, in the territory of the
26 commission, in the business of making sales of service, who,

1 as an incident to making the sales of service, transfer
2 tangible personal property within the territory. The tax rate
3 shall be 1/4% of the selling price of tangible personal
4 property so transferred within the territory. Beginning
5 January 1, 2021, this tax is not imposed on sales of aviation
6 fuel for so long as the revenue use requirements of 49 U.S.C.
7 47107(b) and 49 U.S.C. 47133 are binding on the District.

8 The tax imposed under this paragraph and all civil
9 penalties that may be assessed as an incident thereof shall be
10 collected and enforced by the State Department of Revenue. The
11 Department shall have full power to administer and enforce
12 this paragraph; to collect all taxes and penalties due
13 hereunder; to dispose of taxes and penalties so collected in
14 the manner hereinafter provided; and to determine all rights
15 to credit memoranda arising on account of the erroneous
16 payment of tax or penalty hereunder. In the administration of,
17 and compliance with, this paragraph, the Department and
18 persons who are subject to this paragraph shall have the same
19 rights, remedies, privileges, immunities, powers and duties,
20 and be subject to the same conditions, restrictions,
21 limitations, penalties, exclusions, exemptions and definitions
22 of terms, and employ the same modes of procedure, as are
23 prescribed in Sections 1a-1, 2 (except that the reference to
24 State in the definition of supplier maintaining a place of
25 business in this State shall mean the territory of the
26 commission), 2a, 3 through 3-50 (in respect to all provisions

1 therein other than the State rate of tax except that tangible
2 personal property taxed at the 1% rate under the Service
3 Occupation Tax Act shall not be subject to tax hereunder), 4
4 (except that the reference to the State shall be to the
5 territory of the commission), 5, 7, 8 (except that the
6 jurisdiction to which the tax shall be a debt to the extent
7 indicated in that Section 8 shall be the commission), 9
8 (except as to the disposition of taxes and penalties collected
9 and except that the returned merchandise credit for this tax
10 may not be taken against any State tax, and except that the
11 retailer's discount is not allowed for taxes paid on aviation
12 fuel sold on or after December 1, 2019 and through December 31,
13 2020), 10, 11, 12 (except the reference therein to Section 2b
14 of the Retailers' Occupation Tax Act), 13 (except that any
15 reference to the State shall mean the territory of the
16 commission), the first paragraph of Section 15, 15.5, 16, 17,
17 18, 19, and 20 of the Service Occupation Tax Act as fully as if
18 those provisions were set forth herein.

19 Persons subject to any tax imposed under the authority
20 granted in this paragraph may reimburse themselves for their
21 serviceman's tax liability hereunder by separately stating the
22 tax as an additional charge, which charge may be stated in
23 combination, in a single amount, with State tax that
24 servicemen are authorized to collect under the Service Use Tax
25 Act, and any tax for which servicemen may be liable under
26 subsection (m) of Section 6.02 ~~(f) of Section 4.03~~ of the

1 Metropolitan Mobility ~~Regional Transportation~~ Authority Act,
2 in accordance with such bracket schedules as the Department
3 may prescribe.

4 Whenever the Department determines that a refund should be
5 made under this paragraph to a claimant instead of issuing a
6 credit memorandum, the Department shall notify the State
7 Comptroller, who shall cause the warrant to be drawn for the
8 amount specified, and to the person named, in the notification
9 from the Department. The refund shall be paid by the State
10 Treasurer out of a county water commission tax fund
11 established under subsection (g) of this Section.

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 the
16 State.

17 (d) If a tax has been imposed under subsection (b), a tax
18 shall also be imposed upon the privilege of using, in the
19 territory of the commission, any item of tangible personal
20 property that is purchased outside the territory at retail
21 from a retailer, and that is titled or registered with an
22 agency of this State's government, at a rate of 1/4% of the
23 selling price of the tangible personal property within the
24 territory, as "selling price" is defined in the Use Tax Act.
25 The tax shall be collected from persons whose Illinois address
26 for titling or registration purposes is given as being in the

1 territory. The tax shall be collected by the Department of
2 Revenue for a county water commission. The tax must be paid to
3 the State, or an exemption determination must be obtained from
4 the Department of Revenue, before the title or certificate of
5 registration for the property may be issued. The tax or proof
6 of exemption may be transmitted to the Department by way of the
7 State agency with which, or the State officer with whom, the
8 tangible personal property must be titled or registered if the
9 Department and the State agency or State officer determine
10 that this procedure will expedite the processing of
11 applications for title or registration.

12 The Department shall have full power to administer and
13 enforce this paragraph; to collect all taxes, penalties, and
14 interest due hereunder; to dispose of taxes, penalties, and
15 interest so collected in the manner hereinafter provided; and
16 to determine all rights to credit memoranda or refunds arising
17 on account of the erroneous payment of tax, penalty, or
18 interest hereunder. In the administration of and compliance
19 with this paragraph, the Department and persons who are
20 subject to this paragraph shall have the same rights,
21 remedies, privileges, immunities, powers, and duties, and be
22 subject to the same conditions, restrictions, limitations,
23 penalties, exclusions, exemptions, and definitions of terms
24 and employ the same modes of procedure, as are prescribed in
25 Sections 2 (except the definition of "retailer maintaining a
26 place of business in this State"), 3 through 3-80 (except

1 provisions pertaining to the State rate of tax, and except
2 provisions concerning collection or refunding of the tax by
3 retailers), 4, 11, 12, 12a, 14, 15, 19 (except the portions
4 pertaining to claims by retailers and except the last
5 paragraph concerning refunds), 20, 21, and 22 of the Use Tax
6 Act and Section 3-7 of the Uniform Penalty and Interest Act
7 that are not inconsistent with this paragraph, as fully as if
8 those provisions were set forth herein.

9 Whenever the Department determines that a refund should be
10 made under this paragraph to a claimant instead of issuing a
11 credit memorandum, the Department shall notify the State
12 Comptroller, who shall cause the order to be drawn for the
13 amount specified, and to the person named, in the notification
14 from the Department. The refund shall be paid by the State
15 Treasurer out of a county water commission tax fund
16 established under subsection (g) of this Section.

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

26 (f) Any ordinance imposing or discontinuing any tax under

1 this Section shall be adopted and a certified copy thereof
2 filed with the Department on or before June 1, whereupon the
3 Department of Revenue shall proceed to administer and enforce
4 this Section on behalf of the county water commission as of
5 September 1 next following the adoption and filing. Beginning
6 January 1, 1992, 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 July, whereupon the Department shall proceed
10 to administer and enforce this Section as of the first day of
11 October next following such adoption and filing. Beginning
12 January 1, 1993, an ordinance or resolution imposing or
13 discontinuing the tax hereunder shall be adopted and a
14 certified copy thereof filed with the Department on or before
15 the first day of October, whereupon the Department shall
16 proceed to administer and enforce this Section as of the first
17 day of January next following such adoption and filing.

18 (g) The State Department of Revenue shall, upon collecting
19 any taxes as provided in this Section, pay the taxes over to
20 the State Treasurer as trustee for the commission. The taxes
21 shall be held in a trust fund outside the State treasury
22 ~~Treasury~~.

23 As soon as possible after the first day of each month,
24 beginning January 1, 2011, upon certification of the
25 Department of Revenue, the Comptroller shall order
26 transferred, and the Treasurer shall transfer, to the STAR

1 Bonds Revenue Fund the local sales tax increment, as defined
2 in the Innovation Development and Economy Act, collected under
3 this Section during the second preceding calendar month for
4 sales within a STAR bond district.

5 After the monthly transfer to the STAR Bonds Revenue Fund,
6 on or before the 25th day of each calendar month, the State
7 Department of Revenue shall prepare and certify to the
8 Comptroller of the State of Illinois the amount to be paid to
9 the commission, which shall be the amount (not including
10 credit memoranda) collected under this Section during the
11 second preceding calendar month by the Department plus an
12 amount the Department determines is necessary to offset any
13 amounts that were erroneously paid to a different taxing body,
14 and not including any amount equal to the amount of refunds
15 made during the second preceding calendar month by the
16 Department on behalf of the commission, and not including any
17 amount that the Department determines is necessary to offset
18 any amounts that were payable to a different taxing body but
19 were erroneously paid to the commission, and less any amounts
20 that are transferred to the STAR Bonds Revenue Fund, less 1.5%
21 of the remainder, which shall be transferred into the Tax
22 Compliance and Administration Fund. The Department, at the
23 time of each monthly disbursement to the commission, shall
24 prepare and certify to the State Comptroller the amount to be
25 transferred into the Tax Compliance and Administration Fund
26 under this subsection. Within 10 days after receipt by the

1 Comptroller of the certification of the amount to be paid to
2 the commission and the Tax Compliance and Administration Fund,
3 the Comptroller shall cause an order to be drawn for the
4 payment for the amount in accordance with the direction in the
5 certification.

6 (h) Beginning June 1, 2016, any tax imposed pursuant to
7 this Section may no longer be imposed or collected, unless a
8 continuation of the tax is approved by the voters at a
9 referendum as set forth in this Section.

10 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
11 100-863, eff. 8-14-18; 100-1171, eff. 1-4-19; 101-10, eff.
12 6-5-19; 101-81, eff. 7-12-19; 101-604, eff. 12-13-19.)

13 Section 8.36. The School Code is amended by changing
14 Sections 29-5 and 34-4 as follows:

15 (105 ILCS 5/29-5) (from Ch. 122, par. 29-5)

16 Sec. 29-5. Reimbursement by State for transportation. Any
17 school district, maintaining a school, transporting resident
18 pupils to another school district's vocational program,
19 offered through a joint agreement approved by the State Board
20 of Education, as provided in Section 10-22.22 or transporting
21 its resident pupils to a school which meets the standards for
22 recognition as established by the State Board of Education
23 which provides transportation meeting the standards of safety,
24 comfort, convenience, efficiency and operation prescribed by

1 the State Board of Education for resident pupils in
2 kindergarten or any of grades 1 through 12 who: (a) reside at
3 least 1 1/2 miles as measured by the customary route of travel,
4 from the school attended; or (b) reside in areas where
5 conditions are such that walking constitutes a hazard to the
6 safety of the child when determined under Section 29-3; and
7 (c) are transported to the school attended from pick-up points
8 at the beginning of the school day and back again at the close
9 of the school day or transported to and from their assigned
10 attendance centers during the school day, shall be reimbursed
11 by the State as hereinafter provided in this Section.

12 The State will pay the prorated allowable cost of
13 transporting eligible pupils less the real equalized assessed
14 valuation as computed under paragraph (3) of subsection (d) of
15 Section 18-8.15 in a dual school district maintaining
16 secondary grades 9 to 12 inclusive times a qualifying rate of
17 .05%; in elementary school districts maintaining grades K to 8
18 times a qualifying rate of .06%; and in unit districts
19 maintaining grades K to 12, including partial elementary unit
20 districts formed pursuant to Article 11E, times a qualifying
21 rate of .07%. To be eligible to receive reimbursement in
22 excess of 4/5 of the cost to transport eligible pupils, a
23 school district or partial elementary unit district formed
24 pursuant to Article 11E shall have a Transportation Fund tax
25 rate of at least .12%. The Transportation Fund tax rate for a
26 partial elementary unit district formed pursuant Article 11E

1 shall be the combined elementary and high school rates
2 pursuant to paragraph (4) of subsection (a) of Section
3 18-8.15. If a school district or partial elementary unit
4 district formed pursuant to Article 11E does not have a .12%
5 Transportation Fund tax rate, the amount of its claim in
6 excess of 4/5 of the cost of transporting pupils shall be
7 reduced by the sum arrived at by subtracting the
8 Transportation Fund tax rate from .12% and multiplying that
9 amount by the district's real equalized assessed valuation as
10 computed under paragraph (3) of subsection (d) of Section
11 18-8.15, provided that in no case shall said reduction result
12 in reimbursement of less than 4/5 of the cost to transport
13 eligible pupils.

14 The minimum amount to be received by a district is \$16
15 times the number of eligible pupils transported.

16 When calculating the reimbursement for transportation
17 costs, the State Board of Education may not deduct the number
18 of pupils enrolled in early education programs from the number
19 of pupils eligible for reimbursement if the pupils enrolled in
20 the early education programs are transported at the same time
21 as other eligible pupils.

22 Any such district transporting resident pupils during the
23 school day to an area vocational school or another school
24 district's vocational program more than 1 1/2 miles from the
25 school attended, as provided in Sections 10-22.20a and
26 10-22.22, shall be reimbursed by the State for 4/5 of the cost

1 of transporting eligible pupils.

2 School day means that period of time during which the
3 pupil is required to be in attendance for instructional
4 purposes.

5 If a pupil is at a location within the school district
6 other than his residence for child care purposes at the time
7 for transportation to school, that location may be considered
8 for purposes of determining the 1 1/2 miles from the school
9 attended.

10 Claims for reimbursement that include children who attend
11 any school other than a public school shall show the number of
12 such children transported.

13 Claims for reimbursement under this Section shall not be
14 paid for the transportation of pupils for whom transportation
15 costs are claimed for payment under other Sections of this
16 Act.

17 The allowable direct cost of transporting pupils for
18 regular, vocational, and special education pupil
19 transportation shall be limited to the sum of the cost of
20 physical examinations required for employment as a school bus
21 driver; the salaries of full-time or part-time drivers and
22 school bus maintenance personnel; employee benefits excluding
23 Illinois municipal retirement payments, social security
24 payments, unemployment insurance payments and workers'
25 compensation insurance premiums; expenditures to independent
26 carriers who operate school buses; payments to other school

1 districts for pupil transportation services; pre-approved
2 contractual expenditures for computerized bus scheduling;
3 expenditures for housing assistance and homeless prevention
4 under Sections 1-17 and 1-18 of the Education for Homeless
5 Children Act that are not in excess of the school district's
6 actual costs for providing transportation services and are not
7 otherwise claimed in another State or federal grant that
8 permits those costs to a parent, a legal guardian, any other
9 person who enrolled a pupil, or a homeless assistance agency
10 that is part of the federal McKinney-Vento Homeless Assistance
11 Act's continuum of care for the area in which the district is
12 located; the cost of gasoline, oil, tires, and other supplies
13 necessary for the operation of school buses; the cost of
14 converting buses' gasoline engines to more fuel efficient
15 engines or to engines which use alternative energy sources;
16 the cost of travel to meetings and workshops conducted by the
17 regional superintendent or the State Superintendent of
18 Education pursuant to the standards established by the
19 Secretary of State under Section 6-106 of the Illinois Vehicle
20 Code to improve the driving skills of school bus drivers; the
21 cost of maintenance of school buses including parts and
22 materials used; expenditures for leasing transportation
23 vehicles, except interest and service charges; the cost of
24 insurance and licenses for transportation vehicles;
25 expenditures for the rental of transportation equipment; plus
26 a depreciation allowance of 20% for 5 years for school buses

1 and vehicles approved for transporting pupils to and from
2 school and a depreciation allowance of 10% for 10 years for
3 other transportation equipment so used. Each school year, if a
4 school district has made expenditures to the Metropolitan
5 Mobility Authority ~~Regional Transportation Authority or any of~~
6 ~~its service boards~~, a mass transit district, or an urban
7 transportation district under an intergovernmental agreement
8 with the district to provide for the transportation of pupils
9 and if the public transit carrier received direct payment for
10 services or passes from a school district within its service
11 area during the 2000-2001 school year, then the allowable
12 direct cost of transporting pupils for regular, vocational,
13 and special education pupil transportation shall also include
14 the expenditures that the district has made to the public
15 transit carrier. In addition to the above allowable costs,
16 school districts shall also claim all transportation
17 supervisory salary costs, including Illinois municipal
18 retirement payments, and all transportation related building
19 and building maintenance costs without limitation.

20 Special education allowable costs shall also include
21 expenditures for the salaries of attendants or aides for that
22 portion of the time they assist special education pupils while
23 in transit and expenditures for parents and public carriers
24 for transporting special education pupils when pre-approved by
25 the State Superintendent of Education.

26 Indirect costs shall be included in the reimbursement

1 claim for districts which own and operate their own school
2 buses. Such indirect costs shall include administrative costs,
3 or any costs attributable to transporting pupils from their
4 attendance centers to another school building for
5 instructional purposes. No school district which owns and
6 operates its own school buses may claim reimbursement for
7 indirect costs which exceed 5% of the total allowable direct
8 costs for pupil transportation.

9 The State Board of Education shall prescribe uniform
10 regulations for determining the above standards and shall
11 prescribe forms of cost accounting and standards of
12 determining reasonable depreciation. Such depreciation shall
13 include the cost of equipping school buses with the safety
14 features required by law or by the rules, regulations and
15 standards promulgated by the State Board of Education, and the
16 Department of Transportation for the safety and construction
17 of school buses provided, however, any equipment cost
18 reimbursed by the Department of Transportation for equipping
19 school buses with such safety equipment shall be deducted from
20 the allowable cost in the computation of reimbursement under
21 this Section in the same percentage as the cost of the
22 equipment is depreciated.

23 On or before August 15, annually, the chief school
24 administrator for the district shall certify to the State
25 Superintendent of Education the district's claim for
26 reimbursement for the school year ending on June 30 next

1 preceding. The State Superintendent of Education shall check
2 and approve the claims and prepare the vouchers showing the
3 amounts due for district reimbursement claims. Each fiscal
4 year, the State Superintendent of Education shall prepare and
5 transmit the first 3 vouchers to the Comptroller on the 30th
6 day of September, December and March, respectively, and the
7 final voucher, no later than June 20.

8 If the amount appropriated for transportation
9 reimbursement is insufficient to fund total claims for any
10 fiscal year, the State Board of Education shall reduce each
11 school district's allowable costs and flat grant amount
12 proportionately to make total adjusted claims equal the total
13 amount appropriated.

14 For purposes of calculating claims for reimbursement under
15 this Section for any school year beginning July 1, 2016, the
16 equalized assessed valuation for a school district or partial
17 elementary unit district formed pursuant to Article 11E used
18 to compute reimbursement shall be the real equalized assessed
19 valuation as computed under paragraph (3) of subsection (d) of
20 Section 18-8.15.

21 All reimbursements received from the State shall be
22 deposited into the district's transportation fund or into the
23 fund from which the allowable expenditures were made.

24 Notwithstanding any other provision of law, any school
25 district receiving a payment under this Section or under
26 Section 14-7.02, 14-7.02b, or 14-13.01 of this Code may

1 classify all or a portion of the funds that it receives in a
2 particular fiscal year or from State aid pursuant to Section
3 18-8.15 of this Code as funds received in connection with any
4 funding program for which it is entitled to receive funds from
5 the State in that fiscal year (including, without limitation,
6 any funding program referenced in this Section), regardless of
7 the source or timing of the receipt. The district may not
8 classify more funds as funds received in connection with the
9 funding program than the district is entitled to receive in
10 that fiscal year for that program. Any classification by a
11 district must be made by a resolution of its board of
12 education. The resolution must identify the amount of any
13 payments or general State aid to be classified under this
14 paragraph and must specify the funding program to which the
15 funds are to be treated as received in connection therewith.
16 This resolution is controlling as to the classification of
17 funds referenced therein. A certified copy of the resolution
18 must be sent to the State Superintendent of Education. The
19 resolution shall still take effect even though a copy of the
20 resolution has not been sent to the State Superintendent of
21 Education in a timely manner. No classification under this
22 paragraph by a district shall affect the total amount or
23 timing of money the district is entitled to receive under this
24 Code. No classification under this paragraph by a district
25 shall in any way relieve the district from or affect any
26 requirements that otherwise would apply with respect to that

1 funding program, including any accounting of funds by source,
2 reporting expenditures by original source and purpose,
3 reporting requirements, or requirements of providing services.

4 Any school district with a population of not more than
5 500,000 must deposit all funds received under this Article
6 into the transportation fund and use those funds for the
7 provision of transportation services.

8 (Source: P.A. 102-539, eff. 8-20-21; 102-813, eff. 5-13-22.)

9 (105 ILCS 5/34-4) (from Ch. 122, par. 34-4)

10 Sec. 34-4. Eligibility. To be eligible for election or
11 appointment to the Board, a person shall be a citizen of the
12 United States, shall be a registered voter as provided in the
13 Election Code, shall have been, for a period of one year
14 immediately before election or appointment, a resident of the
15 city, district, and subdistrict that the member represents,
16 and shall not be a child sex offender as defined in Section
17 11-9.3 of the Criminal Code of 2012. A person is ineligible for
18 election or appointment to the Board if that person is not in
19 compliance with the provisions of Section 10-9 as referenced
20 in Section 34-3. For the 2024 general election, all persons
21 eligible for election to the Board shall be nominated by a
22 petition signed by at least 1,000 but not more than 3,000 of
23 the voters residing within the electoral district on a
24 petition in order to be placed on the ballot. For the 2026
25 general election and general elections thereafter, persons

1 eligible for election to the Board shall be nominated by a
2 petition signed by at least 500 but no more than 1,500 voters
3 residing within the subdistrict on a petition in order to be
4 placed on the ballot, except that persons eligible for
5 election to the Board at large shall be nominated by a petition
6 signed by no less than 2,500 voters residing within the city.
7 Any registered voter may sign a nominating petition,
8 irrespective of any partisan petition the voter signs or may
9 sign. For the 2024 general election only, the petition
10 circulation period shall begin on March 26, 2024, and the
11 filing period shall be from June 17, 2024 to June 24, 2024.
12 Permanent removal from the city by any member of the Board
13 during the member's term of office constitutes a resignation
14 therefrom and creates a vacancy in the Board. Board members
15 shall serve without any compensation; however, members of the
16 Board shall be reimbursed for expenses incurred while in the
17 performance of their duties upon submission of proper receipts
18 or upon submission of a signed voucher in the case of an
19 expense allowance evidencing the amount of such reimbursement
20 or allowance to the President of the Board for verification
21 and approval. Board members shall not hold other public office
22 under the Federal, State or any local government other than
23 that of Director of the Metropolitan Mobility Regional
24 ~~Transportation~~ Authority, member of the economic development
25 commission of a city having a population exceeding 500,000,
26 notary public or member of the National Guard, and by

1 accepting any such office while members of the Board, or by not
2 resigning any such office held at the time of being elected or
3 appointed to the Board within 30 days after such election or
4 appointment, shall be deemed to have vacated their membership
5 in the Board.

6 (Source: P.A. 102-177, eff. 6-1-22; 102-691, eff. 12-17-21;
7 103-584, eff. 3-18-24.)

8 Section 8.37. The Public Utilities Act is amended by
9 changing Section 4-302 as follows:

10 (220 ILCS 5/4-302) (from Ch. 111 2/3, par. 4-302)

11 Sec. 4-302. The Commission shall cooperate with the
12 Metropolitan Mobility ~~Regional Transportation~~ Authority
13 created pursuant to the Metropolitan Mobility ~~"Regional~~
14 ~~Transportation~~ Authority Act", ~~enacted by the 78th General~~
15 ~~Assembly,~~ in the exercise of the powers of the Authority as
16 provided in that Act.

17 Transportation agencies ~~Agencies~~ which have any purchase
18 of service agreement with the Authority ~~a Service Board~~ as
19 provided in the Metropolitan Mobility ~~"Regional Transportation~~
20 ~~Authority Act"~~ shall not be subject to this Act as to any
21 public transportation which is the subject of such agreement.
22 Any service and business exempted from this Act pursuant to
23 this Section shall not be considered "intrastate public
24 utility business" as defined in Section 3-120 of this Act.

1 No contract between any transportation agency
2 ~~Transportation Agency~~ and the Authority ~~or a Service Board~~ or
3 acquisition by the Authority ~~or a Service Board~~ of any
4 property, including property of a transportation agency
5 ~~Transportation Agency~~ pursuant to and as defined in the
6 Metropolitan Mobility Regional Transportation Authority Act,
7 shall, except as provided in such Act, be subject to the
8 supervision, regulation or approval of the Commission.

9 If the Metropolitan Mobility Authority determines ~~In the~~
10 ~~event a Service Board shall determine~~ that any Public
11 Transportation service provided by any transportation agency
12 ~~Transportation Agency~~ with which that Authority ~~Service Board~~
13 has a purchase of service agreement ~~Purchase of Service~~
14 ~~Agreement~~ is not necessary for the public interest and shall
15 for that reason decline to enter into any Purchase of Service
16 Agreement for such particular service, all pursuant to and as
17 defined in such Metropolitan Mobility Regional Transportation
18 Authority Act, then the discontinuation of such service by
19 such transportation agency ~~Transportation Agency~~ shall not be
20 subject to the supervision, regulation or approval of the
21 Commission.

22 (Source: P.A. 84-617; 84-1025.)

23 Section 8.38. The Telecommunication Devices for the Deaf
24 Act is amended by changing Section 2 as follows:

1 (410 ILCS 55/2) (from Ch. 111 1/2, par. 4202)

2 Sec. 2. As used in this Act, unless the context otherwise
3 requires:

4 (a) "Telecommunication device for the deaf" means a
5 teletypewriter or other instrument for telecommunication in
6 which speaking or hearing is not required for communication.

7 (b) "Public Safety Agency" means any unit of local
8 government or special purpose district within the State which
9 has authority to provide firefighting, police, or other
10 emergency services.

11 (c) "Department" means the Department of Human Services.

12 (d) "Major public transportation site" means any airport
13 or railroad station in the State providing commercial rail or
14 airline service to the general public, that serves and is
15 located within 20 miles of a municipality with a population of
16 25,000 or more, except for any facility under the jurisdiction
17 of the Metropolitan Mobility Authority ~~Commuter Rail Division~~
18 ~~created by the Regional Transportation Authority Act or the~~
19 ~~Chicago Transit Authority created by the Metropolitan Transit~~
20 ~~Authority Act.~~

21 (e) "General traveling public" are individuals making use
22 of the commercial rail and airline services which are provided
23 at major public transportation sites.

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

25 Section 8.39. The Illinois Highway Code is amended by

1 changing Sections 5-701.8, 6-411.5, and 7-202.14 as follows:

2 (605 ILCS 5/5-701.8) (from Ch. 121, par. 5-701.8)

3 Sec. 5-701.8. Any county board may also turn over a
4 portion of the motor fuel tax funds allotted to it to:

5 (a) a local Mass Transit District if the county created
6 such District pursuant to the "Local Mass Transit District
7 Act", approved July 21, 1959, as now or hereafter amended;

8 (b) a local Transit Commission if such commission is
9 created pursuant to Section 14-101 of The Public Utilities
10 Act; or

11 (c) the Metropolitan Mobility ~~Chicago Transit~~ Authority
12 established pursuant to the Metropolitan Mobility
13 ~~"Metropolitan Transit Authority Act", approved April 12, 1945,~~
14 ~~as now or hereafter amended.~~

15 (Source: P.A. 85-1209.)

16 (605 ILCS 5/6-411.5)

17 Sec. 6-411.5. Contracts for public transportation. The
18 highway commissioner of each road district within the
19 territory of the Metropolitan Mobility ~~Regional Transportation~~
20 Authority shall have authority, with the approval of the
21 township board of trustees, to contract with the Metropolitan
22 Mobility ~~Regional Transportation~~ Authority ~~or a Service Board,~~
23 ~~as defined in the Regional Transportation Authority Act,~~ for
24 the purchase of public transportation services within the

1 district, upon such terms and conditions as may be mutually
2 agreed upon. The expenditure of road funds, collected under a
3 road district tax, to purchase public transportation services
4 constitutes a road purpose under this Code.

5 (Source: P.A. 89-347, eff. 1-1-96.)

6 (605 ILCS 5/7-202.14) (from Ch. 121, par. 7-202.14)

7 Sec. 7-202.14. Any municipality may by ordinance of the
8 corporate authorities turn over a portion of its allotment to:

9 (a) a local Mass Transit District if the municipality
10 created such a District pursuant to the "Local Mass Transit
11 District Act", approved July 21, 1959, as now or hereafter
12 amended;

13 (b) a local Transit Commission if the municipality
14 established such commission pursuant to Section 14-101 of The
15 Public Utilities Act; or

16 (c) the Metropolitan Mobility ~~Chicago Transit~~ Authority
17 established pursuant to the Metropolitan Mobility
18 ~~"Metropolitan Transit Authority Act", approved April 12, 1945,~~
19 ~~as now or hereafter amended.~~

20 (Source: P.A. 85-1209.)

21 Section 8.40. The Toll Highway Act is amended by changing
22 Sections 3 and 19 as follows:

23 (605 ILCS 10/3) (from Ch. 121, par. 100-3)

1 Sec. 3. There is hereby created an Authority to be known as
2 The Illinois State Toll Highway Authority, which is hereby
3 constituted an instrumentality and an administrative agency of
4 the State of Illinois. The said Authority shall consist of the
5 following 11 directors: ~~7~~ the Governor, ~~and~~ the Secretary of
6 ~~the Department of~~ Transportation, and the Chair of the
7 Metropolitan Mobility Authority as nonvoting directors ex
8 ~~officio,~~ and 9 voting directors appointed by the Governor with
9 the advice and consent of the Senate, ~~7~~ from the State at large,
10 which said directors and their successors are hereby
11 authorized to carry out the provisions of this Act, and to
12 exercise the powers herein conferred. Of the 9 directors
13 appointed by the Governor, no more than 5 shall be members of
14 the same political party.

15 Notwithstanding any provision of law to the contrary, the
16 term of office of each director of the Authority serving on the
17 effective date of this amendatory Act of the 100th General
18 Assembly, other than the Governor and the Secretary of the
19 Department of Transportation, is abolished and a vacancy in
20 each office is created on the effective date of this
21 amendatory Act of the 100th General Assembly. The Governor
22 shall appoint directors to the Authority for the vacancies
23 created under this amendatory Act of the 100th General
24 Assembly by February 28, 2019. Directors whose terms are
25 abolished under this amendatory Act of the 100th General
26 Assembly shall be eligible for reappointment.

1 Vacancies shall be filled for the unexpired term in the
2 same manner as original appointments. All appointments shall
3 be in writing and filed with the Secretary of State as a public
4 record. It is the intention of this section that the
5 Governor's appointments shall be made with due consideration
6 to the location of proposed toll highway routes so that
7 maximum geographic representation from the areas served by
8 said toll highway routes may be accomplished insofar as
9 practicable. The said Authority shall have the power to
10 contract and be contracted with, to acquire, hold and convey
11 personal and real property or any interest therein including
12 rights-of-way ~~rights-of-way~~, franchises and easements; to have
13 and use a common seal, and to alter the same at will; to make
14 and establish resolutions, by-laws, rules, rates and
15 regulations, and to alter or repeal the same as the Authority
16 shall deem necessary and expedient for the construction,
17 operation, relocation, regulation and maintenance of a system
18 of toll highways within and through the State of Illinois.

19 Appointment of the additional directors provided for by
20 this amendatory Act of 1980 shall be made within 30 days after
21 the effective date of this amendatory Act of 1980.

22 (Source: P.A. 100-1180, eff. 2-28-19.)

23 (605 ILCS 10/19) (from Ch. 121, par. 100-19)

24 Sec. 19. Toll rates. The Authority shall fix and revise
25 from time to time, tolls or charges or rates for the privilege

1 of using each of the toll highways constructed pursuant to
2 this Act. Such tolls shall be so fixed and adjusted at rates
3 calculated to provide the lowest reasonable toll rates that
4 will provide funds sufficient with other revenues of the
5 Authority to pay, (a) the cost of the construction of a toll
6 highway authorized by joint resolution of the General Assembly
7 pursuant to Section 14.1 and the reconstruction, major repairs
8 or improvements of toll highways, (b) the cost of maintaining,
9 repairing, regulating and operating the toll highways
10 including only the necessary expenses of the Authority, and
11 (c) the principal of all bonds, interest thereon and all
12 sinking fund requirements and other requirements provided by
13 resolutions authorizing the issuance of the bonds as they
14 shall become due. In fixing the toll rates pursuant to this
15 Section 19 and Section 10(c) of this Act, the Authority shall
16 take into account the effect of the provisions of this Section
17 19 permitting the use of the toll highway system without
18 payment of the covenants of the Authority contained in the
19 resolutions and trust indentures authorizing the issuance of
20 bonds of the Authority. No such provision permitting the use
21 of the toll highway system without payment of tolls after the
22 date of this amendatory Act of the 95th General Assembly shall
23 be applied in a manner that impairs the rights of bondholders
24 pursuant to any resolution or trust indentures authorizing the
25 issuance of bonds of the Authority. The use and disposition of
26 any sinking or reserve fund shall be subject to such

1 regulation as may be provided in the resolution or trust
2 indenture authorizing the issuance of the bonds. Subject to
3 the provisions of any resolution or trust indenture
4 authorizing the issuance of bonds any moneys in any such
5 sinking fund in excess of an amount equal to one year's
6 interest on the bonds then outstanding secured by such sinking
7 fund may be applied to the purchase or redemption of bonds. All
8 such bonds so redeemed or purchased shall forthwith be
9 cancelled and shall not again be issued. No person shall be
10 permitted to use any toll highway without paying the toll
11 established under this Section except when on official Toll
12 Highway Authority business which includes police and other
13 emergency vehicles. However, any law enforcement agency
14 vehicle, fire department vehicle, public or private ambulance
15 service vehicle engaged in the performance of an emergency
16 service or duty that necessitates the use of the toll highway
17 system, or other emergency vehicle that is plainly marked
18 shall not be required to pay a toll to use a toll highway. A
19 law enforcement, fire protection, or emergency services
20 officer driving a law enforcement, fire protection, emergency
21 services agency vehicle, or public or private ambulance
22 service vehicle engaging in the performance of emergency
23 services or duties that is not plainly marked must present an
24 Official Permit Card which the law enforcement, fire
25 protection, or emergency services officer receives from his or
26 her law enforcement, fire protection, emergency services

1 agency, or public or private ambulance service in order to use
2 a toll highway without paying the toll. A law enforcement,
3 fire protection, emergency services agency, or public or
4 private ambulance service engaging in the performance of
5 emergency services or duties must apply to the Authority to
6 receive a permit, and the Authority shall adopt rules for the
7 issuance of a permit, that allows public or private ambulance
8 service vehicles engaged in the performance of emergency
9 services or duties that necessitate the use of the toll
10 highway system and all law enforcement, fire protection, or
11 emergency services agency vehicles of the law enforcement,
12 fire protection, or emergency services agency to use any toll
13 highway without paying the toll established under this
14 Section. The Authority shall maintain in its office a list of
15 all persons that are authorized to use any toll highway
16 without charge when on official business of the Authority and
17 such list shall be open to the public for inspection. In
18 recognition of the unique role of public transportation in
19 providing effective transportation in the Authority's service
20 region, and to give effect to the exemption set forth in
21 subsection (b) of Section 4.06 ~~2.06~~ of the Metropolitan
22 Mobility Regional Transportation Authority Act, the following
23 vehicles may use any toll highway without paying the toll: (1)
24 a vehicle owned or operated by the ~~Suburban Bus Division of the~~
25 Metropolitan Mobility Regional Transportation Authority that
26 is being used to transport passengers for hire; and (2) any

1 revenue vehicle that is owned or operated by a Mass Transit
2 District created under Section 3 of the Local Mass Transit
3 District Act and running regular scheduled service.

4 Among other matters, this amendatory Act of 1990 is
5 intended to clarify and confirm the prior intent of the
6 General Assembly to allow toll revenues from the toll highway
7 system to be used to pay a portion of the cost of the
8 construction of the North-South Toll Highway authorized by
9 Senate Joint Resolution 122 of the 83rd General Assembly in
10 1984.

11 (Source: P.A. 100-739, eff. 1-1-19.)

12 Section 8.41. The Illinois Aeronautics Act is amended by
13 changing Section 49.1 as follows:

14 (620 ILCS 5/49.1) (from Ch. 15 1/2, par. 22.49a)

15 Sec. 49.1. Creation of hazards. No person may create or
16 construct any airport hazard which obstructs a restricted
17 landing area or residential airport that (1) serves 20 or more
18 based aircraft, and (2) is located within the "metropolitan
19 region" as that term is defined in the Metropolitan Mobility
20 ~~Regional Transportation~~ Authority Act. For the purpose of this
21 Section, "based aircraft" are aircraft that are regularly
22 hangared or tied-down at the restricted landing area or
23 residential airport, or that use it as their primary base of
24 operation. As used in this Section 49.1, "restricted landing

1 area" or "residential airport" shall have the meaning set
2 forth in regulations of the Department in effect on the
3 effective date of this amendatory Act of 1989, but shall not
4 include amendments of the regulations adopted by the
5 Department thereafter.

6 (Source: P.A. 86-963.)

7 Section 8.42. The Illinois Vehicle Code is amended by
8 changing Sections 1-209.3, 8-102, 11-709.2, and 18c-7402 as
9 follows:

10 (625 ILCS 5/1-209.3)

11 Sec. 1-209.3. Transit bus. A bus engaged in public
12 transportation as defined by the Metropolitan Mobility
13 ~~Regional Transportation~~ Authority Act and authorized by the
14 Department to be used on specifically designated roadway
15 shoulders.

16 (Source: P.A. 97-292, eff. 8-11-11.)

17 (625 ILCS 5/8-102) (from Ch. 95 1/2, par. 8-102)

18 Sec. 8-102. Alternate methods of giving proof.

19 (a) Except as provided in subsection (b), proof of
20 financial responsibility, when required under Section 8-101 or
21 8-101.1, may be given by filing with the Secretary of State one
22 of the following:

23 1. A bond as provided in Section 8-103;

1 2. An insurance policy or other proof of insurance in
2 a form to be prescribed by the Secretary as provided in
3 Section 8-108;

4 3. A certificate of self-insurance issued by the
5 Director;

6 4. A certificate of self-insurance issued to the
7 Metropolitan Mobility ~~Regional Transportation~~ Authority by
8 the Director naming municipal or non-municipal public
9 carriers included therein;

10 5. A certificate of coverage issued by an
11 intergovernmental risk management association evidencing
12 coverages which meet or exceed the amounts required under
13 this Code.

14 (b) Beginning January 1, 2020, in lieu of filing the
15 documents required by subsection (a), each owner of a vehicle
16 required to obtain minimum liability insurance under Section
17 8-101 or 8-101.1 shall attest that the vehicle is insured in at
18 least the minimum required amount.

19 (1) The Secretary shall create a form on which the
20 vehicle owner shall attest that the vehicle is insured in
21 at least the minimum required amount. The attestation form
22 shall be submitted with each registration application.

23 (2) The attestation form shall be valid for the full
24 registration period; however, if at any time the Secretary
25 has reason to believe that the owner does not have the
26 minimum required amount of insurance for a vehicle, the

1 Secretary may require the owner to file with the Secretary
2 documentation as set forth in subsection (a) of this
3 Section.

4 (3) If the owner fails to provide the required
5 documentation within 7 calendar days after the request is
6 made, the Secretary may suspend the vehicle registration.
7 The registration shall remain suspended until such time as
8 the required documentation is provided to and reviewed by
9 the Secretary.

10 (4) The owner of a vehicle that is self-insured shall
11 attest that the funds available to pay liability claims
12 related to the operation of the vehicle are equivalent to
13 or greater than the minimum liability insurance
14 requirements under Section 8-101 or 8-101.1.

15 (c) The Secretary of State may adopt rules to implement
16 this Section.

17 (Source: P.A. 100-986, eff. 1-1-21.)

18 (625 ILCS 5/11-709.2)

19 Sec. 11-709.2. Bus on shoulder program.

20 (a) The use of specifically designated shoulders of
21 roadways by transit buses may be authorized by the Department
22 in cooperation with the Metropolitan Mobility Regional
23 ~~Transportation~~ Authority and the ~~Suburban Bus Division of the~~
24 ~~Regional Transportation Authority~~. The Department shall
25 prescribe by rule which transit buses are authorized to

1 operate on shoulders, as well as times and locations. The
2 Department may erect signage to indicate times and locations
3 of designated shoulder usage.

4 (b) (Blank).

5 (c) (Blank).

6 (Source: P.A. 98-756, eff. 7-16-14; 98-871, eff. 8-11-14;
7 99-78, eff. 7-20-15.)

8 (625 ILCS 5/18c-7402) (from Ch. 95 1/2, par. 18c-7402)

9 Sec. 18c-7402. Safety requirements for railroad
10 operations.

11 (1) Obstruction of crossings.

12 (a) Obstruction of emergency vehicles. Every railroad
13 shall be operated in such a manner as to minimize
14 obstruction of emergency vehicles at crossings. Where such
15 obstruction occurs and the train crew is aware of the
16 obstruction, the train crew shall immediately take any
17 action, consistent with safe operating procedure,
18 necessary to remove the obstruction. In the Chicago and
19 St. Louis switching districts, every railroad dispatcher
20 or other person responsible for the movement of railroad
21 equipment in a specific area who receives notification
22 that railroad equipment is obstructing the movement of an
23 emergency vehicle at any crossing within such area shall
24 immediately notify the train crew through use of existing
25 communication facilities. Upon notification, the train

1 crew shall take immediate action in accordance with this
2 paragraph.

3 (b) Obstruction of highway at-grade ~~at-grade~~ crossing
4 prohibited. It is unlawful for a rail carrier to permit
5 any train, railroad car or engine to obstruct public
6 travel at a railroad-highway grade crossing for a period
7 in excess of 10 minutes, except where such train or
8 railroad car is continuously moving or cannot be moved by
9 reason of circumstances over which the rail carrier has no
10 reasonable control.

11 In a county with a population of greater than
12 1,000,000, as determined by the most recent federal
13 census, during the hours of 7:00 a.m. through 9:00 a.m.
14 and 4:00 p.m. through 6:00 p.m. it is unlawful for a rail
15 carrier to permit any single train or railroad car to
16 obstruct public travel at a railroad-highway grade
17 crossing in excess of a total of 10 minutes during a
18 30-minute ~~30-minute~~ period, except where the train or
19 railroad car cannot be moved by reason or circumstances
20 over which the rail carrier has no reasonable control.
21 Under no circumstances will a moving train be stopped for
22 the purposes of issuing a citation related to this
23 Section.

24 However, no employee acting under the rules or orders
25 of the rail carrier or its supervisory personnel may be
26 prosecuted for a violation of this subsection (b).

1 (c) Punishment for obstruction of grade crossing. Any
2 rail carrier violating paragraph (b) of this subsection
3 shall be guilty of a petty offense and fined not less than
4 \$200 nor more than \$500 if the duration of the obstruction
5 is in excess of 10 minutes but no longer than 15 minutes.
6 If the duration of the obstruction exceeds 15 minutes the
7 violation shall be a business offense and the following
8 fines shall be imposed: if the duration of the obstruction
9 is in excess of 15 minutes but no longer than 20 minutes,
10 the fine shall be \$500; if the duration of the obstruction
11 is in excess of 20 minutes but no longer than 25 minutes,
12 the fine shall be \$700; if the duration of the obstruction
13 is in excess of 25 minutes, but no longer than 30 minutes,
14 the fine shall be \$900; if the duration of the obstruction
15 is in excess of 30 minutes but no longer than 35 minutes,
16 the fine shall be \$1,000; if the duration of the
17 obstruction is in excess of 35 minutes, the fine shall be
18 \$1,000 plus an additional \$500 for each 5 minutes of
19 obstruction in excess of 25 minutes of obstruction.

20 (2) Other operational requirements.

21 (a) Bell and whistle-crossings. Every rail carrier
22 shall cause a bell, and a whistle or horn to be placed and
23 kept on each locomotive, and shall cause the same to be
24 rung or sounded by the engineer or fireman, at the
25 distance of at least 1,320 feet, from the place where the
26 railroad crosses or intersects any public highway, and

1 shall be kept ringing or sounding until the highway is
2 reached; provided that at crossings where the Commission
3 shall by order direct, only after a hearing has been held
4 to determine the public is reasonably and sufficiently
5 protected, the rail carrier may be excused from giving
6 warning provided by this paragraph.

7 (a-5) The requirements of paragraph (a) of this
8 subsection (2) regarding ringing a bell and sounding a
9 whistle or horn do not apply at a railroad crossing that
10 has a permanently installed automated audible warning
11 device authorized by the Commission under Section
12 18c-7402.1 that sounds automatically when an approaching
13 train is at least 1,320 feet from the crossing and that
14 keeps sounding until the lead locomotive has crossed the
15 highway. The engineer or fireman may ring the bell or
16 sound the whistle or horn at a railroad crossing that has a
17 permanently installed audible warning device.

18 (b) Speed limits. Each rail carrier shall operate its
19 trains in compliance with speed limits set by the
20 Commission. The Commission may set train speed limits only
21 where such limits are necessitated by extraordinary
22 circumstances affecting the public safety, and shall
23 maintain such train speed limits in effect only for such
24 time as the extraordinary circumstances prevail.

25 The Commission and the Department of Transportation
26 shall conduct a study of the relation between train speeds

1 and railroad-highway grade crossing safety. The Commission
2 shall report the findings of the study to the General
3 Assembly no later than January 5, 1997.

4 (c) Special speed limit; pilot project. The Commission
5 and the Board of the Metropolitan Mobility Authority
6 ~~Commuter Rail Division of the Regional Transportation~~
7 ~~Authority~~ shall conduct a pilot project in the Village of
8 Fox River Grove, the site of the fatal school bus crash at
9 a railroad crossing on October 25, 1995, in order to
10 improve railroad crossing safety. For this project, the
11 Commission is directed to set the maximum train speed
12 limit for Metropolitan Mobility ~~Regional Transportation~~
13 Authority trains at 50 miles per hour at intersections on
14 that portion of the intrastate rail line located in the
15 Village of Fox River Grove. If the Metropolitan Mobility
16 ~~Regional Transportation~~ Authority deliberately fails to
17 comply with this maximum speed limit, then any entity,
18 governmental or otherwise, that provides capital or
19 operational funds to the Metropolitan Mobility ~~Regional~~
20 ~~Transportation~~ Authority shall appropriately reduce or
21 eliminate that funding. The Commission shall report to the
22 Governor and the General Assembly on the results of this
23 pilot project in January 1999, January 2000, and January
24 2001. The Commission shall also submit a final report on
25 the pilot project to the Governor and the General Assembly
26 in January 2001. The provisions of this subsection (c),

1 other than this sentence, are inoperative after February
2 1, 2001.

3 (d) Freight train crew size. No rail carrier shall
4 operate or cause to operate a train or light engine used in
5 connection with the movement of freight unless it has an
6 operating crew consisting of at least 2 individuals. The
7 minimum freight train crew size indicated in this
8 subsection (d) shall remain in effect until a federal law
9 or rule encompassing the subject matter has been adopted.
10 The Commission, with respect to freight train crew member
11 size under this subsection (d), has the power to conduct
12 evidentiary hearings, make findings, and issue and enforce
13 orders, including sanctions under Section 18c-1704 of this
14 Chapter. As used in this subsection (d), "train or light
15 engine" does not include trains operated by a hostler
16 service or utility employees.

17 (3) Report and investigation of rail accidents.

18 (a) Reports. Every rail carrier shall report to the
19 Commission, by the speediest means possible, whether
20 telephone, telegraph, or otherwise, every accident
21 involving its equipment, track, or other property which
22 resulted in loss of life to any person. In addition, such
23 carriers shall file a written report with the Commission.
24 Reports submitted under this paragraph shall be strictly
25 confidential, shall be specifically prohibited from
26 disclosure, and shall not be admissible in any

1 administrative or judicial proceeding relating to the
2 accidents reported.

3 (b) Investigations. The Commission may investigate all
4 railroad accidents reported to it or of which it acquires
5 knowledge independent of reports made by rail carriers,
6 and shall have the power, consistent with standards and
7 procedures established under the Federal Railroad Safety
8 Act, as amended, to enter such temporary orders as will
9 minimize the risk of future accidents pending notice,
10 hearing, and final action by the Commission.

11 (Source: P.A. 101-294, eff. 1-1-20; 102-982, eff. 7-1-23.)

12 Section 8.43. The Criminal Code of 2012 is amended by
13 changing Section 21-5 as follows:

14 (720 ILCS 5/21-5) (from Ch. 38, par. 21-5)

15 Sec. 21-5. Criminal trespass to State supported land.

16 (a) A person commits criminal trespass to State supported
17 land when he or she enters upon land supported in whole or in
18 part with State funds, or federal funds administered or
19 granted through State agencies or any building on the land,
20 after receiving, prior to the entry, notice from the State or
21 its representative that the entry is forbidden, or remains
22 upon the land or in the building after receiving notice from
23 the State or its representative to depart, and who thereby
24 interferes with another person's lawful use or enjoyment of

1 the building or land.

2 A person has received notice from the State within the
3 meaning of this subsection if he or she has been notified
4 personally, either orally or in writing, or if a printed or
5 written notice forbidding entry to him or her or a group of
6 which he or she is a part, has been conspicuously posted or
7 exhibited at the main entrance to the land or the forbidden
8 part thereof.

9 (a-5) A person commits criminal trespass to State
10 supported land when he or she enters upon a right-of-way ~~right~~
11 ~~of way~~, including facilities and improvements thereon, owned,
12 leased, or otherwise used by a public body or district
13 organized under ~~the Metropolitan Transit Authority Act~~, the
14 Local Mass Transit District Act, or the Metropolitan Mobility
15 ~~Regional Transportation~~ Authority Act, after receiving, prior
16 to the entry, notice from the public body or district, or its
17 representative, that the entry is forbidden, or the person
18 remains upon the right-of-way ~~right of way~~ after receiving
19 notice from the public body or district, or its
20 representative, to depart, and in either of these instances
21 intends to compromise public safety by causing a delay in
22 transit service lasting more than 15 minutes or destroying
23 property.

24 A person has received notice from the public body or
25 district within the meaning of this subsection if he or she has
26 been notified personally, either orally or in writing, or if a

1 printed or written notice forbidding entry to him or her has
2 been conspicuously posted or exhibited at any point of
3 entrance to the right-of-way ~~right of way~~ or the forbidden
4 part of the right-of-way ~~right of way~~.

5 As used in this subsection (a-5), "right-of-way ~~right of~~
6 ~~way~~" has the meaning ascribed to it in Section 18c-7502 of the
7 Illinois Vehicle Code.

8 (b) A person commits criminal trespass to State supported
9 land when he or she enters upon land supported in whole or in
10 part with State funds, or federal funds administered or
11 granted through State agencies or any building on the land by
12 presenting false documents or falsely representing his or her
13 identity orally to the State or its representative in order to
14 obtain permission from the State or its representative to
15 enter the building or land; or remains upon the land or in the
16 building by presenting false documents or falsely representing
17 his or her identity orally to the State or its representative
18 in order to remain upon the land or in the building, and who
19 thereby interferes with another person's lawful use or
20 enjoyment of the building or land.

21 This subsection does not apply to a peace officer or other
22 official of a unit of government who enters upon land
23 supported in whole or in part with State funds, or federal
24 funds administered or granted through State agencies or any
25 building on the land in the performance of his or her official
26 duties.

1 (c) Sentence. Criminal trespass to State supported land is
2 a Class A misdemeanor, except a violation of subsection (a-5)
3 of this Section is a Class A misdemeanor for a first violation
4 and a Class 4 felony for a second or subsequent violation.
5 (Source: P.A. 97-1108, eff. 1-1-13; 98-748, eff. 1-1-15.)

6 Section 8.44. The Eminent Domain Act is amended by
7 changing Section 15-5-15 and adding Section 15-5-49 as
8 follows:

9 (735 ILCS 30/15-5-15)

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

14 (70 ILCS 5/8.02 and 5/9); Airport Authorities Act; airport
15 authorities; for public airport facilities.

16 (70 ILCS 5/8.05 and 5/9); Airport Authorities Act; airport
17 authorities; for removal of airport hazards.

18 (70 ILCS 5/8.06 and 5/9); Airport Authorities Act; airport
19 authorities; for reduction of the height of objects or
20 structures.

21 (70 ILCS 10/4); Interstate Airport Authorities Act; interstate
22 airport authorities; for general purposes.

23 (70 ILCS 15/3); Kankakee River Valley Area Airport Authority

1 Act; Kankakee River Valley Area Airport Authority; for
2 acquisition of land for airports.

3 (70 ILCS 200/2-20); Civic Center Code; civic center
4 authorities; for grounds, centers, buildings, and parking.

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

7 (70 ILCS 200/10-15); Civic Center Code; Aurora Metropolitan
8 Exposition, Auditorium and Office Building Authority; for
9 grounds, centers, buildings, and parking.

10 (70 ILCS 200/15-40); Civic Center Code; Benton Civic Center
11 Authority; for grounds, centers, buildings, and parking.

12 (70 ILCS 200/20-15); Civic Center Code; Bloomington Civic
13 Center Authority; for grounds, centers, buildings, and
14 parking.

15 (70 ILCS 200/35-35); Civic Center Code; Brownstown Park
16 District Civic Center Authority; for grounds, centers,
17 buildings, and parking.

18 (70 ILCS 200/40-35); Civic Center Code; Carbondale Civic
19 Center Authority; for grounds, centers, buildings, and
20 parking.

21 (70 ILCS 200/55-60); Civic Center Code; Chicago South Civic
22 Center Authority; for grounds, centers, buildings, and
23 parking.

24 (70 ILCS 200/60-30); Civic Center Code; Collinsville
25 Metropolitan Exposition, Auditorium and Office Building
26 Authority; for grounds, centers, buildings, and parking.

1 (70 ILCS 200/70-35); Civic Center Code; Crystal Lake Civic
2 Center Authority; for grounds, centers, buildings, and
3 parking.

4 (70 ILCS 200/75-20); Civic Center Code; Decatur Metropolitan
5 Exposition, Auditorium and Office Building Authority; for
6 grounds, centers, buildings, and parking.

7 (70 ILCS 200/80-15); Civic Center Code; DuPage County
8 Metropolitan Exposition, Auditorium and Office Building
9 Authority; for grounds, centers, buildings, and parking.

10 (70 ILCS 200/85-35); Civic Center Code; Elgin Metropolitan
11 Exposition, Auditorium and Office Building Authority; for
12 grounds, centers, buildings, and parking.

13 (70 ILCS 200/95-25); Civic Center Code; Herrin Metropolitan
14 Exposition, Auditorium and Office Building Authority; for
15 grounds, centers, buildings, and parking.

16 (70 ILCS 200/110-35); Civic Center Code; Illinois Valley Civic
17 Center Authority; for grounds, centers, buildings, and
18 parking.

19 (70 ILCS 200/115-35); Civic Center Code; Jasper County Civic
20 Center Authority; for grounds, centers, buildings, and
21 parking.

22 (70 ILCS 200/120-25); Civic Center Code; Jefferson County
23 Metropolitan Exposition, Auditorium and Office Building
24 Authority; for grounds, centers, buildings, and parking.

25 (70 ILCS 200/125-15); Civic Center Code; Jo Daviess County
26 Civic Center Authority; for grounds, centers, buildings,

1 and parking.

2 (70 ILCS 200/130-30); Civic Center Code; Katherine Dunham
3 Metropolitan Exposition, Auditorium and Office Building
4 Authority; for grounds, centers, buildings, and parking.

5 (70 ILCS 200/145-35); Civic Center Code; Marengo Civic Center
6 Authority; for grounds, centers, buildings, and parking.

7 (70 ILCS 200/150-35); Civic Center Code; Mason County Civic
8 Center Authority; for grounds, centers, buildings, and
9 parking.

10 (70 ILCS 200/155-15); Civic Center Code; Matteson Metropolitan
11 Civic Center Authority; for grounds, centers, buildings,
12 and parking.

13 (70 ILCS 200/160-35); Civic Center Code; Maywood Civic Center
14 Authority; for grounds, centers, buildings, and parking.

15 (70 ILCS 200/165-35); Civic Center Code; Melrose Park
16 Metropolitan Exposition Auditorium and Office Building
17 Authority; for grounds, centers, buildings, and parking.

18 (70 ILCS 200/170-20); Civic Center Code; certain Metropolitan
19 Exposition, Auditorium and Office Building Authorities;
20 for general purposes.

21 (70 ILCS 200/180-35); Civic Center Code; Normal Civic Center
22 Authority; for grounds, centers, buildings, and parking.

23 (70 ILCS 200/185-15); Civic Center Code; Oak Park Civic Center
24 Authority; for grounds, centers, buildings, and parking.

25 (70 ILCS 200/195-35); Civic Center Code; Ottawa Civic Center
26 Authority; for grounds, centers, buildings, and parking.

1 (70 ILCS 200/200-15); Civic Center Code; Pekin Civic Center
2 Authority; for grounds, centers, buildings, and parking.

3 (70 ILCS 200/205-15); Civic Center Code; Peoria Civic Center
4 Authority; for grounds, centers, buildings, and parking.

5 (70 ILCS 200/210-35); Civic Center Code; Pontiac Civic Center
6 Authority; for grounds, centers, buildings, and parking.

7 (70 ILCS 200/215-15); Civic Center Code; Illinois Quad City
8 Civic Center Authority; for grounds, centers, buildings,
9 and parking.

10 (70 ILCS 200/220-30); Civic Center Code; Quincy Metropolitan
11 Exposition, Auditorium and Office Building Authority; for
12 grounds, centers, buildings, and parking.

13 (70 ILCS 200/225-35); Civic Center Code; Randolph County Civic
14 Center Authority; for grounds, centers, buildings, and
15 parking.

16 (70 ILCS 200/230-35); Civic Center Code; River Forest
17 Metropolitan Exposition, Auditorium and Office Building
18 Authority; for grounds, centers, buildings, and parking.

19 (70 ILCS 200/235-40); Civic Center Code; Riverside Civic
20 Center Authority; for grounds, centers, buildings, and
21 parking.

22 (70 ILCS 200/245-35); Civic Center Code; Salem Civic Center
23 Authority; for grounds, centers, buildings, and parking.

24 (70 ILCS 200/255-20); Civic Center Code; Springfield
25 Metropolitan Exposition and Auditorium Authority; for
26 grounds, centers, and parking.

1 (70 ILCS 200/260-35); Civic Center Code; Sterling Metropolitan
2 Exposition, Auditorium and Office Building Authority; for
3 grounds, centers, buildings, and parking.

4 (70 ILCS 200/265-20); Civic Center Code; Vermilion County
5 Metropolitan Exposition, Auditorium and Office Building
6 Authority; for grounds, centers, buildings, and parking.

7 (70 ILCS 200/270-35); Civic Center Code; Waukegan Civic Center
8 Authority; for grounds, centers, buildings, and parking.

9 (70 ILCS 200/275-35); Civic Center Code; West Frankfort Civic
10 Center Authority; for grounds, centers, buildings, and
11 parking.

12 (70 ILCS 200/280-20); Civic Center Code; Will County
13 Metropolitan Exposition and Auditorium Authority; for
14 grounds, centers, and parking.

15 (70 ILCS 210/5); Metropolitan Pier and Exposition Authority
16 Act; Metropolitan Pier and Exposition Authority; for
17 general purposes, including quick-take power.

18 (70 ILCS 405/22.04); Soil and Water Conservation Districts
19 Act; soil and water conservation districts; for general
20 purposes.

21 (70 ILCS 410/10 and 410/12); Conservation District Act;
22 conservation districts; for open space, wildland, scenic
23 roadway, pathway, outdoor recreation, or other
24 conservation benefits.

25 (70 ILCS 503/25); Chanute-Rantoul National Aviation Center
26 Redevelopment Commission Act; Chanute-Rantoul National

1 Aviation Center Redevelopment Commission; for general
2 purposes.

3 (70 ILCS 507/15); Fort Sheridan Redevelopment Commission Act;
4 Fort Sheridan Redevelopment Commission; for general
5 purposes or to carry out comprehensive or redevelopment
6 plans.

7 (70 ILCS 520/8); Southwestern Illinois Development Authority
8 Act; Southwestern Illinois Development Authority; for
9 general purposes, including quick-take power.

10 (70 ILCS 605/4-17 and 605/5-7); Illinois Drainage Code;
11 drainage districts; for general purposes.

12 (70 ILCS 615/5 and 615/6); Chicago Drainage District Act;
13 corporate authorities; for construction and maintenance of
14 works.

15 (70 ILCS 705/10); Fire Protection District Act; fire
16 protection districts; for general purposes.

17 (70 ILCS 750/20); Flood Prevention District Act; flood
18 prevention districts; for general purposes.

19 (70 ILCS 805/6); Downstate Forest Preserve District Act;
20 certain forest preserve districts; for general purposes.

21 (70 ILCS 805/18.8); Downstate Forest Preserve District Act;
22 certain forest preserve districts; for recreational and
23 cultural facilities.

24 (70 ILCS 810/8); Cook County Forest Preserve District Act;
25 Forest Preserve District of Cook County; for general
26 purposes.

1 (70 ILCS 810/38); Cook County Forest Preserve District Act;
2 Forest Preserve District of Cook County; for recreational
3 facilities.

4 (70 ILCS 910/15 and 910/16); Hospital District Law; hospital
5 districts; for hospitals or hospital facilities.

6 (70 ILCS 915/3); Illinois Medical District Act; Illinois
7 Medical District Commission; for general purposes.

8 (70 ILCS 915/4.5); Illinois Medical District Act; Illinois
9 Medical District Commission; quick-take power for the
10 Illinois State Police Forensic Science Laboratory
11 (obsolete).

12 (70 ILCS 920/5); Tuberculosis Sanitarium District Act;
13 tuberculosis sanitarium districts; for tuberculosis
14 sanitariums.

15 (70 ILCS 925/20); Mid-Illinois Medical District Act;
16 Mid-Illinois Medical District; for general purposes.

17 (70 ILCS 930/20); Mid-America Medical District Act;
18 Mid-America Medical District Commission; for general
19 purposes.

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

22 (70 ILCS 1005/7); Mosquito Abatement District Act; mosquito
23 abatement districts; for general purposes.

24 (70 ILCS 1105/8); Museum District Act; museum districts; for
25 general purposes.

26 (70 ILCS 1205/7-1); Park District Code; park districts; for

1 streets and other purposes.

2 (70 ILCS 1205/8-1); Park District Code; park districts; for
3 parks.

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

6 (70 ILCS 1205/11-2 and 1205/11-3); Park District Code; park
7 districts; for State land abutting public water and
8 certain access rights.

9 (70 ILCS 1205/11.1-3); Park District Code; park districts; for
10 harbors.

11 (70 ILCS 1225/2); Park Commissioners Land Condemnation Act;
12 park districts; for street widening.

13 (70 ILCS 1230/1 and 1230/1-a); Park Commissioners Water
14 Control Act; park districts; for parks, boulevards,
15 driveways, parkways, viaducts, bridges, or tunnels.

16 (70 ILCS 1250/2); Park Commissioners Street Control (1889)
17 Act; park districts; for boulevards or driveways.

18 (70 ILCS 1290/1); Park District Aquarium and Museum Act;
19 municipalities or park districts; for aquariums or
20 museums.

21 (70 ILCS 1305/2); Park District Airport Zoning Act; park
22 districts; for restriction of the height of structures.

23 (70 ILCS 1310/5); Park District Elevated Highway Act; park
24 districts; for elevated highways.

25 (70 ILCS 1505/15); Chicago Park District Act; Chicago Park
26 District; for parks and other purposes.

1 (70 ILCS 1505/25.1); Chicago Park District Act; Chicago Park
2 District; for parking lots or garages.

3 (70 ILCS 1505/26.3); Chicago Park District Act; Chicago Park
4 District; for harbors.

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

8 (70 ILCS 1801/30); Alexander-Cairo Port District Act;
9 Alexander-Cairo Port District; for general purposes.

10 (70 ILCS 1805/8); Havana Regional Port District Act; Havana
11 Regional Port District; for general purposes.

12 (70 ILCS 1810/7); Illinois International Port District Act;
13 Illinois International Port District; for general
14 purposes.

15 (70 ILCS 1815/13); Illinois Valley Regional Port District Act;
16 Illinois Valley Regional Port District; for general
17 purposes.

18 (70 ILCS 1820/4); Jackson-Union Counties Regional Port
19 District Act; Jackson-Union Counties Regional Port
20 District; for removal of airport hazards or reduction of
21 the height of objects or structures.

22 (70 ILCS 1820/5); Jackson-Union Counties Regional Port
23 District Act; Jackson-Union Counties Regional Port
24 District; for general purposes.

25 (70 ILCS 1825/4.9); Joliet Regional Port District Act; Joliet
26 Regional Port District; for removal of airport hazards.

1 (70 ILCS 1825/4.10); Joliet Regional Port District Act; Joliet
2 Regional Port District; for reduction of the height of
3 objects or structures.

4 (70 ILCS 1825/4.18); Joliet Regional Port District Act; Joliet
5 Regional Port District; for removal of hazards from ports
6 and terminals.

7 (70 ILCS 1825/5); Joliet Regional Port District Act; Joliet
8 Regional Port District; for general purposes.

9 (70 ILCS 1830/7.1); Kaskaskia Regional Port District Act;
10 Kaskaskia Regional Port District; for removal of hazards
11 from ports and terminals.

12 (70 ILCS 1830/14); Kaskaskia Regional Port District Act;
13 Kaskaskia Regional Port District; for general purposes.

14 (70 ILCS 1831/30); Massac-Metropolis Port District Act;
15 Massac-Metropolis Port District; for general purposes.

16 (70 ILCS 1835/5.10); Mt. Carmel Regional Port District Act;
17 Mt. Carmel Regional Port District; for removal of airport
18 hazards.

19 (70 ILCS 1835/5.11); Mt. Carmel Regional Port District Act;
20 Mt. Carmel Regional Port District; for reduction of the
21 height of objects or structures.

22 (70 ILCS 1835/6); Mt. Carmel Regional Port District Act; Mt.
23 Carmel Regional Port District; for general purposes.

24 (70 ILCS 1837/30); Ottawa Port District Act; Ottawa Port
25 District; for general purposes.

26 (70 ILCS 1845/4.9); Seneca Regional Port District Act; Seneca

1 Regional Port District; for removal of airport hazards.

2 (70 ILCS 1845/4.10); Seneca Regional Port District Act; Seneca

3 Regional Port District; for reduction of the height of

4 objects or structures.

5 (70 ILCS 1845/5); Seneca Regional Port District Act; Seneca

6 Regional Port District; for general purposes.

7 (70 ILCS 1850/4); Shawneetown Regional Port District Act;

8 Shawneetown Regional Port District; for removal of airport

9 hazards or reduction of the height of objects or

10 structures.

11 (70 ILCS 1850/5); Shawneetown Regional Port District Act;

12 Shawneetown Regional Port District; for general purposes.

13 (70 ILCS 1855/4); Southwest Regional Port District Act;

14 Southwest Regional Port District; for removal of airport

15 hazards or reduction of the height of objects or

16 structures.

17 (70 ILCS 1855/5); Southwest Regional Port District Act;

18 Southwest Regional Port District; for general purposes.

19 (70 ILCS 1860/4); Tri-City Regional Port District Act;

20 Tri-City Regional Port District; for removal of airport

21 hazards.

22 (70 ILCS 1860/5); Tri-City Regional Port District Act;

23 Tri-City Regional Port District; for the development of

24 facilities.

25 (70 ILCS 1863/11); Upper Mississippi River International Port

26 District Act; Upper Mississippi River International Port

1 District; for general purposes.

2 (70 ILCS 1865/4.9); Waukegan Port District Act; Waukegan Port
3 District; for removal of airport hazards.

4 (70 ILCS 1865/4.10); Waukegan Port District Act; Waukegan Port
5 District; for restricting the height of objects or
6 structures.

7 (70 ILCS 1865/5); Waukegan Port District Act; Waukegan Port
8 District; for the development of facilities.

9 (70 ILCS 1870/8); White County Port District Act; White County
10 Port District; for the development of facilities.

11 (70 ILCS 1905/16); Railroad Terminal Authority Act; Railroad
12 Terminal Authority (Chicago); for general purposes.

13 (70 ILCS 1915/25); Grand Avenue Railroad Relocation Authority
14 Act; Grand Avenue Railroad Relocation Authority; for
15 general purposes, including quick-take power (now
16 obsolete).

17 (70 ILCS 1935/25); Elmwood Park Grade Separation Authority
18 Act; Elmwood Park Grade Separation Authority; for general
19 purposes.

20 (70 ILCS 2105/9b); River Conservancy Districts Act; river
21 conservancy districts; for general purposes.

22 (70 ILCS 2105/10a); River Conservancy Districts Act; river
23 conservancy districts; for corporate purposes.

24 (70 ILCS 2205/15); Sanitary District Act of 1907; sanitary
25 districts; for corporate purposes.

26 (70 ILCS 2205/18); Sanitary District Act of 1907; sanitary

1 districts; for improvements and works.

2 (70 ILCS 2205/19); Sanitary District Act of 1907; sanitary
3 districts; for access to property.

4 (70 ILCS 2305/8); North Shore Water Reclamation District Act;
5 North Shore Water Reclamation District; for corporate
6 purposes.

7 (70 ILCS 2305/15); North Shore Water Reclamation District Act;
8 North Shore Water Reclamation District; for improvements.

9 (70 ILCS 2405/7.9); Sanitary District Act of 1917; Sanitary
10 District of Decatur; for carrying out agreements to sell,
11 convey, or disburse treated wastewater to a private
12 entity.

13 (70 ILCS 2405/8); Sanitary District Act of 1917; sanitary
14 districts; for corporate purposes.

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

17 (70 ILCS 2405/16.9 and 2405/16.10); Sanitary District Act of
18 1917; sanitary districts; for waterworks.

19 (70 ILCS 2405/17.2); Sanitary District Act of 1917; sanitary
20 districts; for public sewer and water utility treatment
21 works.

22 (70 ILCS 2405/18); Sanitary District Act of 1917; sanitary
23 districts; for dams or other structures to regulate water
24 flow.

25 (70 ILCS 2605/8); Metropolitan Water Reclamation District Act;
26 Metropolitan Water Reclamation District; for corporate

1 purposes.

2 (70 ILCS 2605/16); Metropolitan Water Reclamation District
3 Act; Metropolitan Water Reclamation District; quick-take
4 power for improvements.

5 (70 ILCS 2605/17); Metropolitan Water Reclamation District
6 Act; Metropolitan Water Reclamation District; for bridges.

7 (70 ILCS 2605/35); Metropolitan Water Reclamation District
8 Act; Metropolitan Water Reclamation District; for widening
9 and deepening a navigable stream.

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

12 (70 ILCS 2805/24); Sanitary District Act of 1936; sanitary
13 districts; for improvements.

14 (70 ILCS 2805/26i and 2805/26j); Sanitary District Act of
15 1936; sanitary districts; for drainage systems.

16 (70 ILCS 2805/27); Sanitary District Act of 1936; sanitary
17 districts; for dams or other structures to regulate water
18 flow.

19 (70 ILCS 2805/32k); Sanitary District Act of 1936; sanitary
20 districts; for water supply.

21 (70 ILCS 2805/32l); Sanitary District Act of 1936; sanitary
22 districts; for waterworks.

23 (70 ILCS 2905/2-7); Metro-East Sanitary District Act of 1974;
24 Metro-East Sanitary District; for corporate purposes.

25 (70 ILCS 2905/2-8); Metro-East Sanitary District Act of 1974;
26 Metro-East Sanitary District; for access to property.

1 (70 ILCS 3010/10); Sanitary District Revenue Bond Act;
2 sanitary districts; for sewerage systems.

3 (70 ILCS 3205/12); Illinois Sports Facilities Authority Act;
4 Illinois Sports Facilities Authority; quick-take power for
5 its corporate purposes (obsolete).

6 (70 ILCS 3405/16); Surface Water Protection District Act;
7 surface water protection districts; for corporate
8 purposes.

9 ~~(70 ILCS 3605/7); Metropolitan Transit Authority Act; Chicago~~
10 ~~Transit Authority; for transportation systems.~~

11 ~~(70 ILCS 3605/8); Metropolitan Transit Authority Act; Chicago~~
12 ~~Transit Authority; for general purposes.~~

13 ~~(70 ILCS 3605/10); Metropolitan Transit Authority Act; Chicago~~
14 ~~Transit Authority; for general purposes, including~~
15 ~~railroad property.~~

16 (70 ILCS 3610/3 and 3610/5); Local Mass Transit District Act;
17 local mass transit districts; for general purposes.

18 ~~(70 ILCS 3615/2.13); Regional Transportation Authority Act;~~
19 ~~Regional Transportation Authority; for general purposes.~~

20 (70 ILCS 3705/8 and 3705/12); Public Water District Act;
21 public water districts; for waterworks.

22 (70 ILCS 3705/23a); Public Water District Act; public water
23 districts; for sewerage properties.

24 (70 ILCS 3705/23e); Public Water District Act; public water
25 districts; for combined waterworks and sewerage systems.

26 (70 ILCS 3715/6); Water Authorities Act; water authorities;

1 for facilities to ensure adequate water supply.
2 (70 ILCS 3715/27); Water Authorities Act; water authorities;
3 for access to property.
4 (75 ILCS 5/4-7); Illinois Local Library Act; boards of library
5 trustees; for library buildings.
6 (75 ILCS 16/30-55.80); Public Library District Act of 1991;
7 public library districts; for general purposes.
8 (75 ILCS 65/1 and 65/3); Libraries in Parks Act; corporate
9 authorities of city or park district, or board of park
10 commissioners; for free public library buildings.
11 (Source: Incorporates 98-564, eff. 8-27-13; P.A. 98-756, eff.
12 7-16-14; 99-669, eff. 7-29-16.)

13 (735 ILCS 30/15-5-49 new)
14 Sec. 15-5-49. Eminent domain powers in new Acts. The
15 following provisions of law may include express grants of the
16 power to acquire property by condemnation or eminent domain:

17 Metropolitan Mobility Authority Act; Metropolitan Mobility
18 Authority; for general purposes.

19 Section 8.45. The Local Governmental and Governmental
20 Employees Tort Immunity Act is amended by changing Section
21 2-101 as follows:

22 (745 ILCS 10/2-101) (from Ch. 85, par. 2-101)

1 Sec. 2-101. Nothing in this Act affects the right to
2 obtain relief other than damages against a local public entity
3 or public employee. Nothing in this Act affects the liability,
4 if any, of a local public entity or public employee, based on:

5 a contract;

6 b operation as a common carrier; and this Act does not
7 apply to any entity organized under or subject to the
8 Metropolitan Mobility ~~"Metropolitan Transit Authority Act",~~
9 ~~approved April 12, 1945, as amended;~~

10 c The "Workers' Compensation Act", approved July 9, 1951,
11 as heretofore or hereafter amended;

12 d The "Workers' Occupational Diseases Act", approved July
13 9, 1951, as heretofore or hereafter amended;

14 e Section 1-4-7 of the "Illinois Municipal Code", approved
15 May 29, 1961, as heretofore or hereafter amended.

16 f The "Illinois Uniform Conviction Information Act",
17 enacted by the 85th General Assembly, as heretofore or
18 hereafter amended.

19 (Source: P.A. 85-922.)

20 Section 8.46. The Illinois Wage Payment and Collection Act
21 is amended by changing Section 9 as follows:

22 (820 ILCS 115/9) (from Ch. 48, par. 39m-9)

23 Sec. 9. Except as hereinafter provided, deductions by
24 employers from wages or final compensation are prohibited

1 unless such deductions are (1) required by law; (2) to the
2 benefit of the employee; (3) in response to a valid wage
3 assignment or wage deduction order; (4) made with the express
4 written consent of the employee, given freely at the time the
5 deduction is made; (5) made by a municipality with a
6 population of 500,000 or more, a county with a population of
7 3,000,000 or more, a community college district in a city with
8 a population of 500,000 or more, a housing authority in a
9 municipality with a population of 500,000 or more, the Chicago
10 Park District, the Metropolitan Mobility ~~Metropolitan Transit~~
11 Authority, the Chicago Board of Education, the Cook County
12 Forest Preserve District, or the Metropolitan Water
13 Reclamation District to pay a debt owed by the employee to a
14 municipality with a population of 500,000 or more, a county
15 with a population of 3,000,000 or more, the Cook County Forest
16 Preserve, the Chicago Park District, the Metropolitan Water
17 Reclamation District, ~~the Chicago Transit Authority,~~ the
18 Chicago Board of Education, or a housing authority of a
19 municipality with a population of 500,000 or more; provided,
20 however, that the amount deducted from any one salary or wage
21 payment shall not exceed 25% of the net amount of the payment;
22 or (6) made by a housing authority in a municipality with a
23 population of 500,000 or more or a municipality with a
24 population of 500,000 or more to pay a debt owed by the
25 employee to a housing authority in a municipality with a
26 population of 500,000 or more; provided, however, that the

1 amount deducted from any one salary or wage payment shall not
2 exceed 25% of the net amount of the payment. Before the
3 municipality with a population of 500,000 or more, the
4 community college district in a city with a population of
5 500,000 or more, the Chicago Park District, the Metropolitan
6 Mobility ~~Metropolitan Transit~~ Authority, a housing authority
7 in a municipality with a population of 500,000 or more, the
8 Chicago Board of Education, the county with a population of
9 3,000,000 or more, the Cook County Forest Preserve District,
10 or the Metropolitan Water Reclamation District deducts any
11 amount from any salary or wage of an employee to pay a debt
12 owed to a municipality with a population of 500,000 or more, a
13 county with a population of 3,000,000 or more, the Cook County
14 Forest Preserve District, the Chicago Park District, the
15 Metropolitan Water Reclamation District, ~~the Chicago Transit~~
16 ~~Authority,~~ the Chicago Board of Education, or a housing
17 authority of a municipality with a population of 500,000 or
18 more under this Section, the municipality, the county, the
19 Cook County Forest Preserve District, the Chicago Park
20 District, the Metropolitan Water Reclamation District, ~~the~~
21 ~~Chicago Transit Authority,~~ the Chicago Board of Education, or
22 a housing authority of a municipality with a population of
23 500,000 or more shall certify that (i) the employee has been
24 afforded an opportunity for a hearing to dispute the debt that
25 is due and owing the municipality, the county, the Cook County
26 Forest Preserve District, the Chicago Park District, the

1 Metropolitan Water Reclamation District, ~~the Chicago Transit~~
2 ~~Authority,~~ the Chicago Board of Education, or a housing
3 authority of a municipality with a population of 500,000 or
4 more and (ii) the employee has received notice of a wage
5 deduction order and has been afforded an opportunity for a
6 hearing to object to the order. Before a housing authority in a
7 municipality with a population of 500,000 or more or a
8 municipality with a population of 500,000 or more, a county
9 with a population of 3,000,000 or more, the Cook County Forest
10 Preserve District, the Chicago Park District, the Metropolitan
11 Water Reclamation District, ~~the Chicago Transit Authority,~~ the
12 Chicago Board of Education, or a housing authority of a
13 municipality with a population of 500,000 or more deducts any
14 amount from any salary or wage of an employee to pay a debt
15 owed to a housing authority in a municipality with a
16 population of 500,000 or more under this Section, the housing
17 authority shall certify that (i) the employee has been
18 afforded an opportunity for a hearing to dispute the debt that
19 is due and owing the housing authority and (ii) the employee
20 has received notice of a wage deduction order and has been
21 afforded an opportunity for a hearing to object to the order.
22 For purposes of this Section, "net amount" means that part of
23 the salary or wage payment remaining after the deduction of
24 any amounts required by law to be deducted and "debt due and
25 owing" means (i) a specified sum of money owed to the
26 municipality, county, the Cook County Forest Preserve

1 District, the Chicago Park District, the Metropolitan Water
2 Reclamation District, ~~the Chicago Transit Authority,~~ the
3 Chicago Board of Education, or housing authority for services,
4 work, or goods, after the period granted for payment has
5 expired, or (ii) a specified sum of money owed to the
6 municipality, county, the Cook County Forest Preserve
7 District, the Chicago Park District, the Metropolitan Water
8 Reclamation District, ~~the Chicago Transit Authority,~~ the
9 Chicago Board of Education or housing authority pursuant to a
10 court order or order of an administrative hearing officer
11 after the exhaustion of, or the failure to exhaust, judicial
12 review; (7) the result of an excess payment made due to, but
13 not limited to, a typographical or mathematical error made by
14 a municipality with a population of less than 500,000 or to
15 collect a debt owed to a municipality with a population of less
16 than 500,000 after notice to the employee and an opportunity
17 to be heard; provided, however, that the amount deducted from
18 any one salary or wage payment shall not exceed 15% of the net
19 amount of the payment. Before the municipality deducts any
20 amount from any salary or wage of an employee to pay a debt
21 owed to the municipality, the municipality shall certify that
22 (i) the employee has been afforded an opportunity for a
23 hearing, conducted by the municipality, to dispute the debt
24 that is due and owing the municipality, and (ii) the employee
25 has received notice of a wage deduction order and has been
26 afforded an opportunity for a hearing, conducted by the

1 municipality, to object to the order. For purposes of this
2 Section, "net amount" means that part of the salary or wage
3 payment remaining after the deduction of any amounts required
4 by law to be deducted and "debt due and owing" means (i) a
5 specified sum of money owed to the municipality for services,
6 work, or goods, after the period granted for payment has
7 expired, or (ii) a specified sum of money owed to the
8 municipality pursuant to a court order or order of an
9 administrative hearing officer after the exhaustion of, or the
10 failure to exhaust, judicial review. Where the legitimacy of
11 any deduction from wages is in dispute, the amount in question
12 may be withheld if the employer notifies the Department of
13 Labor on the date the payment is due in writing of the amount
14 that is being withheld and stating the reasons for which the
15 payment is withheld. Upon such notification the Department of
16 Labor shall conduct an investigation and render a judgment as
17 promptly as possible, and shall complete such investigation
18 within 30 days of receipt of the notification by the employer
19 that wages have been withheld. The employer shall pay the
20 wages due upon order of the Department of Labor within 15
21 calendar days of issuance of a judgment on the dispute.

22 The Department shall establish rules to protect the
23 interests of both parties in cases of disputed deductions from
24 wages. Such rules shall include reasonable limitations on the
25 amount of deductions beyond those required by law which may be
26 made during any pay period by any employer.

1 In case of a dispute over wages, the employer shall pay,
2 without condition and within the time set by this Act, all
3 wages or parts thereof, conceded by him to be due, leaving to
4 the employee all remedies to which he may otherwise be
5 entitled as to any balance claimed. The acceptance by an
6 employee of a disputed paycheck shall not constitute a release
7 as to the balance of his claim and any release or restrictive
8 endorsement required by an employer as a condition to payment
9 shall be a violation of this Act and shall be void.

10 (Source: P.A. 97-120, eff. 1-1-12.)

11 Section 8.47. The Transportation Benefits Program Act is
12 amended by changing Sections 5, 10, and 15 as follows:

13 (820 ILCS 63/5)

14 Sec. 5. Definitions. As used in this Act:

15 "Covered employee" means any person who performs an
16 average of at least 35 hours of work per week for compensation
17 on a full-time basis.

18 "Covered employer" means any individual, partnership,
19 association, corporation, limited liability company,
20 government, non-profit organization, or business trust that
21 directly or indirectly, or through an agent or any other
22 person, employs or exercises control over wages, hours, or
23 working conditions of an employee, and that:

24 (1) is located in: Cook County; Warren Township in

1 Lake County; Grant Township in Lake County; Frankfort
2 Township in Will County; Wheatland Township in Will
3 County; Addison Township; Bloomingdale Township; York
4 Township; Milton Township; Winfield Township; Downers
5 Grove Township; Lisle Township; Naperville Township;
6 Dundee Township; Elgin Township; St. Charles Township;
7 Geneva Township; Batavia Township; Aurora Township; Zion
8 Township; Benton Township; Waukegan Township; Avon
9 Township; Libertyville Township; Shields Township; Vernon
10 Township; West Deerfield Township; Deerfield Township;
11 McHenry Township; Nunda Township; Algonquin Township;
12 DuPage Township; Homer Township; Lockport Township;
13 Plainfield Township; New Lenox Township; Joliet Township;
14 or Troy Township; and

15 (2) employs 50 or more covered employees in a
16 geographic area specified in paragraph (1) at an address
17 that is located within one mile of fixed-route transit
18 service.

19 "Public transit" means any transportation system within
20 the authority and jurisdiction of the Metropolitan Mobility
21 ~~Regional Transportation~~ Authority.

22 "Transit pass" means any pass, token, fare card, voucher,
23 or similar item entitling a person to transportation on public
24 transit.

25 (Source: P.A. 103-291, eff. 1-1-24.)

1 (820 ILCS 63/10)

2 Sec. 10. Transportation benefits program. All covered
3 employers shall provide a pre-tax commuter benefit to covered
4 employees. The pre-tax commuter benefit shall allow employees
5 to use pre-tax dollars for the purchase of a transit pass, via
6 payroll deduction, such that the costs for such purchases may
7 be excluded from the employee's taxable wages and compensation
8 up to the maximum amount permitted by federal tax law,
9 consistent with 26 U.S.C. 132(f) and the rules and regulations
10 promulgated thereunder. A covered employer may comply with
11 this Section by participating in a program offered by the
12 Metropolitan Mobility ~~Chicago Transit~~ Authority ~~or the~~
13 ~~Regional Transportation Authority~~.

14 This benefit must be offered to all employees starting on
15 the employees' first full pay period after 120 days of
16 employment. All transit agencies shall market the existence of
17 this program and this Act to their riders in order to inform
18 affected employees and their employers.

19 (Source: P.A. 103-291, eff. 1-1-24.)

20 (820 ILCS 63/15)

21 Sec. 15. Regional Transit Authority map. The Metropolitan
22 Mobility ~~Regional Transportation~~ Authority shall make publicly
23 available a searchable map of addresses that are located
24 within one mile of fixed-route transit service.

25 (Source: P.A. 103-291, eff. 1-1-24.)

1 Section 8.48. No acceleration or delay. Where this Act
2 makes changes in a statute that is represented in this Act by
3 text that is not yet or no longer in effect (for example, a
4 Section represented by multiple versions), the use of that
5 text does not accelerate or delay the taking effect of (i) the
6 changes made by this Act or (ii) provisions derived from any
7 other Public Act.

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17 20 ILCS 2310/2310-55.5
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