

AN ACT concerning transportation.

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

Section 5. The Illinois Aeronautics Act is amended by changing Sections 34, 34a, and 38.01 as follows:

(620 ILCS 5/34) (from Ch. 15 1/2, par. 22.34)

Sec. 34. Financial assistance to municipalities and others. The Department, subject to the provisions of Section 41 of this Act, may render financial assistance in the planning, construction, reconstruction, extension, development, and improvement of air navigation facilities including acquisition of land, rights in land, easements including aviation easements necessary for clear zones or clear areas, costs of obstruction removal and airport approach aids owned, controlled, or operated, or to be owned, controlled, or operated by municipalities, other political subdivisions of this State, or privately owned commercially operated airports in Illinois, out of appropriations made by the General Assembly for any such purpose. The Department shall not render such financial assistance in connection with the planning, construction, reconstruction, extension, development or improvement of hangars or other airport buildings, or in connection with the subsequent operation or

maintenance of such air navigation facilities unless such facilities are for public use, publicly owned, and of public benefit. As used in this Section, "of public benefit" includes aircraft hangars, fixed-based operator buildings, and aircraft maintenance buildings at nonprimary airports included within the State Airport Plan. The municipality, other political subdivision, or privately owned commercially operated airports in Illinois, to which such financial assistance is being extended by the Department, before such financial assistance is given, shall satisfy the Department that (a) such air navigation facility will be owned or effectively controlled, operated, repaired and maintained adequately during its full useful life, for the benefit of the public, and (b) in connection with the operation of such air navigation facility, during its full useful life, the public will not be deprived of its rightful, fair, equal and uniform use thereof. The owners and operators of an airport receiving financial assistance under this Act must adequately control, operate, repair, and maintain the airport during its full useful life for the benefit of the public. The owners and operators of an airport receiving financial assistance must ensure that the public will not be deprived of its rightful, fair, equal, and uniform use of the airport during its full useful life. For the purposes of this paragraph, the full useful life of an airport is not less than 20 years after the financial assistance is received by the owners and operators of the airport. Nothing

in this Section, however, imposes any obligation that is inconsistent with any judgment, order, injunction, or decree of any court that was rendered before the effective date of this amendatory Act of the 92nd General Assembly.

Any commercial airport, in order to qualify under the provisions of this Section must be included in the State Airport Plan as prepared or revised from time to time by the Illinois Department of Transportation. In the case of commercial public use airports which are not publicly owned airports, no such development or planning may be proposed except in connection with reliever airports included in the current National Airport System Plan.

Improvements to privately owned commercial airports qualifying under this Section shall be contracted for and constructed or developed under the supervision or direction of the Department or such other Department, agency, officer or employee of this State as the Department may designate.

If a privately owned commercially operated airport receives assistance under this Section and ceases operations before the predetermined life of the improvements made with such assistance, the State shall be reimbursed for the unused portion of such predetermined life and such claim shall be a lien on the airport property.

(Source: P.A. 92-341, eff. 8-10-01.)

Sec. 34a. Financial assistance under Section 34 may also include reimbursement to eligible airport sponsors for the construction or upgrading of Automated Weather Observation Systems (AWOS) financed in whole or in part by State monies. Costs of constructing or upgrading Automated Weather Observation Systems prior to the effective date of this amendatory Act of the 98th General Assembly are eligible for State reimbursements provided that all required State procedures were followed at the time the project was approved by the Department. Financial assistance under Section 34 may also include reimbursements to eligible airport sponsors for land acquisition costs directly related to projects financed either in whole or in part by federal and State monies, and for engineering and construction costs directly related to projects financed in whole or in part by State monies; provided, (1) such engineering, construction, or land acquisition costs were approved by the Department prior to the payment of these costs by the airport sponsor, (2) no State or federal monies have previously been expended for such purposes on such projects, and (3) no State monies shall be expended as reimbursement on any project for engineering or land acquisition unless construction costs for that project are funded by the State. Approval of engineering, construction, or land acquisition costs by the Department prior to the payment of such costs by an airport sponsor shall qualify those costs for State reimbursement but shall not constitute an obligation

of State funds in consideration of available appropriation and eligibility of appropriation. Costs of land acquisition by airport sponsors prior to the effective date of this amendatory act of 1982 are qualified for State reimbursement provided all federal and State procedures were followed at the time of acquisition.

(Source: P.A. 98-215, eff. 8-9-13.)

(620 ILCS 5/38.01) (from Ch. 15 1/2, par. 22.38a)

Sec. 38.01. Project applications.

(a) No municipality or political subdivision in this State ~~state~~, whether acting alone or jointly with another municipality or political subdivision or with the State ~~state~~, shall submit any project application under the provisions of the Airport and Airway Improvement Act of 1982, or any amendment thereof, unless the project and the project application have been first approved by the Department. Except as provided in subsections (b) or (c) below, no ~~no~~ such municipality or political subdivision shall directly accept, receive, or disburse any funds granted by the United States under the Airport and Airway Improvement Act of 1982, but it shall designate the Department as its agent to accept, receive, and disburse such funds, provided further, however, nothing in this Section shall be construed to prohibit the following:

(1) Any ~~any~~ municipality or any political subdivision

of more than 500,000 inhabitants from disbursing such funds through its corporate authorities.

(2) Any municipality or any political subdivision owning a primary commercial service airport serving at least 10,000 annual enplanements from accepting, receiving, or disbursing funds directly from the federal government.

It shall enter into an agreement with the Department prescribing the terms and conditions of such agency in accordance with federal laws, rules and regulations and applicable laws of this State ~~state~~. This subsection (a) does not apply to any project application submitted in connection with the O'Hare Modernization Program as defined in Section 10 of the O'Hare Modernization Act, with O'Hare International Airport, or with Midway International Airport.

(b) The City of Chicago may submit a project application under the provisions of the Airport and Airway Improvement Act of 1982, as now or hereafter amended, or any other federal law providing for airport planning or development, if the application is submitted in connection with (i) the O'Hare Modernization Program as defined in Section 10 of the O'Hare Modernization Act, (ii) O'Hare International Airport, or (iii) Midway International Airport; and the City may directly accept, receive, and disburse any such funds.

(c) Any federal money awarded to airports in the State under the Airport and Airway Improvement Act of 1982, or any

amendment thereof, that includes project applications approved by the Department where the Department is designated as the agent to accept, receive, and disburse such funds shall also include a State match to the local share of the application for all costs eligible under the Airport and Airway Improvement Act of 1982, or any amendment thereof, subject to the provisions of Section 34 and Section 41 of this Act and available eligible appropriation.

(Source: P.A. 92-341, eff. 8-10-01; 93-450, eff. 8-6-03.)