



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5468

by Rep. Margo McDermed

SYNOPSIS AS INTRODUCED:

See Index

Creates the Innovations for Transportation Infrastructure Act. Adds provisions governing: authorization of project delivery methods; procurement process; proposal selection; project records; contracts; funding and financing; utilization; property acquisition; federal requirements; agency powers; and rulemaking. Makes other changes. Amends the Illinois Highway Code. Directs various governmental bodies to prepare and submit specified reports at stated intervals. Amends the Illinois Finance Authority Act to authorize a revolving loan program and actions for the delivery of public purpose projects on behalf of units of local government. Amends the Illinois Procurement Code. Provides that the Code does not apply to certain contracts entered into on or before December 31, 2022. Amends the Property Tax Code. Provides that certain tax-exempt property that leased to another party for a public purpose project shall remain exempt from taxation. Amends the Downstate Public Transportation Act, the Metropolitan Transit Authority Act, and the Regional Transportation Authority Act. Provides that fixed route public transportation services may (instead of shall) be offered without charge to persons with disabilities. Amends the Regional Transportation Authority Act. Provides that the Authority may establish a line of credit with a bank or other financial institution. Amends the Illinois Vehicle Code. Removes the registration discount for electric motor vehicles. Amends the Public-Private Partnerships for Transportation Act. Provides that potential projects may not move forward if the General Assembly declares by joint resolution that the project is not in the public interest. Changes the name of the Road Fund to the Transportation Mobility Fund. Amends the State Finance Act. Repeals the Port Development Revolving Loan Program.

LRB100 18264 LNS 33467 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

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

4 Article 1

5 Section 1-1. Short title. This Act may be cited as the
6 Innovations for Transportation Infrastructure Act.

7 Section 1-5. Legislative policy.

8 (a) It is the public policy of the State of Illinois to
9 promote the development of infrastructure projects that serve
10 the needs of the public.

11 (b) The design-build project delivery method and
12 Construction Manager/General Contractor project delivery
13 method and use of Alternative Technical Concepts have the
14 potential to capture private sector innovation and safely
15 deliver infrastructure projects on more predictable schedules
16 and budgets. Earlier completion and lower cost for projects are
17 possible with the ability to shift or share risks with the
18 private sector that are generally retained by the public in the
19 conventional design-bid-build project delivery method.

20 (c) It is the intent of the General Assembly that the
21 Department of Transportation and the Illinois State Toll
22 Highway Authority may evaluate and use Alternative Technical

1 Concepts proposed by bidders and proposers and to use the
2 design-build project delivery method and Construction
3 Manager/General Contractor project delivery method.

4 (d) It is the intent of this Act to use design
5 professionals, construction companies, and workers from this
6 State to the greatest extent possible.

7 (e) The powers granted in this Act are in addition to any
8 other powers authorized under applicable law.

9 Section 1-10. Definitions. As used in this Act:

10 "Alternative Technical Concepts" means a proposed
11 deviation from the contract technical requirements set forth in
12 the procurement documents for a transportation facility that
13 offers a solution that is equal to or better than the
14 requirements in the procurement documents.

15 "Authority" means the Illinois State Toll Highway
16 Authority.

17 "Best value" means any selection process in which proposals
18 contain both price and qualitative components and award is
19 based upon a combination of price, qualitative concepts, and
20 other factors.

21 "Chief procurement officer" means the chief procurement
22 officer for the Transportation Agency.

23 "Construction Manager/General Contractor" means a proposer
24 that has entered into a Construction Manager/General
25 Contractor contract under this Act.

1 "Construction Manager/General Contractor contract" means a
2 two-phase contract between the Transportation Agency and a
3 Construction Manager/General Contractor that includes a first
4 phase addressing preconstruction services and a second phase
5 addressing the construction of the transportation facility.

6 "Construction Manager/General Contractor project delivery
7 method" means a method of procurement and contracting that
8 makes a Construction Manager/General Contractor who enters
9 into a contract with the Transportation Agency responsible for
10 certain preconstruction services and then, if the parties reach
11 agreement on key terms, responsible for construction of the
12 transportation facility.

13 "Department" means the Illinois Department of
14 Transportation.

15 "Design-bid-build project delivery method" means the
16 traditional method of procuring and contracting for design
17 services and construction services used separately in this
18 State, which incorporates the Architectural, Engineering, and
19 Land Surveying Qualifications Based Selection Act and the
20 principles of competitive bidding under the Illinois
21 Procurement Code.

22 "Design-build contract" means a contract between the
23 Transportation Agency and a design-builder under which the
24 design-builder agrees to furnish architectural, surveying,
25 engineering, construction, and related services for a
26 transportation facility.

1 "Design-build project delivery method" means a method of
2 procurement and contracting that provides responsibility
3 within a single contract between the Transportation Agency and
4 a design-builder for the furnishing of architectural,
5 surveying, engineering, construction, and related services for
6 a transportation facility.

7 "Design-builder" means a proposer that has entered into a
8 design-build contract with the Transportation Agency under
9 this Act.

10 "Evaluation Committee" means the committee assembled to
11 evaluate and score statements of qualifications and proposals.

12 "Evaluation criteria" means the standards and requirements
13 established by the Transportation Agency against which the
14 qualifications and proposals of a proposer will be assessed
15 during the procurement of a design-build contract or
16 Construction Manager/General Contractor contract, as
17 applicable.

18 "Executive Director" means the Executive Director of the
19 Illinois State Toll Highway Authority.

20 "Metropolitan planning organization" means a metropolitan
21 planning organization under 23 U.S.C. 134 whose metropolitan
22 planning area boundaries are partially or completely within
23 this State.

24 "Preconstruction services" means all
25 non-construction-related services that a Construction
26 Manager/General Contractor is required to perform during the

1 first phase of a Construction Manager/General Contractor
2 contract, and may include, but is not limited to, giving advice
3 to the Transportation Agency regarding scheduling, work
4 sequencing, cost engineering, constructability, cost
5 estimating, and risk identification.

6 "Proposal" means a proposer's response to a request for
7 proposals.

8 "Proposer" means any individual, sole proprietorship,
9 firm, partnership, joint venture, corporation, professional
10 corporation, or other entity legally established to conduct
11 business in this State that proposes to be the design-builder
12 or Construction Manager/General Contractor for any
13 transportation facility under this Act.

14 "Qualifications" means a statement of qualifications
15 submitted by a proposer in response to a request for
16 qualifications.

17 "Request for proposals" means the document issued by the
18 Transportation Agency to solicit proposals and describe the
19 procurement process for a design-build contract or
20 Construction Manager/General Contractor contract in accordance
21 with the design-build project delivery method or the
22 Construction Manager/General Contractor project delivery
23 method, as applicable.

24 "Request for qualifications" means the document issued by
25 the Transportation Agency in the first phase of a two-phase
26 procurement to solicit qualifications from proposers in

1 accordance with the design-build project delivery method or the
2 Construction Manager/General Contractor project delivery
3 method, as applicable.

4 "Scope and performance requirements" means the activities,
5 constructed elements, and standards of performance the
6 Transportation Agency requires the design-builder or the
7 Construction Manager/General Contractor to comply with in the
8 development of the transportation facility, and may include,
9 but is not limited to, the intended usage, capacity, size,
10 scope, quality and performance standards, life-cycle costs,
11 preliminary engineering, design, and other requirements as
12 developed and determined by the Transportation Agency.

13 "Secretary" means the Secretary of the Illinois Department
14 of Transportation.

15 "Transportation Agency" means the Illinois Department of
16 Transportation or the Illinois State Toll Highway Authority.

17 "Transportation facility" means any new or existing
18 facility or group of facilities that are the subject of a
19 design-build contract or a Construction Manager/General
20 Contractor contract, and includes highways, roads, bridges,
21 tunnels, overpasses, bus ways, guideways, ferries, airports or
22 other aviation facilities, public transportation facilities,
23 vehicle parking facilities, port facilities, rail facilities,
24 stations, hubs, terminals, intermodal facilities, transit
25 facilities, or similar facilities used for the transportation
26 of persons or goods, together with any buildings, structures,

1 parking areas, appurtenances, intelligent transportation
2 systems, and other property or facilities related to the
3 operation or maintenance of these facilities.

4 Section 1-15. Authorization of project delivery methods.

5 (a) Notwithstanding any other law, and as authority
6 supplemental to its existing powers, the Transportation
7 Agency, in accordance with this Act, may use the design-build
8 project delivery method for transportation facilities if the
9 capital costs for transportation facilities delivered
10 utilizing the design-build project delivery method or
11 Construction Manager/General Contractor project delivery
12 method or Alternative Technical Concepts in a design-bid-build
13 project delivery method do not: (i) for transportation
14 facilities delivered by the Department, exceed 20% of the
15 Department's multi-year highway improvement program for any
16 5-year period with no one year period exceeding 30%; or (ii)
17 for transportation facilities delivered by the Authority,
18 exceed 20% of the Authority's annual improvement program. The
19 Transportation Agency shall make this calculation before
20 commencing the procurement. Notwithstanding any other law, and
21 as authority supplemental to its existing powers, the
22 Department, in accordance with this Act, may use the
23 Construction Manager/General Contractor project delivery
24 method for up to 2 transportation facilities. Before commencing
25 a procurement under this Act for either a design-build contract

1 or a Construction Manager/General Contractor contract, the
2 Transportation Agency shall first undertake an analysis and
3 make a written determination that it is in the best interests
4 of this State to use the selected delivery method for that
5 transportation facility. The analysis and determination shall
6 discuss the design-build project delivery method or
7 Construction Manager/General Contractor project delivery
8 method's impact on the anticipated schedule, completion date,
9 and project costs. The best interests of the State analysis
10 shall be made available to the public.

11 (b) The Transportation Agency shall report to the General
12 Assembly annually for the first 5 years after the effective
13 date of this Act on the progress of procurements and
14 transportation facilities procured under this Act.

15 (c) The Architectural, Engineering, and Land Surveying
16 Qualifications Based Selection Act does not apply to
17 procurements under this Act.

18 Section 1-20. Preconditions to commencement of
19 procurement.

20 If the Transportation Agency determines to use the
21 design-build project delivery method or the Construction
22 Manager/General Contractor project delivery method for a
23 particular transportation facility, the Transportation Agency
24 may not commence a procurement for the transportation facility
25 until the Transportation Agency has satisfied the following

1 requirements:

2 (1) the Transportation Agency does one of the following:

3 (A) the Transportation Agency includes the
4 transportation facility in the Transportation Agency's
5 respective multi-year highway improvement program and
6 designates it as a design-build project delivery method
7 project or Construction Manager/General Contractor
8 project;

9 (B) the Transportation Agency issues a notice of intent
10 to receive qualifications, that includes a description of
11 the proposed procurement and transportation facility, at
12 least 14 days before the issuance of the request for
13 qualifications, and for a Department-issued notice of
14 intent publishes the notice in the Illinois Transportation
15 Bulletin and for an Authority-issued notice of intent
16 publishes the notice in the Illinois Procurement Bulletin;
17 or

18 (C) for a single-phase procurement authorized under
19 subsection (a) of Section 25 of this Act, the
20 Transportation Agency issues a notice of intent to receive
21 proposals, that includes a description of the proposed
22 procurement and transportation facility, at least 14 days
23 before the issuance of the request for proposals, and for a
24 Department-issued notice of intent publishes the notice in
25 the Illinois Transportation Procurement Bulletin and for
26 an Authority-issued notice of intent publishes the notice

1 in the Illinois Procurement Bulletin; and

2 (2) the Transportation Agency uses its best efforts to
3 ensure that the transportation facility is consistent with the
4 regional plan in existence at the time of any metropolitan
5 planning organization in which the boundaries of the
6 transportation facility is located, or any other
7 publicly-approved plan.

8 Section 1-25. Procurement process.

9 (a) The Transportation Agency may solicit a proposer with
10 which to enter into a design-build contract or Construction
11 Manager/General Contractor contract, as applicable, by using,
12 without limitation, one or more requests for qualifications, a
13 shortlisting of the most highly qualified proposers, requests
14 for proposals, and negotiations. The Transportation Agency
15 shall use a two-phase procurement for a design-build contract
16 to select the successful proposer, except that the
17 Transportation Agency may use a single-phase procurement if the
18 transportation facility is estimated to cost less than
19 \$5,000,000 or the Secretary or the Executive Director makes a
20 written determination that the Transportation Agency may use a
21 single-phase procurement for a particular transportation
22 facility. In a two-phase procurement, the Transportation
23 Agency shall use the first phase to evaluate and shortlist the
24 most highly qualified proposers based on a proposer's
25 qualifications, and then use the second phase to evaluate and

1 select a proposer based on proposals submitted by the
2 shortlisted proposers. During the first phase of a two-phase
3 procurement, the Transportation Agency shall not consider
4 price proposals to make its shortlist decision. In a
5 single-phase procurement, the Transportation Agency shall
6 solicit proposers with a request for proposals, and shall
7 evaluate and select a proposer based on those proposals.

8 (b) The request for qualifications may contain any terms
9 deemed appropriate by the Transportation Agency including,
10 without limitation, the following:

11 (1) a description of the anticipated scope of work for
12 the transportation facility;

13 (2) a requirement that the proposer identify certain
14 key personnel, and for design-build contracts certain key
15 firms, the experience of the personnel and firms, and the
16 conditions on which identified personnel and firms can be
17 replaced;

18 (3) the evaluation criteria for the qualifications and
19 the relative importance of those criteria; these
20 evaluation criteria may address, without limitation, the
21 proposer's technical and financial qualifications, such as
22 specialized experience, technical competence, capability
23 to perform, financial capacity, the proposer's workload,
24 local office presence, past performance including the
25 proposer's safety record, and any other
26 qualifications-based factors;

1 (4) the Transportation Agency's prequalification,
2 licensing, and registration requirements, including any
3 requirements from the Professional Engineering Practice
4 Act of 1989, the Illinois Architecture Practice Act of
5 1989, the Structural Engineering Practice Act of 1989, and
6 the Illinois Professional Land Surveyor Act of 1989, except
7 that nothing contained herein precludes the Transportation
8 Agency's use of additional prequalification criteria or
9 pass-fail evaluation factors addressing minimum levels of
10 technical experience or financial capabilities;

11 (5) the maximum number of proposers the Transportation
12 Agency will shortlist to submit proposals; and

13 (6) any other relevant information the Transportation
14 Agency deems appropriate.

15 (c) Upon completion of the qualifications evaluation, the
16 Transportation Agency shall, based on the evaluation criteria
17 set forth in the request for qualifications, create a shortlist
18 of the most highly qualified proposers. The Transportation
19 Agency shall shortlist no more than 5 and no fewer than 2 of
20 the most highly qualified proposers. Notwithstanding other
21 provisions of this subsection (c), the Transportation Agency
22 may shortlist fewer than 2 proposers if the Secretary or the
23 Executive Director makes a finding that an emergency situation
24 justifies the limited shortlisting and fewer than 2 proposers
25 meet any applicable prequalification or pass-fail requirements
26 set forth in the request for qualifications.

1 (d) The request for proposals may contain any terms deemed
2 appropriate by the Transportation Agency including, without
3 limitation, the following:

4 (1) the form and amount of required bid security;

5 (2) the terms of the design-build contract or
6 Construction Manager/General Contractor contract,
7 including, but not limited to, scope and performance
8 requirements, schedule or completion date requirements,
9 subcontractor requirements, payment and performance
10 security requirements, and insurance requirements;

11 (3) the requirements for the technical component of the
12 proposal, including a description of the level of design,
13 scope and type of renderings, drawings, and specifications
14 to be provided in the proposals;

15 (4) the requirements for the price component of the
16 proposal, which for Construction Manager/General
17 Contractor contracts may include a requirement for the
18 proposer to submit a lump sum price for the direct costs to
19 perform the required preconstruction services and
20 percentage mark-up on those direct costs;

21 (5) the evaluation criteria for the proposals,
22 including technical criteria, innovation, and schedule,
23 and the relative importance of those criteria, as the
24 Transportation Agency deems appropriate;

25 (6) a process for the Transportation Agency to review
26 and accept Alternative Technical Concepts;

1 (7) requirements regarding the proposer's
2 qualifications; and

3 (8) any other relevant information the Transportation
4 Agency deems appropriate.

5 (e) Before the proposers' submittal of proposals, the
6 Transportation Agency may conduct confidential meetings and
7 exchange confidential information with proposers to promote
8 understanding of the request for proposals, review Alternative
9 Technical Concepts, or discuss other issues related to the
10 procurement.

11 (f) The date proposals are due must be at least 28 calendar
12 days after the date the Transportation Agency first issues the
13 request for proposals.

14 (g) The Transportation Agency may offer to pay a stipend in
15 an amount and on the terms and conditions determined by the
16 Transportation Agency and as set forth in the request for
17 proposals to: (1) all shortlisted proposers if the
18 Transportation Agency cancels the procurement before the due
19 date for proposals; or (2) each unsuccessful proposer that
20 submits a responsive proposal. The Transportation Agency may
21 pay a stipend only to those proposers who grant to the
22 Transportation Agency the right to use any work product
23 contained in the unsuccessful proposer's proposal and other
24 proposal-related submissions or, if the Transportation Agency
25 cancels the procurement before the due date for proposals, any
26 work product developed before cancellation, including

1 technologies, techniques, methods, processes, and information
2 contained in the recipient's design for the transportation
3 facility.

4 (h) The Transportation Agency shall, as appropriate
5 depending on whether the transportation facility includes
6 building facilities, directly employ or retain a professional
7 engineer or engineers licensed in this State or a licensed
8 architect or architects, or both engineers licensed in this
9 State and licensed architects, to prepare the scope and assist
10 in the evaluation of the proposals' technical submissions under
11 a design-build project delivery method. The professional
12 engineers and licensed architects performing these services
13 are generally precluded from participating in the procurement
14 of the transportation facility at issue as a member of a
15 proposer team.

16 (i) The Transportation Agency has the right to reject any
17 and all qualifications or proposals, including, but not limited
18 to, the right to reject any qualifications or proposals as
19 non-responsive, if, in the Transportation Agency's sole
20 discretion, the qualifications or proposals do not meet all
21 material requirements of the request for qualifications or
22 request for proposals, as appropriate. The Transportation
23 Agency shall not consider a proposal that does not include:

24 (1) the proposer's plan to comply with requirements
25 established by the Transportation Agency regarding
26 utilization of business enterprises, including

1 disadvantaged business enterprises; or

2 (2) bid security in the form and amount designated in
3 the request for proposals.

4 (j) The Transportation Agency shall consult with the
5 appropriate chief procurement officer on the design-build
6 project delivery method and the Construction Manager/General
7 Contractor project delivery method procurement processes, and
8 the Secretary or the Executive Director, in consultation with
9 the chief procurement officer, shall determine which
10 procedures to adopt and apply to the design-build project
11 delivery method and Construction Manager/General Contractor
12 project delivery method procurement processes in order to
13 ensure an open, transparent, and efficient process that
14 accomplishes the purposes of this Act.

15 Section 1-30. Evaluation committee.

16 (a) The Transportation Agency shall establish one or more
17 evaluation committees to assist in selecting a design-builder
18 and a Construction Manager/General Contractor. The
19 Transportation Agency shall, in its sole discretion, determine
20 the appropriate size and composition of the evaluation
21 committee; however, at least half of the committee must be
22 licensed design professionals.

23 (b) The Transportation Agency may establish an evaluation
24 committee for a set term or for the procurement of a particular
25 transportation facility.

1 (c) Once the Transportation Agency identifies the
2 proposers for a transportation facility, each member of an
3 evaluation committee must certify that no conflict of interest
4 exists between the member and the proposers. If the
5 Transportation Agency, after consultation with the chief
6 procurement officer, determines that an actual conflict
7 exists, the member shall not participate on the evaluation
8 committee for that procurement and the Transportation Agency
9 shall appoint a replacement member on either a permanent or
10 temporary basis.

11 Section 1-35. Procedures for selection. The Transportation
12 Agency shall review, evaluate, score, and rank proposals and
13 determine which proposal offers the best value to the public
14 based on the evaluation criteria set forth in the request for
15 proposals. The Transportation Agency shall award the contract
16 based on this determination. Notwithstanding other provisions
17 of this Section, if for any reason the proposer awarded the
18 contract is unable or unwilling to execute the contract,
19 including the failure of the proposer and the Transportation
20 Agency to successfully complete negotiations, if any, of the
21 contract, the Transportation Agency may award the contract to
22 the proposer whose proposal the Transportation Agency
23 determines offers the public the next best value.

24 Section 1-40. Project records; confidentiality; public

1 disclosure.

2 (a) The Transportation Agency shall maintain all written
3 decisions, qualification and proposal evaluations, scoring
4 documents, selection evaluations, proposals, and procurement
5 documents in a procurement file maintained by the
6 Transportation Agency.

7 (b) A proposer may identify those portions of a proposal or
8 other submission that the proposer considers to be trade
9 secrets or confidential, commercial, financial, or proprietary
10 information. Confidential and proprietary information,
11 including trade secrets, shall be exempt from disclosure only
12 if the proposer does the following:

13 (1) requests exclusion from disclosure upon submission
14 of the information or other materials for which protection
15 is sought;

16 (2) identifies the data or other materials for which
17 protection is sought;

18 (3) states the statutory or regulatory basis for the
19 protection;

20 (4) fully complies with the federal Freedom of
21 Information Act and any other applicable provisions of
22 State law, including, but not limited to, the Freedom of
23 Information Act, with respect to information the proposer
24 contends should be exempt from disclosure; and

25 (5) certifies if the information is in accordance with
26 the protection of the Illinois Trade Secrets Act.

1 (c) Notwithstanding any other provision of law, in order to
2 properly balance the need to maximize competition under this
3 Act with the need to create a transparent procurement process,
4 the qualifications, proposals, and other information and
5 documents submitted by proposers and the Transportation
6 Agency's evaluation records shall not be subject to release or
7 disclosure by the Transportation Agency until execution of the
8 design-build contract or Construction Manager/General
9 Contractor contract, as applicable. If the Transportation
10 Agency terminates the procurement for a transportation
11 facility, the exemption from release or disclosure under this
12 Section shall remain in place until the Transportation Agency
13 re-procures the transportation facility and has entered into a
14 design-build contract or Construction Manager/General
15 Contractor contract, as applicable. However, this exemption
16 shall lapse if the Transportation Agency does not commence the
17 re-procurement of the transportation facility within 5 years of
18 the termination.

19 Section 1-45. Design-build contract. A design-build
20 contract may include any provisions the Transportation Agency
21 determines are necessary or appropriate, including, but not
22 limited to, provisions regarding the following:

- 23 (1) compensation or payments to the design-builder;
- 24 (2) grounds for termination of the design-build
25 contract, including the Transportation Agency's right to

- 1 terminate for convenience;
- 2 (3) liability for damages and nonperformance;
- 3 (4) events of default and the rights and remedies
4 available to the design-builder and the Transportation
5 Agency in the event of a default or delay;
- 6 (5) the identification of any technical specifications
7 that the design-builder must comply with when developing
8 plans or performing construction work;
- 9 (6) the procedures for review and approval of the
10 design-builder's plans;
- 11 (7) required performance and payment security;
- 12 (8) the terms and conditions of indemnification and
13 minimum insurance requirements; and
- 14 (9) any other terms and conditions the Transportation
15 Agency deems necessary.

16 Section 1-50. Construction Manager/General Contractor
17 contract.

18 (a) The Construction Manager/General Contractor contract
19 shall divide the Construction Manager/General Contractor
20 services into 2 phases. The first phase shall address
21 preconstruction services and the procedures the parties shall
22 follow to finalize the contract terms for the second phase. The
23 second phase shall address the Construction Manager/General
24 Contractor's construction of the transportation facility for a
25 lump sum or a guaranteed maximum price.

1 (b) A Construction Manager/General Contractor contract
2 shall include provisions regarding the following:

3 (1) the Construction Manager/General Contractor's
4 provision of preconstruction services during the first
5 phase of the contract, including the Construction
6 Manager/General Contractor's compensation for those
7 services;

8 (2) a requirement that, during the first phase of the
9 contract, the Construction Manager/General Contractor
10 shall use a competitive bidding process to procure
11 subcontracts for at least the minimum percentage of
12 construction work specified in the request for proposals,
13 provided that:

14 (A) compliance with this requirement shall be
15 based on an estimated cost for the construction work
16 approved by the Transportation Agency before the start
17 of the competitive bidding process; and

18 (B) the Construction Manager/General Contractor
19 may not use subcontracts with its wholly or partially
20 owned subsidiaries, parent companies, or affiliates to
21 satisfy this obligation;

22 (3) the process the Transportation Agency and the
23 Construction Manager/General Contractor shall use to
24 determine a lump sum or guaranteed maximum price for the
25 construction work, including a requirement that the
26 Transportation Agency conduct an independent cost estimate

1 for the construction work; and

2 (4) grounds for termination of the Construction
3 Manager/General Contractor contract, including the
4 Transportation Agency's right to terminate the contract
5 and not proceed with the construction phase of the project
6 if the Transportation Agency and the Construction
7 Manager/General Contractor are unable to negotiate a lump
8 sum or guaranteed maximum price for the construction work.

9 (c) In addition to the provisions under subsection (b) of
10 this Section, a Construction Manager/General Contractor
11 contract may include any other provisions the Transportation
12 Agency determines are necessary or appropriate, including, but
13 not limited to, provisions regarding the following:

14 (1) liability for damages and nonperformance;

15 (2) events of default and the rights and remedies
16 available to the Construction Manager/General Contractor
17 and the Transportation Agency in the event of a default or
18 delay;

19 (3) the identification of any technical specifications
20 that the Construction Manager/General Contractor must
21 comply with when aiding the Transportation Agency with
22 developing plans or performing construction work;

23 (4) required performance and payment security for the
24 construction phase of the contract;

25 (5) the terms and conditions of indemnification and
26 minimum insurance requirements; and

1 (6) any other terms and conditions the Transportation
2 Agency deems necessary.

3 (d) If the Construction Manager/General Contractor
4 contract is terminated for any reason, the Transportation
5 Agency may, in its sole discretion, readvertise the
6 Construction Manager/General Contractor contract under this
7 Act or use any other authorized procurement method to complete
8 the transportation facility or any portion of the
9 transportation facility. Once the contract is terminated, the
10 Transportation Agency may use any work product developed by the
11 Construction Manager/General Contractor to complete the
12 transportation facility.

13 Section 1-55. Funding and financing.

14 (a) The Transportation Agency may use any lawful source of
15 funding and financing to compensate a design-builder and
16 Construction Manager/General Contractor for work and services
17 performed under a design-build contract or Construction
18 Manager/General Contractor contract, as applicable, and the
19 Transportation Agency may combine federal, State, local, and
20 private funds to finance a transportation facility.

21 (b) Subject to appropriation by the General Assembly of the
22 required amounts, the Transportation Agency may obligate and
23 make expenditures of funds as and when needed to satisfy its
24 payment obligations under a design-build contract or
25 Construction Manager/General Contractor contract.

1 Section 1-56. Utilization requirements. Design-builder and
2 Construction Manager/General Contractor projects shall comply
3 with Section 2-105 of the Illinois Human Rights Act and all
4 applicable laws and rules that establish standards and
5 procedures for the utilization of minority, disadvantaged, and
6 women-owned businesses, including, but not limited to, the
7 Business Enterprise for Minorities, Women, and Persons with
8 Disabilities Act.

9 Section 1-60. Acquisition of property and related
10 agreements. The Transportation Agency may exercise any and all
11 powers of condemnation or eminent domain, including quick-take
12 powers, to acquire lands or estates or interests in land for a
13 transportation facility under this Act to the extent the
14 Transportation Agency finds that the action serves the public
15 purpose of this Act and deems the action appropriate in the
16 exercise of its powers under this Act. In addition, the
17 Transportation Agency and a design-builder or Construction
18 Manager/General Contractor may enter into leases, licenses,
19 easements, and other grants of property interests that the
20 Transportation Agency determines are necessary to deliver a
21 transportation facility under this Act.

22 Section 1-65. Federal requirements. In the procurement of
23 design-build contracts and Construction Manager/General

1 Contractor contracts, the Transportation Agency shall, to the
2 extent applicable, comply with federal law and regulations and
3 take all necessary steps to adapt its rules, policies, and
4 procedures to remain eligible for federal aid.

5 Section 1-70. Powers. The powers granted to the
6 Transportation Agency under this Act, including the power to
7 procure and enter into design-build contracts and Construction
8 Manager/General Contractor contracts, shall be liberally
9 construed to accomplish its purpose, are in addition to any
10 existing powers of the Transportation Agency, and shall not
11 affect or impair any other powers authorized under applicable
12 law.

13 Section 1-75. Rulemaking.

14 (a) The Illinois Administrative Procedure Act applies to
15 all administrative rules and procedures of the Transportation
16 Agency under this Act, except that nothing in this Act shall be
17 construed to render any prequalification or other
18 responsibility criteria as a "license" or "licensing" under
19 that Act.

20 (b) The appropriate chief procurement officer, in
21 consultation with the Transportation Agency, may adopt rules to
22 carry out the provisions of this Act.

23 Section 1-905. The Department of Transportation Law of the

1 Civil Administrative Code of Illinois is amended by adding
2 Section 2705-233 as follows:

3 (20 ILCS 2705/2705-233 new)

4 Sec. 2705-233. Innovations for Transportation
5 Infrastructure Act. The Department may exercise all powers
6 granted to it under the Innovations for Transportation
7 Infrastructure Act, including, but not limited to, the power to
8 enter into all contracts or agreements necessary or incidental
9 to the performance of its powers under that Act, and powers
10 related to any transportation facility implemented under that
11 Act.

12 Section 1-910. The Illinois Finance Authority Act is
13 amended by adding Section 825-108 as follows:

14 (20 ILCS 3501/825-108 new)

15 Sec. 825-108. Transportation project financing. For the
16 purpose of financing a transportation facility undertaken
17 under the Innovations for Transportation Infrastructure Act,
18 the Authority may apply for an allocation of tax-exempt bond
19 financing authorization provided by subsection (m) of Section
20 142 of the United States Internal Revenue Code, as well as
21 financing available under any other federal law or program.

22 Section 1-915. The Illinois Procurement Code is amended by

1 adding Section 1-10.5 as follows:

2 (30 ILCS 500/1-10.5 new)

3 Sec. 1-10.5. Alternative Technical Concepts.

4 (a) For the purposes of this Section, "Alternative
5 Technical Concepts" and "design-bid-build project delivery
6 method" have the meanings ascribed to those terms in the
7 Innovations for Transportation Infrastructure Act.

8 (b) Notwithstanding subsection (b) of Section 1-10 of this
9 Code, the Department of Transportation may allow bidders and
10 proposers to submit Alternative Technical Concepts in their
11 bids and proposals, if the Department determines that the
12 Alternative Technical Concepts provide an equal or better
13 solution than the underlying technical requirements applicable
14 to the work. Notwithstanding the foregoing, for projects the
15 Department delivers using the design-bid-build project
16 delivery method, the Department shall use the Alternative
17 Technical Concepts process for no more than 3 projects. If the
18 Department allows bidders or proposers for a particular
19 contract to submit Alternative Technical Concepts, the
20 Department shall describe the process for submission and
21 evaluation of Alternative Technical Concepts in the
22 procurement documents for that contract, including the
23 potential use of confidential meetings and the exchange of
24 confidential information with bidders and proposers to review
25 and discuss potential or proposed Alternative Technical

1 Concepts.

2 Section 1-920. The Public Construction Bond Act is amended
3 by adding Section 1.9 as follows:

4 (30 ILCS 550/1.9 new)

5 Sec. 1.9. Design-build contracts and Construction
6 Manager/General Contractor contracts. This Act applies to any
7 design-build contract or Construction Manager/General
8 Contractor contract entered into under the Innovations for
9 Transportation Infrastructure Act.

10 Section 1-925. The Employment of Illinois Workers on Public
11 Works Act is amended by adding Section 2.8 as follows:

12 (30 ILCS 570/2.8 new)

13 Sec. 2.8. Design-build and Construction Manager/General
14 Contractor contracts. This Act applies to any design-build
15 contracts and Construction Manager/General Contractor
16 contracts entered into under the Innovations for
17 Transportation Infrastructure Act.

18 Section 1-930. The Business Enterprise for Minorities,
19 Women, and Persons with Disabilities Act is amended by adding
20 Section 2.8 as follows:

1 (30 ILCS 575/2.8 new)

2 Sec. 2.8. Design-build and Construction Manager/General
3 Contractor contracts. This Act applies to any design-build
4 contracts and Construction Manager/General Contractor
5 contracts entered into under the Innovations for
6 Transportation Infrastructure Act.

7 Section 1-935. The Toll Highway Act is amended by adding
8 Section 11.2 as follows:

9 (605 ILCS 10/11.2 new)

10 Sec. 11.2. Design-build and Construction Manager/General
11 Contractor contracts. The Authority may exercise all powers
12 granted to it under the Innovations for Transportation
13 Infrastructure Act, including, but not limited to, the power to
14 enter into all contracts or agreements necessary to perform its
15 powers under that Act, and any powers related to a
16 transportation facility implemented under that Act.

17 Section 1-940. The Eminent Domain Act is amended by adding
18 Section 15-5-48 as follows:

19 (735 ILCS 30/15-5-48 new)

20 Sec. 15-5-48. Eminent domain powers in new Acts. The
21 following provisions of law may include express grants of the
22 power to acquire property by condemnation or eminent domain:

1 The Innovations for Transportation Infrastructure Act; for
2 the purposes of constructing a transportation facility under
3 the Act.

4 Section 1-945. The Prevailing Wage Act is amended by
5 changing Section 2 as follows:

6 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

7 Sec. 2. This Act applies to the wages of laborers,
8 mechanics and other workers employed in any public works, as
9 hereinafter defined, by any public body and to anyone under
10 contracts for public works. This includes any maintenance,
11 repair, assembly, or disassembly work performed on equipment
12 whether owned, leased, or rented.

13 As used in this Act, unless the context indicates
14 otherwise:

15 "Public works" means all fixed works constructed or
16 demolished by any public body, or paid for wholly or in part
17 out of public funds. "Public works" as defined herein includes
18 all projects financed in whole or in part with bonds, grants,
19 loans, or other funds made available by or through the State or
20 any of its political subdivisions, including but not limited
21 to: bonds issued under the Industrial Project Revenue Bond Act
22 (Article 11, Division 74 of the Illinois Municipal Code), the
23 Industrial Building Revenue Bond Act, the Illinois Finance
24 Authority Act, the Illinois Sports Facilities Authority Act, or

1 the Build Illinois Bond Act; loans or other funds made
2 available pursuant to the Build Illinois Act; loans or other
3 funds made available pursuant to the Riverfront Development
4 Fund under Section 10-15 of the River Edge Redevelopment Zone
5 Act; or funds from the Fund for Illinois' Future under Section
6 6z-47 of the State Finance Act, funds for school construction
7 under Section 5 of the General Obligation Bond Act, funds
8 authorized under Section 3 of the School Construction Bond Act,
9 funds for school infrastructure under Section 6z-45 of the
10 State Finance Act, and funds for transportation purposes under
11 Section 4 of the General Obligation Bond Act. "Public works"
12 also includes (i) all projects financed in whole or in part
13 with funds from the Department of Commerce and Economic
14 Opportunity under the Illinois Renewable Fuels Development
15 Program Act for which there is no project labor agreement; (ii)
16 all work performed pursuant to a public private agreement under
17 the Public Private Agreements for the Illiana Expressway Act or
18 the Public-Private Agreements for the South Suburban Airport
19 Act; ~~and~~ (iii) all projects undertaken under a public-private
20 agreement under the Public-Private Partnerships for
21 Transportation Act; and (iv) all transportation facilities
22 undertaken under a design-build contract or a Construction
23 Manager/General Contractor contract under the Innovations for
24 Transportation Infrastructure Act. "Public works" also
25 includes all projects at leased facility property used for
26 airport purposes under Section 35 of the Local Government

1 Facility Lease Act. "Public works" also includes the
2 construction of a new wind power facility by a business
3 designated as a High Impact Business under Section 5.5(a)(3)(E)
4 of the Illinois Enterprise Zone Act. "Public works" does not
5 include work done directly by any public utility company,
6 whether or not done under public supervision or direction, or
7 paid for wholly or in part out of public funds. "Public works"
8 also includes any corrective action performed pursuant to Title
9 XVI of the Environmental Protection Act for which payment from
10 the Underground Storage Tank Fund is requested. "Public works"
11 does not include projects undertaken by the owner at an
12 owner-occupied single-family residence or at an owner-occupied
13 unit of a multi-family residence. "Public works" does not
14 include work performed for soil and water conservation purposes
15 on agricultural lands, whether or not done under public
16 supervision or paid for wholly or in part out of public funds,
17 done directly by an owner or person who has legal control of
18 those lands.

19 "Construction" means all work on public works involving
20 laborers, workers or mechanics. This includes any maintenance,
21 repair, assembly, or disassembly work performed on equipment
22 whether owned, leased, or rented.

23 "Locality" means the county where the physical work upon
24 public works is performed, except (1) that if there is not
25 available in the county a sufficient number of competent
26 skilled laborers, workers, and mechanics to construct the

1 public works efficiently and properly, "locality" includes any
2 other county nearest the one in which the work or construction
3 is to be performed and from which such persons may be obtained
4 in sufficient numbers to perform the work and (2) that, with
5 respect to contracts for highway work with the Department of
6 Transportation of this State, "locality" mayu, at the discretion
7 of the Secretary of the Department of Transportationu, be
8 construed to include 2 ~~two~~ or more adjacent counties from which
9 workers may be accessible for work on such construction.

10 "Public body" means the State or any officer, board or
11 commission of the State or any political subdivision or
12 department thereof, or any institution supported in whole or in
13 part by public funds, and includes every county, city, town,
14 village, township, school district, irrigation, utility,
15 reclamation improvement or other district and every other
16 political subdivision, district or municipality of the state
17 whether such political subdivision, municipality or district
18 operates under a special charter or not.

19 The terms "general prevailing rate of hourly wages",
20 "general prevailing rate of wages" or "prevailing rate of
21 wages" when used in this Act mean the hourly cash wages plus
22 annualized fringe benefits for training and apprenticeship
23 programs approved by the U.S. Department of Labor, Bureau of
24 Apprenticeship and Training, health and welfare, insurance,
25 vacations and pensions paid generally, in the locality in which
26 the work is being performed, to employees engaged in work of a

1 similar character on public works.

2 (Source: P.A. 97-502, eff. 8-23-11; 98-109, eff. 7-25-13;
3 98-482, eff. 1-1-14; 98-740, eff. 7-16-14; 98-756, eff.
4 7-16-14.)

5 Article 2

6 Section 2-5. The Illinois Highway Code is amended by adding
7 Sections 4-304, 4-305, 5-111, 5-112, 6-140, 6-145, 7-302,
8 7-303, as follows:

9 (605 ILCS 5/4-304 new)

10 Sec. 4-304. Department efficiencies report. Every 2 years,
11 the Department shall compile and deliver a report on
12 efficiencies implemented in the previous fiscal years in
13 planning and project management and delivery, along with an
14 explanation of the efficiencies employed to achieve the savings
15 and the methodology used in the calculations. The level of
16 savings achieved must equal, in comparison with the total State
17 transportation construction budget for those years, a minimum
18 of 5% in each fiscal year. The report must identify the
19 projects that have been advanced or completed due to the
20 implementation of efficiency measures.

21 The report shall be delivered to the General Assembly every
22 odd-numbered year by April 1, beginning April 1, 2019.

1 (605 ILCS 5/4-305 new)

2 Sec. 4-305. Department of Transportation assets list.
3 Every 2 years, the Secretary of Transportation shall compile
4 information on transportation assets within this State that
5 includes the age of the assets, annual maintenance schedule,
6 year of last major reconstruction, and any future construction
7 related to improving or enhancing the assets.

8 The Department, Authority, county, municipal, and township
9 road districts shall use this information to better align,
10 plan, design, and coordinate construction and repair of
11 transportation assets within this State.

12 The asset list shall be delivered to the General Assembly
13 by April 1 of every odd-numbered year, beginning April 1, 2019.

14 (605 ILCS 5/5-111 new)

15 Sec. 5-111. County efficiencies report. Every 2 years, each
16 county shall compile and make public a report on efficiencies
17 implemented in the previous fiscal years in planning and
18 project management and delivery, along with an explanation of
19 the efficiencies employed to achieve the savings and the
20 methodology used in the calculations. The level of savings
21 achieved must equal, in comparison with the total government
22 transportation construction budget for those years, a minimum
23 of 5% over those fiscal years. The report must identify the
24 projects that have been advanced or completed due to the
25 implementation of efficiency measures.

1 This report shall be made publicly accessible by April 1 of
2 every odd-numbered year, beginning April 1, 2019.

3 (605 ILCS 5/5-112 new)

4 Sec. 5-112. County transportation assets list. Every 2
5 years, each county shall compile and submit to the Department a
6 list of transportation assets that includes the age of the
7 assets, annual maintenance schedule, year of last major
8 reconstruction, and any future construction related to
9 improving or enhancing the assets.

10 This list shall be made publicly accessible by April 1 of
11 every odd-numbered year, beginning April 1, 2019.

12 (605 ILCS 5/6-140 new)

13 Sec. 6-140. Townships efficiencies report. Each township
14 shall compile and make public a report every 4 years on
15 efficiencies implemented in the previous fiscal years in
16 planning and project management and delivery, along with an
17 explanation of the efficiencies employed to achieve the savings
18 and the methodology used in the calculations. The level of
19 savings achieved must equal, in comparison with the total
20 government transportation construction budget for those years,
21 a minimum of 5% over those fiscal years. The report must
22 identify the projects that have been advanced or completed due
23 to the implementation of efficiency measures.

24 A township is exempt from this requirement if it has

1 abolished the road district of that township.

2 This report shall be made publicly accessible by April 1 of
3 every fourth year, beginning April 1, 2019.

4 (605 ILCS 5/6-145 new)

5 Sec. 6-145. Townships transportation assets list. Every 2
6 years, each township shall compile and submit to the Department
7 a list of transportation assets that includes the age of the
8 assets, annual maintenance schedule, year of last major
9 reconstruction, and any future construction related to
10 improving or enhancing the assets.

11 A township is exempt from this requirement if it has
12 abolished the road district of that township.

13 This list shall be made publicly accessible by April 1 of
14 every odd-numbered year, beginning April 1, 2019.

15 (605 ILCS 5/7-302 new)

16 Sec. 7-302. Municipalities efficiencies report. Each
17 municipality shall compile and make public a report every 4
18 years on efficiencies implemented in the previous fiscal years
19 in planning and project management and delivery, along with an
20 explanation of the efficiencies employed to achieve the savings
21 and the methodology used in the calculations. The level of
22 savings achieved must equal, in comparison with the total
23 government transportation construction budget for those years,
24 a minimum of 5% over those fiscal years. The report must

1 identify the projects that have been advanced or completed due
2 to the implementation of efficiency measures.

3 A municipality is exempt from this requirement if it has
4 abolished the road district of that municipality.

5 This report shall be made publicly accessible by April 1 of
6 every fourth year, beginning April 1, 2019.

7 (605 ILCS 5/7-303 new)

8 Sec. 7-303. Assets list; municipalities. Every 2 years,
9 each municipality shall compile and submit to the Department a
10 list of transportation assets that includes the age of the
11 assets, annual maintenance schedule, year of last major
12 reconstruction, and any future construction related to
13 improving or enhancing the assets.

14 A municipality is exempt from this requirement if it has
15 abolished the road district of that municipality.

16 This list shall be made publicly accessible by April 1 of
17 every odd-numbered year, beginning April 1, 2019.

18 Section 2-10. The Toll Highway Act is amended by adding
19 Sections 23.1 and 23.2 as follows:

20 (605 ILCS 10/23.1 new)

21 Sec. 23.1. Authority efficiencies report. Every 2 years,
22 the Authority shall compile and deliver a report on
23 efficiencies implemented in the previous fiscal years in

1 planning and project management and delivery, along with an
2 explanation of the efficiencies employed to achieve the savings
3 and the methodology used in the calculations. The level of
4 savings achieved must equal, in comparison with the total State
5 transportation construction budget for those years, a minimum
6 of 5% in each fiscal year. The report must identify the
7 projects that have been advanced or completed due to the
8 implementation of efficiency measures.

9 The report shall be delivered to the General Assembly by
10 April 1 of every odd-numbered year, beginning April 1, 2019.

11 (605 ILCS 10/23.2 new)

12 Sec. 23.2. Authority transportation assets list. Every 2
13 years, the Authority shall compile and deliver a list of
14 transportation assets that includes the age of the assets,
15 annual maintenance schedule, year of last major
16 reconstruction, and any future construction related to
17 improving or enhancing the assets.

18 The list shall be delivered to the General Assembly by
19 April 1 of every odd-numbered year, beginning April 1, 2019.

20 Article 3

21 Section 3-5. The Illinois Finance Authority Act is amended
22 by changing Section 801-40 as follows:

1 (20 ILCS 3501/801-40)

2 Sec. 801-40. In addition to the powers otherwise authorized
3 by law and in addition to the foregoing general corporate
4 powers, the Authority shall also have the following additional
5 specific powers to be exercised in furtherance of the purposes
6 of this Act.

7 (a) The Authority shall have power (i) to accept grants,
8 loans or appropriations from the federal government or the
9 State, or any agency or instrumentality thereof, to be used for
10 the operating expenses of the Authority, or for any purposes of
11 the Authority, including the making of direct loans of such
12 funds with respect to projects, and (ii) to enter into any
13 agreement with the federal government or the State, or any
14 agency or instrumentality thereof, in relationship to such
15 grants, loans, or appropriations.

16 (b) The Authority shall have power to procure and enter
17 into contracts for any type of insurance and indemnity
18 agreements covering loss or damage to property from any cause,
19 including loss of use and occupancy, or covering any other
20 insurable risk.

21 (c) The Authority shall have the continuing power to issue
22 bonds for its corporate purposes. Bonds may be issued by the
23 Authority in one or more series and may provide for the payment
24 of any interest deemed necessary on such bonds, of the costs of
25 issuance of such bonds, of any premium on any insurance, or of
26 the cost of any guarantees, letters of credit, or other similar

1 documents, may provide for the funding of the reserves deemed
2 necessary in connection with such bonds, and may provide for
3 the refunding or advance refunding of any bonds or for accounts
4 deemed necessary in connection with any purpose of the
5 Authority. The bonds may bear interest payable at any time or
6 times and at any rate or rates, notwithstanding any other
7 provision of law to the contrary, and such rate or rates may be
8 established by an index or formula which may be implemented or
9 established by persons appointed or retained therefor by the
10 Authority, or may bear no interest or may bear interest payable
11 at maturity or upon redemption prior to maturity, may bear such
12 date or dates, may be payable at such time or times and at such
13 place or places, may mature at any time or times not later than
14 40 years from the date of issuance, may be sold at public or
15 private sale at such time or times and at such price or prices,
16 may be secured by such pledges, reserves, guarantees, letters
17 of credit, insurance contracts or other similar credit support
18 or liquidity instruments, may be executed in such manner, may
19 be subject to redemption prior to maturity, may provide for the
20 registration of the bonds, and may be subject to such other
21 terms and conditions all as may be provided by the resolution
22 or indenture authorizing the issuance of such bonds. The holder
23 or holders of any bonds issued by the Authority may bring suits
24 at law or proceedings in equity to compel the performance and
25 observance by any person or by the Authority or any of its
26 agents or employees of any contract or covenant made with the

1 holders of such bonds and to compel such person or the
2 Authority and any of its agents or employees to perform any
3 duties required to be performed for the benefit of the holders
4 of any such bonds by the provision of the resolution
5 authorizing their issuance, and to enjoin such person or the
6 Authority and any of its agents or employees from taking any
7 action in conflict with any such contract or covenant.
8 Notwithstanding the form and tenor of any such bonds and in the
9 absence of any express recital on the face thereof that it is
10 non-negotiable, all such bonds shall be negotiable
11 instruments. Pending the preparation and execution of any such
12 bonds, temporary bonds may be issued as provided by the
13 resolution. The bonds shall be sold by the Authority in such
14 manner as it shall determine. The bonds may be secured as
15 provided in the authorizing resolution by the receipts,
16 revenues, income, and other available funds of the Authority
17 and by any amounts derived by the Authority from the loan
18 agreement or lease agreement with respect to the project or
19 projects; and bonds may be issued as general obligations of the
20 Authority payable from such revenues, funds, and obligations of
21 the Authority as the bond resolution shall provide, or may be
22 issued as limited obligations with a claim for payment solely
23 from such revenues, funds, and obligations as the bond
24 resolution shall provide. The Authority may grant a specific
25 pledge or assignment of and lien on or security interest in
26 such rights, revenues, income, or amounts and may grant a

1 specific pledge or assignment of and lien on or security
2 interest in any reserves, funds, or accounts established in the
3 resolution authorizing the issuance of bonds. Any such pledge,
4 assignment, lien, or security interest for the benefit of the
5 holders of the Authority's bonds shall be valid and binding
6 from the time the bonds are issued without any physical
7 delivery or further act, and shall be valid and binding as
8 against and prior to the claims of all other parties having
9 claims against the Authority or any other person irrespective
10 of whether the other parties have notice of the pledge,
11 assignment, lien, or security interest. As evidence of such
12 pledge, assignment, lien, and security interest, the Authority
13 may execute and deliver a mortgage, trust agreement, indenture,
14 or security agreement or an assignment thereof. A remedy for
15 any breach or default of the terms of any such agreement by the
16 Authority may be by mandamus proceedings in any court of
17 competent jurisdiction to compel the performance and
18 compliance therewith, but the agreement may prescribe by whom
19 or on whose behalf such action may be instituted. It is
20 expressly understood that the Authority may, but need not,
21 acquire title to any project with respect to which it exercises
22 its authority.

23 (d) With respect to the powers granted by this Act, the
24 Authority may adopt rules and regulations prescribing the
25 procedures by which persons may apply for assistance under this
26 Act. Nothing herein shall be deemed to preclude the Authority,

1 prior to the filing of any formal application, from conducting
2 preliminary discussions and investigations with respect to the
3 subject matter of any prospective application.

4 (e) The Authority shall have power to acquire by purchase,
5 lease, gift, or otherwise any property or rights therein from
6 any person useful for its purposes, whether improved for the
7 purposes of any prospective project, or unimproved. The
8 Authority may also accept any donation of funds for its
9 purposes from any such source. The Authority shall have no
10 independent power of condemnation but may acquire any property
11 or rights therein obtained upon condemnation by any other
12 authority, governmental entity, or unit of local government
13 with such power.

14 (f) The Authority shall have power to develop, construct,
15 and improve either under its own direction, or through
16 collaboration with any approved applicant, or to acquire
17 through purchase or otherwise, any project, using for such
18 purpose the proceeds derived from the sale of its bonds or from
19 governmental loans or grants, and to hold title in the name of
20 the Authority to such projects.

21 (g) The Authority shall have power to lease pursuant to a
22 lease agreement any project so developed and constructed or
23 acquired to the approved tenant on such terms and conditions as
24 may be appropriate to further the purposes of this Act and to
25 maintain the credit of the Authority. Any such lease may
26 provide for either the Authority or the approved tenant to

1 assume initially, in whole or in part, the costs of
2 maintenance, repair, and improvements during the leasehold
3 period. In no case, however, shall the total rentals from any
4 project during any initial leasehold period or the total loan
5 repayments to be made pursuant to any loan agreement, be less
6 than an amount necessary to return over such lease or loan
7 period (1) all costs incurred in connection with the
8 development, construction, acquisition, or improvement of the
9 project and for repair, maintenance, and improvements thereto
10 during the period of the lease or loan; provided, however, that
11 the rentals or loan repayments need not include costs met
12 through the use of funds other than those obtained by the
13 Authority through the issuance of its bonds or governmental
14 loans; (2) a reasonable percentage additive to be agreed upon
15 by the Authority and the borrower or tenant to cover a properly
16 allocable portion of the Authority's general expenses,
17 including, but not limited to, administrative expenses,
18 salaries, and general insurance; and (3) an amount sufficient
19 to pay when due all principal of, interest and premium, if any
20 on, any bonds issued by the Authority with respect to the
21 project. The portion of total rentals payable under clause (3)
22 of this subsection (g) shall be deposited in such special
23 accounts, including all sinking funds, acquisition or
24 construction funds, debt service, and other funds as provided
25 by any resolution, mortgage, or trust agreement of the
26 Authority pursuant to which any bond is issued.

1 (h) The Authority has the power, upon the termination of
2 any leasehold period of any project, to sell or lease for a
3 further term or terms such project on such terms and conditions
4 as the Authority shall deem reasonable and consistent with the
5 purposes of the Act. The net proceeds from all such sales and
6 the revenues or income from such leases shall be used to
7 satisfy any indebtedness of the Authority with respect to such
8 project and any balance may be used to pay any expenses of the
9 Authority or be used for the further development, construction,
10 acquisition, or improvement of projects. In the event any
11 project is vacated by a tenant prior to the termination of the
12 initial leasehold period, the Authority shall sell or lease the
13 facilities of the project on the most advantageous terms
14 available. The net proceeds of any such disposition shall be
15 treated in the same manner as the proceeds from sales or the
16 revenues or income from leases subsequent to the termination of
17 any initial leasehold period.

18 (i) The Authority shall have the power to make loans to
19 persons to finance a project, to enter into loan agreements
20 with respect thereto, and to accept guarantees from persons of
21 its loans or the resultant evidences of obligations of the
22 Authority.

23 (j) The Authority may fix, determine, charge, and collect
24 any premiums, fees, charges, costs, and expenses, including,
25 without limitation, any application fees, commitment fees,
26 program fees, financing charges, or publication fees from any

1 person in connection with its activities under this Act.

2 (k) In addition to the funds established as provided
3 herein, the Authority shall have the power to create and
4 establish such reserve funds and accounts as may be necessary
5 or desirable to accomplish its purposes under this Act and to
6 deposit its available monies into the funds and accounts.

7 (l) At the request of the governing body of any unit of
8 local government, the Authority is authorized to market such
9 local government's revenue bond offerings by preparing bond
10 issues for sale, advertising for sealed bids, receiving bids at
11 its offices, making the award to the bidder that offers the
12 most favorable terms, or arranging for negotiated placements or
13 underwritings of such securities. The Authority may, at its
14 discretion, offer for concurrent sale the revenue bonds of
15 several local governments. Sales by the Authority of revenue
16 bonds under this Section shall in no way imply State guarantee
17 of such debt issue. The Authority may require such financial
18 information from participating local governments as it deems
19 necessary in order to carry out the purposes of this subsection
20 (1).

21 (m) The Authority may make grants to any county to which
22 Division 5-37 of the Counties Code is applicable to assist in
23 the financing of capital development, construction, and
24 renovation of new or existing facilities for hospitals and
25 health care facilities under that Act. Such grants may only be
26 made from funds appropriated for such purposes from the Build

1 Illinois Bond Fund.

2 (n) The Authority may establish an urban development action
3 grant program for the purpose of assisting municipalities in
4 Illinois which are experiencing severe economic distress to
5 help stimulate economic development activities needed to aid in
6 economic recovery. The Authority shall determine the types of
7 activities and projects for which the urban development action
8 grants may be used, provided that such projects and activities
9 are broadly defined to include all reasonable projects and
10 activities the primary objectives of which are the development
11 of viable urban communities, including decent housing and a
12 suitable living environment, and expansion of economic
13 opportunity, principally for persons of low and moderate
14 incomes. The Authority shall enter into grant agreements from
15 monies appropriated for such purposes from the Build Illinois
16 Bond Fund. The Authority shall monitor the use of the grants,
17 and shall provide for audits of the funds as well as recovery
18 by the Authority of any funds determined to have been spent in
19 violation of this subsection (n) or any rule or regulation
20 promulgated hereunder. The Authority shall provide technical
21 assistance with regard to the effective use of the urban
22 development action grants. The Authority shall file an annual
23 report to the General Assembly concerning the progress of the
24 grant program.

25 (o) The Authority may establish a Housing Partnership
26 Program whereby the Authority provides zero-interest loans to

1 municipalities for the purpose of assisting in the financing of
2 projects for the rehabilitation of affordable multi-family
3 housing for low and moderate income residents. The Authority
4 may provide such loans only upon a municipality's providing
5 evidence that it has obtained private funding for the
6 rehabilitation project. The Authority shall provide 3 State
7 dollars for every 7 dollars obtained by the municipality from
8 sources other than the State ~~of Illinois~~. The loans shall be
9 made from monies appropriated for such purpose from the Build
10 Illinois Bond Fund. The total amount of loans available under
11 the Housing Partnership Program shall not exceed \$30,000,000.
12 State loan monies under this subsection shall be used only for
13 the acquisition and rehabilitation of existing buildings
14 containing 4 or more dwelling units. The terms of any loan made
15 by the municipality under this subsection shall require
16 repayment of the loan to the municipality upon any sale or
17 other transfer of the project.

18 (p) The Authority may award grants to universities and
19 research institutions, research consortiums, and other
20 not-for-profit entities for the purposes of: remodeling or
21 otherwise physically altering existing laboratory or research
22 facilities, expansion or physical additions to existing
23 laboratory or research facilities, construction of new
24 laboratory or research facilities, or acquisition of modern
25 equipment to support laboratory or research operations
26 provided that such grants (i) be used solely in support of

1 project and equipment acquisitions which enhance technology
2 transfer, and (ii) not constitute more than 60 percent of the
3 total project or acquisition cost.

4 (q) Grants may be awarded by the Authority to units of
5 local government for the purpose of developing the appropriate
6 infrastructure or defraying other costs to the local government
7 in support of laboratory or research facilities provided that
8 such grants may not exceed 40% of the cost to the unit of local
9 government.

10 (r) The Authority may establish a Direct Loan Program to
11 make loans to individuals, partnerships or corporations for the
12 purpose of an industrial project, as defined in Section 801-10
13 of this Act. For the purposes of such program and not by way of
14 limitation on any other program of the Authority, the Authority
15 shall have the power to issue bonds, notes, or other evidences
16 of indebtedness including commercial paper for purposes of
17 providing a fund of capital from which it may make such loans.
18 The Authority shall have the power to use any appropriations
19 from the State made especially for the Authority's Direct Loan
20 Program for additional capital to make such loans or for the
21 purposes of reserve funds or pledged funds which secure the
22 Authority's obligations of repayment of any bond, note or other
23 form of indebtedness established for the purpose of providing
24 capital for which it intends to make such loans under the
25 Direct Loan Program. For the purpose of obtaining such capital,
26 the Authority may also enter into agreements with financial

1 institutions and other persons for the purpose of selling loans
2 and developing a secondary market for such loans. Loans made
3 under the Direct Loan Program may be in an amount not to exceed
4 \$300,000 and shall be made for a portion of an industrial
5 project which does not exceed 50% of the total project. No loan
6 may be made by the Authority unless approved by the affirmative
7 vote of at least 8 members of the board. The Authority shall
8 establish procedures and publish rules which shall provide for
9 the submission, review, and analysis of each direct loan
10 application and which shall preserve the ability of each board
11 member to reach an individual business judgment regarding the
12 propriety of making each direct loan. The collective discretion
13 of the board to approve or disapprove each loan shall be
14 unencumbered. The Authority may establish and collect such fees
15 and charges, determine and enforce such terms and conditions,
16 and charge such interest rates as it determines to be necessary
17 and appropriate to the successful administration of the Direct
18 Loan Program. The Authority may require such interests in
19 collateral and such guarantees as it determines are necessary
20 to protect the Authority's interest in the repayment of the
21 principal and interest of each loan made under the Direct Loan
22 Program.

23 (s) The Authority may guarantee private loans to third
24 parties up to a specified dollar amount in order to promote
25 economic development in this State.

26 (t) The Authority may adopt rules and regulations as may be

1 necessary or advisable to implement the powers conferred by
2 this Act.

3 (u) The Authority shall have the power to issue bonds,
4 notes, or other evidences of indebtedness, which may be used to
5 make loans to units of local government which are authorized to
6 enter into loan agreements and other documents and to issue
7 bonds, notes, and other evidences of indebtedness for the
8 purpose of financing the protection of storm sewer outfalls,
9 the construction of adequate storm sewer outfalls, and the
10 provision for flood protection of sanitary sewage treatment
11 plans, in counties that have established a stormwater
12 management planning committee in accordance with Section
13 5-1062 of the Counties Code. Any such loan shall be made by the
14 Authority pursuant to the provisions of Section 820-5 to 820-60
15 of this Act. The unit of local government shall pay back to the
16 Authority the principal amount of the loan, plus annual
17 interest as determined by the Authority. The Authority shall
18 have the power, subject to appropriations by the General
19 Assembly, to subsidize or buy down a portion of the interest on
20 such loans, up to 4% per annum.

21 (v) The Authority may accept security interests as provided
22 in Sections 11-3 and 11-3.3 of the Illinois Public Aid Code.

23 (w) Moral Obligation. In the event that the Authority
24 determines that monies of the Authority will not be sufficient
25 for the payment of the principal of and interest on its bonds
26 during the next State fiscal year, the Chairperson, as soon as

1 practicable, shall certify to the Governor the amount required
2 by the Authority to enable it to pay such principal of and
3 interest on the bonds. The Governor shall submit the amount so
4 certified to the General Assembly as soon as practicable, but
5 no later than the end of the current State fiscal year. This
6 subsection shall apply only to any bonds or notes as to which
7 the Authority shall have determined, in the resolution
8 authorizing the issuance of the bonds or notes, that this
9 subsection shall apply. Whenever the Authority makes such a
10 determination, that fact shall be plainly stated on the face of
11 the bonds or notes and that fact shall also be reported to the
12 Governor. In the event of a withdrawal of moneys from a reserve
13 fund established with respect to any issue or issues of bonds
14 of the Authority to pay principal or interest on those bonds,
15 the Chairperson of the Authority, as soon as practicable, shall
16 certify to the Governor the amount required to restore the
17 reserve fund to the level required in the resolution or
18 indenture securing those bonds. The Governor shall submit the
19 amount so certified to the General Assembly as soon as
20 practicable, but no later than the end of the current State
21 fiscal year. The Authority shall obtain written approval from
22 the Governor for any bonds and notes to be issued under this
23 Section. In addition to any other bonds authorized to be issued
24 under Sections 825-60, 825-65(e), 830-251 and 845-5, the
25 principal amount of Authority bonds outstanding issued under
26 this Section 801-40(w) or under 20 ILCS 3850/1-80 or 30 ILCS

1 360/2-6(c), which have been assumed by the Authority, shall not
2 exceed \$150,000,000. This subsection (w) shall in no way be
3 applied to any bonds issued by the Authority on behalf of the
4 Illinois Power Agency under Section 825-90 of this Act.

5 (x) The Authority may enter into agreements or contracts
6 with any person necessary or appropriate to place the payment
7 obligations of the Authority under any of its bonds in whole or
8 in part on any interest rate basis, cash flow basis, or other
9 basis desired by the Authority, including without limitation
10 agreements or contracts commonly known as "interest rate swap
11 agreements", "forward payment conversion agreements", and
12 "futures", or agreements or contracts to exchange cash flows or
13 a series of payments, or agreements or contracts, including
14 without limitation agreements or contracts commonly known as
15 "options", "puts", or "calls", to hedge payment, rate spread,
16 or similar exposure; provided that any such agreement or
17 contract shall not constitute an obligation for borrowed money
18 and shall not be taken into account under Section 845-5 of this
19 Act or any other debt limit of the Authority or the State ~~of~~
20 ~~Illinois~~.

21 (y) The Authority shall publish summaries of projects and
22 actions approved by the members of the Authority on its
23 website. These summaries shall include, but not be limited to,
24 information regarding the:

25 (1) project;

26 (2) Board's action or actions;

- 1 (3) purpose of the project;
- 2 (4) Authority's program and contribution;
- 3 (5) volume cap;
- 4 (6) jobs retained;
- 5 (7) projected new jobs;
- 6 (8) construction jobs created;
- 7 (9) estimated sources and uses of funds;
- 8 (10) financing summary;
- 9 (11) project summary;
- 10 (12) business summary;
- 11 (13) ownership or economic disclosure statement;
- 12 (14) professional and financial information;
- 13 (15) service area; and
- 14 (16) legislative district.

15 The disclosure of information pursuant to this subsection
16 shall comply with the Freedom of Information Act.

17 (z) The Authority may establish a program for the
18 innovative delivery of public purpose projects on behalf of
19 units of local government and school districts. The purposes of
20 the program shall include delivering public purpose projects
21 for better value over the useful life of the asset,
22 accelerating the delivery of public purpose projects, and
23 reducing long-term risk to units of local government and school
24 districts. The Authority may enter into intergovernmental
25 agreements with units of local government and school districts
26 to undertake public purpose projects on behalf of those units

1 of local government or school districts. The Authority may
2 retain financial, technical, legal, and other professional
3 advisors in connection with the innovative delivery of public
4 purpose projects. The Authority may procure and enter into
5 development contracts with parties to deliver public purpose
6 projects, including some or all of the responsibility to
7 design, build, finance, operate, and maintain public purpose
8 projects for the term specified in the applicable development
9 contract. The Authority shall procure development contracts
10 through an open and competitive procurement conducted pursuant
11 to rules of the Authority and intended to achieve the purposes
12 of this program. In support of public purpose projects, the
13 Authority, units of local government, and school districts may
14 enter into, with each other and with other parties
15 participating in the public purpose projects, ground leases,
16 leases, and other contracts, agreements, and instruments,
17 including instruments to convey real property interests, and
18 may grant and enter into liens, encumbrances, pledges,
19 assignments, guarantees, and other security agreements and
20 instruments. The Authority may use its other powers under this
21 Act in support of public purpose projects undertaken pursuant
22 to this subsection (z).

23 (aa) The Authority may establish an infrastructure
24 revolving loan program for the purpose of financing and
25 assisting in the delivery of public purpose projects. The
26 Authority may establish a special account or fund into or from

1 which it shall deposit the proceeds of any appropriations from
2 the State and any grants from the federal government or the
3 State, or any agency or instrumentality thereof, or any other
4 source for the program; deposit the proceeds derived from the
5 sale of bonds or loans made to raise funds for the program;
6 make loans in support of public purpose projects; deposit the
7 proceeds received from repayment of loans; and pay expenses
8 associated with implementation of the program. In addition to
9 those other powers provided under this Act, the Authority has
10 the continuing power to sell and refund bonds and to borrow to
11 raise funds for the program and to issue bonds, notes, and
12 other evidences of such indebtedness. The Authority may pledge
13 the revenues and receipts of the special account or fund
14 established for the program and grant such other specific
15 pledge, assignment, lien, or security interest for the benefit
16 of the holders of such bonds, notes, or other indebtedness. The
17 Authority may enter into loan agreements by which it agrees to
18 loan program funds for public purpose projects on terms and
19 conditions determined by the Authority. The Authority may
20 establish and collect such fees and charges, determine and
21 enforce such terms and conditions, and charge such interest
22 rates as it determines to be necessary and appropriate to the
23 successful administration of the program. The moneys deposited
24 into the special account or fund established for the program
25 may be used only in support of the program for so long as the
26 program is established, subject to the applicable terms of any

1 appropriation from the State and any grant from or agreement
2 with the federal government or the State, or any agency or
3 instrumentality thereof, or any other source. The Authority may
4 use its other powers under this Act in support of public
5 purpose projects undertaken pursuant to this subsection (aa).

6 (Source: P.A. 95-470, eff. 8-27-07; 95-481, eff. 8-28-07;
7 95-876, eff. 8-21-08; 96-795, eff. 7-1-10 (see Section 5 of
8 P.A. 96-793 for the effective date of changes made by P.A.
9 96-795).)

10 Section 3-10. The Illinois Procurement Code is amended by
11 changing Section 1-10 as follows:

12 (30 ILCS 500/1-10)

13 Sec. 1-10. Application.

14 (a) This Code applies only to procurements for which
15 bidders, offerors, potential contractors, or contractors were
16 first solicited on or after July 1, 1998. This Code shall not
17 be construed to affect or impair any contract, or any provision
18 of a contract, entered into based on a solicitation prior to
19 the implementation date of this Code as described in Article
20 99, including but not limited to any covenant entered into with
21 respect to any revenue bonds or similar instruments. All
22 procurements for which contracts are solicited between the
23 effective date of Articles 50 and 99 and July 1, 1998 shall be
24 substantially in accordance with this Code and its intent.

1 (b) This Code shall apply regardless of the source of the
2 funds with which the contracts are paid, including federal
3 assistance moneys. Except as specifically provided in this
4 Code, this Code shall not apply to:

5 (1) Contracts between the State and its political
6 subdivisions or other governments, or between State
7 governmental bodies.

8 (2) Grants, except for the filing requirements of
9 Section 20-80.

10 (3) Purchase of care.

11 (4) Hiring of an individual as employee and not as an
12 independent contractor, whether pursuant to an employment
13 code or policy or by contract directly with that
14 individual.

15 (5) Collective bargaining contracts.

16 (6) Purchase of real estate, except that notice of this
17 type of contract with a value of more than \$25,000 must be
18 published in the Procurement Bulletin within 10 calendar
19 days after the deed is recorded in the county of
20 jurisdiction. The notice shall identify the real estate
21 purchased, the names of all parties to the contract, the
22 value of the contract, and the effective date of the
23 contract.

24 (7) Contracts necessary to prepare for anticipated
25 litigation, enforcement actions, or investigations,
26 provided that the chief legal counsel to the Governor shall

1 give his or her prior approval when the procuring agency is
2 one subject to the jurisdiction of the Governor, and
3 provided that the chief legal counsel of any other
4 procuring entity subject to this Code shall give his or her
5 prior approval when the procuring entity is not one subject
6 to the jurisdiction of the Governor.

7 (8) (Blank).

8 (9) Procurement expenditures by the Illinois
9 Conservation Foundation when only private funds are used.

10 (10) (Blank).

11 (11) Public-private agreements entered into according
12 to the procurement requirements of Section 20 of the
13 Public-Private Partnerships for Transportation Act and
14 design-build agreements entered into according to the
15 procurement requirements of Section 25 of the
16 Public-Private Partnerships for Transportation Act.

17 (12) Contracts for legal, financial, and other
18 professional and artistic services entered into on or
19 before December 31, 2022 ~~2018~~ by the Illinois Finance
20 Authority in which the State ~~of Illinois~~ is not obligated
21 and agreements and contracts authorized by subsection (z)
22 of Section 801-40 of the Illinois Finance Authority Act
23 entered into on or before December 31, 2022 by the Illinois
24 Finance Authority in which the State is not obligated. Such
25 contracts shall be awarded through a competitive process
26 authorized by the Board of the Illinois Finance Authority

1 and are subject to Sections 5-30, 20-160, 50-13, 50-20,
2 50-35, and 50-37 of this Code, as well as the final
3 approval by the Board of the Illinois Finance Authority of
4 the terms of the contract.

5 (13) Contracts for services, commodities, and
6 equipment to support the delivery of timely forensic
7 science services in consultation with and subject to the
8 approval of the Chief Procurement Officer as provided in
9 subsection (d) of Section 5-4-3a of the Unified Code of
10 Corrections, except for the requirements of Sections
11 20-60, 20-65, 20-70, and 20-160 and Article 50 of this
12 Code; however, the Chief Procurement Officer may, in
13 writing with justification, waive any certification
14 required under Article 50 of this Code. For any contracts
15 for services which are currently provided by members of a
16 collective bargaining agreement, the applicable terms of
17 the collective bargaining agreement concerning
18 subcontracting shall be followed.

19 On and after January 1, 2019, this paragraph (13),
20 except for this sentence, is inoperative.

21 (14) Contracts for participation expenditures required
22 by a domestic or international trade show or exhibition of
23 an exhibitor, member, or sponsor.

24 (15) Contracts with a railroad or utility that requires
25 the State to reimburse the railroad or utilities for the
26 relocation of utilities for construction or other public

1 purpose. Contracts included within this paragraph (15)
2 shall include, but not be limited to, those associated
3 with: relocations, crossings, installations, and
4 maintenance. For the purposes of this paragraph (15),
5 "railroad" means any form of non-highway ground
6 transportation that runs on rails or electromagnetic
7 guideways and "utility" means: (1) public utilities as
8 defined in Section 3-105 of the Public Utilities Act, (2)
9 telecommunications carriers as defined in Section 13-202
10 of the Public Utilities Act, (3) electric cooperatives as
11 defined in Section 3.4 of the Electric Supplier Act, (4)
12 telephone or telecommunications cooperatives as defined in
13 Section 13-212 of the Public Utilities Act, (5) rural water
14 or waste water systems with 10,000 connections or less, (6)
15 a holder as defined in Section 21-201 of the Public
16 Utilities Act, and (7) municipalities owning or operating
17 utility systems consisting of public utilities as that term
18 is defined in Section 11-117-2 of the Illinois Municipal
19 Code.

20 Notwithstanding any other provision of law, for contracts
21 entered into on or after October 1, 2017 under an exemption
22 provided in any paragraph of this subsection (b), except
23 paragraph (1), (2), or (5), each State agency shall post to the
24 appropriate procurement bulletin the name of the contractor, a
25 description of the supply or service provided, the total amount
26 of the contract, the term of the contract, and the exception to

1 the Code utilized. The chief procurement officer shall submit a
2 report to the Governor and General Assembly no later than
3 November 1 of each year that shall include, at a minimum, an
4 annual summary of the monthly information reported to the chief
5 procurement officer.

6 (c) This Code does not apply to the electric power
7 procurement process provided for under Section 1-75 of the
8 Illinois Power Agency Act and Section 16-111.5 of the Public
9 Utilities Act.

10 (d) Except for Section 20-160 and Article 50 of this Code,
11 and as expressly required by Section 9.1 of the Illinois
12 Lottery Law, the provisions of this Code do not apply to the
13 procurement process provided for under Section 9.1 of the
14 Illinois Lottery Law.

15 (e) This Code does not apply to the process used by the
16 Capital Development Board to retain a person or entity to
17 assist the Capital Development Board with its duties related to
18 the determination of costs of a clean coal SNG brownfield
19 facility, as defined by Section 1-10 of the Illinois Power
20 Agency Act, as required in subsection (h-3) of Section 9-220 of
21 the Public Utilities Act, including calculating the range of
22 capital costs, the range of operating and maintenance costs, or
23 the sequestration costs or monitoring the construction of clean
24 coal SNG brownfield facility for the full duration of
25 construction.

26 (f) (Blank).

1 (g) (Blank).

2 (h) This Code does not apply to the process to procure or
3 contracts entered into in accordance with Sections 11-5.2 and
4 11-5.3 of the Illinois Public Aid Code.

5 (i) Each chief procurement officer may access records
6 necessary to review whether a contract, purchase, or other
7 expenditure is or is not subject to the provisions of this
8 Code, unless such records would be subject to attorney-client
9 privilege.

10 (j) This Code does not apply to the process used by the
11 Capital Development Board to retain an artist or work or works
12 of art as required in Section 14 of the Capital Development
13 Board Act.

14 (k) This Code does not apply to the process to procure
15 contracts, or contracts entered into, by the State Board of
16 Elections or the State Electoral Board for hearing officers
17 appointed pursuant to the Election Code.

18 (l) This Code does not apply to the processes used by the
19 Illinois Student Assistance Commission to procure supplies and
20 services paid for from the private funds of the Illinois
21 Prepaid Tuition Fund. As used in this subsection (l), "private
22 funds" means funds derived from deposits paid into the Illinois
23 Prepaid Tuition Trust Fund and the earnings thereon.

24 (Source: P.A. 99-801, eff. 1-1-17; 100-43, eff. 8-9-17.)

25 Section 3-15. The Downstate Public Transportation Act is

1 amended by changing Section 2-15.3 as follows:

2 (30 ILCS 740/2-15.3)

3 Sec. 2-15.3. Transit services for individuals with
4 disabilities. Notwithstanding any law to the contrary, ~~no later~~
5 ~~than 60 days following the effective date of this amendatory~~
6 ~~Act of the 95th General Assembly,~~ all fixed route public
7 transportation services provided by, or under grant or purchase
8 of service contract of, any participant may be offered, at the
9 discretion of the participant, ~~shall be provided~~ without charge
10 to all persons with disabilities who meet the income
11 eligibility limitation set forth in subsection (a-5) of Section
12 4 of the Senior Citizens and Persons with Disabilities Property
13 Tax Relief Act, under such procedures as shall be prescribed by
14 the participant. The Department on Aging shall furnish all
15 information reasonably necessary to determine eligibility,
16 including updated lists of individuals who are eligible for
17 services without charge under this Section.

18 (Source: P.A. 99-143, eff. 7-27-15.)

19 Section 3-17. The Property Tax Code is amended by adding
20 Section 15-57 as follows:

21 (35 ILCS 200/15-57 new)

22 Sec. 15-57. Public purpose project property.
23 Notwithstanding anything to the contrary in this Code, all

1 property owned or leased by the Illinois Finance Authority, a
2 unit of local government, or a school district and that is used
3 and leased, pursuant to subsection (z) of Section 801-40 of the
4 Illinois Finance Authority Act, for a public purpose project to
5 another party whose property is not exempt shall remain exempt,
6 and any leasehold interest in the property shall not be subject
7 to taxation under Section 9-195 of this Code.

8 Section 3-20. The Metropolitan Transit Authority Act is
9 amended by changing Section 52 as follows:

10 (70 ILCS 3605/52)

11 Sec. 52. Transit services for individuals with
12 disabilities. Notwithstanding any law to the contrary, ~~no later~~
13 ~~than 60 days following the effective date of this amendatory~~
14 ~~Act of the 95th General Assembly,~~ all fixed route public
15 transportation services provided by, or under grant or purchase
16 of service contract of, the Board may be offered, at the
17 discretion of the Board, ~~shall be provided~~ without charge to
18 all persons with disabilities who meet the income eligibility
19 limitation set forth in subsection (a-5) of Section 4 of the
20 Senior Citizens and Persons with Disabilities Property Tax
21 Relief Act, under such procedures as shall be prescribed by the
22 Board. The Department on Aging shall furnish all information
23 reasonably necessary to determine eligibility, including
24 updated lists of individuals who are eligible for services

1 without charge under this Section.

2 (Source: P.A. 99-143, eff. 7-27-15.)

3 Section 3-25. The Regional Transportation Authority Act is
4 amended by changing Sections 3A.16 and 3B.15 as follows:

5 (70 ILCS 3615/3A.16)

6 Sec. 3A.16. Transit services for individuals with
7 disabilities. Notwithstanding any law to the contrary, ~~no later~~
8 ~~than 60 days following the effective date of this amendatory~~
9 ~~Act of the 95th General Assembly,~~ all fixed route public
10 transportation services provided by, or under grant or purchase
11 of service contract of, the Suburban Bus Board may be offered,
12 at the discretion of the Board, ~~shall be provided~~ without
13 charge to all persons with disabilities who meet the income
14 eligibility limitation set forth in subsection (a-5) of Section
15 4 of the Senior Citizens and Persons with Disabilities Property
16 Tax Relief Act, under such procedures as shall be prescribed by
17 the Board. The Department on Aging shall furnish all
18 information reasonably necessary to determine eligibility,
19 including updated lists of individuals who are eligible for
20 services without charge under this Section.

21 (Source: P.A. 99-143, eff. 7-27-15.)

22 (70 ILCS 3615/3B.15)

23 Sec. 3B.15. Transit services for individuals with

1 disabilities. Notwithstanding any law to the contrary, ~~no later~~
2 ~~than 60 days following the effective date of this amendatory~~
3 ~~Act of the 95th General Assembly,~~ all fixed route public
4 transportation services provided by, or under grant or purchase
5 of service contract of, the Commuter Rail Board may be offered,
6 at the discretion of the Board, ~~shall be provided~~ without
7 charge to all persons with disabilities who meet the income
8 eligibility limitation set forth in subsection (a-5) of Section
9 4 of the Senior Citizens and Persons with Disabilities Property
10 Tax Relief Act, under such procedures as shall be prescribed by
11 the Board. The Department on Aging shall furnish all
12 information reasonably necessary to determine eligibility,
13 including updated lists of individuals who are eligible for
14 services without charge under this Section.

15 (Source: P.A. 99-143, eff. 7-27-15.)

16 Section 3-30. The Regional Transportation Authority Act is
17 amended by changing Section 4.04 as follows:

18 (70 ILCS 3615/4.04) (from Ch. 111 2/3, par. 704.04)

19 Sec. 4.04. Issuance and Pledge of Bonds and Notes.

20 (a) The Authority shall have the continuing power to borrow
21 money and to issue its negotiable bonds or notes as provided in
22 this Section. Unless otherwise indicated in this Section, the
23 term "notes" also includes bond anticipation notes, which are
24 notes which by their terms provide for their payment from the

1 proceeds of bonds thereafter to be issued. Bonds or notes of
2 the Authority may be issued for any or all of the following
3 purposes: to pay costs to the Authority or a Service Board of
4 constructing or acquiring any public transportation facilities
5 (including funds and rights relating thereto, as provided in
6 Section 2.05 of this Act); to repay advances to the Authority
7 or a Service Board made for such purposes; to pay other
8 expenses of the Authority or a Service Board incident to or
9 incurred in connection with such construction or acquisition;
10 to provide funds for any transportation agency to pay principal
11 of or interest or redemption premium on any bonds or notes,
12 whether as such amounts become due or by earlier redemption,
13 issued prior to the date of this amendatory Act by such
14 transportation agency to construct or acquire public
15 transportation facilities or to provide funds to purchase such
16 bonds or notes; and to provide funds for any transportation
17 agency to construct or acquire any public transportation
18 facilities, to repay advances made for such purposes, and to
19 pay other expenses incident to or incurred in connection with
20 such construction or acquisition; and to provide funds for
21 payment of obligations, including the funding of reserves,
22 under any self-insurance plan or joint self-insurance pool or
23 entity.

24 In addition to any other borrowing as may be authorized by
25 this Section, the Authority may issue its notes, from time to
26 time, in anticipation of tax receipts of the Authority or of

1 other revenues or receipts of the Authority, in order to
2 provide money for the Authority or the Service Boards to cover
3 any cash flow deficit which the Authority or a Service Board
4 anticipates incurring. Any such notes are referred to in this
5 Section as "Working Cash Notes". No Working Cash Notes shall be
6 issued for a term of longer than 24 months. Proceeds of Working
7 Cash Notes may be used to pay day to day operating expenses of
8 the Authority or the Service Boards, consisting of wages,
9 salaries and fringe benefits, professional and technical
10 services (including legal, audit, engineering, and other
11 consulting services), office rental, furniture, fixtures and
12 equipment, insurance premiums, claims for self-insured amounts
13 under insurance policies, public utility obligations for
14 telephone, light, heat and similar items, travel expenses,
15 office supplies, postage, dues, subscriptions, public hearings
16 and information expenses, fuel purchases, and payments of
17 grants and payments under purchase of service agreements for
18 operations of transportation agencies, prior to the receipt by
19 the Authority or a Service Board from time to time of funds for
20 paying such expenses. In addition to any Working Cash Notes
21 that the Board of the Authority may determine to issue, the
22 Suburban Bus Board, the Commuter Rail Board, or the Board of
23 the Chicago Transit Authority may demand and direct that the
24 Authority issue its Working Cash Notes in such amounts and
25 having such maturities as the Service Board may determine.

26 Notwithstanding any other provision of this Act, any

1 amounts necessary to pay principal of and interest on any
2 Working Cash Notes issued at the demand and direction of a
3 Service Board or any Working Cash Notes the proceeds of which
4 were used for the direct benefit of a Service Board or any
5 other Bonds or Notes of the Authority the proceeds of which
6 were used for the direct benefit of a Service Board shall
7 constitute a reduction of the amount of any other funds
8 provided by the Authority to that Service Board. The Authority
9 shall, after deducting any costs of issuance, tender the net
10 proceeds of any Working Cash Notes issued at the demand and
11 direction of a Service Board to such Service Board as soon as
12 may be practicable after the proceeds are received. The
13 Authority may also issue notes or bonds to pay, refund, or
14 redeem any of its notes and bonds, including to pay redemption
15 premiums or accrued interest on such bonds or notes being
16 renewed, paid, or refunded, and other costs in connection
17 therewith. The Authority may also utilize the proceeds of any
18 such bonds or notes 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. The Authority may also issue and deliver
23 its bonds or notes in exchange for any public transportation
24 facilities, (including funds and rights relating thereto, as
25 provided in Section 2.05 of this Act) or in exchange for
26 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 (b) The ordinance providing for the issuance of any such
5 bonds or notes shall fix the date or dates of maturity, the
6 dates on which interest is payable, any sinking fund account or
7 reserve fund account provisions, and all other details of such
8 bonds or notes and may provide for such covenants or agreements
9 necessary or desirable with regard to the issue, sale, and
10 security of such bonds or notes. The rate or rates of interest
11 on its bonds or notes may be fixed or variable and the
12 Authority shall determine or provide for the determination of
13 the rate or rates of interest of its bonds or notes issued
14 under this Act in an ordinance adopted by the Authority prior
15 to the issuance thereof, none of which rates of interest shall
16 exceed that permitted in the Bond Authorization Act. Interest
17 may be payable at such times as are provided for by the Board.
18 Bonds and notes issued under this Section may be issued as
19 serial or term obligations, shall be of such denomination or
20 denominations and form, including interest coupons to be
21 attached thereto, be executed in such manner, shall be payable
22 at such place or places, and bear such date as the Authority
23 shall fix by the ordinance authorizing such bond or note and
24 shall mature at such time or times, within a period not to
25 exceed 40 ~~forty~~ years from the date of issue, and may be
26 redeemable prior to maturity with or without premium, at the

1 option of the Authority, upon such terms and conditions as the
2 Authority shall fix by the ordinance authorizing the issuance
3 of such bonds or notes. No bond anticipation note or any
4 renewal thereof shall mature at any time or times exceeding 5
5 years from the date of the first issuance of such note. The
6 Authority may provide for the registration of bonds or notes in
7 the name of the owner as to the principal alone or as to both
8 principal and interest, upon such terms and conditions as the
9 Authority may determine. The ordinance authorizing bonds or
10 notes may provide for the exchange of such bonds or notes which
11 are fully registered, as to both principal and interest, with
12 bonds or notes which are registerable as to principal only. All
13 bonds or notes issued under this Section by the Authority other
14 than those issued in exchange for property or for bonds or
15 notes of the Authority shall be sold at a price which may be at
16 a premium or discount, but such that the interest cost
17 (excluding any redemption premium) to the Authority of the
18 proceeds of an issue of such bonds or notes, computed to stated
19 maturity according to standard tables of bond values, shall not
20 exceed that permitted in the Bond Authorization Act. The
21 Authority shall notify the Governor's Office of Management and
22 Budget and the State Comptroller at least 30 days before any
23 bond sale and shall file with the Governor's Office of
24 Management and Budget and the State Comptroller a certified
25 copy of any ordinance authorizing the issuance of bonds at or
26 before the issuance of the bonds. After December 31, 1994, any

1 such bonds or notes shall be sold to the highest and best
2 bidder on sealed bids as the Authority shall deem. As such
3 bonds or notes are to be sold the Authority shall advertise for
4 proposals to purchase the bonds or notes that ~~which~~
5 ~~advertisement~~ shall be published at least once in a daily
6 newspaper of general circulation published in the metropolitan
7 region at least 10 days before the time set for the submission
8 of bids. The Authority shall have the right to reject any or
9 all bids. Notwithstanding any other provisions of this Section,
10 Working Cash Notes or bonds or notes to provide funds for
11 self-insurance or a joint self-insurance pool or entity may be
12 sold either upon competitive bidding or by negotiated sale
13 (without any requirement of publication of intention to
14 negotiate the sale of such Notes), as the Board shall determine
15 by ordinance adopted with the affirmative votes of at least 9
16 Directors. In case any officer whose signature appears on any
17 bonds, notes, or coupons authorized pursuant to this Section
18 shall cease to be such officer before delivery of such bonds or
19 notes, such signature shall nevertheless be valid and
20 sufficient for all purposes, the same as if such officer had
21 remained in office until such delivery. Neither the Directors
22 of the Authority nor any person executing any bonds or notes
23 thereof shall be liable personally on any such bonds or notes
24 or coupons by reason of the issuance thereof.

25 (c) All bonds or notes of the Authority issued pursuant to
26 this Section shall be general obligations of the Authority to

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

24 The Authority may provide in the ordinance authorizing the
25 issuance of any bonds or notes issued pursuant to this Section
26 for the creation of, deposits in, and regulation and

1 disposition of sinking fund or reserve accounts relating to
2 such bonds or notes. The ordinance authorizing the issuance of
3 any bonds or notes pursuant to this Section may contain
4 provisions as part of the contract with the holders of the
5 bonds or notes, for the creation of a separate fund to provide
6 for the payment of principal and interest on such bonds or
7 notes, and for the deposit in such fund from any or all the tax
8 receipts of the Authority and from any or all such other moneys
9 or revenues of the Authority from whatever source which may by
10 law be used ~~utilized~~ for debt service purposes, all as provided
11 in such ordinance, of amounts to meet the debt service
12 requirements on such bonds or notes, including principal and
13 interest, and any sinking fund or reserve fund account
14 requirements as may be provided by such ordinance, and all
15 expenses incident to or in connection with such fund and
16 accounts or the payment of such bonds or notes. Such ordinance
17 may also provide limitations on the issuance of additional
18 bonds or notes of the Authority. No such bonds or notes of the
19 Authority shall constitute a debt of the State ~~of Illinois~~.
20 Nothing in this Act shall be construed to enable the Authority
21 to impose any ad valorem tax on property.

22 (d) The ordinance of the Authority authorizing the issuance
23 of any bonds or notes may provide additional security for such
24 bonds or notes by providing for appointment of a corporate
25 trustee (which may be any trust company or bank having the
26 powers of a trust company within the State ~~state~~) with respect

1 to such bonds or notes. The ordinance shall prescribe the
2 rights, duties, and powers of the trustee to be exercised for
3 the benefit of the Authority and the protection of the holders
4 of such bonds or notes. The ordinance may provide for the
5 trustee to hold in trust, invest, and use amounts in funds and
6 accounts created as provided by the ordinance with respect to
7 the bonds or notes. The ordinance may provide for the
8 assignment and direct payment to the trustee of any or all
9 amounts produced from the sources provided in Section 4.03 and
10 Section 4.09 of this Act and provided in Section 6z-17 of "An
11 Act in relation to State finance", approved June 10, 1919, as
12 amended. Upon receipt of notice of any such assignment, the
13 Department of Revenue and the Comptroller of the State ~~of~~
14 ~~Illinois~~ shall thereafter, notwithstanding the provisions of
15 Section 4.03 and Section 4.09 of this Act and Section 6z-17 of
16 "An Act in relation to State finance", approved June 10, 1919,
17 as amended, provide for such assigned amounts to be paid
18 directly to the trustee instead of the Authority, all in
19 accordance with the terms of the ordinance making the
20 assignment. The ordinance shall provide that amounts so paid to
21 the trustee which are not required to be deposited, held, or
22 invested in funds and accounts created by the ordinance with
23 respect to bonds or notes or used for paying bonds or notes to
24 be paid by the trustee to the Authority.

25 (e) Any bonds or notes of the Authority issued pursuant to
26 this Section shall constitute a contract between the Authority

1 and the holders from time to time of such bonds or notes. In
2 issuing any bond or note, the Authority may include in the
3 ordinance authorizing such issue a covenant as part of the
4 contract with the holders of the bonds or notes, that as long
5 as such obligations are outstanding, it shall make such
6 deposits, as provided in subsection ~~paragraph~~ (c) of this
7 Section. It may also so covenant that it shall impose and
8 continue to impose taxes, as provided in Section 4.03 of this
9 Act and in addition thereto as subsequently authorized by law,
10 sufficient to make such deposits and pay the principal and
11 interest and to meet other debt service requirements of such
12 bonds or notes as they become due. A certified copy of the
13 ordinance authorizing the issuance of any such obligations
14 shall be filed at or prior to the issuance of such obligations
15 with the Comptroller of the State ~~of Illinois~~ and the Illinois
16 Department of Revenue.

17 (f) The State ~~of Illinois~~ pledges to and agrees with the
18 holders of the bonds and notes of the Authority issued pursuant
19 to this Section that the State will not limit or alter the
20 rights and powers vested in the Authority by this Act so as to
21 impair the terms of any contract made by the Authority with
22 such holders or in any way impair the rights and remedies of
23 such holders until such bonds and notes, together with interest
24 thereon, with interest on any unpaid installments of interest,
25 and all costs and expenses in connection with any action or
26 proceedings by or on behalf of such holders, are fully met and

1 discharged. In addition, the State pledges to and agrees with
2 the holders of the bonds and notes of the Authority issued
3 pursuant to this Section that the State will not limit or alter
4 the basis on which State funds are to be paid to the Authority
5 as provided in this Act, or the use of such funds, so as to
6 impair the terms of any such contract. The Authority is
7 authorized to include these pledges and agreements of the State
8 in any contract with the holders of bonds or notes issued
9 pursuant to this Section.

10 (g) (1) Except as provided in subdivisions (g) (2) and (g) (3)
11 of Section 4.04 of this Act, the Authority shall not at any
12 time issue, sell, or deliver any bonds or notes (other than
13 Working Cash Notes and lines of credit) pursuant to this
14 Section 4.04 which will cause it to have issued and outstanding
15 at any time in excess of \$800,000,000 of such bonds and notes
16 (other than Working Cash Notes and lines of credit). The
17 Authority shall not issue, sell, or deliver any Working Cash
18 Notes or establish a line of credit pursuant to this Section
19 that will cause it to have issued and outstanding at any time
20 in excess of \$100,000,000. However, the Authority may issue,
21 sell, and deliver additional Working Cash Notes and establish a
22 line of credit before July 1, 2020 ~~2018~~ that are over and above
23 and in addition to the \$100,000,000 authorization such that the
24 outstanding amount of these additional Working Cash Notes and
25 lines of credit do ~~does~~ not exceed at any time \$300,000,000.
26 Bonds or notes which are being paid or retired by such

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

8 (2) In addition to the authority provided by paragraphs (1)
9 and (3), the Authority is authorized to issue, sell, and
10 deliver bonds or notes for Strategic Capital Improvement
11 Projects approved pursuant to Section 4.13 as follows:

12 \$100,000,000 is authorized to be issued on or after
13 January 1, 1990;

14 an additional \$100,000,000 is authorized to be issued
15 on or after January 1, 1991;

16 an additional \$100,000,000 is authorized to be issued
17 on or after January 1, 1992;

18 an additional \$100,000,000 is authorized to be issued
19 on or after January 1, 1993;

20 an additional \$100,000,000 is authorized to be issued
21 on or after January 1, 1994; and

22 the aggregate total authorization of bonds and notes
23 for Strategic Capital Improvement Projects as of January 1,
24 1994, shall be \$500,000,000.

25 The Authority is also authorized to issue, sell, and
26 deliver bonds or notes in such amounts as are necessary to

1 provide for the refunding or advance refunding of bonds or
2 notes issued for Strategic Capital Improvement Projects under
3 this subdivision (g) (2), provided that no such refunding bond
4 or note shall mature later than the final maturity date of the
5 series of bonds or notes being refunded, and provided further
6 that the debt service requirements for such refunding bonds or
7 notes in the current or any future fiscal year shall not exceed
8 the debt service requirements for that year on the refunded
9 bonds or notes.

10 (3) In addition to the authority provided by paragraphs (1)
11 and (2), the Authority is authorized to issue, sell, and
12 deliver bonds or notes for Strategic Capital Improvement
13 Projects approved pursuant to Section 4.13 as follows:

14 \$260,000,000 is authorized to be issued on or after
15 January 1, 2000;

16 an additional \$260,000,000 is authorized to be issued
17 on or after January 1, 2001;

18 an additional \$260,000,000 is authorized to be issued
19 on or after January 1, 2002;

20 an additional \$260,000,000 is authorized to be issued
21 on or after January 1, 2003;

22 an additional \$260,000,000 is authorized to be issued
23 on or after January 1, 2004; and

24 the aggregate total authorization of bonds and notes
25 for Strategic Capital Improvement Projects pursuant to
26 this paragraph (3) as of January 1, 2004 shall be

1 \$1,300,000,000.

2 The Authority is also authorized to issue, sell, and
3 deliver bonds or notes in such amounts as are necessary to
4 provide for the refunding or advance refunding of bonds or
5 notes issued for Strategic Capital Improvement projects under
6 this subdivision (g) (3), provided that no such refunding bond
7 or note shall mature later than the final maturity date of the
8 series of bonds or notes being refunded, and provided further
9 that the debt service requirements for such refunding bonds or
10 notes in the current or any future fiscal year shall not exceed
11 the debt service requirements for that year on the refunded
12 bonds or notes.

13 (h) The Authority, subject to the terms of any agreements
14 with noteholders or bond holders as may then exist, shall have
15 power, out of any funds available therefor, to purchase notes
16 or bonds of the Authority, which shall thereupon be cancelled.

17 (i) In addition to any other authority granted by law, the
18 State Treasurer may, with the approval of the Governor, invest
19 or reinvest, at a price not to exceed par, any State money in
20 the State Treasury which is not needed for current expenditures
21 due or about to become due in Working Cash Notes.

22 (j) (1) The Authority may establish a line of credit with a
23 bank or other financial institution (as may be evidenced by the
24 issuance of notes or other obligations), secured by and payable
25 from all tax receipts of the Authority and any or all other
26 revenues or moneys of the Authority, in an amount not to exceed

1 the limitations set forth in subsection (g)(1). Money so
2 borrowed shall be used to provide money for the Authority or
3 the Service Boards to cover any cash flow deficit which the
4 Authority or a Service Board anticipates incurring, and shall
5 be repaid within 24 months.

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

21 (3) The Authority shall notify the Governor's Office of
22 Management and Budget and the State Comptroller at least 30
23 days before establishing a line of credit and shall file with
24 the Governor's Office of Management and Budget and the State
25 Comptroller a certified copy of any ordinance authorizing the
26 establishment of a line of credit at or before establishing the

1 line of credit.

2 (4) Money borrowed under a line of credit pursuant to this
3 subsection (j) shall be general obligations of the Authority to
4 which shall be pledged the full faith and credit of the
5 Authority.

6 (Source: P.A. 98-392, eff. 8-16-13; 99-238, eff. 8-3-15.)

7 Section 3-35. The Illinois Vehicle Code is amended by
8 changing Section 3-805 as follows:

9 (625 ILCS 5/3-805) (from Ch. 95 1/2, par. 3-805)

10 Sec. 3-805. Electric vehicles. The owner of a motor
11 vehicle of the first division or a motor vehicle of the second
12 division weighing 8,000 pounds or less propelled by an electric
13 engine and not utilizing motor fuel, may register such vehicle
14 for the registration period and fee for non-electric motor
15 vehicles under Section 3-806 ~~a fee not to exceed \$35 for a~~
16 ~~2 year registration period.~~ The Secretary may, in his
17 discretion, prescribe that electric vehicle registration
18 plates be issued for an indefinite term, such term to
19 correspond to the term of registration plates issued generally,
20 as provided in Section 3-414.1. ~~In no event may the~~
21 ~~registration fee for electric vehicles exceed \$18 per~~
22 ~~registration year.~~

23 (Source: P.A. 96-1135, eff. 7-21-10.)

1 Section 3-40. The Public-Private Partnerships for
2 Transportation Act is amended by changing Section 15 as
3 follows:

4 (630 ILCS 5/15)

5 Sec. 15. Formation of public-private agreements; project
6 planning.

7 (a) Each transportation agency may exercise the powers
8 granted by this Act to do some or all to develop, finance, and
9 operate any part of one or more transportation projects through
10 public-private agreements with one or more private entities,
11 except for transportation projects for the Illiana Expressway
12 as defined in the Public Private Agreements for the Illiana
13 Expressway Act. The net proceeds, if any, arising out of a
14 transportation project or public-private agreement undertaken
15 by the Department pursuant to this Act shall be deposited into
16 the Public-Private Partnerships for Transportation Fund. The
17 net proceeds arising out of a transportation project or
18 public-private agreement undertaken by the Authority pursuant
19 to this Act shall be deposited into the Illinois State Toll
20 Highway Authority Fund and shall be used only as authorized by
21 Section 23 of the Toll Highway Act.

22 (b) The Authority shall not enter into a public-private
23 agreement involving a lease or other transfer of any toll
24 highway, or portions thereof, under the Authority's
25 jurisdiction which were open to vehicular traffic on the

1 effective date of this Act. The Authority shall not enter into
2 a public-private agreement for the purpose of making roadway
3 improvements, including but not limited to reconstruction,
4 adding lanes, and adding ramps, to any toll highway, or
5 portions thereof, under the Authority's jurisdiction which
6 were open to vehicular traffic on the effective date of this
7 Act. The Authority shall not use any revenue generated by any
8 toll highway, or portions thereof, under the Authority's
9 jurisdiction which were open to vehicular traffic on the
10 effective date of this Act to enter into or provide funding for
11 a public-private agreement. The Authority shall not use any
12 asset, or the proceeds from the sale or lease of any such
13 asset, which was owned by the Authority on the effective date
14 of this Act to enter into or provide funding for a
15 public-private agreement. The Authority may enter into a
16 public-private partnership to develop, finance, and operate
17 new toll highways authorized by the Governor and the General
18 Assembly pursuant to Section 14.1 of the Toll Highway Act,
19 non-highway transportation projects on the toll highway system
20 such as commuter rail or high-speed rail lines, and intelligent
21 transportation infrastructure that will enhance the safety,
22 efficiency, and environmental quality of the toll highway
23 system. The Authority may operate or provide operational
24 services such as toll collection on highways which are
25 developed or financed, or both, through a public-private
26 agreement entered into by another public entity, under an

1 agreement with the public entity or contractor responsible for
2 the transportation project.

3 (c) A contractor has:

4 (1) all powers allowed by law generally to a private
5 entity having the same form of organization as the
6 contractor; and

7 (2) the power to develop, finance, and operate the
8 transportation facility and to impose user fees in
9 connection with the use of the transportation facility,
10 subject to the terms of the public-private agreement.

11 No tolls or user fees may be imposed by the contractor
12 except as set forth in a public-private agreement.

13 (d) Each year, at least 30 days prior to the beginning of
14 the transportation agency's fiscal year, and at other times the
15 transportation agency deems necessary, the Department and the
16 Authority shall submit for review to the General Assembly a
17 description of potential projects that the transportation
18 agency is considering undertaking under this Act. Any
19 submission from the Authority shall indicate which of its
20 potential projects, if any, will involve the proposer operating
21 the transportation facility for a period of one year or more.
22 Prior to the issuance of any request for qualifications or
23 request for proposals with respect to any potential project
24 undertaken by the Department or the Authority pursuant to
25 Section 20 of this Act, the project may not move forward if the
26 General Assembly declares by joint resolution that the project

1 ~~is not in the public interest commencement of a procurement~~
2 ~~process for that particular potential project shall be~~
3 ~~authorized by joint resolution of the General Assembly.~~

4 (e) Each year, at least 30 days prior to the beginning of
5 the transportation agency's fiscal year, the transportation
6 agency shall submit a description of potential projects that
7 the transportation agency is considering undertaking under
8 this Act to each county, municipality, and metropolitan
9 planning organization, with respect to each project located
10 within its boundaries.

11 (f) Any project undertaken under this Act shall be subject
12 to all applicable planning requirements otherwise required by
13 law, including land use planning, regional planning,
14 transportation planning, and environmental compliance
15 requirements.

16 (g) Any new transportation facility developed as a project
17 under this Act must be consistent with the regional plan then
18 in existence of any metropolitan planning organization in whose
19 boundaries the project is located.

20 (h) The transportation agency shall hold one or more public
21 hearings within 30 days of each of its submittals to the
22 General Assembly under subsection (d) of this Section. These
23 public hearings shall address potential projects that the
24 transportation agency submitted to the General Assembly for
25 review under subsection (d). The transportation agency shall
26 publish a notice of the hearing or hearings at least 7 days

1 before a hearing takes place, and shall include the following
2 in the notice: (i) the date, time, and place of the hearing and
3 the address of the transportation agency; (ii) a brief
4 description of the potential projects that the transportation
5 agency is considering undertaking; and (iii) a statement that
6 the public may comment on the potential projects.

7 (Source: P.A. 97-502, eff. 8-23-11; 97-858, eff. 7-27-12.)

8 Article 4

9 Section 4-5. The State Employees Group Insurance Act of
10 1971 is amended by changing Sections 11 and 13.1 as follows:

11 (5 ILCS 375/11) (from Ch. 127, par. 531)

12 Sec. 11. The amount of contribution in any fiscal year from
13 funds other than the General Revenue Fund or the Transportation
14 Mobility Road Fund shall be at the same contribution rate as
15 the General Revenue Fund or the Transportation Mobility Road
16 Fund, except that in State Fiscal Year 2009 no contributions
17 shall be required from the FY09 Budget Relief Fund.
18 Contributions and payments for life insurance shall be
19 deposited in the Group Insurance Premium Fund. Contributions
20 and payments for health coverages and other benefits shall be
21 deposited in the Health Insurance Reserve Fund. Federal funds
22 which are available for cooperative extension purposes shall
23 also be charged for the contributions which are made for

1 retired employees formerly employed in the Cooperative
2 Extension Service. In the case of departments or any division
3 thereof receiving a fraction of its requirements for
4 administration from the Federal Government, the contributions
5 hereunder shall be such fraction of the amount determined under
6 the provisions hereof and the remainder shall be contributed by
7 the State.

8 Every department which has members paid from funds other
9 than the General Revenue Fund, or other than the FY09 Budget
10 Relief Fund in State Fiscal Year 2009, shall cooperate with the
11 Department of Central Management Services and the Governor's
12 Office of Management and Budget in order to assure that the
13 specified proportion of the State's cost for group life
14 insurance, the program of health benefits and other employee
15 benefits is paid by such funds; except that contributions under
16 this Act need not be paid from any other fund where both the
17 Director of Central Management Services and the Director of the
18 Governor's Office of Management and Budget have designated in
19 writing that the necessary contributions are included in the
20 General Revenue Fund contribution amount.

21 Universities having employees who are totally compensated
22 out of the following funds:

- 23 (1) Income Funds;
- 24 (2) Local auxiliary funds; and
- 25 (3) the Agricultural Premium Fund

26 shall not be required to submit such contribution for such

1 employees.

2 For each person covered under this Act whose eligibility
3 for such coverage is based upon the person's status as the
4 recipient of a benefit under the Illinois Pension Code, which
5 benefit is based in whole or in part upon service with the Toll
6 Highway Authority, the Authority shall annually contribute a
7 pro rata share of the State's cost for the benefits of that
8 person.

9 (Source: P.A. 94-793, eff. 5-19-06; 95-1000, eff. 10-7-08.)

10 (5 ILCS 375/13.1) (from Ch. 127, par. 533.1)

11 Sec. 13.1. (a) All contributions, appropriations,
12 interest, and dividend payments to fund the program of health
13 benefits and other employee benefits, and all other revenues
14 arising from the administration of any employee health benefits
15 program, shall be deposited in a trust fund outside the State
16 Treasury, with the State Treasurer as ex-officio custodian, to
17 be known as the Health Insurance Reserve Fund.

18 (b) Upon the adoption of a self-insurance health plan, any
19 monies attributable to the group health insurance program shall
20 be deposited in or transferred to the Health Insurance Reserve
21 Fund for use by the Department. As of the effective date of
22 this amendatory Act of 1986, the Department shall certify to
23 the Comptroller the amount of money in the Group Insurance
24 Premium Fund attributable to the State group health insurance
25 program and the Comptroller shall transfer such money from the

1 Group Insurance Premium Fund to the Health Insurance Reserve
2 Fund. Contributions by the State to the Health Insurance
3 Reserve Fund to meet the requirements of this Act, as
4 established by the Director, from the General Revenue Fund and
5 the Transportation Mobility Road Fund to the Health Insurance
6 Reserve Fund shall be by annual appropriations, and all other
7 contributions to meet the requirements of the programs of
8 health benefits or other employee benefits shall be deposited
9 in the Health Insurance Reserve Fund. The Department shall draw
10 the appropriation from the General Revenue Fund and the
11 Transportation Mobility Road Fund from time to time as
12 necessary to make expenditures authorized under this Act.

13 The Director may employ such assistance and services and
14 may purchase such goods as may be necessary for the proper
15 development and administration of any of the benefit programs
16 authorized by this Act. The Director may promulgate rules and
17 regulations in regard to the administration of these programs.

18 All monies received by the Department for deposit in or
19 transfer to the Health Insurance Reserve Fund, through
20 appropriation or otherwise, shall be used to provide for the
21 making of payments to claimants and providers and to reimburse
22 the Department for all expenses directly incurred relating to
23 Department development and administration of the program of
24 health benefits and other employee benefits.

25 Any administrative service organization administering any
26 self-insurance health plan and paying claims and benefits under

1 authority of this Act may receive, pursuant to written
2 authorization and direction of the Director, an initial
3 transfer and periodic transfers of funds from the Health
4 Insurance Reserve Fund in amounts determined by the Director
5 who may consider the amount recommended by the administrative
6 service organization. Notwithstanding any other statute, such
7 transferred funds shall be retained by the administrative
8 service organization in a separate account provided by any bank
9 as defined by the Illinois Banking Act. The Department may
10 promulgate regulations further defining the banks authorized
11 to accept such funds and all methodology for transfer of such
12 funds. Any interest earned by monies in such account shall
13 inure to the Health Insurance Reserve Fund, shall remain in
14 such account and shall be used exclusively to pay claims and
15 benefits under this Act. Such transferred funds shall be used
16 exclusively for administrative service organization payment of
17 claims to claimants and providers under the self-insurance
18 health plan by the drawing of checks against such account. The
19 administrative service organization may not use such
20 transferred funds, or interest accrued thereon, for any other
21 purpose including, but not limited to, reimbursement of
22 administrative expenses or payments of administration fees due
23 the organization pursuant to its contract or contracts with the
24 Department of Central Management Services.

25 The account of the administrative service organization
26 established under this Section, any transfers from the Health

1 Insurance Reserve Fund to such account and the use of such
2 account and funds shall be subject to (1) audit by the
3 Department or private contractor authorized by the Department
4 to conduct audits, and (2) post audit pursuant to the Illinois
5 State Auditing Act.

6 The Department of Central Management Services, or any
7 successor agency designated to procure healthcare contracts
8 pursuant to this Act, is authorized to establish funds,
9 separate accounts provided by any bank or banks as defined by
10 the Illinois Banking Act, or separate accounts provided by any
11 savings and loan association or associations as defined by the
12 Illinois Savings and Loan Act of 1985 to be held by the
13 Director, outside the State treasury, for the purpose of
14 receiving the transfer of moneys from the Health Insurance
15 Reserve Fund. The Department may promulgate rules further
16 defining the methodology for the transfers. Any interest earned
17 by monies in the funds or accounts shall inure to the Health
18 Insurance Reserve Fund. The transferred moneys, and interest
19 accrued thereon, shall be used exclusively for transfers to
20 administrative service organizations or their financial
21 institutions for payments of claims to claimants and providers
22 under the self-insurance health plan. The transferred moneys,
23 and interest accrued thereon, shall not be used for any other
24 purpose including, but not limited to, reimbursement of
25 administration fees due the administrative service
26 organization pursuant to its contract or contracts with the

1 Department.

2 (c) The Director, with the advice and consent of the
3 Commission, shall establish premiums for optional coverage for
4 dependents of eligible members for the health plans. The
5 eligible members shall be responsible for their portion of such
6 optional premium. The State shall contribute an amount per
7 month for each eligible member who has enrolled one or more
8 dependents under the health plans. Such contribution shall be
9 made directly to the Health Insurance Reserve Fund. Those
10 employees described in subsection (b) of Section 9 of this Act
11 shall be allowed to continue in the health plan by making
12 personal payments with the premiums to be deposited in the
13 Health Insurance Reserve Fund.

14 (d) The Health Insurance Reserve Fund shall be a continuing
15 fund not subject to fiscal year limitations. All expenditures
16 from that fund shall be at the direction of the Director and
17 shall be only for the purpose of:

18 (1) the payment of administrative expenses incurred by
19 the Department for the program of health benefits or other
20 employee benefit programs, including but not limited to the
21 costs of audits or actuarial consultations, professional
22 and contractual services, electronic data processing
23 systems and services, and expenses in connection with the
24 development and administration of such programs;

25 (2) the payment of administrative expenses incurred by
26 the Administrative Service Organization;

1 (3) the payment of health benefits;

2 (3.5) the payment of medical expenses incurred by the
3 Department for the treatment of employees who suffer
4 accidental injury or death within the scope of their
5 employment;

6 (4) refunds to employees for erroneous payments of
7 their selected dependent coverage;

8 (5) payment of premium for stop-loss or re-insurance;

9 (6) payment of premium to health maintenance
10 organizations pursuant to Section 6.1 of this Act;

11 (7) payment of adoption program benefits; and

12 (8) payment of other benefits offered to members and
13 dependents under this Act.

14 (Source: P.A. 98-488, eff. 8-16-13.)

15 Section 4-10. The State Budget Law of the Civil
16 Administrative Code of Illinois is amended by changing Section
17 50-5 as follows:

18 (15 ILCS 20/50-5)

19 Sec. 50-5. Governor to submit State budget.

20 (a) The Governor shall, as soon as possible and not later
21 than the second Wednesday in March in 2010 (March 10, 2010),
22 the third Wednesday in February in 2011, the fourth Wednesday
23 in February in 2012 (February 22, 2012), the first Wednesday in
24 March in 2013 (March 6, 2013), the fourth Wednesday in March in

1 2014 (March 26, 2014), and the third Wednesday in February of
2 each year thereafter, except as otherwise provided in this
3 Section, submit a State budget, embracing therein the amounts
4 recommended by the Governor to be appropriated to the
5 respective departments, offices, and institutions, and for all
6 other public purposes, the estimated revenues from taxation,
7 and the estimated revenues from sources other than taxation.
8 Except with respect to the capital development provisions of
9 the State budget, beginning with the revenue estimates prepared
10 for fiscal year 2012, revenue estimates shall be based solely
11 on: (i) revenue sources (including non-income resources),
12 rates, and levels that exist as of the date of the submission
13 of the State budget for the fiscal year and (ii) revenue
14 sources (including non-income resources), rates, and levels
15 that have been passed by the General Assembly as of the date of
16 the submission of the State budget for the fiscal year and that
17 are authorized to take effect in that fiscal year. Except with
18 respect to the capital development provisions of the State
19 budget, the Governor shall determine available revenue, deduct
20 the cost of essential government services, including, but not
21 limited to, pension payments and debt service, and assign a
22 percentage of the remaining revenue to each statewide
23 prioritized goal, as established in Section 50-25 of this Law,
24 taking into consideration the proposed goals set forth in the
25 report of the Commission established under that Section. The
26 Governor shall also demonstrate how spending priorities for the

1 fiscal year fulfill those statewide goals. The amounts
2 recommended by the Governor for appropriation to the respective
3 departments, offices and institutions shall be formulated
4 according to each department's, office's, and institution's
5 ability to effectively deliver services that meet the
6 established statewide goals. The amounts relating to
7 particular functions and activities shall be further
8 formulated in accordance with the object classification
9 specified in Section 13 of the State Finance Act. In addition,
10 the amounts recommended by the Governor for appropriation shall
11 take into account each State agency's effectiveness in
12 achieving its prioritized goals for the previous fiscal year,
13 as set forth in Section 50-25 of this Law, giving priority to
14 agencies and programs that have demonstrated a focus on the
15 prevention of waste and the maximum yield from resources.

16 Beginning in fiscal year 2011, the Governor shall
17 distribute written quarterly financial reports on operating
18 funds, which may include general, State, or federal funds and
19 may include funds related to agencies that have significant
20 impacts on State operations, and budget statements on all
21 appropriated funds to the General Assembly and the State
22 Comptroller. The reports shall be submitted no later than 45
23 days after the last day of each quarter of the fiscal year and
24 shall be posted on the Governor's Office of Management and
25 Budget's website on the same day. The reports shall be prepared
26 and presented for each State agency and on a statewide level in

1 an executive summary format that may include, for the fiscal
2 year to date, individual itemizations for each significant
3 revenue type as well as itemizations of expenditures and
4 obligations, by agency, with an appropriate level of detail.
5 The reports shall include a calculation of the actual total
6 budget surplus or deficit for the fiscal year to date. The
7 Governor shall also present periodic budget addresses
8 throughout the fiscal year at the invitation of the General
9 Assembly.

10 The Governor shall not propose expenditures and the General
11 Assembly shall not enact appropriations that exceed the
12 resources estimated to be available, as provided in this
13 Section. Appropriations may be adjusted during the fiscal year
14 by means of one or more supplemental appropriation bills if any
15 State agency either fails to meet or exceeds the goals set
16 forth in Section 50-25 of this Law.

17 For the purposes of Article VIII, Section 2 of the 1970
18 Illinois Constitution, the State budget for the following funds
19 shall be prepared on the basis of revenue and expenditure
20 measurement concepts that are in concert with generally
21 accepted accounting principles for governments:

- 22 (1) General Revenue Fund.
- 23 (2) Common School Fund.
- 24 (3) Educational Assistance Fund.
- 25 (4) Transportation Mobility ~~Road~~ Fund.
- 26 (5) Motor Fuel Tax Fund.

1 (6) Agricultural Premium Fund.

2 These funds shall be known as the "budgeted funds". The
3 revenue estimates used in the State budget for the budgeted
4 funds shall include the estimated beginning fund balance, plus
5 revenues estimated to be received during the budgeted year,
6 plus the estimated receipts due the State as of June 30 of the
7 budgeted year that are expected to be collected during the
8 lapse period following the budgeted year, minus the receipts
9 collected during the first 2 months of the budgeted year that
10 became due to the State in the year before the budgeted year.
11 Revenues shall also include estimated federal reimbursements
12 associated with the recognition of Section 25 of the State
13 Finance Act liabilities. For any budgeted fund for which
14 current year revenues are anticipated to exceed expenditures,
15 the surplus shall be considered to be a resource available for
16 expenditure in the budgeted fiscal year.

17 Expenditure estimates for the budgeted funds included in
18 the State budget shall include the costs to be incurred by the
19 State for the budgeted year, to be paid in the next fiscal
20 year, excluding costs paid in the budgeted year which were
21 carried over from the prior year, where the payment is
22 authorized by Section 25 of the State Finance Act. For any
23 budgeted fund for which expenditures are expected to exceed
24 revenues in the current fiscal year, the deficit shall be
25 considered as a use of funds in the budgeted fiscal year.

26 Revenues and expenditures shall also include transfers

1 between funds that are based on revenues received or costs
2 incurred during the budget year.

3 Appropriations for expenditures shall also include all
4 anticipated statutory continuing appropriation obligations
5 that are expected to be incurred during the budgeted fiscal
6 year.

7 By March 15 of each year, the Commission on Government
8 Forecasting and Accountability shall prepare revenue and fund
9 transfer estimates in accordance with the requirements of this
10 Section and report those estimates to the General Assembly and
11 the Governor.

12 For all funds other than the budgeted funds, the proposed
13 expenditures shall not exceed funds estimated to be available
14 for the fiscal year as shown in the budget. Appropriation for a
15 fiscal year shall not exceed funds estimated by the General
16 Assembly to be available during that year.

17 (b) By February 24, 2010, the Governor must file a written
18 report with the Secretary of the Senate and the Clerk of the
19 House of Representatives containing the following:

20 (1) for fiscal year 2010, the revenues for all budgeted
21 funds, both actual to date and estimated for the full
22 fiscal year;

23 (2) for fiscal year 2010, the expenditures for all
24 budgeted funds, both actual to date and estimated for the
25 full fiscal year;

26 (3) for fiscal year 2011, the estimated revenues for

1 all budgeted funds, including without limitation the
2 affordable General Revenue Fund appropriations, for the
3 full fiscal year; and

4 (4) for fiscal year 2011, an estimate of the
5 anticipated liabilities for all budgeted funds, including
6 without limitation the affordable General Revenue Fund
7 appropriations, debt service on bonds issued, and the
8 State's contributions to the pension systems, for the full
9 fiscal year.

10 Between July 1 and August 31 of each fiscal year, the
11 members of the General Assembly and members of the public may
12 make written budget recommendations to the Governor.

13 Beginning with budgets prepared for fiscal year 2013, the
14 budgets submitted by the Governor and appropriations made by
15 the General Assembly for all executive branch State agencies
16 must adhere to a method of budgeting where each priority must
17 be justified each year according to merit rather than according
18 to the amount appropriated for the preceding year.

19 (Source: P.A. 97-669, eff. 1-13-12; 97-813, eff. 7-13-12; 98-2,
20 eff. 2-19-13; 98-626, eff. 2-5-14.)

21 Section 4-15. The Secretary of State Buildings in Cook
22 County Act is amended by changing Section 2 as follows:

23 (15 ILCS 330/2) (from Ch. 124, par. 13)

24 Sec. 2. The sum of \$3,500,000.00, or so much thereof as may

1 be necessary, is appropriated to the Secretary of State from
2 the Transportation Mobility Road Fund for the acquisition of
3 land, cost of construction, cost of equipment, and including
4 plans and specifications, and all necessary charges incident to
5 the completion of the work. For the purpose of acquiring sites
6 for said buildings, the Secretary of State may, on behalf of
7 the State of Illinois, acquire public or private property by
8 lease, purchase, or eminent domain. Expenditures for the
9 construction and equipping of any of said buildings shall not
10 be subject to the provisions of any law requiring that the
11 State be vested with absolute fee title to the premises, if
12 such expenditures are made in connection with and upon premises
13 owned by another public entity.

14 (Source: Laws 1957, p. 2132.)

15 Section 4-20. The Illinois Identification Card Act is
16 amended by changing Sections 2 and 12 as follows:

17 (15 ILCS 335/2) (from Ch. 124, par. 22)

18 Sec. 2. Administration and powers and duties of the
19 Administrator.

20 (a) The Secretary of State is the Administrator of this
21 Act, and he is charged with the duty of observing,
22 administering and enforcing the provisions of this Act.

23 (b) The Secretary is vested with the powers and duties for
24 the proper administration of this Act as follows:

1 1. He shall organize the administration of this Act as
2 he may deem necessary and appoint such subordinate
3 officers, clerks and other employees as may be necessary.

4 2. From time to time, he may make, amend or rescind
5 rules and regulations as may be in the public interest to
6 implement the Act.

7 3. He may prescribe or provide suitable forms as
8 necessary, including such forms as are necessary to
9 establish that an applicant for an Illinois Person with a
10 Disability Identification Card is a "person with a
11 disability" as defined in Section 4A of this Act, and
12 establish that an applicant for a State identification card
13 is a "homeless person" as defined in Section 1A of this
14 Act.

15 4. He may prepare under the seal of the Secretary of
16 State certified copies of any records utilized under this
17 Act and any such certified copy shall be admissible in any
18 proceeding in any court in like manner as the original
19 thereof.

20 5. Records compiled under this Act shall be maintained
21 for 6 years, but the Secretary may destroy such records
22 with the prior approval of the State Records Commission.

23 6. He shall examine and determine the genuineness,
24 regularity and legality of every application filed with him
25 under this Act, and he may in all cases investigate the
26 same, require additional information or proof or

1 documentation from any applicant.

2 7. He shall require the payment of all fees prescribed
3 in this Act, and all such fees received by him shall be
4 placed in the Transportation Mobility Road Fund of the
5 State treasury except as otherwise provided in Section 12
6 of this Act. Whenever any application to the Secretary for
7 an identification card under this Act is accompanied by any
8 fee, as required by law, and the application is denied
9 after a review of eligibility, which may include facial
10 recognition comparison, the applicant shall not be
11 entitled to a refund of any fees paid.

12 8. Beginning July 1, 2017, he shall refuse to issue a
13 REAL ID compliant identification card under this Act to any
14 person who has been issued a REAL ID compliant driver's
15 license under the Illinois Vehicle Code. Any such person
16 may, at his or her discretion, surrender the REAL ID
17 compliant driver's license in order to become eligible to
18 obtain a REAL ID compliant identification card.

19 9. The Secretary may issue both REAL ID compliant
20 identification cards and non-compliant identification
21 cards, and may permit applicants to designate which type of
22 identification card they wish to receive. All provisions of
23 this Act applicable to non-compliant identification cards
24 shall also apply to REAL ID compliant identification cards,
25 except where the provisions are inconsistent with the REAL
26 ID Act and implementing regulations. The Secretary shall

1 establish by rule the date on which issuance of REAL ID
 2 compliant identification cards will begin.

3 (Source: P.A. 99-143, eff. 7-27-15; 99-305, eff. 1-1-16;
 4 99-511, eff. 1-1-17; 99-642, eff. 7-28-16; 100-248, eff.
 5 8-22-17.)

6 (15 ILCS 335/12) (from Ch. 124, par. 32)

7 Sec. 12. Fees concerning standard Illinois Identification
 8 Cards. The fees required under this Act for standard Illinois
 9 Identification Cards must accompany any application provided
 10 for in this Act, and the Secretary shall collect such fees as
 11 follows:

12	a. Original card	\$20
13	b. Renewal card	20
14	c. Corrected card	10
15	d. Duplicate card	20
16	e. Certified copy with seal	5
17	f. Search	2
18	g. Applicant 65 years of age or over	No Fee
19	h. (Blank)	
20	i. Individual living in Veterans	
21	Home or Hospital	No Fee
22	j. Original card under 18 years of age	\$10
23	k. Renewal card under 18 years of age	\$10
24	l. Corrected card under 18 years of age	\$5
25	m. Duplicate card under 18 years of age	\$10

1	n. Homeless person	No Fee
2	o. Duplicate card issued to an active-duty	
3	member of the United States Armed Forces, the	
4	member's spouse, or dependent children	
5	living with the member	No Fee
6	p. Duplicate temporary card	\$5
7	q. First card issued to a youth	
8	for whom the Department of Children	
9	and Family Services is legally responsible	
10	or a foster child upon turning the age of	
11	16 years old until he or she reaches	
12	the age of 21 years old	No Fee
13	r. Original card issued to a committed	
14	person upon release on parole,	
15	mandatory supervised release,	
16	aftercare release, final	
17	discharge, or pardon from the	
18	Department of Corrections or	
19	Department of Juvenile Justice	No Fee
20	s. Limited-term Illinois Identification	
21	Card issued to a committed person	
22	upon release on parole, mandatory	
23	supervised release, aftercare	
24	release, final discharge, or pardon	
25	from the Department of	
26	Corrections or Department of	

1 Juvenile Justice No Fee

2 All fees collected under this Act shall be paid into the
3 Transportation Mobility Road Fund of the State treasury, except
4 that the following amounts shall be paid into the General
5 Revenue Fund: (i) 80% of the fee for an original, renewal, or
6 duplicate Illinois Identification Card issued on or after
7 January 1, 2005; and (ii) 80% of the fee for a corrected
8 Illinois Identification Card issued on or after January 1,
9 2005.

10 An individual, who resides in a veterans home or veterans
11 hospital operated by the State or federal government, who makes
12 an application for an Illinois Identification Card to be issued
13 at no fee, must submit, along with the application, an
14 affirmation by the applicant on a form provided by the
15 Secretary of State, that such person resides in a veterans home
16 or veterans hospital operated by the State or federal
17 government.

18 The application of a homeless individual for an Illinois
19 Identification Card to be issued at no fee must be accompanied
20 by an affirmation by a qualified person, as defined in Section
21 4C of this Act, on a form provided by the Secretary of State,
22 that the applicant is currently homeless as defined in Section
23 1A of this Act.

24 For the application for the first Illinois Identification
25 Card of a youth for whom the Department of Children and Family
26 Services is legally responsible or a foster child to be issued

1 at no fee, the youth must submit, along with the application,
2 an affirmation by his or her court appointed attorney or an
3 employee of the Department of Children and Family Services on a
4 form provided by the Secretary of State, that the person is a
5 youth for whom the Department of Children and Family Services
6 is legally responsible or a foster child.

7 The fee for any duplicate identification card shall be
8 waived for any person who presents the Secretary of State's
9 Office with a police report showing that his or her
10 identification card was stolen.

11 The fee for any duplicate identification card shall be
12 waived for any person age 60 or older whose identification card
13 has been lost or stolen.

14 As used in this Section, "active-duty member of the United
15 States Armed Forces" means a member of the Armed Services or
16 Reserve Forces of the United States or a member of the Illinois
17 National Guard who is called to active duty pursuant to an
18 executive order of the President of the United States, an act
19 of the Congress of the United States, or an order of the
20 Governor.

21 (Source: P.A. 99-607, eff. 7-22-16; 99-659, eff. 7-28-17;
22 99-907, eff. 7-1-17; 100-201, eff. 8-18-17.)

23 Section 4-25. The Department of Central Management
24 Services Law of the Civil Administrative Code of Illinois is
25 amended by changing Section 405-105 as follows:

1 (20 ILCS 405/405-105) (was 20 ILCS 405/64.1)

2 Sec. 405-105. Fidelity, surety, property, and casualty
3 insurance. The Department shall establish and implement a
4 program to coordinate the handling of all fidelity, surety,
5 property, and casualty insurance exposures of the State and the
6 departments, divisions, agencies, branches, and universities
7 of the State. In performing this responsibility, the Department
8 shall have the power and duty to do the following:

9 (1) Develop and maintain loss and exposure data on all
10 State property.

11 (2) Study the feasibility of establishing a
12 self-insurance plan for State property and prepare
13 estimates of the costs of reinsurance for risks beyond the
14 realistic limits of the self-insurance.

15 (3) Prepare a plan for centralizing the purchase of
16 property and casualty insurance on State property under a
17 master policy or policies and purchase the insurance
18 contracted for as provided in the Illinois Purchasing Act.

19 (4) Evaluate existing provisions for fidelity bonds
20 required of State employees and recommend changes that are
21 appropriate commensurate with risk experience and the
22 determinations respecting self-insurance or reinsurance so
23 as to permit reduction of costs without loss of coverage.

24 (5) Investigate procedures for inclusion of school
25 districts, public community college districts, and other

1 units of local government in programs for the centralized
2 purchase of insurance.

3 (6) Implement recommendations of the State Property
4 Insurance Study Commission that the Department finds
5 necessary or desirable in the performance of its powers and
6 duties under this Section to achieve efficient and
7 comprehensive risk management.

8 (7) Prepare and, in the discretion of the Director,
9 implement a plan providing for the purchase of public
10 liability insurance or for self-insurance for public
11 liability or for a combination of purchased insurance and
12 self-insurance for public liability (i) covering the State
13 and drivers of motor vehicles owned, leased, or controlled
14 by the State of Illinois pursuant to the provisions and
15 limitations contained in the Illinois Vehicle Code, (ii)
16 covering other public liability exposures of the State and
17 its employees within the scope of their employment, and
18 (iii) covering drivers of motor vehicles not owned, leased,
19 or controlled by the State but used by a State employee on
20 State business, in excess of liability covered by an
21 insurance policy obtained by the owner of the motor vehicle
22 or in excess of the dollar amounts that the Department
23 shall determine to be reasonable. Any contract of insurance
24 let under this Law shall be by bid in accordance with the
25 procedure set forth in the Illinois Purchasing Act. Any
26 provisions for self-insurance shall conform to subdivision

1 (11).

2 The term "employee" as used in this subdivision (7) and
3 in subdivision (11) means a person while in the employ of
4 the State who is a member of the staff or personnel of a
5 State agency, bureau, board, commission, committee,
6 department, university, or college or who is a State
7 officer, elected official, commissioner, member of or ex
8 officio member of a State agency, bureau, board,
9 commission, committee, department, university, or college,
10 or a member of the National Guard while on active duty
11 pursuant to orders of the Governor of the State of
12 Illinois, or any other person while using a licensed motor
13 vehicle owned, leased, or controlled by the State of
14 Illinois with the authorization of the State of Illinois,
15 provided the actual use of the motor vehicle is within the
16 scope of that authorization and within the course of State
17 service.

18 Subsequent to payment of a claim on behalf of an
19 employee pursuant to this Section and after reasonable
20 advance written notice to the employee, the Director may
21 exclude the employee from future coverage or limit the
22 coverage under the plan if (i) the Director determines that
23 the claim resulted from an incident in which the employee
24 was grossly negligent or had engaged in willful and wanton
25 misconduct or (ii) the Director determines that the
26 employee is no longer an acceptable risk based on a review

1 of prior accidents in which the employee was at fault and
2 for which payments were made pursuant to this Section.

3 The Director is authorized to promulgate
4 administrative rules that may be necessary to establish and
5 administer the plan.

6 Appropriations from the Transportation Mobility Road
7 Fund shall be used to pay auto liability claims and related
8 expenses involving employees of the Department of
9 Transportation, the Illinois State Police, and the
10 Secretary of State.

11 (8) Charge, collect, and receive from all other
12 agencies of the State government fees or monies equivalent
13 to the cost of purchasing the insurance.

14 (9) Establish, through the Director, charges for risk
15 management services rendered to State agencies by the
16 Department. The State agencies so charged shall reimburse
17 the Department by vouchers drawn against their respective
18 appropriations. The reimbursement shall be determined by
19 the Director as amounts sufficient to reimburse the
20 Department for expenditures incurred in rendering the
21 service.

22 The Department shall charge the employing State agency
23 or university for workers' compensation payments for
24 temporary total disability paid to any employee after the
25 employee has received temporary total disability payments
26 for 120 days if the employee's treating physician, advanced

1 practice registered nurse, or physician assistant has
2 issued a release to return to work with restrictions and
3 the employee is able to perform modified duty work but the
4 employing State agency or university does not return the
5 employee to work at modified duty. Modified duty shall be
6 duties assigned that may or may not be delineated as part
7 of the duties regularly performed by the employee. Modified
8 duties shall be assigned within the prescribed
9 restrictions established by the treating physician and the
10 physician who performed the independent medical
11 examination. The amount of all reimbursements shall be
12 deposited into the Workers' Compensation Revolving Fund
13 which is hereby created as a revolving fund in the State
14 treasury. In addition to any other purpose authorized by
15 law, moneys in the Fund shall be used, subject to
16 appropriation, to pay these or other temporary total
17 disability claims of employees of State agencies and
18 universities.

19 Beginning with fiscal year 1996, all amounts recovered
20 by the Department through subrogation in workers'
21 compensation and workers' occupational disease cases shall
22 be deposited into the Workers' Compensation Revolving Fund
23 created under this subdivision (9).

24 (10) Establish rules, procedures, and forms to be used
25 by State agencies in the administration and payment of
26 workers' compensation claims. For claims filed prior to

1 July 1, 2013, the Department shall initially evaluate and
2 determine the compensability of any injury that is the
3 subject of a workers' compensation claim and provide for
4 the administration and payment of such a claim for all
5 State agencies. For claims filed on or after July 1, 2013,
6 the Department shall retain responsibility for certain
7 administrative payments including, but not limited to,
8 payments to the private vendor contracted to perform
9 services under subdivision (10b) of this Section, payments
10 related to travel expenses for employees of the Office of
11 the Attorney General, and payments to internal Department
12 staff responsible for the oversight and management of any
13 contract awarded pursuant to subdivision (10b) of this
14 Section. Through December 31, 2012, the Director may
15 delegate to any agency with the agreement of the agency
16 head the responsibility for evaluation, administration,
17 and payment of that agency's claims. Neither the Department
18 nor the private vendor contracted to perform services under
19 subdivision (10b) of this Section shall be responsible for
20 providing workers' compensation services to the Illinois
21 State Toll Highway Authority or to State universities that
22 maintain self-funded workers' compensation liability
23 programs.

24 (10a) By April 1 of each year prior to calendar year
25 2013, the Director must report and provide information to
26 the State Workers' Compensation Program Advisory Board

1 concerning the status of the State workers' compensation
2 program for the next fiscal year. Information that the
3 Director must provide to the State Workers' Compensation
4 Program Advisory Board includes, but is not limited to,
5 documents, reports of negotiations, bid invitations,
6 requests for proposals, specifications, copies of proposed
7 and final contracts or agreements, and any other materials
8 concerning contracts or agreements for the program. By the
9 first of each month prior to calendar year 2013, the
10 Director must provide updated, and any new, information to
11 the State Workers' Compensation Program Advisory Board
12 until the State workers' compensation program for the next
13 fiscal year is determined.

14 (10b) No later than January 1, 2013, the chief
15 procurement officer appointed under paragraph (4) of
16 subsection (a) of Section 10-20 of the Illinois Procurement
17 Code (hereinafter "chief procurement officer"), in
18 consultation with the Department of Central Management
19 Services, shall procure one or more private vendors to
20 administer the program providing payments for workers'
21 compensation liability with respect to the employees of all
22 State agencies. The chief procurement officer may procure a
23 single contract applicable to all State agencies or
24 multiple contracts applicable to one or more State
25 agencies. If the chief procurement officer procures a
26 single contract applicable to all State agencies, then the

1 Department of Central Management Services shall be
2 designated as the agency that enters into the contract and
3 shall be responsible for the contract. If the chief
4 procurement officer procures multiple contracts applicable
5 to one or more State agencies, each agency to which the
6 contract applies shall be designated as the agency that
7 shall enter into the contract and shall be responsible for
8 the contract. If the chief procurement officer procures
9 contracts applicable to an individual State agency, the
10 agency subject to the contract shall be designated as the
11 agency responsible for the contract.

12 (10c) The procurement of private vendors for the
13 administration of the workers' compensation program for
14 State employees is subject to the provisions of the
15 Illinois Procurement Code and administration by the chief
16 procurement officer.

17 (10d) Contracts for the procurement of private vendors
18 for the administration of the workers' compensation
19 program for State employees shall be based upon, but
20 limited to, the following criteria: (i) administrative
21 cost, (ii) service capabilities of the vendor, and (iii)
22 the compensation (including premiums, fees, or other
23 charges). A vendor for the administration of the workers'
24 compensation program for State employees shall provide
25 services, including, but not limited to:

26 (A) providing a web-based case management system

1 and provide access to the Office of the Attorney
2 General;

3 (B) ensuring claims adjusters are available to
4 provide testimony or information as requested by the
5 Office of the Attorney General;

6 (C) establishing a preferred provider program for
7 all State agencies and facilities; and

8 (D) authorizing the payment of medical bills at the
9 preferred provider discount rate.

10 (10e) By September 15, 2012, the Department of Central
11 Management Services shall prepare a plan to effectuate the
12 transfer of responsibility and administration of the
13 workers' compensation program for State employees to the
14 selected private vendors. The Department shall submit a
15 copy of the plan to the General Assembly.

16 (11) Any plan for public liability self-insurance
17 implemented under this Section shall provide that (i) the
18 Department shall attempt to settle and may settle any
19 public liability claim filed against the State of Illinois
20 or any public liability claim filed against a State
21 employee on the basis of an occurrence in the course of the
22 employee's State employment; (ii) any settlement of such a
23 claim is not subject to fiscal year limitations and must be
24 approved by the Director and, in cases of settlements
25 exceeding \$100,000, by the Governor; and (iii) a settlement
26 of any public liability claim against the State or a State

1 employee shall require an unqualified release of any right
2 of action against the State and the employee for acts
3 within the scope of the employee's employment giving rise
4 to the claim.

5 Whenever and to the extent that a State employee
6 operates a motor vehicle or engages in other activity
7 covered by self-insurance under this Section, the State of
8 Illinois shall defend, indemnify, and hold harmless the
9 employee against any claim in tort filed against the
10 employee for acts or omissions within the scope of the
11 employee's employment in any proper judicial forum and not
12 settled pursuant to this subdivision (11), provided that
13 this obligation of the State of Illinois shall not exceed a
14 maximum liability of \$2,000,000 for any single occurrence
15 in connection with the operation of a motor vehicle or
16 \$100,000 per person per occurrence for any other single
17 occurrence, or \$500,000 for any single occurrence in
18 connection with the provision of medical care by a licensed
19 physician, advanced practice registered nurse, or
20 physician assistant employee.

21 Any claims against the State of Illinois under a
22 self-insurance plan that are not settled pursuant to this
23 subdivision (11) shall be heard and determined by the Court
24 of Claims and may not be filed or adjudicated in any other
25 forum. The Attorney General of the State of Illinois or the
26 Attorney General's designee shall be the attorney with

1 respect to all public liability self-insurance claims that
2 are not settled pursuant to this subdivision (11) and
3 therefore result in litigation. The payment of any award of
4 the Court of Claims entered against the State relating to
5 any public liability self-insurance claim shall act as a
6 release against any State employee involved in the
7 occurrence.

8 (12) Administer a plan the purpose of which is to make
9 payments on final settlements or final judgments in
10 accordance with the State Employee Indemnification Act.
11 The plan shall be funded through appropriations from the
12 General Revenue Fund specifically designated for that
13 purpose, except that indemnification expenses for
14 employees of the Department of Transportation, the
15 Illinois State Police, and the Secretary of State shall be
16 paid from the Transportation Mobility Road ~~Road~~ Fund. The term
17 "employee" as used in this subdivision (12) has the same
18 meaning as under subsection (b) of Section 1 of the State
19 Employee Indemnification Act. Subject to sufficient
20 appropriation, the Director shall approve payment of any
21 claim, without regard to fiscal year limitations,
22 presented to the Director that is supported by a final
23 settlement or final judgment when the Attorney General and
24 the chief officer of the public body against whose employee
25 the claim or cause of action is asserted certify to the
26 Director that the claim is in accordance with the State

1 Employee Indemnification Act and that they approve of the
2 payment. In no event shall an amount in excess of \$150,000
3 be paid from this plan to or for the benefit of any
4 claimant.

5 (13) Administer a plan the purpose of which is to make
6 payments on final settlements or final judgments for
7 employee wage claims in situations where there was an
8 appropriation relevant to the wage claim, the fiscal year
9 and lapse period have expired, and sufficient funds were
10 available to pay the claim. The plan shall be funded
11 through appropriations from the General Revenue Fund
12 specifically designated for that purpose.

13 Subject to sufficient appropriation, the Director is
14 authorized to pay any wage claim presented to the Director
15 that is supported by a final settlement or final judgment
16 when the chief officer of the State agency employing the
17 claimant certifies to the Director that the claim is a
18 valid wage claim and that the fiscal year and lapse period
19 have expired. Payment for claims that are properly
20 submitted and certified as valid by the Director shall
21 include interest accrued at the rate of 7% per annum from
22 the forty-fifth day after the claims are received by the
23 Department or 45 days from the date on which the amount of
24 payment is agreed upon, whichever is later, until the date
25 the claims are submitted to the Comptroller for payment.
26 When the Attorney General has filed an appearance in any

1 proceeding concerning a wage claim settlement or judgment,
2 the Attorney General shall certify to the Director that the
3 wage claim is valid before any payment is made. In no event
4 shall an amount in excess of \$150,000 be paid from this
5 plan to or for the benefit of any claimant.

6 Nothing in Public Act 84-961 shall be construed to
7 affect in any manner the jurisdiction of the Court of
8 Claims concerning wage claims made against the State of
9 Illinois.

10 (14) Prepare and, in the discretion of the Director,
11 implement a program for self-insurance for official
12 fidelity and surety bonds for officers and employees as
13 authorized by the Official Bond Act.

14 (Source: P.A. 99-581, eff. 1-1-17; 100-513, eff. 1-1-18.)

15 Section 4-30. The Department of Transportation Law of the
16 Civil Administrative Code of Illinois is amended by changing
17 Sections 2705-575 and 2705-610 as follows:

18 (20 ILCS 2705/2705-575) (was 20 ILCS 2705/49.28)

19 Sec. 2705-575. Sale of used vehicles. Whenever the
20 Department has deemed a vehicle shall be replaced, it shall
21 notify the Division of Property Control of the Department of
22 Central Management Services and the Division of Vehicles of the
23 Department of Central Management Services for potential
24 reallocation of the vehicle to another State agency through

1 inter-agency transfer per standard fleet vehicle allocation
2 procedures. If the vehicle is not re-allocated for use into the
3 State fleet or agencies by the Division of Property Control or
4 the Division of Vehicles of the Department of Central
5 Management Services, the Department shall make the vehicle
6 available to those units of local government that have
7 previously requested the notification and provide them the
8 opportunity to purchase the vehicle through a sealed bid sale.
9 Any proceeds from the sale of the vehicles to units of local
10 government shall be deposited in the Transportation Mobility
11 ~~Road~~ Fund. The term "vehicle" as used in this Section is
12 defined to include passenger automobiles, light duty trucks,
13 heavy duty trucks, and other self-propelled motorized
14 equipment in excess of 25 horsepower and attachments.
15 (Source: P.A. 97-42, eff. 1-1-12; 98-721, eff. 7-16-14.)

16 (20 ILCS 2705/2705-610)

17 Sec. 2705-610. Disadvantaged business revolving loan and
18 grant program.

19 (a) Purpose. The purpose of this Section is to provide for
20 assistance to disadvantaged business enterprises with project
21 financing costs for those firms that are ready, willing, and
22 able to participate on Department construction contracts. The
23 Department's disparity study recommends and supports a
24 financing program to address this barrier faced by
25 disadvantaged business enterprises.

1 (b) For the purposes of this Section:

2 "Construction" means building, altering, repairing,
3 improving, or demolishing any public structure or building, or
4 making improvements of any kind to public real property.
5 Construction does not include the routine operation, routine
6 repair, or routine maintenance of existing structures,
7 buildings, or real property.

8 "Construction-related services" means those services
9 including construction design, layout, inspection, support,
10 feasibility or location study, research, development,
11 planning, or other investigative study undertaken by a
12 construction agency concerning construction or potential
13 construction.

14 "Contractor" means one who participates, through a
15 contract or subcontract at any tier, in a United States
16 Department of Transportation-assisted or Illinois Department
17 of Transportation-assisted highway, rail, transit, or airport
18 program.

19 "Escrow account" means a fiduciary account established
20 with (1) a banking corporation which is both organized under
21 the Illinois Banking Act and authorized to accept and
22 administer trusts in this State; or (2) a national banking
23 association which has its principal place of business in this
24 State and which is authorized to accept and administer trusts
25 in this State.

26 "Fund Control Agent" means a person who provides managerial

1 and technical assistance to disadvantaged business enterprises
2 and holds the authority to manage a loan under this Section.
3 The Fund Control Agent will be procured by the Department under
4 a request for proposal process governed by the Illinois
5 Procurement Code and rules adopted under that Code.

6 "Loan" or "loan assistance funds" means a low-interest line
7 of credit made available to a selected disadvantaged business
8 enterprise under this program for the purposes set forth in
9 subsection (f) below.

10 (c) The Department may enter into agreements to make loans
11 to disadvantaged business enterprises certified by the
12 Department for participation on Department-procured
13 construction and construction-related contracts. For purposes
14 of this Section, the term "disadvantaged business enterprise"
15 has the meaning ascribed to it by 49 CFR Part 26.

16 The Department shall establish a loan selection committee
17 to review applications and select eligible disadvantaged
18 business enterprises for low-interest loans under this
19 program. A selection committee shall be comprised of at least 3
20 members appointed by the Secretary of the Department and shall
21 include at least one public member from the construction or
22 financing industry. The public member may not be employed or
23 associated with any disadvantaged business enterprise holding
24 a contract with the Department nor may the public member's firm
25 be considered for a contract with the Department while he or
26 she is serving as a public member of the committee. Terms of

1 service for public members shall not exceed 5 years. No public
2 member of the loan selection committee shall hold consecutive
3 terms, nor shall any member receive any compensation other than
4 for reasonable expenses for service related to this committee.

5 The Department shall establish through administrative
6 rules the requirements for eligibility and criteria for loan
7 applications, approved use of funds, amount of loans, interest
8 rates, collateral, and terms. The Department is authorized to
9 adopt rules to implement this Section.

10 The Department shall notify the prime contractor on a
11 project that a subcontractor on the same project has been
12 awarded a loan from the Working Capital Revolving Loan Fund. If
13 the loan agreement is amended by the parties of the loan
14 agreement, the prime contractor shall not be a party to any
15 disadvantaged business enterprise loan agreement between the
16 Department and participating subcontractor and shall not incur
17 any liability for loan debt accrued as a result of the loan
18 agreement.

19 (d) Loan funds shall be disbursed to the escrow account,
20 subject to appropriation, from the Working Capital Revolving
21 Loan Fund established as a special fund in the State treasury.
22 Loaned funds that are repaid to the Department shall be
23 deposited into the Working Capital Revolving Loan Fund. Other
24 appropriations, grants, awards, and donations to the
25 Department for the purpose of the revolving loan program
26 established by this Section shall be deposited into the Working

1 Capital Revolving Loan Fund.

2 (e) A funds control process shall be established to serve
3 as an intermediary between the Department and the contractor to
4 verify payments and to ensure paperwork is properly filed. The
5 Fund Control Agent and contractor shall enter into an agreement
6 regarding the control and disbursement of all payments to be
7 made by the Fund Control Agent under the contract. The
8 Department shall authorize and direct the Fund Control Agent to
9 review all disbursement requests and supporting documents
10 received from the contractor. The Fund Control Agent shall
11 direct the escrow account to disburse escrow funds to the
12 subcontractor, material supplier, and other appropriate
13 entities by written request for the disbursement. The
14 disadvantaged business enterprise shall maintain control over
15 its business operations by directing the payments of the loan
16 funds through its relationship with the Funds Control Agent.
17 The funds control process shall require the Fund Control Agent
18 to intercept payments made from a contractor to a subcontractor
19 receiving a loan made under this Act and allow the Fund Control
20 Agent to deduct any unpaid loan repayments owed to the State
21 before releasing the payment to the subcontractor.

22 (f) Loan assistance funds shall be allowed for current
23 liabilities or working capital expenses associated with
24 participation in the performance of contracts procured and
25 awarded by the Department for transportation construction and
26 construction-related purposes. Loan funds shall not be used

1 for:

2 (1) refinancing or payment of existing long-term debt;

3 (2) payment of non-current taxes;

4 (3) payments, advances, or loans to stockholders,
5 officers, directors, partners, or member owners of limited
6 liability companies; or

7 (4) the purchase or lease of non-construction motor
8 vehicles or equipment.

9 The loan agreement shall provide for the terms and
10 conditions of repayment which shall not extend repayment longer
11 than final payment made by the Department following completion
12 and acceptance of the work authorized for loan assistance under
13 the program. The funds shall be loaned with interest.

14 (g) The number of loans one disadvantaged business
15 enterprise may receive under this program is limited to 3.
16 Loans shall not be granted simultaneously. An applicant shall
17 not be permitted to obtain a loan under this program for a
18 different and additional project until payment in full of any
19 outstanding loans granted under this program have been received
20 by the Department.

21 (h) The rate of interest for any loan shall be set by rule.

22 (i) The loan amount to any successful applicant shall not
23 exceed 55% percent of the contract or subcontract supporting
24 the loan.

25 (j) Nothing in this Section shall impair the contractual
26 rights of the Department and the prime contractor or the

1 contractual rights between a prime contractor and
2 subcontractor.

3 (k) Nothing in this Section is intended nor shall be
4 construed to vest applicants denied funds by the Department in
5 accordance with this Section a right to challenge, protest, or
6 contest the awarding of funds by the Department to successful
7 applicants or any loan or agreement executed in connection with
8 it.

9 (l) The debt delinquency prohibition under Section 50-11 of
10 the Illinois Procurement Code applies to any future contracts
11 or subcontracts in the event of a loan default.

12 (m) Investment income which is attributable to the
13 investment of moneys in the Working Capital Revolving Loan Fund
14 shall be retained in the Working Capital Revolving Loan Fund.

15 (n) By January 1, 2014 and January 1 of each succeeding
16 year, the Department shall report to the Governor and the
17 General Assembly on the utilization and status of the revolving
18 loan program. The report shall, at a minimum, include the
19 amount transferred from the Transportation Mobility Road Fund
20 to the Working Capital Revolving Loan Fund, the number and size
21 of approved loans, the amounts disbursed to and from the escrow
22 account, the amounts, if any, repaid to the Working Capital
23 Revolving Loan Fund, the interest and fees paid by loan
24 recipients, and the interest earned on balances in the Working
25 Capital Revolving Loan Fund, and the names of any contractors
26 who are delinquent or in default of payment. The January 1,

1 2017 report shall include an evaluation of the program by the
2 Department to determine the program's viability and progress
3 towards its stated purpose.

4 (o) The Department's authority to execute additional loans
5 or request transfers to the Working Capital Revolving Loan Fund
6 expires on June 1, 2018. The Comptroller shall order
7 transferred and the Treasurer shall transfer any available
8 balance remaining in the Working Capital Revolving Loan Fund to
9 the Transportation Mobility Road Fund on January 1, 2019, or as
10 soon thereafter as may be practical. Any loan repayments,
11 interest, or fees that are by the terms of a loan agreement
12 payable to the Working Capital Revolving Loan Fund after June
13 20, 2018 shall instead be paid into the Transportation Mobility
14 ~~Road~~ Fund as the successor fund to the Working Capital
15 Revolving Loan Fund.

16 (Source: P.A. 98-117, eff. 7-30-13.)

17 Section 4-35. The State Finance Act is amended by changing
18 Sections 5.42, 5e, 5f, 5g, 6c, 6c.1, 6r, 6z-78, 8.3, 8r, and
19 14.1 as follows:

20 (30 ILCS 105/5.42) (from Ch. 127, par. 141.42)

21 Sec. 5.42. The Transportation Mobility Road Fund.

22 (Source: Laws 1919, p. 946.)

23 (30 ILCS 105/5e) (from Ch. 127, par. 141e)

1 Sec. 5e. The Governor, in his discretion, when he deems it
2 necessary for payments of the State's obligations, may
3 authorize transfers from the Transportation Mobility Road Fund
4 to the State Construction Account Fund. Any amount so
5 transferred shall be retransferred from the State Construction
6 Account Fund to the Transportation Mobility Road Fund by the
7 end of the fiscal year in which the transfer was made. The
8 transfers out of the Transportation Mobility Road Fund shall
9 not exceed \$35,000,000 in any fiscal year. No transfers from
10 the Transportation Mobility Road Fund which impair the
11 obligations of the State shall be authorized. The Comptroller
12 and the Treasurer, upon receipt of authorization from the
13 Governor, shall make transfers in accordance with this Section.
14 In the event the Governor fails to authorize the retransfer
15 into the Transportation Mobility Road Fund as required by this
16 Section, the Comptroller and the Treasurer shall make such
17 retransfer.

18 (Source: P.A. 84-431.)

19 (30 ILCS 105/5f) (from Ch. 127, par. 141f)

20 Sec. 5f. Within 10 days after the last day of each month,
21 the Comptroller shall report to the Governor, the President and
22 Minority Leader of the Senate and the Speaker and Minority
23 Leader of the House of Representatives as to any transfers made
24 between funds in the State Treasury during that month. Such
25 report shall include, but shall not be limited to, the amount

1 transferred from the Transportation Mobility Road Fund under
2 Section 5e of this Act.

3 (Source: P.A. 84-431.)

4 (30 ILCS 105/5g) (from Ch. 127, par. 141g)

5 Sec. 5g. (a) After July 1, 1991, the General Assembly shall
6 direct the transfer from the General Revenue Fund to the
7 Transportation Mobility Road Fund of the sum of \$36,000,000, or
8 so much thereof as may be necessary, so that after such
9 transfer the total expenditures for the fiscal year beginning
10 July 1, 1990 for the Division of State Troopers from the
11 Transportation Mobility Road Fund do not exceed the amount
12 appropriated in fiscal year 1990 for the Division of State
13 Troopers. Such transfers shall be completed no later than June
14 30, 1992.

15 (b) If the General Assembly has not completed the transfers
16 required under subsection (a) of this Section on or before June
17 30, 1992, and if the General Revenue Fund balance is \$250
18 million or greater on June 30, 1992 or June 30th of any year
19 thereafter, on July 1 of the fiscal year immediately following
20 the fiscal year which has a June 30th balance of \$250 million
21 or greater, the Comptroller shall order the transfer and the
22 Treasurer shall transfer from the General Revenue Fund to the
23 Transportation Mobility Road Fund one-twelfth of the amount
24 remaining to be transferred on July 15, 1992, with such
25 transfers continuing on the first of each month thereafter

1 until the total transfers required to be made by this Section
2 have been completed.

3 (Source: P.A. 86-1159; 87-860.)

4 (30 ILCS 105/6c) (from Ch. 127, par. 142c)

5 Sec. 6c. All fees and other money received by the Division
6 of Highways of the Department of Transportation shall, upon
7 being paid into the State treasury, be placed in the
8 Transportation Mobility Fund ~~road fund~~. After the effective
9 date of this amendatory Act of 1980, investment income which is
10 attributable to the investment of moneys of the Transportation
11 Mobility Fund ~~road fund~~ shall be retained in the Transportation
12 Mobility Fund ~~road fund~~.

13 (Source: P.A. 81-1550.)

14 (30 ILCS 105/6c.1) (from Ch. 127, par. 142c.1)

15 Sec. 6c.1. All fees and other money received by the
16 Department of Central Management Services incident to the
17 operation of State garages shall be paid into the State Garage
18 Revolving Fund. Any money received by a State agency from a
19 third party as payment for damages to or destruction of a State
20 vehicle may be deposited into the State Garage Revolving Fund
21 or the fund from which payments were made for the purchase of
22 the vehicle; however, the Department of Transportation is
23 required to deposit such monies into the Transportation
24 Mobility ~~Road~~ Fund if the damaged vehicle was acquired through

1 a Transportation Mobility Road Fund appropriation.

2 (Source: P.A. 87-817.)

3 (30 ILCS 105/6r) (from Ch. 127, par. 142r)

4 Sec. 6r. All money received from the rental of land,
5 buildings or improvements by the Department of Transportation
6 under Section 4-201.16 of the Illinois Highway Code shall be
7 remitted to the State Treasurer for payment into the
8 Transportation Mobility Road Fund in the State treasury.

9 (Source: P.A. 80-1129.)

10 (30 ILCS 105/6z-78)

11 Sec. 6z-78. Capital Projects Fund; bonded indebtedness;
12 transfers. Money in the Capital Projects Fund shall, if and
13 when the State of Illinois incurs any bonded indebtedness using
14 the bond authorizations enacted in Public Act 96-36, Public Act
15 96-1554, Public Act 97-771, and this amendatory Act of the 98th
16 General Assembly, be set aside and used for the purpose of
17 paying and discharging annually the principal and interest on
18 that bonded indebtedness then due and payable.

19 In addition to other transfers to the General Obligation
20 Bond Retirement and Interest Fund made pursuant to Section 15
21 of the General Obligation Bond Act, upon each delivery of
22 general obligation bonds using bond authorizations enacted in
23 Public Act 96-36, Public Act 96-1554, Public Act 97-771, and
24 this amendatory Act of the 98th General Assembly the State

1 Comptroller shall compute and certify to the State Treasurer
2 the total amount of principal of, interest on, and premium, if
3 any, on such bonds during the then current and each succeeding
4 fiscal year. With respect to the interest payable on variable
5 rate bonds, such certifications shall be calculated at the
6 maximum rate of interest that may be payable during the fiscal
7 year, after taking into account any credits permitted in the
8 related indenture or other instrument against the amount of
9 such interest required to be appropriated for the period.

10 (a) Except as provided for in subsection (b), on or before
11 the last day of each month, the State Treasurer and State
12 Comptroller shall transfer from the Capital Projects Fund to
13 the General Obligation Bond Retirement and Interest Fund an
14 amount sufficient to pay the aggregate of the principal of,
15 interest on, and premium, if any, on the bonds payable on their
16 next payment date, divided by the number of monthly transfers
17 occurring between the last previous payment date (or the
18 delivery date if no payment date has yet occurred) and the next
19 succeeding payment date. Interest payable on variable rate
20 bonds shall be calculated at the maximum rate of interest that
21 may be payable for the relevant period, after taking into
22 account any credits permitted in the related indenture or other
23 instrument against the amount of such interest required to be
24 appropriated for that period. Interest for which moneys have
25 already been deposited into the capitalized interest account
26 within the General Obligation Bond Retirement and Interest Fund

1 shall not be included in the calculation of the amounts to be
2 transferred under this subsection.

3 (b) On or before the last day of each month, the State
4 Treasurer and State Comptroller shall transfer from the Capital
5 Projects Fund to the General Obligation Bond Retirement and
6 Interest Fund an amount sufficient to pay the aggregate of the
7 principal of, interest on, and premium, if any, on the bonds
8 issued prior to January 1, 2012 pursuant to Section 4(d) of the
9 General Obligation Bond Act payable on their next payment date,
10 divided by the number of monthly transfers occurring between
11 the last previous payment date (or the delivery date if no
12 payment date has yet occurred) and the next succeeding payment
13 date. If the available balance in the Capital Projects Fund is
14 not sufficient for the transfer required in this subsection,
15 the State Treasurer and State Comptroller shall transfer the
16 difference from the Transportation Mobility Road Fund to the
17 General Obligation Bond Retirement and Interest Fund; except
18 that such Transportation Mobility Road Fund transfers shall
19 constitute a debt of the Capital Projects Fund which shall be
20 repaid according to subsection (c). Interest payable on
21 variable rate bonds shall be calculated at the maximum rate of
22 interest that may be payable for the relevant period, after
23 taking into account any credits permitted in the related
24 indenture or other instrument against the amount of such
25 interest required to be appropriated for that period. Interest
26 for which moneys have already been deposited into the

1 capitalized interest account within the General Obligation
2 Bond Retirement and Interest Fund shall not be included in the
3 calculation of the amounts to be transferred under this
4 subsection.

5 (c) On the first day of any month when the Capital Projects
6 Fund is carrying a debt to the Transportation Mobility Road
7 Fund due to the provisions of subsection (b), the State
8 Treasurer and State Comptroller shall transfer from the Capital
9 Projects Fund to the Transportation Mobility Road Fund an
10 amount sufficient to discharge that debt. These transfers to
11 the Transportation Mobility Road Fund shall continue until the
12 Capital Projects Fund has repaid to the Transportation Mobility
13 ~~Road~~ Fund all transfers made from the Transportation Mobility
14 ~~Road~~ Fund pursuant to subsection (b). Notwithstanding any other
15 law to the contrary, transfers to the Transportation Mobility
16 ~~Road~~ Fund from the Capital Projects Fund shall be made prior to
17 any other expenditures or transfers out of the Capital Projects
18 Fund.

19 (Source: P.A. 97-771, eff. 7-10-12; 98-94, eff. 7-17-13.)

20 (30 ILCS 105/8.3) (from Ch. 127, par. 144.3)

21 Sec. 8.3. Money in the Transportation Mobility Road Fund
22 shall, if and when the State of Illinois incurs any bonded
23 indebtedness for the construction of permanent highways, be set
24 aside and used for the purpose of paying and discharging
25 annually the principal and interest on that bonded indebtedness

1 then due and payable, and for no other purpose. The surplus, if
2 any, in the Transportation Mobility Road Fund after the payment
3 of principal and interest on that bonded indebtedness then
4 annually due shall be used as follows:

5 first -- to pay the cost of administration of Chapters
6 2 through 10 of the Illinois Vehicle Code, except the cost
7 of administration of Articles I and II of Chapter 3 of that
8 Code; and

9 secondly -- for expenses of the Department of
10 Transportation for construction, reconstruction,
11 improvement, repair, maintenance, operation, and
12 administration of highways in accordance with the
13 provisions of laws relating thereto, or for any purpose
14 related or incident to and connected therewith, including
15 the separation of grades of those highways with railroads
16 and with highways and including the payment of awards made
17 by the Illinois Workers' Compensation Commission under the
18 terms of the Workers' Compensation Act or Workers'
19 Occupational Diseases Act for injury or death of an
20 employee of the Division of Highways in the Department of
21 Transportation; or for the acquisition of land and the
22 erection of buildings for highway purposes, including the
23 acquisition of highway right-of-way or for investigations
24 to determine the reasonably anticipated future highway
25 needs; or for making of surveys, plans, specifications and
26 estimates for and in the construction and maintenance of

1 flight strips and of highways necessary to provide access
2 to military and naval reservations, to defense industries
3 and defense-industry sites, and to the sources of raw
4 materials and for replacing existing highways and highway
5 connections shut off from general public use at military
6 and naval reservations and defense-industry sites, or for
7 the purchase of right-of-way, except that the State shall
8 be reimbursed in full for any expense incurred in building
9 the flight strips; or for the operating and maintaining of
10 highway garages; or for patrolling and policing the public
11 highways and conserving the peace; or for the operating
12 expenses of the Department relating to the administration
13 of public transportation programs; or, during fiscal year
14 2012 only, for the purposes of a grant not to exceed
15 \$8,500,000 to the Regional Transportation Authority on
16 behalf of PACE for the purpose of ADA/Para-transit
17 expenses; or, during fiscal year 2013 only, for the
18 purposes of a grant not to exceed \$3,825,000 to the
19 Regional Transportation Authority on behalf of PACE for the
20 purpose of ADA/Para-transit expenses; or, during fiscal
21 year 2014 only, for the purposes of a grant not to exceed
22 \$3,825,000 to the Regional Transportation Authority on
23 behalf of PACE for the purpose of ADA/Para-transit
24 expenses; or, during fiscal year 2015 only, for the
25 purposes of a grant not to exceed \$3,825,000 to the
26 Regional Transportation Authority on behalf of PACE for the

1 purpose of ADA/Para-transit expenses; or, during fiscal
2 year 2016 only, for the purposes of a grant not to exceed
3 \$3,825,000 to the Regional Transportation Authority on
4 behalf of PACE for the purpose of ADA/Para-transit
5 expenses; or, during fiscal year 2017 only, for the
6 purposes of a grant not to exceed \$3,825,000 to the
7 Regional Transportation Authority on behalf of PACE for the
8 purpose of ADA/Para-transit expenses; or for any of those
9 purposes or any other purpose that may be provided by law.

10 Appropriations for any of those purposes are payable from
11 the Transportation Mobility Road Fund. Appropriations may also
12 be made from the Transportation Mobility Road Fund for the
13 administrative expenses of any State agency that are related to
14 motor vehicles or arise from the use of motor vehicles.

15 Beginning with fiscal year 1980 and thereafter, no
16 Transportation Mobility Road Fund monies shall be appropriated
17 to the following Departments or agencies of State government
18 for administration, grants, or operations; but this limitation
19 is not a restriction upon appropriating for those purposes any
20 Transportation Mobility Road Fund monies that are eligible for
21 federal reimbursement: †

22 1. Department of Public Health;

23 2. Department of Transportation, only with respect to
24 subsidies for one-half fare Student Transportation and
25 Reduced Fare for Elderly, except during fiscal year 2012
26 only when no more than \$40,000,000 may be expended and

1 except during fiscal year 2013 only when no more than
2 \$17,570,300 may be expended and except during fiscal year
3 2014 only when no more than \$17,570,000 may be expended and
4 except during fiscal year 2015 only when no more than
5 \$17,570,000 may be expended and except during fiscal year
6 2016 only when no more than \$17,570,000 may be expended and
7 except during fiscal year 2017 only when no more than
8 \$17,570,000 may be expended;

9 3. Department of Central Management Services, except
10 for expenditures incurred for group insurance premiums of
11 appropriate personnel;

12 4. Judicial Systems and Agencies.

13 Beginning with fiscal year 1981 and thereafter, no
14 Transportation Mobility Road Fund monies shall be appropriated
15 to the following Departments or agencies of State government
16 for administration, grants, or operations; but this limitation
17 is not a restriction upon appropriating for those purposes any
18 Transportation Mobility Road Fund monies that are eligible for
19 federal reimbursement:

20 1. Department of State Police, except for expenditures
21 with respect to the Division of Operations;

22 2. Department of Transportation, only with respect to
23 Intercity Rail Subsidies, except during fiscal year 2012
24 only when no more than \$40,000,000 may be expended and
25 except during fiscal year 2013 only when no more than
26 \$26,000,000 may be expended and except during fiscal year

1 2014 only when no more than \$38,000,000 may be expended and
2 except during fiscal year 2015 only when no more than
3 \$42,000,000 may be expended and except during fiscal year
4 2016 only when no more than \$38,300,000 may be expended and
5 except during fiscal year 2017 only when no more than
6 \$50,000,000 may be expended and except during fiscal year
7 2018 only when no more than \$52,000,000 may be expended,
8 and Rail Freight Services.

9 Beginning with fiscal year 1982 and thereafter, no
10 Transportation Mobility Road Fund monies shall be appropriated
11 to the following Departments or agencies of State government
12 for administration, grants, or operations; but this limitation
13 is not a restriction upon appropriating for those purposes any
14 Transportation Mobility Road Fund monies that are eligible for
15 federal reimbursement: Department of Central Management
16 Services, except for awards made by the Illinois Workers'
17 Compensation Commission under the terms of the Workers'
18 Compensation Act or Workers' Occupational Diseases Act for
19 injury or death of an employee of the Division of Highways in
20 the Department of Transportation.

21 Beginning with fiscal year 1984 and thereafter, no
22 Transportation Mobility Road Fund monies shall be appropriated
23 to the following Departments or agencies of State government
24 for administration, grants, or operations; but this limitation
25 is not a restriction upon appropriating for those purposes any
26 Transportation Mobility Road Fund monies that are eligible for

1 federal reimbursement:

- 2 1. Department of State Police, except not more than 40%
- 3 of the funds appropriated for the Division of Operations;
- 4 2. State Officers.

5 Beginning with fiscal year 1984 and thereafter, no
6 Transportation Mobility Road Fund monies shall be appropriated
7 to any Department or agency of State government for
8 administration, grants, or operations except as provided
9 hereafter; but this limitation is not a restriction upon
10 appropriating for those purposes any Transportation Mobility
11 Road Fund monies that are eligible for federal reimbursement.
12 It shall not be lawful to circumvent the above appropriation
13 limitations by governmental reorganization or other methods.
14 Appropriations shall be made from the Transportation Mobility
15 Road Fund only in accordance with the provisions of this
16 Section.

17 Money in the Transportation Mobility Road Fund shall, if
18 and when the State of Illinois incurs any bonded indebtedness
19 for the construction of permanent highways, be set aside and
20 used for the purpose of paying and discharging during each
21 fiscal year the principal and interest on that bonded
22 indebtedness as it becomes due and payable as provided in the
23 Transportation Bond Act, and for no other purpose. The surplus,
24 if any, in the Transportation Mobility Road Fund after the
25 payment of principal and interest on that bonded indebtedness
26 then annually due shall be used as follows:

1 first -- to pay the cost of administration of Chapters
2 2 through 10 of the Illinois Vehicle Code; and

3 secondly -- no Transportation Mobility ~~Road~~ Fund
4 monies derived from fees, excises, or license taxes
5 relating to registration, operation and use of vehicles on
6 public highways or to fuels used for the propulsion of
7 those vehicles, shall be appropriated or expended other
8 than for costs of administering the laws imposing those
9 fees, excises, and license taxes, statutory refunds and
10 adjustments allowed thereunder, administrative costs of
11 the Department of Transportation, including, but not
12 limited to, the operating expenses of the Department
13 relating to the administration of public transportation
14 programs, payment of debts and liabilities incurred in
15 construction and reconstruction of public highways and
16 bridges, acquisition of rights-of-way for and the cost of
17 construction, reconstruction, maintenance, repair, and
18 operation of public highways and bridges under the
19 direction and supervision of the State, political
20 subdivision, or municipality collecting those monies, or
21 during fiscal year 2012 only for the purposes of a grant
22 not to exceed \$8,500,000 to the Regional Transportation
23 Authority on behalf of PACE for the purpose of
24 ADA/Para-transit expenses, or during fiscal year 2013 only
25 for the purposes of a grant not to exceed \$3,825,000 to the
26 Regional Transportation Authority on behalf of PACE for the

1 purpose of ADA/Para-transit expenses, or during fiscal
2 year 2014 only for the purposes of a grant not to exceed
3 \$3,825,000 to the Regional Transportation Authority on
4 behalf of PACE for the purpose of ADA/Para-transit
5 expenses, or during fiscal year 2015 only for the purposes
6 of a grant not to exceed \$3,825,000 to the Regional
7 Transportation Authority on behalf of PACE for the purpose
8 of ADA/Para-transit expenses, or during fiscal year 2016
9 only for the purposes of a grant not to exceed \$3,825,000
10 to the Regional Transportation Authority on behalf of PACE
11 for the purpose of ADA/Para-transit expenses, or during
12 fiscal year 2017 only for the purposes of a grant not to
13 exceed \$3,825,000 to the Regional Transportation Authority
14 on behalf of PACE for the purpose of ADA/Para-transit
15 expenses, and the costs for patrolling and policing the
16 public highways (by State, political subdivision, or
17 municipality collecting that money) for enforcement of
18 traffic laws. The separation of grades of such highways
19 with railroads and costs associated with protection of
20 at-grade highway and railroad crossing shall also be
21 permissible.

22 Appropriations for any of such purposes are payable from
23 the Transportation Mobility Road Fund or the Grade Crossing
24 Protection Fund as provided in Section 8 of the Motor Fuel Tax
25 Law.

26 Except as provided in this paragraph, beginning with fiscal

1 year 1991 and thereafter, no Transportation Mobility Road Fund
2 monies shall be appropriated to the Department of State Police
3 for the purposes of this Section in excess of its total fiscal
4 year 1990 Transportation Mobility Road Fund appropriations for
5 those purposes unless otherwise provided in Section 5g of this
6 Act. For fiscal years 2003, 2004, 2005, 2006, and 2007 only, no
7 Transportation Mobility Road Fund monies shall be appropriated
8 to the Department of State Police for the purposes of this
9 Section in excess of \$97,310,000. For fiscal year 2008 only, no
10 Transportation Mobility Road Fund monies shall be appropriated
11 to the Department of State Police for the purposes of this
12 Section in excess of \$106,100,000. For fiscal year 2009 only,
13 no Transportation Mobility Road Fund monies shall be
14 appropriated to the Department of State Police for the purposes
15 of this Section in excess of \$114,700,000. Beginning in fiscal
16 year 2010, no Transportation Mobility Fund ~~road-fund~~ moneys
17 shall be appropriated to the Department of State Police. It
18 shall not be lawful to circumvent this limitation on
19 appropriations by governmental reorganization or other methods
20 unless otherwise provided in Section 5g of this Act.

21 In fiscal year 1994, no Transportation Mobility Road Fund
22 monies shall be appropriated to the Secretary of State for the
23 purposes of this Section in excess of the total fiscal year
24 1991 Transportation Mobility Road Fund appropriations to the
25 Secretary of State for those purposes, plus \$9,800,000. It
26 shall not be lawful to circumvent this limitation on

1 appropriations by governmental reorganization or other method.

2 Beginning with fiscal year 1995 and thereafter, no
3 Transportation Mobility Road Fund monies shall be appropriated
4 to the Secretary of State for the purposes of this Section in
5 excess of the total fiscal year 1994 Transportation Mobility
6 Road Fund appropriations to the Secretary of State for those
7 purposes. It shall not be lawful to circumvent this limitation
8 on appropriations by governmental reorganization or other
9 methods.

10 Beginning with fiscal year 2000, total Transportation
11 Mobility Road Fund appropriations to the Secretary of State for
12 the purposes of this Section shall not exceed the amounts
13 specified for the 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 Transportation Mobility Fund ~~road~~
25 ~~fund~~ moneys shall be appropriated to the Secretary of State.

26 Beginning in fiscal year 2011, moneys in the Transportation

1 Mobility Road Fund shall be appropriated to the Secretary of
2 State for the exclusive purpose of paying refunds due to
3 overpayment of fees related to Chapter 3 of the Illinois
4 Vehicle Code unless 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 as
11 appropriation of Transportation Mobility Road Fund monies is
12 concerned.

13 Nothing in this Section prohibits transfers from the
14 Transportation Mobility Road Fund to the State Construction
15 Account Fund under Section 5e of this Act; nor to the General
16 Revenue Fund, as authorized by Public Act 93-25 ~~this amendatory~~
17 ~~Act of the 93rd General Assembly.~~

18 The additional amounts authorized for expenditure in this
19 Section by Public Acts 92-0600, 93-0025, 93-0839, and 94-91
20 shall be repaid to the Transportation Mobility Road Fund from
21 the General Revenue Fund in the next succeeding fiscal year
22 that the General Revenue Fund has a positive budgetary balance,
23 as determined by generally accepted accounting principles
24 applicable to government.

25 The additional amounts authorized for expenditure by the
26 Secretary of State and the Department of State Police in this

1 Section by Public Act 94-91 ~~this amendatory Act of the 94th~~
2 ~~General Assembly~~ shall be repaid to the Transportation Mobility
3 ~~Road~~ Fund from the General Revenue Fund in the next succeeding
4 fiscal year that the General Revenue Fund has a positive
5 budgetary balance, as determined by generally accepted
6 accounting principles applicable to government.

7 (Source: P.A. 99-523, eff. 6-30-16; 100-23, eff. 7-6-17;
8 revised 10-11-17.)

9 (30 ILCS 105/8r)

10 Sec. 8r. Transfer to the Working Capital Revolving Loan
11 Fund.

12 (a) Except as provided in subsection (b), upon the written
13 request of the Secretary of Transportation, the State
14 Comptroller shall order and the State Treasurer shall transfer
15 amounts not to exceed \$3,000,000 in aggregate during a fiscal
16 year, for a period of 5 years, from the Transportation Mobility
17 ~~Road~~ Fund to the Working Capital Revolving Loan Fund as
18 requested by the Secretary of Transportation or as soon
19 thereafter as may be practical.

20 (b) No transfer may be requested or ordered if the
21 available balance in the Working Capital Revolving Loan Fund is
22 equal to or greater than \$6,000,000.

23 (Source: P.A. 98-117, eff. 7-30-13.)

24 (30 ILCS 105/14.1) (from Ch. 127, par. 150.1)

1 Sec. 14.1. Appropriations for State contributions to the
2 State Employees' Retirement System; payroll requirements.

3 (a) Appropriations for State contributions to the State
4 Employees' Retirement System of Illinois shall be expended in
5 the manner provided in this Section. Except as otherwise
6 provided in subsections (a-1), (a-2), (a-3), and (a-4) at the
7 time of each payment of salary to an employee under the
8 personal services line item, payment shall be made to the State
9 Employees' Retirement System, from the amount appropriated for
10 State contributions to the State Employees' Retirement System,
11 of an amount calculated at the rate certified for the
12 applicable fiscal year by the Board of Trustees of the State
13 Employees' Retirement System under Section 14-135.08 of the
14 Illinois Pension Code. If a line item appropriation to an
15 employer for this purpose is exhausted or is unavailable due to
16 any limitation on appropriations that may apply, (including,
17 but not limited to, limitations on appropriations from the
18 Transportation Mobility Road Fund under Section 8.3 of the
19 State Finance Act), the amounts shall be paid under the
20 continuing appropriation for this purpose contained in the
21 State Pension Funds Continuing Appropriation Act.

22 (a-1) Beginning on the effective date of this amendatory
23 Act of the 93rd General Assembly through the payment of the
24 final payroll from fiscal year 2004 appropriations,
25 appropriations for State contributions to the State Employees'
26 Retirement System of Illinois shall be expended in the manner

1 provided in this subsection (a-1). At the time of each payment
2 of salary to an employee under the personal services line item
3 from a fund other than the General Revenue Fund, payment shall
4 be made for deposit into the General Revenue Fund from the
5 amount appropriated for State contributions to the State
6 Employees' Retirement System of an amount calculated at the
7 rate certified for fiscal year 2004 by the Board of Trustees of
8 the State Employees' Retirement System under Section 14-135.08
9 of the Illinois Pension Code. This payment shall be made to the
10 extent that a line item appropriation to an employer for this
11 purpose is available or unexhausted. No payment from
12 appropriations for State contributions shall be made in
13 conjunction with payment of salary to an employee under the
14 personal services line item from the General Revenue Fund.

15 (a-2) For fiscal year 2010 only, at the time of each
16 payment of salary to an employee under the personal services
17 line item from a fund other than the General Revenue Fund,
18 payment shall be made for deposit into the State Employees'
19 Retirement System of Illinois from the amount appropriated for
20 State contributions to the State Employees' Retirement System
21 of Illinois of an amount calculated at the rate certified for
22 fiscal year 2010 by the Board of Trustees of the State
23 Employees' Retirement System of Illinois under Section
24 14-135.08 of the Illinois Pension Code. This payment shall be
25 made to the extent that a line item appropriation to an
26 employer for this purpose is available or unexhausted. For

1 fiscal year 2010 only, no payment from appropriations for State
2 contributions shall be made in conjunction with payment of
3 salary to an employee under the personal services line item
4 from the General Revenue Fund.

5 (a-3) For fiscal year 2011 only, at the time of each
6 payment of salary to an employee under the personal services
7 line item from a fund other than the General Revenue Fund,
8 payment shall be made for deposit into the State Employees'
9 Retirement System of Illinois from the amount appropriated for
10 State contributions to the State Employees' Retirement System
11 of Illinois of an amount calculated at the rate certified for
12 fiscal year 2011 by the Board of Trustees of the State
13 Employees' Retirement System of Illinois under Section
14 14-135.08 of the Illinois Pension Code. This payment shall be
15 made to the extent that a line item appropriation to an
16 employer for this purpose is available or unexhausted. For
17 fiscal year 2011 only, no payment from appropriations for State
18 contributions shall be made in conjunction with payment of
19 salary to an employee under the personal services line item
20 from the General Revenue Fund.

21 (a-4) In fiscal years 2012 through 2018 only, at the time
22 of each payment of salary to an employee under the personal
23 services line item from a fund other than the General Revenue
24 Fund, payment shall be made for deposit into the State
25 Employees' Retirement System of Illinois from the amount
26 appropriated for State contributions to the State Employees'

1 Retirement System of Illinois of an amount calculated at the
2 rate certified for the applicable fiscal year by the Board of
3 Trustees of the State Employees' Retirement System of Illinois
4 under Section 14-135.08 of the Illinois Pension Code. In fiscal
5 years 2012 through 2018 only, no payment from appropriations
6 for State contributions shall be made in conjunction with
7 payment of salary to an employee under the personal services
8 line item from the General Revenue Fund.

9 (b) Except during the period beginning on the effective
10 date of this amendatory Act of the 93rd General Assembly and
11 ending at the time of the payment of the final payroll from
12 fiscal year 2004 appropriations, the State Comptroller shall
13 not approve for payment any payroll voucher that (1) includes
14 payments of salary to eligible employees in the State
15 Employees' Retirement System of Illinois and (2) does not
16 include the corresponding payment of State contributions to
17 that retirement system at the full rate certified under Section
18 14-135.08 for that fiscal year for eligible employees, unless
19 the balance in the fund on which the payroll voucher is drawn
20 is insufficient to pay the total payroll voucher, or
21 unavailable due to any limitation on appropriations that may
22 apply, including, but not limited to, limitations on
23 appropriations from the Transportation Mobility Road ~~Road~~ Fund
24 under Section 8.3 of the State Finance Act. If the State
25 Comptroller approves a payroll voucher under this Section for
26 which the fund balance is insufficient to pay the full amount

1 of the required State contribution to the State Employees'
2 Retirement System, the Comptroller shall promptly so notify the
3 Retirement System.

4 (b-1) For fiscal year 2010 and fiscal year 2011 only, the
5 State Comptroller shall not approve for payment any non-General
6 Revenue Fund payroll voucher that (1) includes payments of
7 salary to eligible employees in the State Employees' Retirement
8 System of Illinois and (2) does not include the corresponding
9 payment of State contributions to that retirement system at the
10 full rate certified under Section 14-135.08 for that fiscal
11 year for eligible employees, unless the balance in the fund on
12 which the payroll voucher is drawn is insufficient to pay the
13 total payroll voucher, or unavailable due to any limitation on
14 appropriations that may apply, including, but not limited to,
15 limitations on appropriations from the Transportation Mobility
16 ~~Road~~ Fund under Section 8.3 of the State Finance Act. If the
17 State Comptroller approves a payroll voucher under this Section
18 for which the fund balance is insufficient to pay the full
19 amount of the required State contribution to the State
20 Employees' Retirement System of Illinois, the Comptroller
21 shall promptly so notify the retirement system.

22 (c) Notwithstanding any other provisions of law, beginning
23 July 1, 2007, required State and employee contributions to the
24 State Employees' Retirement System of Illinois relating to
25 affected legislative staff employees shall be paid out of
26 moneys appropriated for that purpose to the Commission on

1 Government Forecasting and Accountability, rather than out of
2 the lump-sum appropriations otherwise made for the payroll and
3 other costs of those employees.

4 These payments must be made pursuant to payroll vouchers
5 submitted by the employing entity as part of the regular
6 payroll voucher process.

7 For the purpose of this subsection, "affected legislative
8 staff employees" means legislative staff employees paid out of
9 lump-sum appropriations made to the General Assembly, an
10 Officer of the General Assembly, or the Senate Operations
11 Commission, but does not include district-office staff or
12 employees of legislative support services agencies.

13 (Source: P.A. 99-8, eff. 7-9-15; 99-523, eff. 6-30-16; 100-23,
14 eff. 7-6-17.)

15 Section 4-40. The Illinois State Collection Act of 1986 is
16 amended by changing Section 10.2 as follows:

17 (30 ILCS 210/10.2)

18 Sec. 10.2. Deferral and compromise of past due debt.

19 (a) In this Section, "past due debt" means any debt owed to
20 the State that has been outstanding for more than 12 months.
21 "Past due debt" does not include any debt if any of the actions
22 required under this Section would violate federal law or
23 regulation.

24 (b) State agencies may enter into a deferred payment plan

1 for the purpose of satisfying a past due debt. Except for a
2 deferred payment plan entered into by any Illinois public
3 university, as defined in Section 10 of the Illinois Prepaid
4 Tuition Act, or by the Illinois Department of Transportation or
5 for debts owed to the Illinois Department of Transportation for
6 deposit into the Transportation Mobility ~~Road~~ Fund, the
7 deferred payment plan must meet the following requirements:

8 (1) The term of the deferred payment plan may not
9 exceed 2 years.

10 (2) The first payment of the deferred payment plan must
11 be at least 10% of the total amount due.

12 (3) All subsequent monthly payments for the deferred
13 payment plan must be assessed as equal monthly principal
14 payments, together with interest.

15 (4) The deferred payment plan must include interest at
16 a rate that is the same as the interest required under the
17 State Prompt Payment Act.

18 (5) The deferred payment plan must be approved by the
19 Secretary or Director of the State agency.

20 (c) State agencies may compromise past due debts. Any
21 action taken by a State agency to compromise a past due debt,
22 other than an action taken by an Illinois public university, as
23 defined in Section 10 of the Illinois Prepaid Tuition Act, to
24 compromise past due debt, must meet the following requirements:

25 (1) The amount of the compromised debt shall be no less
26 than 80% of the total of the past due debt.

1 (2) Once a past due debt has been compromised, the
2 debtor must remit to the State agency the total amount of
3 the compromised debt. However, the State agency may collect
4 the compromised debt through a payment plan not to exceed 6
5 months. If the State agency accepts the compromised debt
6 through a payment plan, then the compromised debt shall be
7 subject to the same rate of interest as required under the
8 State Prompt Payment Act.

9 (3) Before a State agency accepts a compromised debt,
10 the amount of the compromised debt must be approved by the
11 Secretary or Director of the agency.

12 (d) State agencies may sell a past due debt to one or more
13 outside private vendors. Sales shall be conducted under rules
14 adopted by the Department of Revenue using a request for
15 proposals procedure similar to that procedure under the
16 Illinois Procurement Code. The outside private vendors shall
17 remit to the State agency the purchase price for debts sold
18 under this subsection.

19 (e) The State agency shall deposit all amounts received
20 under this Section into the General Revenue Fund. For Illinois
21 public universities, as defined in Section 10 of the Illinois
22 Prepaid Tuition Act, the requirement of this subsection (e)
23 applies to amounts received from the sale of past due debt and
24 does not apply to amounts received under a deferred payment
25 plan or a compromised debt payment plan.

26 (f) This Section does not apply to any tax debt owing to

1 the Department of Revenue.

2 (g) This Section does not apply to child support debts
3 enforced by the Department of Healthcare and Family Services
4 pursuant to Title IV-D of the federal Social Security Act and
5 Article X of the Illinois Public Aid Code.

6 (h) This Section does not apply to debts that are enforced
7 by the Department of Employment Security and owed to any
8 federal account, including but not limited to the Unemployment
9 Trust Fund, and penalties and interest assessed under the
10 Unemployment Insurance Act.

11 (Source: P.A. 96-1435, eff. 8-16-10; 97-333, eff. 8-12-11;
12 97-444, eff. 8-19-11.)

13 Section 4-45. The State Employee Illinois Workers'
14 Compensation Commission Awards Act is amended by changing
15 Section 3 as follows:

16 (30 ILCS 260/3) (from Ch. 127, par. 180)

17 Sec. 3. Whenever the Illinois Workers' Compensation
18 Commission or the Court of Claims makes an award under the
19 terms of the Workers' Compensation Act or the Workers'
20 Occupational Diseases Act for personal injuries or death of any
21 State employee, and such award is approved by the Department of
22 Central Management Services, such award shall be certified to
23 the State Comptroller. Upon the approval of such award by the
24 Department of Central Management Services, the Comptroller is

1 directed to draw his warrant payable to the payee named, for
2 the amount so certified, payable from the General Revenue Fund,
3 except in cases of compensation of employees of the Division of
4 Highways, Department of Transportation, which shall be paid
5 from the Transportation Mobility Road Fund.

6 (Source: P.A. 93-721, eff. 1-1-05.)

7 Section 4-50. The General Obligation Bond Act is amended by
8 changing Sections 2.5, 14, 15, and 19 as follows:

9 (30 ILCS 330/2.5)

10 Sec. 2.5. Limitation on issuance of Bonds.

11 (a) Except as provided in subsection (b), no Bonds may be
12 issued if, after the issuance, in the next State fiscal year
13 after the issuance of the Bonds, the amount of debt service
14 (including principal, whether payable at maturity or pursuant
15 to mandatory sinking fund installments, and interest) on all
16 then-outstanding Bonds, other than (i) Bonds authorized by
17 Public Act 100-23 ~~this amendatory Act of the 100th General~~
18 ~~Assembly~~, (ii) Bonds issued by Public Act 96-43, and (iii)
19 Bonds authorized by Public Act 96-1497, would exceed 7% of the
20 aggregate appropriations from the general funds (which consist
21 of the General Revenue Fund, the Common School Fund, the
22 General Revenue Common School Special Account Fund, and the
23 Education Assistance Fund) and the Transportation Mobility
24 ~~Road~~ Fund for the fiscal year immediately prior to the fiscal

1 year of the issuance.

2 (b) If the Comptroller and Treasurer each consent in
3 writing, Bonds may be issued even if the issuance does not
4 comply with subsection (a). In addition, \$2,000,000,000 in
5 Bonds for the purposes set forth in Sections 3, 4, 5, 6, and 7,
6 and \$2,000,000,000 in Refunding Bonds under Section 16, may be
7 issued during State fiscal year 2017 without complying with
8 subsection (a). In addition, \$2,000,000,000 in Bonds for the
9 purposes set forth in Sections 3, 4, 5, 6, and 7, and
10 \$2,000,000,000 in Refunding Bonds under Section 16, may be
11 issued during State fiscal year 2018 without complying with
12 subsection (a).

13 (Source: P.A. 99-523, eff. 6-30-16; 100-23, Article 25, Section
14 25-5, eff. 7-6-17; 100-23, Article 75, Section 75-10, eff.
15 7-6-17; revised 8-8-17.)

16 (30 ILCS 330/14) (from Ch. 127, par. 664)

17 Sec. 14. Repayment.

18 (a) To provide for the manner of repayment of Bonds, the
19 Governor shall include an appropriation in each annual State
20 Budget of monies in such amount as shall be necessary and
21 sufficient, for the period covered by such budget, to pay the
22 interest, as it shall accrue, on all Bonds issued under this
23 Act, to pay and discharge the principal of such Bonds as shall,
24 by their terms, fall due during such period, to pay a premium,
25 if any, on Bonds to be redeemed prior to the maturity date, and

1 to pay sinking fund payments in connection with Qualified
2 School Construction Bonds authorized by subsection (e) of
3 Section 9. Amounts included in such appropriations for the
4 payment of interest on variable rate bonds shall be the maximum
5 amounts of interest that may be payable for the period covered
6 by the budget, after taking into account any credits permitted
7 in the related indenture or other instrument against the amount
8 of such interest required to be appropriated for such period.
9 Amounts included in such appropriations for the payment of
10 interest shall include the amounts certified by the Director of
11 the Governor's Office of Management and Budget under subsection
12 (b) of Section 9 of this Act.

13 (b) A separate fund in the State Treasury called the
14 "General Obligation Bond Retirement and Interest Fund" is
15 hereby created.

16 (c) The General Assembly shall annually make
17 appropriations to pay the principal of, interest on, and
18 premium, if any, on Bonds sold under this Act from the General
19 Obligation Bond Retirement and Interest Fund. Amounts included
20 in such appropriations for the payment of interest on variable
21 rate bonds shall be the maximum amounts of interest that may be
22 payable during the fiscal year, after taking into account any
23 credits permitted in the related indenture or other instrument
24 against the amount of such interest required to be appropriated
25 for such period. Amounts included in such appropriations for
26 the payment of interest shall include the amounts certified by

1 the Director of the Governor's Office of Management and Budget
2 under subsection (b) of Section 9 of this Act.

3 If for any reason there are insufficient funds in either
4 the General Revenue Fund or the Transportation Mobility Road
5 Fund to make transfers to the General Obligation Bond
6 Retirement and Interest Fund as required by Section 15 of this
7 Act, or if for any reason the General Assembly fails to make
8 appropriations sufficient to pay the principal of, interest on,
9 and premium, if any, on the Bonds, as the same by their terms
10 shall become due, this Act shall constitute an irrevocable and
11 continuing appropriation of all amounts necessary for that
12 purpose, and the irrevocable and continuing authority for and
13 direction to the State Treasurer and the Comptroller to make
14 the necessary transfers, as directed by the Governor, out of
15 and disbursements from the revenues and funds of the State.

16 (d) If, because of insufficient funds in either the General
17 Revenue Fund or the Transportation Mobility Road Fund, monies
18 have been transferred to the General Obligation Bond Retirement
19 and Interest Fund, as required by subsection (c) of this
20 Section, this Act shall constitute the irrevocable and
21 continuing authority for and direction to the State Treasurer
22 and Comptroller to reimburse these funds of the State from the
23 General Revenue Fund or the Transportation Mobility Road Fund,
24 as appropriate, by transferring, at such times and in such
25 amounts, as directed by the Governor, an amount to these funds
26 equal to that transferred from them.

1 (Source: P.A. 96-828, eff. 12-2-09.)

2 (30 ILCS 330/15) (from Ch. 127, par. 665)

3 Sec. 15. Computation of Principal and Interest; transfers.

4 (a) Upon each delivery of Bonds authorized to be issued
5 under this Act, the Comptroller shall compute and certify to
6 the Treasurer the total amount of principal of, interest on,
7 and premium, if any, on Bonds issued that will be payable in
8 order to retire such Bonds, the amount of principal of,
9 interest on and premium, if any, on such Bonds that will be
10 payable on each payment date according to the tenor of such
11 Bonds during the then current and each succeeding fiscal year,
12 and the amount of sinking fund payments needed to be deposited
13 in connection with Qualified School Construction Bonds
14 authorized by subsection (e) of Section 9. With respect to the
15 interest payable on variable rate bonds, such certifications
16 shall be calculated at the maximum rate of interest that may be
17 payable during the fiscal year, after taking into account any
18 credits permitted in the related indenture or other instrument
19 against the amount of such interest required to be appropriated
20 for such period pursuant to subsection (c) of Section 14 of
21 this Act. With respect to the interest payable, such
22 certifications shall include the amounts certified by the
23 Director of the Governor's Office of Management and Budget
24 under subsection (b) of Section 9 of this Act.

25 On or before the last day of each month the State Treasurer

1 and Comptroller shall transfer from (1) the Transportation
2 Mobility Road Fund with respect to Bonds issued under paragraph
3 (a) of Section 4 of this Act, or Bonds issued under
4 authorization in Public Act 98-781, or Bonds issued for the
5 purpose of refunding such bonds, and from (2) the General
6 Revenue Fund, with respect to all other Bonds issued under this
7 Act, to the General Obligation Bond Retirement and Interest
8 Fund an amount sufficient to pay the aggregate of the principal
9 of, interest on, and premium, if any, on Bonds payable, by
10 their terms on the next payment date divided by the number of
11 full calendar months between the date of such Bonds and the
12 first such payment date, and thereafter, divided by the number
13 of months between each succeeding payment date after the first.
14 Such computations and transfers shall be made for each series
15 of Bonds issued and delivered. Interest payable on variable
16 rate bonds shall be calculated at the maximum rate of interest
17 that may be payable for the relevant period, after taking into
18 account any credits permitted in the related indenture or other
19 instrument against the amount of such interest required to be
20 appropriated for such period pursuant to subsection (c) of
21 Section 14 of this Act. Computations of interest shall include
22 the amounts certified by the Director of the Governor's Office
23 of Management and Budget under subsection (b) of Section 9 of
24 this Act. Interest for which moneys have already been deposited
25 into the capitalized interest account within the General
26 Obligation Bond Retirement and Interest Fund shall not be

1 included in the calculation of the amounts to be transferred
2 under this subsection. Notwithstanding any other provision in
3 this Section, the transfer provisions provided in this
4 paragraph shall not apply to transfers made in fiscal year 2010
5 or fiscal year 2011 with respect to Bonds issued in fiscal year
6 2010 or fiscal year 2011 pursuant to Section 7.2 of this Act.
7 In the case of transfers made in fiscal year 2010 or fiscal
8 year 2011 with respect to the Bonds issued in fiscal year 2010
9 or fiscal year 2011 pursuant to Section 7.2 of this Act, on or
10 before the 15th day of the month prior to the required debt
11 service payment, the State Treasurer and Comptroller shall
12 transfer from the General Revenue Fund to the General
13 Obligation Bond Retirement and Interest Fund an amount
14 sufficient to pay the aggregate of the principal of, interest
15 on, and premium, if any, on the Bonds payable in that next
16 month.

17 The transfer of monies herein and above directed is not
18 required if monies in the General Obligation Bond Retirement
19 and Interest Fund are more than the amount otherwise to be
20 transferred as herein above provided, and if the Governor or
21 his authorized representative notifies the State Treasurer and
22 Comptroller of such fact in writing.

23 (b) After the effective date of this Act, the balance of,
24 and monies directed to be included in the Capital Development
25 Bond Retirement and Interest Fund, Anti-Pollution Bond
26 Retirement and Interest Fund, Transportation Bond, Series A

1 Retirement and Interest Fund, Transportation Bond, Series B
2 Retirement and Interest Fund, and Coal Development Bond
3 Retirement and Interest Fund shall be transferred to and
4 deposited in the General Obligation Bond Retirement and
5 Interest Fund. This Fund shall be used to make debt service
6 payments on the State's general obligation Bonds heretofore
7 issued which are now outstanding and payable from the Funds
8 herein listed as well as on Bonds issued under this Act.

9 (c) The unused portion of federal funds received for a
10 capital facilities project, as authorized by Section 3 of this
11 Act, for which monies from the Capital Development Fund have
12 been expended shall remain in the Capital Development Board
13 Contributory Trust Fund and shall be used for capital projects
14 and for no other purpose, subject to appropriation and as
15 directed by the Capital Development Board. Any federal funds
16 received as reimbursement for the completed construction of a
17 capital facilities project, as authorized by Section 3 of this
18 Act, for which monies from the Capital Development Fund have
19 been expended shall be deposited in the General Obligation Bond
20 Retirement and Interest Fund.

21 (Source: P.A. 100-23, eff. 7-6-17.)

22 (30 ILCS 330/19) (from Ch. 127, par. 669)

23 Sec. 19. Investment of Money Not Needed for Current
24 Expenditures - Application of Earnings. (a) The State Treasurer
25 may, with the Governor's approval, invest and reinvest any

1 money from the Capital Development Fund, the Transportation
2 Bond, Series A Fund, the Transportation Bond, Series B Fund,
3 the School Construction Fund, the Anti-Pollution Fund, the Coal
4 Development Fund and the General Obligation Bond Retirement and
5 Interest Fund, in the State Treasury, which is not needed for
6 current expenditures due or about to become due from these
7 funds.

8 (b) Monies received from the sale or redemption of
9 investments from the Transportation Bond, Series A Fund shall
10 be deposited by the State Treasurer in the Transportation
11 Mobility Road Fund.

12 Monies received from the sale or redemption of investments
13 from the Capital Development Fund, the Transportation Bond,
14 Series B Fund, the School Construction Fund, the Anti-Pollution
15 Fund, and the Coal Development Fund shall be deposited by the
16 State Treasurer in the General Revenue Fund.

17 Monies from the sale or redemption of investments from the
18 General Obligation Bond Retirement and Interest Fund shall be
19 deposited in the General Obligation Bond Retirement and
20 Interest Fund.

21 (c) Monies from the Capital Development Fund, the
22 Transportation Bond, Series A Fund, the Transportation Bond,
23 Series B Fund, the School Construction Fund, the Anti-Pollution
24 Fund, and the Coal Development Fund may be invested as
25 permitted in "AN ACT in relation to State moneys", approved
26 June 28, 1919, as amended and in "AN ACT relating to certain

1 investments of public funds by public agencies", approved July
2 23, 1943, as amended. Monies from the General Obligation Bond
3 Retirement and Interest Fund may be invested in securities
4 constituting direct obligations of the United States
5 Government, or obligations, the principal of and interest on
6 which are guaranteed by the United States Government, or
7 certificates of deposit of any state or national bank or
8 savings and loan association. For amounts not insured by the
9 Federal Deposit Insurance Corporation or the Federal Savings
10 and Loan Insurance Corporation, as security the State Treasurer
11 shall accept securities constituting direct obligations of the
12 United States Government, or obligations, the principal of and
13 interest on which are guaranteed by the United States
14 Government.

15 (d) Accrued interest paid to the State at the time of the
16 delivery of the Bonds shall be deposited into the General
17 Obligation Bond Retirement and Interest Fund in the State
18 Treasury.

19 (Source: P.A. 84-1248; 84-1474.)

20 Section 4-55. The Transportation Bond Act is amended by
21 changing Sections 6, 7, and 9 as follows:

22 (30 ILCS 415/6) (from Ch. 127, par. 706)

23 Sec. 6. The State Treasurer may, with the approval of the
24 Governor, invest and reinvest, at the existing market price and

1 in any event not to exceed 102% of par plus accrued interest,
2 in obligations, the principal of and interest on which is
3 guaranteed by the United States Government, or any certificates
4 of deposit of any savings and loan association or any State or
5 national bank which are fully secured by obligations, the
6 principal of and interest on which is guaranteed by the United
7 States Government, any money in the Transportation Bond, Series
8 A Fund or the Transportation Bond, Series B Fund in the State
9 Treasury which, in the opinion of the Governor communicated in
10 writing to the State Treasurer, is not needed for current
11 expenditures due or about to become due from such funds. The
12 cost price of all such obligations shall be considered as cash
13 in the custody of the State Treasurer, and such obligations
14 shall be conveyed at cost price as cash by the State Treasurer
15 to his successor. The money in the Transportation Bond, Series
16 A Fund and in the Transportation Bond, Series B Fund in the
17 form of such obligations shall be set up by the State Treasurer
18 as separate accounts and shown distinctly in every report
19 issued by him regarding fund balances. Earnings received on
20 investments of the Transportation Bond, Series A Fund shall be
21 paid into the Transportation Mobility ~~Road~~ Fund. All other
22 earnings received upon any such investment shall be paid into
23 the General Revenue Fund. All of the monies other than accrued
24 interest received from the sale or redemption of such
25 investments shall be replaced by the State Treasurer in the
26 fund from which the money was removed for such investment.

1 No bank or savings and loan association shall receive
2 public funds as permitted by this Section, unless it has
3 complied with the requirements established pursuant to Section
4 6 of "An Act relating to certain investments of public funds by
5 public agencies", approved July 23, 1943, as now or hereafter
6 amended.

7 (Source: P.A. 83-541.)

8 (30 ILCS 415/7) (from Ch. 127, par. 707)

9 Sec. 7.

10 The Governor shall include an appropriation in each annual
11 State budget of monies in such amount as shall be necessary and
12 sufficient, for the period covered by such budget, to pay the
13 interest, as it shall accrue, on all Bonds issued under this
14 Act and also to pay and discharge the principal of such of the
15 Bonds as shall fall due during such period. To provide for the
16 manner of repayment of the Transportation Bonds, Series A, a
17 separate fund in the State Treasury called the "Transportation
18 Bond, Series A Retirement and Interest Fund" is hereby created.
19 The General Assembly shall annually make appropriations for
20 monies to pay the principal of and interest on the
21 Transportation Bonds, Series A from the Transportation Bond,
22 Series A Retirement and Interest Fund and shall direct the
23 transfer from time to time of monies from the Transportation
24 Mobility Road Fund to the Transportation Bond, Series A
25 Retirement and Interest Fund, an amount which shall be

1 sufficient to pay the principal of and interest on the
2 Transportation Bonds, Series A as the same become due. If there
3 are insufficient funds in the Transportation Mobility Road Fund
4 to pay the principal of and interest on the Transportation
5 Bonds, Series A, as the same become due, the General Assembly
6 shall direct the transfer from time to time of monies from the
7 General Revenue Fund to the Transportation Bond, Series A
8 Retirement and Interest Fund to the extent such transfer of
9 monies is necessary to pay the principal of and interest on
10 such Transportation Bonds, Series A which could not be paid by
11 monies transferred from the Transportation Mobility Road Fund.
12 To provide for the manner of repayment of the Transportation
13 Bonds, Series B a separate fund in the State Treasury called
14 the "Transportation Bond, Series B Retirement and Interest
15 Fund" is hereby created. The General Assembly shall make
16 appropriations for monies to pay the principal of and interest
17 on the Transportation Bonds, Series B from the Transportation
18 Bond, Series B Retirement and Interest Fund and shall direct
19 the transfer from time to time of monies from the General
20 Revenue Fund to the Transportation Bond, Series B Retirement
21 and Interest Fund, an amount which shall be sufficient to pay
22 the principal of and interest on the Transportation Bonds,
23 Series B as the same become due.

24 If for any reason the General Assembly fails to make
25 appropriations for or transfers to the said Transportation
26 Bond, Series A Retirement and Interest Fund and the

1 Transportation Bond, Series B Retirement and Interest Fund, as
2 the case may be, of amounts sufficient for the State to pay the
3 principal of and interest on the Bonds as the same become due,
4 this Act shall constitute an irrevocable and continuing
5 appropriation of all amounts necessary for that purpose, and
6 the irrevocable and continuing authority for and direction to
7 the Auditor of Public Accounts, or Comptroller as his
8 successor, and to the Treasurer of the State to make the
9 necessary transfers out of and disbursements from the revenues
10 and funds of the State for that purpose.

11 All Bonds issued in accordance with the provisions of this
12 Act shall be direct, general obligations of the State of
13 Illinois and shall so state on the face thereof, and the full
14 faith and credit of the State of Illinois are hereby pledged
15 for the punctual payment of the interest thereon as the same
16 shall become due and for the punctual payment of the principal
17 thereof at maturity, and the provisions of this Section shall
18 be irrepealable until all such Bonds are paid in full as to
19 both principal and interest.

20 (Source: P.A. 77-150.)

21 (30 ILCS 415/9) (from Ch. 127, par. 709)

22 Sec. 9. Upon each delivery of the Bonds authorized to be
23 issued under this Act, the Comptroller shall compute and
24 certify to the State Treasurer the total amount of principal of
25 and interest on the Bonds issued that will be payable in order

1 to retire such Bonds and the amount of principal of and
2 interest on such Bonds that will be payable on each payment
3 date according to the tenor of such Bonds during the then
4 current and each succeeding fiscal year.

5 On the last day of each month, commencing with the month in
6 which the Transportation Bonds, Series A are issued and
7 delivered, the State Treasurer and the Auditor of Public
8 Accounts, or Comptroller as his successor, shall transfer from
9 the Transportation Mobility Road Fund in the State Treasury, or
10 the General Revenue Fund as provided in Section 7 of this Act,
11 to the Transportation Bond, Series A Retirement and Interest
12 Fund a sum of money, appropriated for such purpose, equal to
13 the result of the amount of principal of and interest on the
14 Transportation Bonds, Series A payable on the next payment date
15 divided by the number of full calendar months between the date
16 of such Transportation Bonds, Series A and the first such
17 payment date, and thereafter divided by the number of months
18 between each succeeding payment date after the first. On the
19 last day of each month, commencing with the month in which the
20 Transportation Bonds, Series B are issued and delivered, the
21 State Treasurer and the Auditor of Public Accounts, or
22 Comptroller as his successor, shall transfer from the General
23 Revenue Fund in the State Treasury to the Transportation Bond,
24 Series B Retirement and Interest Fund in the State Treasury a
25 sum of money, appropriated for such purpose, equal to the
26 result of the amount of principal of and interest on the

1 Transportation Bonds, Series B payable on the next payment date
2 divided by the number of full calendar months between the date
3 of such Transportation Bonds, Series B and the first such
4 payment date, and thereafter divided by the number of months
5 between each succeeding payment date after the first.

6 Such computations and transfers shall be made when a series
7 of such Bonds is issued and delivered.

8 The transfer of monies hereinabove directed is not required
9 if monies in the Transportation Bond, Series A Retirement and
10 Interest Fund, or the Transportation Bond, Series B Retirement
11 and Interest Fund, as the case may be, are more than the amount
12 otherwise to be transferred as hereinabove provided, and if the
13 Governor notifies the Auditor of Public Accounts, or
14 Comptroller as his successor, and the State Treasurer of such
15 fact.

16 (Source: P.A. 83-1280.)

17 Section 4-60. The Motor Fuel Tax Law is amended by changing
18 Section 8 as follows:

19 (35 ILCS 505/8) (from Ch. 120, par. 424)

20 Sec. 8. Except as provided in Section 8a, subdivision
21 (h) (1) of Section 12a, Section 13a.6, and items 13, 14, 15, and
22 16 of Section 15, all money received by the Department under
23 this Act, including payments made to the Department by member
24 jurisdictions participating in the International Fuel Tax

1 Agreement, shall be deposited in a special fund in the State
2 treasury, to be known as the "Motor Fuel Tax Fund", and shall
3 be used as follows:

4 (a) 2 1/2 cents per gallon of the tax collected on special
5 fuel under paragraph (b) of Section 2 and Section 13a of this
6 Act shall be transferred to the State Construction Account Fund
7 in the State Treasury;

8 (b) \$420,000 shall be transferred each month to the State
9 Boating Act Fund to be used by the Department of Natural
10 Resources for the purposes specified in Article X of the Boat
11 Registration and Safety Act;

12 (c) \$3,500,000 shall be transferred each month to the Grade
13 Crossing Protection Fund to be used as follows: not less than
14 \$12,000,000 each fiscal year shall be used for the construction
15 or reconstruction of rail highway grade separation structures;
16 \$2,250,000 in fiscal years 2004 through 2009 and \$3,000,000 in
17 fiscal year 2010 and each fiscal year thereafter shall be
18 transferred to the Transportation Regulatory Fund and shall be
19 accounted for as part of the rail carrier portion of such funds
20 and shall be used to pay the cost of administration of the
21 Illinois Commerce Commission's railroad safety program in
22 connection with its duties under subsection (3) of Section
23 18c-7401 of the Illinois Vehicle Code, with the remainder to be
24 used by the Department of Transportation upon order of the
25 Illinois Commerce Commission, to pay that part of the cost
26 apportioned by such Commission to the State to cover the

1 interest of the public in the use of highways, roads, streets,
2 or pedestrian walkways in the county highway system, township
3 and district road system, or municipal street system as defined
4 in the Illinois Highway Code, as the same may from time to time
5 be amended, for separation of grades, for installation,
6 construction or reconstruction of crossing protection or
7 reconstruction, alteration, relocation including construction
8 or improvement of any existing highway necessary for access to
9 property or improvement of any grade crossing and grade
10 crossing surface including the necessary highway approaches
11 thereto of any railroad across the highway or public road, or
12 for the installation, construction, reconstruction, or
13 maintenance of a pedestrian walkway over or under a railroad
14 right-of-way, as provided for in and in accordance with Section
15 18c-7401 of the Illinois Vehicle Code. The Commission may order
16 up to \$2,000,000 per year in Grade Crossing Protection Fund
17 moneys for the improvement of grade crossing surfaces and up to
18 \$300,000 per year for the maintenance and renewal of 4-quadrant
19 gate vehicle detection systems located at non-high speed rail
20 grade crossings. The Commission shall not order more than
21 \$2,000,000 per year in Grade Crossing Protection Fund moneys
22 for pedestrian walkways. In entering orders for projects for
23 which payments from the Grade Crossing Protection Fund will be
24 made, the Commission shall account for expenditures authorized
25 by the orders on a cash rather than an accrual basis. For
26 purposes of this requirement an "accrual basis" assumes that

1 the total cost of the project is expended in the fiscal year in
2 which the order is entered, while a "cash basis" allocates the
3 cost of the project among fiscal years as expenditures are
4 actually made. To meet the requirements of this subsection, the
5 Illinois Commerce Commission shall develop annual and 5-year
6 project plans of rail crossing capital improvements that will
7 be paid for with moneys from the Grade Crossing Protection
8 Fund. The annual project plan shall identify projects for the
9 succeeding fiscal year and the 5-year project plan shall
10 identify projects for the 5 directly succeeding fiscal years.
11 The Commission shall submit the annual and 5-year project plans
12 for this Fund to the Governor, the President of the Senate, the
13 Senate Minority Leader, the Speaker of the House of
14 Representatives, and the Minority Leader of the House of
15 Representatives on the first Wednesday in April of each year;

16 (d) of the amount remaining after allocations provided for
17 in subsections (a), (b) and (c), a sufficient amount shall be
18 reserved to pay all of the following:

19 (1) the costs of the Department of Revenue in
20 administering this Act;

21 (2) the costs of the Department of Transportation in
22 performing its duties imposed by the Illinois Highway Code
23 for supervising the use of motor fuel tax funds apportioned
24 to municipalities, counties and road districts;

25 (3) refunds provided for in Section 13, refunds for
26 overpayment of decal fees paid under Section 13a.4 of this

1 Act, and refunds provided for under the terms of the
2 International Fuel Tax Agreement referenced in Section
3 14a;

4 (4) from October 1, 1985 until June 30, 1994, the
5 administration of the Vehicle Emissions Inspection Law,
6 which amount shall be certified monthly by the
7 Environmental Protection Agency to the State Comptroller
8 and shall promptly be transferred by the State Comptroller
9 and Treasurer from the Motor Fuel Tax Fund to the Vehicle
10 Inspection Fund, and for the period July 1, 1994 through
11 June 30, 2000, one-twelfth of \$25,000,000 each month, for
12 the period July 1, 2000 through June 30, 2003, one-twelfth
13 of \$30,000,000 each month, and \$15,000,000 on July 1, 2003,
14 and \$15,000,000 on January 1, 2004, and \$15,000,000 on each
15 July 1 and October 1, or as soon thereafter as may be
16 practical, during the period July 1, 2004 through June 30,
17 2012, and \$30,000,000 on June 1, 2013, or as soon
18 thereafter as may be practical, and \$15,000,000 on July 1
19 and October 1, or as soon thereafter as may be practical,
20 during the period of July 1, 2013 through June 30, 2015,
21 for the administration of the Vehicle Emissions Inspection
22 Law of 2005, to be transferred by the State Comptroller and
23 Treasurer from the Motor Fuel Tax Fund into the Vehicle
24 Inspection Fund;

25 (5) amounts ordered paid by the Court of Claims; and

26 (6) payment of motor fuel use taxes due to member

1 jurisdictions under the terms of the International Fuel Tax
2 Agreement. The Department shall certify these amounts to
3 the Comptroller by the 15th day of each month; the
4 Comptroller shall cause orders to be drawn for such
5 amounts, and the Treasurer shall administer those amounts
6 on or before the last day of each month;

7 (e) after allocations for the purposes set forth in
8 subsections (a), (b), (c) and (d), the remaining amount shall
9 be apportioned as follows:

10 (1) Until January 1, 2000, 58.4%, and beginning January
11 1, 2000, 45.6% shall be deposited as follows:

12 (A) 37% into the State Construction Account Fund,
13 and

14 (B) 63% into the Transportation Mobility Road
15 Fund, \$1,250,000 of which shall be reserved each month
16 for the Department of Transportation to be used in
17 accordance with the provisions of Sections 6-901
18 through 6-906 of the Illinois Highway Code;

19 (2) Until January 1, 2000, 41.6%, and beginning January
20 1, 2000, 54.4% shall be transferred to the Department of
21 Transportation to be distributed as follows:

22 (A) 49.10% to the municipalities of the State,

23 (B) 16.74% to the counties of the State having
24 1,000,000 or more inhabitants,

25 (C) 18.27% to the counties of the State having less
26 than 1,000,000 inhabitants,

1 (D) 15.89% to the road districts of the State.

2 As soon as may be after the first day of each month the
3 Department of Transportation shall allot to each municipality
4 its share of the amount apportioned to the several
5 municipalities which shall be in proportion to the population
6 of such municipalities as determined by the last preceding
7 municipal census if conducted by the Federal Government or
8 Federal census. If territory is annexed to any municipality
9 subsequent to the time of the last preceding census the
10 corporate authorities of such municipality may cause a census
11 to be taken of such annexed territory and the population so
12 ascertained for such territory shall be added to the population
13 of the municipality as determined by the last preceding census
14 for the purpose of determining the allotment for that
15 municipality. If the population of any municipality was not
16 determined by the last Federal census preceding any
17 apportionment, the apportionment to such municipality shall be
18 in accordance with any census taken by such municipality. Any
19 municipal census used in accordance with this Section shall be
20 certified to the Department of Transportation by the clerk of
21 such municipality, and the accuracy thereof shall be subject to
22 approval of the Department which may make such corrections as
23 it ascertains to be necessary.

24 As soon as may be after the first day of each month the
25 Department of Transportation shall allot to each county its
26 share of the amount apportioned to the several counties of the

1 State as herein provided. Each allotment to the several
2 counties having less than 1,000,000 inhabitants shall be in
3 proportion to the amount of motor vehicle license fees received
4 from the residents of such counties, respectively, during the
5 preceding calendar year. The Secretary of State shall, on or
6 before April 15 of each year, transmit to the Department of
7 Transportation a full and complete report showing the amount of
8 motor vehicle license fees received from the residents of each
9 county, respectively, during the preceding calendar year. The
10 Department of Transportation shall, each month, use for
11 allotment purposes the last such report received from the
12 Secretary of State.

13 As soon as may be after the first day of each month, the
14 Department of Transportation shall allot to the several
15 counties their share of the amount apportioned for the use of
16 road districts. The allotment shall be apportioned among the
17 several counties in the State in the proportion which the total
18 mileage of township or district roads in the respective
19 counties bears to the total mileage of all township and
20 district roads in the State. Funds allotted to the respective
21 counties for the use of road districts therein shall be
22 allocated to the several road districts in the county in the
23 proportion which the total mileage of such township or district
24 roads in the respective road districts bears to the total
25 mileage of all such township or district roads in the county.
26 After July 1 of any year prior to 2011, no allocation shall be

1 made for any road district unless it levied a tax for road and
2 bridge purposes in an amount which will require the extension
3 of such tax against the taxable property in any such road
4 district at a rate of not less than either .08% of the value
5 thereof, based upon the assessment for the year immediately
6 prior to the year in which such tax was levied and as equalized
7 by the Department of Revenue or, in DuPage County, an amount
8 equal to or greater than \$12,000 per mile of road under the
9 jurisdiction of the road district, whichever is less. Beginning
10 July 1, 2011 and each July 1 thereafter, an allocation shall be
11 made for any road district if it levied a tax for road and
12 bridge purposes. In counties other than DuPage County, if the
13 amount of the tax levy requires the extension of the tax
14 against the taxable property in the road district at a rate
15 that is less than 0.08% of the value thereof, based upon the
16 assessment for the year immediately prior to the year in which
17 the tax was levied and as equalized by the Department of
18 Revenue, then the amount of the allocation for that road
19 district shall be a percentage of the maximum allocation equal
20 to the percentage obtained by dividing the rate extended by the
21 district by 0.08%. In DuPage County, if the amount of the tax
22 levy requires the extension of the tax against the taxable
23 property in the road district at a rate that is less than the
24 lesser of (i) 0.08% of the value of the taxable property in the
25 road district, based upon the assessment for the year
26 immediately prior to the year in which such tax was levied and

1 as equalized by the Department of Revenue, or (ii) a rate that
2 will yield an amount equal to \$12,000 per mile of road under
3 the jurisdiction of the road district, then the amount of the
4 allocation for the road district shall be a percentage of the
5 maximum allocation equal to the percentage obtained by dividing
6 the rate extended by the district by the lesser of (i) 0.08% or
7 (ii) the rate that will yield an amount equal to \$12,000 per
8 mile of road under the jurisdiction of the road district.

9 Prior to 2011, if any road district has levied a special
10 tax for road purposes pursuant to Sections 6-601, 6-602 and
11 6-603 of the Illinois Highway Code, and such tax was levied in
12 an amount which would require extension at a rate of not less
13 than .08% of the value of the taxable property thereof, as
14 equalized or assessed by the Department of Revenue, or, in
15 DuPage County, an amount equal to or greater than \$12,000 per
16 mile of road under the jurisdiction of the road district,
17 whichever is less, such levy shall, however, be deemed a proper
18 compliance with this Section and shall qualify such road
19 district for an allotment under this Section. Beginning in 2011
20 and thereafter, if any road district has levied a special tax
21 for road purposes under Sections 6-601, 6-602, and 6-603 of the
22 Illinois Highway Code, and the tax was levied in an amount that
23 would require extension at a rate of not less than 0.08% of the
24 value of the taxable property of that road district, as
25 equalized or assessed by the Department of Revenue or, in
26 DuPage County, an amount equal to or greater than \$12,000 per

1 mile of road under the jurisdiction of the road district,
2 whichever is less, that levy shall be deemed a proper
3 compliance with this Section and shall qualify such road
4 district for a full, rather than proportionate, allotment under
5 this Section. If the levy for the special tax is less than
6 0.08% of the value of the taxable property, or, in DuPage
7 County if the levy for the special tax is less than the lesser
8 of (i) 0.08% or (ii) \$12,000 per mile of road under the
9 jurisdiction of the road district, and if the levy for the
10 special tax is more than any other levy for road and bridge
11 purposes, then the levy for the special tax qualifies the road
12 district for a proportionate, rather than full, allotment under
13 this Section. If the levy for the special tax is equal to or
14 less than any other levy for road and bridge purposes, then any
15 allotment under this Section shall be determined by the other
16 levy for road and bridge purposes.

17 Prior to 2011, if a township has transferred to the road
18 and bridge fund money which, when added to the amount of any
19 tax levy of the road district would be the equivalent of a tax
20 levy requiring extension at a rate of at least .08%, or, in
21 DuPage County, an amount equal to or greater than \$12,000 per
22 mile of road under the jurisdiction of the road district,
23 whichever is less, such transfer, together with any such tax
24 levy, shall be deemed a proper compliance with this Section and
25 shall qualify the road district for an allotment under this
26 Section.

1 In counties in which a property tax extension limitation is
2 imposed under the Property Tax Extension Limitation Law, road
3 districts may retain their entitlement to a motor fuel tax
4 allotment or, beginning in 2011, their entitlement to a full
5 allotment if, at the time the property tax extension limitation
6 was imposed, the road district was levying a road and bridge
7 tax at a rate sufficient to entitle it to a motor fuel tax
8 allotment and continues to levy the maximum allowable amount
9 after the imposition of the property tax extension limitation.
10 Any road district may in all circumstances retain its
11 entitlement to a motor fuel tax allotment or, beginning in
12 2011, its entitlement to a full allotment if it levied a road
13 and bridge tax in an amount that will require the extension of
14 the tax against the taxable property in the road district at a
15 rate of not less than 0.08% of the assessed value of the
16 property, based upon the assessment for the year immediately
17 preceding the year in which the tax was levied and as equalized
18 by the Department of Revenue or, in DuPage County, an amount
19 equal to or greater than \$12,000 per mile of road under the
20 jurisdiction of the road district, whichever is less.

21 As used in this Section the term "road district" means any
22 road district, including a county unit road district, provided
23 for by the Illinois Highway Code; and the term "township or
24 district road" means any road in the township and district road
25 system as defined in the Illinois Highway Code. For the
26 purposes of this Section, "township or district road" also

1 includes such roads as are maintained by park districts, forest
2 preserve districts and conservation districts. The Department
3 of Transportation shall determine the mileage of all township
4 and district roads for the purposes of making allotments and
5 allocations of motor fuel tax funds for use in road districts.

6 Payment of motor fuel tax moneys to municipalities and
7 counties shall be made as soon as possible after the allotment
8 is made. The treasurer of the municipality or county may invest
9 these funds until their use is required and the interest earned
10 by these investments shall be limited to the same uses as the
11 principal funds.

12 (Source: P.A. 97-72, eff. 7-1-11; 97-333, eff. 8-12-11; 98-24,
13 eff. 6-19-13; 98-674, eff. 6-30-14.)

14 Section 4-65. The State Pension Funds Continuing
15 Appropriation Act is amended by changing Section 1.2 as
16 follows:

17 (40 ILCS 15/1.2)

18 Sec. 1.2. Appropriations for the State Employees'
19 Retirement System.

20 (a) From each fund from which an amount is appropriated for
21 personal services to a department or other employer under
22 Article 14 of the Illinois Pension Code, there is hereby
23 appropriated to that department or other employer, on a
24 continuing annual basis for each State fiscal year, an

1 additional amount equal to the amount, if any, by which (1) an
2 amount equal to the percentage of the personal services line
3 item for that department or employer from that fund for that
4 fiscal year that the Board of Trustees of the State Employees'
5 Retirement System of Illinois has certified under Section
6 14-135.08 of the Illinois Pension Code to be necessary to meet
7 the State's obligation under Section 14-131 of the Illinois
8 Pension Code for that fiscal year, exceeds (2) the amounts
9 otherwise appropriated to that department or employer from that
10 fund for State contributions to the State Employees' Retirement
11 System for that fiscal year. From the effective date of this
12 amendatory Act of the 93rd General Assembly through the final
13 payment from a department or employer's personal services line
14 item for fiscal year 2004, payments to the State Employees'
15 Retirement System that otherwise would have been made under
16 this subsection (a) shall be governed by the provisions in
17 subsection (a-1).

18 (a-1) If a Fiscal Year 2004 Shortfall is certified under
19 subsection (f) of Section 14-131 of the Illinois Pension Code,
20 there is hereby appropriated to the State Employees' Retirement
21 System of Illinois on a continuing basis from the General
22 Revenue Fund an additional aggregate amount equal to the Fiscal
23 Year 2004 Shortfall.

24 (a-2) If a Fiscal Year 2010 Shortfall is certified under
25 subsection (i) of Section 14-131 of the Illinois Pension Code,
26 there is hereby appropriated to the State Employees' Retirement

1 System of Illinois on a continuing basis from the General
2 Revenue Fund an additional aggregate amount equal to the Fiscal
3 Year 2010 Shortfall.

4 (a-3) If a Fiscal Year 2016 Shortfall is certified under
5 subsection (k) of Section 14-131 of the Illinois Pension Code,
6 there is hereby appropriated to the State Employees' Retirement
7 System of Illinois on a continuing basis from the General
8 Revenue Fund an additional aggregate amount equal to the Fiscal
9 Year 2016 Shortfall.

10 (a-4) If a Prior Fiscal Year Shortfall is certified under
11 subsection (k) of Section 14-131 of the Illinois Pension Code,
12 there is hereby appropriated to the State Employees' Retirement
13 System of Illinois on a continuing basis from the General
14 Revenue Fund an additional aggregate amount equal to the Fiscal
15 Year 2017 Shortfall.

16 (b) The continuing appropriations provided for by this
17 Section shall first be available in State fiscal year 1996.

18 (c) Beginning in Fiscal Year 2005, any continuing
19 appropriation under this Section arising out of an
20 appropriation for personal services from the Transportation
21 Mobility Road Fund to the Department of State Police or the
22 Secretary of State shall be payable from the General Revenue
23 Fund rather than the Transportation Mobility Road Fund.

24 (d) For State fiscal year 2010 only, a continuing
25 appropriation is provided to the State Employees' Retirement
26 System equal to the amount certified by the System on or before

1 December 31, 2008, less the gross proceeds of the bonds sold in
2 fiscal year 2010 under the authorization contained in
3 subsection (a) of Section 7.2 of the General Obligation Bond
4 Act.

5 (e) For State fiscal year 2011 only, the continuing
6 appropriation under this Section provided to the State
7 Employees' Retirement System is limited to an amount equal to
8 the amount certified by the System on or before December 31,
9 2009, less any amounts received pursuant to subsection (a-3) of
10 Section 14.1 of the State Finance Act.

11 (f) For State fiscal year 2011 only, a continuing
12 appropriation is provided to the State Employees' Retirement
13 System equal to the amount certified by the System on or before
14 April 1, 2011, less the gross proceeds of the bonds sold in
15 fiscal year 2011 under the authorization contained in
16 subsection (a) of Section 7.2 of the General Obligation Bond
17 Act.

18 (Source: P.A. 99-523, eff. 6-30-16; 100-23, eff. 7-6-17.)

19 Section 4-70. The Regional Transportation Authority Act is
20 amended by changing Section 4.09 as follows:

21 (70 ILCS 3615/4.09) (from Ch. 111 2/3, par. 704.09)

22 Sec. 4.09. Public Transportation Fund and the Regional
23 Transportation Authority Occupation and Use Tax Replacement
24 Fund.

1 (a)(1) Except as otherwise provided in paragraph (4), as
2 soon as possible after the first day of each month, beginning
3 July 1, 1984, upon certification of the Department of Revenue,
4 the Comptroller shall order transferred and the Treasurer shall
5 transfer from the General Revenue Fund to a special fund in the
6 State Treasury to be known as the Public Transportation Fund an
7 amount equal to 25% of the net revenue, before the deduction of
8 the serviceman and retailer discounts pursuant to Section 9 of
9 the Service Occupation Tax Act and Section 3 of the Retailers'
10 Occupation Tax Act, realized from any tax imposed by the
11 Authority pursuant to Sections 4.03 and 4.03.1 and 25% of the
12 amounts deposited into the Regional Transportation Authority
13 tax fund created by Section 4.03 of this Act, from the County
14 and Mass Transit District Fund as provided in Section 6z-20 of
15 the State Finance Act and 25% of the amounts deposited into the
16 Regional Transportation Authority Occupation and Use Tax
17 Replacement Fund from the State and Local Sales Tax Reform Fund
18 as provided in Section 6z-17 of the State Finance Act. On the
19 first day of the month following the date that the Department
20 receives revenues from increased taxes under Section 4.03(m) as
21 authorized by this amendatory Act of the 95th General Assembly,
22 in lieu of the transfers authorized in the preceding sentence,
23 upon certification of the Department of Revenue, the
24 Comptroller shall order transferred and the Treasurer shall
25 transfer from the General Revenue Fund to the Public
26 Transportation Fund an amount equal to 25% of the net revenue,

1 before the deduction of the serviceman and retailer discounts
2 pursuant to Section 9 of the Service Occupation Tax Act and
3 Section 3 of the Retailers' Occupation Tax Act, realized from
4 (i) 80% of the proceeds of any tax imposed by the Authority at
5 a rate of 1.25% in Cook County, (ii) 75% of the proceeds of any
6 tax imposed by the Authority at the rate of 1% in Cook County,
7 and (iii) one-third of the proceeds of any tax imposed by the
8 Authority at the rate of 0.75% in the Counties of DuPage, Kane,
9 Lake, McHenry, and Will, all pursuant to Section 4.03, and 25%
10 of the net revenue realized from any tax imposed by the
11 Authority pursuant to Section 4.03.1, and 25% of the amounts
12 deposited into the Regional Transportation Authority tax fund
13 created by Section 4.03 of this Act from the County and Mass
14 Transit District Fund as provided in Section 6z-20 of the State
15 Finance Act, and 25% of the amounts deposited into the Regional
16 Transportation Authority Occupation and Use Tax Replacement
17 Fund from the State and Local Sales Tax Reform Fund as provided
18 in Section 6z-17 of the State Finance Act. As used in this
19 Section, net revenue realized for a month shall be the revenue
20 collected by the State pursuant to Sections 4.03 and 4.03.1
21 during the previous month from within the metropolitan region,
22 less the amount paid out during that same month as refunds to
23 taxpayers for overpayment of liability in the metropolitan
24 region under Sections 4.03 and 4.03.1.

25 Notwithstanding any provision of law to the contrary,
26 beginning on the effective date of this amendatory Act of the

1 100th General Assembly, those amounts required under this
2 paragraph (1) of subsection (a) to be transferred by the
3 Treasurer into the Public Transportation Fund from the General
4 Revenue Fund shall be directly deposited into the Public
5 Transportation Fund as the revenues are realized from the taxes
6 indicated.

7 (2) Except as otherwise provided in paragraph (4), on the
8 first day of the month following the effective date of this
9 amendatory Act of the 95th General Assembly and each month
10 thereafter, upon certification by the Department of Revenue,
11 the Comptroller shall order transferred and the Treasurer shall
12 transfer from the General Revenue Fund to the Public
13 Transportation Fund an amount equal to 5% of the net revenue,
14 before the deduction of the serviceman and retailer discounts
15 pursuant to Section 9 of the Service Occupation Tax Act and
16 Section 3 of the Retailers' Occupation Tax Act, realized from
17 any tax imposed by the Authority pursuant to Sections 4.03 and
18 4.03.1 and certified by the Department of Revenue under Section
19 4.03(n) of this Act to be paid to the Authority and 5% of the
20 amounts deposited into the Regional Transportation Authority
21 tax fund created by Section 4.03 of this Act from the County
22 and Mass Transit District Fund as provided in Section 6z-20 of
23 the State Finance Act, and 5% of the amounts deposited into the
24 Regional Transportation Authority Occupation and Use Tax
25 Replacement Fund from the State and Local Sales Tax Reform Fund
26 as provided in Section 6z-17 of the State Finance Act, and 5%

1 of the revenue realized by the Chicago Transit Authority as
2 financial assistance from the City of Chicago from the proceeds
3 of any tax imposed by the City of Chicago under Section 8-3-19
4 of the Illinois Municipal Code.

5 Notwithstanding any provision of law to the contrary,
6 beginning on the effective date of this amendatory Act of the
7 100th General Assembly, those amounts required under this
8 paragraph (2) of subsection (a) to be transferred by the
9 Treasurer into the Public Transportation Fund from the General
10 Revenue Fund shall be directly deposited into the Public
11 Transportation Fund as the revenues are realized from the taxes
12 indicated.

13 (3) Except as otherwise provided in paragraph (4), as soon
14 as possible after the first day of January, 2009 and each month
15 thereafter, upon certification of the Department of Revenue
16 with respect to the taxes collected under Section 4.03, the
17 Comptroller shall order transferred and the Treasurer shall
18 transfer from the General Revenue Fund to the Public
19 Transportation Fund an amount equal to 25% of the net revenue,
20 before the deduction of the serviceman and retailer discounts
21 pursuant to Section 9 of the Service Occupation Tax Act and
22 Section 3 of the Retailers' Occupation Tax Act, realized from
23 (i) 20% of the proceeds of any tax imposed by the Authority at
24 a rate of 1.25% in Cook County, (ii) 25% of the proceeds of any
25 tax imposed by the Authority at the rate of 1% in Cook County,
26 and (iii) one-third of the proceeds of any tax imposed by the

1 Authority at the rate of 0.75% in the Counties of DuPage, Kane,
2 Lake, McHenry, and Will, all pursuant to Section 4.03, and the
3 Comptroller shall order transferred and the Treasurer shall
4 transfer from the General Revenue Fund to the Public
5 Transportation Fund (iv) an amount equal to 25% of the revenue
6 realized by the Chicago Transit Authority as financial
7 assistance from the City of Chicago from the proceeds of any
8 tax imposed by the City of Chicago under Section 8-3-19 of the
9 Illinois Municipal Code.

10 Notwithstanding any provision of law to the contrary,
11 beginning on the effective date of this amendatory Act of the
12 100th General Assembly, those amounts required under this
13 paragraph (3) of subsection (a) to be transferred by the
14 Treasurer into the Public Transportation Fund from the General
15 Revenue Fund shall be directly deposited into the Public
16 Transportation Fund as the revenues are realized from the taxes
17 indicated.

18 (4) Notwithstanding any provision of law to the contrary,
19 of the transfers to be made under paragraphs (1), (2), and (3)
20 of this subsection (a) from the General Revenue Fund to the
21 Public Transportation Fund, the first \$100,000,000 that would
22 have otherwise been transferred from the General Revenue Fund
23 shall be transferred from the Transportation Mobility Road
24 Fund. The remaining balance of such transfers shall be made
25 from the General Revenue Fund.

26 (5) For State fiscal year 2018 only, notwithstanding any

1 provision of law to the contrary, the total amount of revenue
2 and deposits under this subsection (a) attributable to revenues
3 realized during State fiscal year 2018 shall be reduced by 10%.

4 (b)(1) All moneys deposited in the Public Transportation
5 Fund and the Regional Transportation Authority Occupation and
6 Use Tax Replacement Fund, whether deposited pursuant to this
7 Section or otherwise, are allocated to the Authority. The
8 Comptroller, as soon as possible after each monthly transfer
9 provided in this Section and after each deposit into the Public
10 Transportation Fund, shall order the Treasurer to pay to the
11 Authority out of the Public Transportation Fund the amount so
12 transferred or deposited. Any Additional State Assistance and
13 Additional Financial Assistance paid to the Authority under
14 this Section shall be expended by the Authority for its
15 purposes as provided in this Act. The balance of the amounts
16 paid to the Authority from the Public Transportation Fund shall
17 be expended by the Authority as provided in Section 4.03.3. The
18 Comptroller, as soon as possible after each deposit into the
19 Regional Transportation Authority Occupation and Use Tax
20 Replacement Fund provided in this Section and Section 6z-17 of
21 the State Finance Act, shall order the Treasurer to pay to the
22 Authority out of the Regional Transportation Authority
23 Occupation and Use Tax Replacement Fund the amount so
24 deposited. Such amounts paid to the Authority may be expended
25 by it for its purposes as provided in this Act. The provisions
26 directing the distributions from the Public Transportation

1 Fund and the Regional Transportation Authority Occupation and
2 Use Tax Replacement Fund provided for in this Section shall
3 constitute an irrevocable and continuing appropriation of all
4 amounts as provided herein. The State Treasurer and State
5 Comptroller are hereby authorized and directed to make
6 distributions as provided in this Section. (2) Provided,
7 however, no moneys deposited under subsection (a) of this
8 Section shall be paid from the Public Transportation Fund to
9 the Authority or its assignee for any fiscal year until the
10 Authority has certified to the Governor, the Comptroller, and
11 the Mayor of the City of Chicago that it has adopted for that
12 fiscal year an Annual Budget and Two-Year Financial Plan
13 meeting the requirements in Section 4.01(b).

14 (c) In recognition of the efforts of the Authority to
15 enhance the mass transportation facilities under its control,
16 the State shall provide financial assistance ("Additional
17 State Assistance") in excess of the amounts transferred to the
18 Authority from the General Revenue Fund under subsection (a) of
19 this Section. Additional State Assistance shall be calculated
20 as provided in subsection (d), but shall in no event exceed the
21 following specified amounts with respect to the following State
22 fiscal years:

23	1990	\$5,000,000;
24	1991	\$5,000,000;
25	1992	\$10,000,000;
26	1993	\$10,000,000;

1 1994 \$20,000,000;
2 1995 \$30,000,000;
3 1996 \$40,000,000;
4 1997 \$50,000,000;
5 1998 \$55,000,000; and
6 each year thereafter \$55,000,000.

7 (c-5) The State shall provide financial assistance
8 ("Additional Financial Assistance") in addition to the
9 Additional State Assistance provided by subsection (c) and the
10 amounts transferred to the Authority from the General Revenue
11 Fund under subsection (a) of this Section. Additional Financial
12 Assistance provided by this subsection shall be calculated as
13 provided in subsection (d), but shall in no event exceed the
14 following specified amounts with respect to the following State
15 fiscal years:

16 2000 \$0;
17 2001 \$16,000,000;
18 2002 \$35,000,000;
19 2003 \$54,000,000;
20 2004 \$73,000,000;
21 2005 \$93,000,000; and
22 each year thereafter \$100,000,000.

23 (d) Beginning with State fiscal year 1990 and continuing
24 for each State fiscal year thereafter, the Authority shall
25 annually certify to the State Comptroller and State Treasurer,
26 separately with respect to each of subdivisions (g)(2) and

1 (g) (3) of Section 4.04 of this Act, the following amounts:

2 (1) The amount necessary and required, during the State
3 fiscal year with respect to which the certification is
4 made, to pay its obligations for debt service on all
5 outstanding bonds or notes issued by the Authority under
6 subdivisions (g) (2) and (g) (3) of Section 4.04 of this Act.

7 (2) An estimate of the amount necessary and required to
8 pay its obligations for debt service for any bonds or notes
9 which the Authority anticipates it will issue under
10 subdivisions (g) (2) and (g) (3) of Section 4.04 during that
11 State fiscal year.

12 (3) Its debt service savings during the preceding State
13 fiscal year from refunding or advance refunding of bonds or
14 notes issued under subdivisions (g) (2) and (g) (3) of
15 Section 4.04.

16 (4) The amount of interest, if any, earned by the
17 Authority during the previous State fiscal year on the
18 proceeds of bonds or notes issued pursuant to subdivisions
19 (g) (2) and (g) (3) of Section 4.04, other than refunding or
20 advance refunding bonds or notes.

21 The certification shall include a specific schedule of debt
22 service payments, including the date and amount of each payment
23 for all outstanding bonds or notes and an estimated schedule of
24 anticipated debt service for all bonds and notes it intends to
25 issue, if any, during that State fiscal year, including the
26 estimated date and estimated amount of each payment.

1 Immediately upon the issuance of bonds for which an
2 estimated schedule of debt service payments was prepared, the
3 Authority shall file an amended certification with respect to
4 item (2) above, to specify the actual schedule of debt service
5 payments, including the date and amount of each payment, for
6 the remainder of the State fiscal year.

7 On the first day of each month of the State fiscal year in
8 which there are bonds outstanding with respect to which the
9 certification is made, the State Comptroller shall order
10 transferred and the State Treasurer shall transfer from the
11 Transportation Mobility Road Fund to the Public Transportation
12 Fund the Additional State Assistance and Additional Financial
13 Assistance in an amount equal to the aggregate of (i)
14 one-twelfth of the sum of the amounts certified under items (1)
15 and (3) above less the amount certified under item (4) above,
16 plus (ii) the amount required to pay debt service on bonds and
17 notes issued during the fiscal year, if any, divided by the
18 number of months remaining in the fiscal year after the date of
19 issuance, or some smaller portion as may be necessary under
20 subsection (c) or (c-5) of this Section for the relevant State
21 fiscal year, plus (iii) any cumulative deficiencies in
22 transfers for prior months, until an amount equal to the sum of
23 the amounts certified under items (1) and (3) above, plus the
24 actual debt service certified under item (2) above, less the
25 amount certified under item (4) above, has been transferred;
26 except that these transfers are subject to the following

1 limits:

2 (A) In no event shall the total transfers in any State
3 fiscal year relating to outstanding bonds and notes issued
4 by the Authority under subdivision (g) (2) of Section 4.04
5 exceed the lesser of the annual maximum amount specified in
6 subsection (c) or the sum of the amounts certified under
7 items (1) and (3) above, plus the actual debt service
8 certified under item (2) above, less the amount certified
9 under item (4) above, with respect to those bonds and
10 notes.

11 (B) In no event shall the total transfers in any State
12 fiscal year relating to outstanding bonds and notes issued
13 by the Authority under subdivision (g) (3) of Section 4.04
14 exceed the lesser of the annual maximum amount specified in
15 subsection (c-5) or the sum of the amounts certified under
16 items (1) and (3) above, plus the actual debt service
17 certified under item (2) above, less the amount certified
18 under item (4) above, with respect to those bonds and
19 notes.

20 The term "outstanding" does not include bonds or notes for
21 which refunding or advance refunding bonds or notes have been
22 issued.

23 (e) Neither Additional State Assistance nor Additional
24 Financial Assistance may be pledged, either directly or
25 indirectly as general revenues of the Authority, as security
26 for any bonds issued by the Authority. The Authority may not

1 assign its right to receive Additional State Assistance or
2 Additional Financial Assistance, or direct payment of
3 Additional State Assistance or Additional Financial
4 Assistance, to a trustee or any other entity for the payment of
5 debt service on its bonds.

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

12 (g) Within 6 months of the end of each fiscal year, the
13 Authority shall determine:

14 (i) whether the aggregate of all system generated
15 revenues for public transportation in the metropolitan
16 region which is provided by, or under grant or purchase of
17 service contracts with, the Service Boards equals 50% of
18 the aggregate of all costs of providing such public
19 transportation. "System generated revenues" include all
20 the proceeds of fares and charges for services provided,
21 contributions received in connection with public
22 transportation from units of local government other than
23 the Authority, except for contributions received by the
24 Chicago Transit Authority from a real estate transfer tax
25 imposed under subsection (i) of Section 8-3-19 of the
26 Illinois Municipal Code, and from the State pursuant to

1 subsection (i) of Section 2705-305 of the Department of
2 Transportation Law (20 ILCS 2705/2705-305), and all other
3 revenues properly included consistent with generally
4 accepted accounting principles but may not include: the
5 proceeds from any borrowing, and, beginning with the 2007
6 fiscal year, all revenues and receipts, including but not
7 limited to fares and grants received from the federal,
8 State or any unit of local government or other entity,
9 derived from providing ADA paratransit service pursuant to
10 Section 2.30 of the Regional Transportation Authority Act.
11 "Costs" include all items properly included as operating
12 costs consistent with generally accepted accounting
13 principles, including administrative costs, but do not
14 include: depreciation; payment of principal and interest
15 on bonds, notes or other evidences of obligations for
16 borrowed money of the Authority; payments with respect to
17 public transportation facilities made pursuant to
18 subsection (b) of Section 2.20; any payments with respect
19 to rate protection contracts, credit enhancements or
20 liquidity agreements made under Section 4.14; any other
21 cost as to which it is reasonably expected that a cash
22 expenditure will not be made; costs for passenger security
23 including grants, contracts, personnel, equipment and
24 administrative expenses, except in the case of the Chicago
25 Transit Authority, in which case the term does not include
26 costs spent annually by that entity for protection against

1 crime as required by Section 27a of the Metropolitan
2 Transit Authority Act; the costs of Debt Service paid by
3 the Chicago Transit Authority, as defined in Section 12c of
4 the Metropolitan Transit Authority Act, or bonds or notes
5 issued pursuant to that Section; the payment by the
6 Commuter Rail Division of debt service on bonds issued
7 pursuant to Section 3B.09; expenses incurred by the
8 Suburban Bus Division for the cost of new public
9 transportation services funded from grants pursuant to
10 Section 2.01e of this amendatory Act of the 95th General
11 Assembly for a period of 2 years from the date of
12 initiation of each such service; costs as exempted by the
13 Board for projects pursuant to Section 2.09 of this Act;
14 or, beginning with the 2007 fiscal year, expenses related
15 to providing ADA paratransit service pursuant to Section
16 2.30 of the Regional Transportation Authority Act; or in
17 fiscal years 2008 through 2012 inclusive, costs in the
18 amount of \$200,000,000 in fiscal year 2008, reducing by
19 \$40,000,000 in each fiscal year thereafter until this
20 exemption is eliminated. If said system generated revenues
21 are less than 50% of said costs, the Board shall remit an
22 amount equal to the amount of the deficit to the State. The
23 Treasurer shall deposit any such payment in the
24 Transportation Mobility Road Fund; and

25 (ii) whether, beginning with the 2007 fiscal year, the
26 aggregate of all fares charged and received for ADA

1 paratransit services equals the system generated ADA
2 paratransit services revenue recovery ratio percentage of
3 the aggregate of all costs of providing such ADA
4 paratransit services.

5 (h) If the Authority makes any payment to the State under
6 paragraph (g), the Authority shall reduce the amount provided
7 to a Service Board from funds transferred under paragraph (a)
8 in proportion to the amount by which that Service Board failed
9 to meet its required system generated revenues recovery ratio.
10 A Service Board which is affected by a reduction in funds under
11 this paragraph shall submit to the Authority concurrently with
12 its next due quarterly report a revised budget incorporating
13 the reduction in funds. The revised budget must meet the
14 criteria specified in clauses (i) through (vi) of Section
15 4.11(b)(2). The Board shall review and act on the revised
16 budget as provided in Section 4.11(b)(3).

17 (Source: P.A. 100-23, eff. 7-6-17.)

18 Section 4-75. The Illinois Hazardous Materials
19 Transportation Act is amended by changing Section 11 as
20 follows:

21 (430 ILCS 30/11) (from Ch. 95 1/2, par. 700-11)

22 Sec. 11. Any person who is determined by the Department
23 after reasonable notice and opportunity for a fair and
24 impartial hearing to have knowingly committed an act that is a

1 violation of this Act or any rule or regulation issued under
2 this Act is liable to the State for a civil penalty. Whoever
3 knowingly commits an act that is a violation of any rule or
4 regulation applicable to any person who transports or ships or
5 causes to be transported or shipped hazardous materials is
6 subject to a civil penalty of not more than \$10,000 for such
7 violation and, if any such violation is a continuing one, each
8 day of violation constitutes a separate offense. The amount of
9 any such penalty shall be assessed by the Department by a
10 written notice. In determining the amount of such penalty, the
11 Department shall take into account the nature, circumstances,
12 extent and gravity of the violation and, with respect to a
13 person found to have committed such violation, the degree of
14 culpability, history of prior offenses, ability to pay, effect
15 on ability to continue to do business and such other matters as
16 justice may require.

17 Such civil penalty is recoverable in an action brought by
18 the State's Attorney or the Attorney General on behalf of the
19 State in the circuit court or, prior to referral to the State's
20 Attorney or the Attorney General, such civil penalty may be
21 compromised by the Department. The amount of such penalty when
22 finally determined (or agreed upon in compromise), may be
23 deducted from any sums owed by the State to the person charged.
24 All civil penalties collected under this Section shall be
25 deposited in the Transportation Mobility ~~Road~~ Fund.

26 (Source: P.A. 80-351.)

1 Section 4-80. The Illinois Highway Code is amended by
2 changing Sections 3-105, 3-105.1, 4-201.17, 6-901, 6-906,
3 9-113, and 9-119.5 as follows:

4 (605 ILCS 5/3-105) (from Ch. 121, par. 3-105)

5 Sec. 3-105. Except as otherwise provided in the Treasurer
6 as Custodian of Funds Act, all money received by the State of
7 Illinois from the federal government for aid in construction of
8 highways shall be placed in the Transportation Mobility Fund
9 ~~"Road Fund"~~ in the State treasury ~~Treasury~~. For the purposes of
10 this Section, money received by the State of Illinois from the
11 federal government under the Recreational Trails Program for
12 grants or contracts obligated on or after October 1, 2017 shall
13 not be considered for use as aid in construction of highways,
14 and shall be placed in the Park and Conservation Fund ~~"Park and~~
15 ~~Conservation Fund"~~ in the State treasury.

16 Whenever any county having a population of 500,000 or more
17 inhabitants has incurred indebtedness and issued Expressway
18 bonds as authorized by Division 5-34 of the Counties Code and
19 has used the proceeds of such bonds for the construction of
20 Expressways in accordance with the provisions of Section 15d of
21 "An Act to revise the law in relation to roads and bridges",
22 approved June 27, 1913, as amended (repealed) or of Section
23 5-403 of this Code in order to accelerate the improvement of
24 the National System of Interstate Highways, the federal aid

1 primary highway network or the federal aid highway network in
2 urban areas, the State shall appropriate and allot, from the
3 allotments of federal funds made available by Acts of Congress
4 under the Federal Aid Road Act and as appropriated and made
5 available to the State of Illinois, to such county or counties
6 a sum sufficient to retire the bonded indebtedness due annually
7 arising from the issuance of those Expressway bonds issued for
8 the purpose of constructing Expressways in the county or
9 counties. Such funds shall be deposited in the Treasury of such
10 county or counties for the purpose of applying such funds to
11 the payment of the Expressway bonds, principal and interest due
12 annually, issued pursuant to Division 5-34 of the Counties
13 Code.

14 (Source: P.A. 100-127, eff. 1-1-18; revised 10-12-17.)

15 (605 ILCS 5/3-105.1) (from Ch. 121, par. 3-105.1)

16 Sec. 3-105.1. Except as otherwise provided in "An Act in
17 relation to the receipt, custody and disbursement of money
18 allotted by the United States of America or any agency thereof
19 for use in this State," approved July 3, 1939, as heretofore or
20 hereafter amended, all money received by the State of Illinois
21 from the Federal Highway Administration for the implementation
22 of the provisions of the Federal "Commercial Motor Vehicle
23 Safety Act of 1986," Title XII, Public Law 99-570, shall be
24 placed in the Transportation Mobility Fund ~~"Road Fund"~~ in the
25 State Treasury.

1 (Source: P.A. 85-853.)

2 (605 ILCS 5/4-201.17) (from Ch. 121, par. 4-201.17)

3 Sec. 4-201.17.

4 To lease as lessee from the Illinois Highway Trust
5 Authority any project at any time constructed or made available
6 for public use by the Authority, and any property, real,
7 personal, or mixed, tangible or intangible, or any interest
8 therein, at any time acquired by the Authority; and to pay
9 rentals for such leases from appropriations to be made by the
10 General Assembly from the Transportation Mobility Road Fund.

11 (Source: P.A. 76-375.)

12 (605 ILCS 5/6-901) (from Ch. 121, par. 6-901)

13 Sec. 6-901. Annually, the General Assembly shall
14 appropriate to the Department of Transportation from the
15 Transportation Mobility Fund ~~road fund~~, the general revenue
16 fund, any other State funds or a combination of those funds,
17 \$15,000,000 for apportionment to counties for the use of road
18 districts for the construction of bridges 20 feet or more in
19 length, as provided in Sections 6-902 through 6-905.

20 The Department of Transportation shall apportion among the
21 several counties of this State for the use of road districts
22 the amounts appropriated under this Section. The amount
23 apportioned to a county shall be in the proportion which the
24 total mileage of township or district roads in the county bears

1 to the total mileage of all township and district roads in the
2 State. Each county shall allocate to the several road districts
3 in the county the funds so apportioned to the county. The
4 allocation to road districts shall be made in the same manner
5 and be subject to the same conditions and qualifications as are
6 provided by Section 8 of the "Motor Fuel Tax Law", approved
7 March 25, 1929, as amended, with respect to the allocation to
8 road districts of the amount allotted from the Motor Fuel Tax
9 Fund for apportionment to counties for the use of road
10 districts, but no allocation shall be made to any road district
11 that has not levied taxes for road and bridge purposes and for
12 bridge construction purposes at the maximum rates permitted by
13 Sections 6-501, 6-508 and 6-512 of this Act, without
14 referendum. "Road district" and "township or district road"
15 have the meanings ascribed to those terms in this Act.

16 Road districts in counties in which a property tax
17 extension limitation is imposed under the Property Tax
18 Extension Limitation Law that are made ineligible for receipt
19 of this appropriation due to the imposition of a property tax
20 extension limitation may become eligible if, at the time the
21 property tax extension limitation was imposed, the road
22 district was levying at the required rate and continues to levy
23 the maximum allowable amount after the imposition of the
24 property tax extension limitation. The road district also
25 becomes eligible if it levies at or above the rate required for
26 eligibility by Section 8 of the Motor Fuel Tax Law.

1 The amounts apportioned under this Section for allocation
2 to road districts may be used only for bridge construction as
3 provided in this Division. So much of those amounts as are not
4 obligated under Sections 6-902 through 6-904 and for which
5 local funds have not been committed under Section 6-905 within
6 48 months of the date when such apportionment is made lapses
7 and shall not be paid to the county treasurer for distribution
8 to road districts.

9 (Source: P.A. 96-366, eff. 1-1-10.)

10 (605 ILCS 5/6-906) (from Ch. 121, par. 6-906)

11 Sec. 6-906. So much of the amount apportioned to a county
12 under Section 6-901 that is obligated under Sections 6-902
13 through 6-904 and for which local funds have been committed
14 under Section 6-905, within 4 years from the date the
15 apportionment is made, shall, upon certification by the
16 Department, be paid to the county treasurer, who shall apply
17 those funds to the payment of such obligations. Any funds
18 allocated to a county under Section 6-901 that are not
19 obligated within 48 months under Sections 6-902 through 6-904
20 shall revert to the Transportation Mobility Road Fund.

21 (Source: P.A. 98-244, eff. 8-9-13.)

22 (605 ILCS 5/9-113) (from Ch. 121, par. 9-113)

23 Sec. 9-113. (a) No ditches, drains, track, rails, poles,
24 wires, pipe line or other equipment of any public utility

1 company, municipal corporation or other public or private
2 corporation, association or person shall be located, placed or
3 constructed upon, under or along any highway, or upon any
4 township or district road, without first obtaining the written
5 consent of the appropriate highway authority as hereinafter
6 provided for in this Section.

7 (b) The State and county highway authorities are authorized
8 to promulgate reasonable and necessary rules, regulations, and
9 specifications for highways for the administration of this
10 Section. In addition to rules promulgated under this subsection
11 (b), the State highway authority shall and a county highway
12 authority may adopt coordination strategies and practices
13 designed and intended to establish and implement effective
14 communication respecting planned highway projects that the
15 State or county highway authority believes may require removal,
16 relocation, or modification in accordance with subsection (f)
17 of this Section. The strategies and practices adopted shall
18 include but need not be limited to the delivery of 5 year
19 programs, annual programs, and the establishment of
20 coordination councils in the locales and with the utility
21 participation that will best facilitate and accomplish the
22 requirements of the State and county highway authority acting
23 under subsection (f) of this Section. The utility participation
24 shall include assisting the appropriate highway authority in
25 establishing a schedule for the removal, relocation, or
26 modification of the owner's facilities in accordance with

1 subsection (f) of this Section. In addition, each utility shall
2 designate in writing to the Secretary of Transportation or his
3 or her designee an agent for notice and the delivery of
4 programs. The coordination councils must be established on or
5 before January 1, 2002. The 90 day deadline for removal,
6 relocation, or modification of the ditches, drains, track,
7 rails, poles, wires, pipe line, or other equipment in
8 subsection (f) of this Section shall be enforceable upon the
9 establishment of a coordination council in the district or
10 locale where the property in question is located. The
11 coordination councils organized by a county highway authority
12 shall include the county engineer, the County Board Chairman or
13 his or her designee, and with such utility participation as
14 will best facilitate and accomplish the requirements of a
15 highway authority acting under subsection (f) of this Section.
16 Should a county highway authority decide not to establish
17 coordination councils, the 90 day deadline for removal,
18 relocation, or modification of the ditches, drains, track,
19 rails, poles, wires, pipe line, or other equipment in
20 subsection (f) of this Section shall be waived for those
21 highways.

22 (c) In the case of non-toll federal-aid fully
23 access-controlled State highways, the State highway authority
24 shall not grant consent to the location, placement or
25 construction of ditches, drains, track, rails, poles, wires,
26 pipe line or other equipment upon, under or along any such

1 non-toll federal-aid fully access-controlled State highway,
2 which:

3 (1) would require cutting the pavement structure
4 portion of such highway for installation or, except in the
5 event of an emergency, would require the use of any part of
6 such highway right-of-way for purposes of maintenance or
7 repair. Where, however, the State highway authority
8 determines prior to installation that there is no other
9 access available for maintenance or repair purposes, use by
10 the entity of such highway right-of-way shall be permitted
11 for such purposes in strict accordance with the rules,
12 regulations and specifications of the State highway
13 authority, provided however, that except in the case of
14 access to bridge structures, in no such case shall an
15 entity be permitted access from the through-travel lanes,
16 shoulders or ramps of the non-toll federal-aid fully
17 access-controlled State highway to maintain or repair its
18 accommodation; or

19 (2) would in the judgment of the State highway
20 authority, endanger or impair any such ditches, drains,
21 track, rails, poles, wires, pipe lines or other equipment
22 already in place; or

23 (3) would, if installed longitudinally within the
24 access control lines of such highway, be above ground after
25 installation except that the State highway authority may
26 consent to any above ground installation upon, under or

1 along any bridge, interchange or grade separation within
2 the right-of-way which installation is otherwise in
3 compliance with this Section and any rules, regulations or
4 specifications issued hereunder; or

5 (4) would be inconsistent with Federal law or with
6 rules, regulations or directives of appropriate Federal
7 agencies.

8 (d) In the case of accommodations upon, under or along
9 non-toll federal-aid fully access-controlled State highways
10 the State highway authority may charge an entity reasonable
11 compensation for the right of that entity to longitudinally
12 locate, place or construct ditches, drains, track, rails,
13 poles, wires, pipe line or other equipment upon, under or along
14 such highway. Such compensation may include in-kind
15 compensation.

16 Where the entity applying for use of a non-toll federal-aid
17 fully access-controlled State highway right-of-way is a public
18 utility company, municipal corporation or other public or
19 private corporation, association or person, such compensation
20 shall be based upon but shall not exceed a reasonable estimate
21 by the State highway authority of the fair market value of an
22 easement or leasehold for such use of the highway right-of-way.
23 Where the State highway authority determines that the
24 applied-for use of such highway right-of-way is for private
25 land uses by an individual and not for commercial purposes, the
26 State highway authority may charge a lesser fee than would be

1 charged a public utility company, municipal corporation or
2 other public or private corporation or association as
3 compensation for the use of the non-toll federal-aid fully
4 access-controlled State highway right-of-way. In no case shall
5 the written consent of the State highway authority give or be
6 construed to give any entity any easement, leasehold or other
7 property interest of any kind in, upon, under, above or along
8 the non-toll federal-aid fully access-controlled State highway
9 right-of-way.

10 Where the compensation from any entity is in whole or in
11 part a fee, such fee may be reasonably set, at the election of
12 the State highway authority, in the form of a single lump sum
13 payment or a schedule of payments. All such fees charged as
14 compensation may be reviewed and adjusted upward by the State
15 highway authority once every 5 years provided that any such
16 adjustment shall be based on changes in the fair market value
17 of an easement or leasehold for such use of the non-toll
18 federal-aid fully access-controlled State highway
19 right-of-way. All such fees received as compensation by the
20 State highway authority shall be deposited in the
21 Transportation Mobility Road Fund.

22 (e) Any entity applying for consent shall submit such
23 information in such form and detail to the appropriate highway
24 authority as to allow the authority to evaluate the entity's
25 application. In the case of accommodations upon, under or along
26 non-toll federal-aid fully access-controlled State highways

1 the entity applying for such consent shall reimburse the State
2 highway authority for all of the authority's reasonable
3 expenses in evaluating that entity's application, including
4 but not limited to engineering and legal fees.

5 (f) Any ditches, drains, track, rails, poles, wires, pipe
6 line, or other equipment located, placed, or constructed upon,
7 under, or along a highway with the consent of the State or
8 county highway authority under this Section shall, upon written
9 notice by the State or county highway authority be removed,
10 relocated, or modified by the owner, the owner's agents,
11 contractors, or employees at no expense to the State or county
12 highway authority when and as deemed necessary by the State or
13 county highway authority for highway or highway safety
14 purposes. The notice shall be properly given after the
15 completion of engineering plans, the receipt of the necessary
16 permits issued by the appropriate State and county highway
17 authority to begin work, and the establishment of sufficient
18 rights-of-way for a given utility authorized by the State or
19 county highway authority to remain on the highway right-of-way
20 such that the unit of local government or other owner of any
21 facilities receiving notice in accordance with this subsection
22 (f) can proceed with relocating, replacing, or reconstructing
23 the ditches, drains, track, rails, poles, wires, pipe line, or
24 other equipment. If a permit application to relocate on a
25 public right-of-way is not filed within 15 days of the receipt
26 of final engineering plans, the notice precondition of a permit

1 to begin work is waived. However, under no circumstances shall
2 this notice provision be construed to require the State or any
3 government department or agency to purchase additional
4 rights-of-way to accommodate utilities. If, within 90 days
5 after receipt of such written notice, the ditches, drains,
6 track, rails, poles, wires, pipe line, or other equipment have
7 not been removed, relocated, or modified to the reasonable
8 satisfaction of the State or county highway authority, or if
9 arrangements are not made satisfactory to the State or county
10 highway authority for such removal, relocation, or
11 modification, the State or county highway authority may remove,
12 relocate, or modify such ditches, drains, track, rails, poles,
13 wires, pipe line, or other equipment and bill the owner thereof
14 for the total cost of such removal, relocation, or
15 modification. The scope of the project shall be taken into
16 consideration by the State or county highway authority in
17 determining satisfactory arrangements. The State or county
18 highway authority shall determine the terms of payment of those
19 costs provided that all costs billed by the State or county
20 highway authority shall not be made payable over more than a 5
21 year period from the date of billing. The State and county
22 highway authority shall have the power to extend the time of
23 payment in cases of demonstrated financial hardship by a unit
24 of local government or other public owner of any facilities
25 removed, relocated, or modified from the highway right-of-way
26 in accordance with this subsection (f). This paragraph shall

1 not be construed to prohibit the State or county highway
2 authority from paying any part of the cost of removal,
3 relocation, or modification where such payment is otherwise
4 provided for by State or federal statute or regulation. At any
5 time within 90 days after written notice was given, the owner
6 of the drains, track, rails, poles, wires, pipe line, or other
7 equipment may request the district engineer or, if appropriate,
8 the county engineer for a waiver of the 90 day deadline. The
9 appropriate district or county engineer shall make a decision
10 concerning waiver within 10 days of receipt of the request and
11 may waive the 90 day deadline if he or she makes a written
12 finding as to the reasons for waiving the deadline. Reasons for
13 waiving the deadline shall be limited to acts of God, war, the
14 scope of the project, the State failing to follow the proper
15 notice procedure, and any other cause beyond reasonable control
16 of the owner of the facilities. Waiver must not be unreasonably
17 withheld. If 90 days after written notice was given, the
18 ditches, drains, track, rails, poles, wires, pipe line, or
19 other equipment have not been removed, relocated, or modified
20 to the satisfaction of the State or county highway authority,
21 no waiver of deadline has been requested or issued by the
22 appropriate district or county engineer, and no satisfactory
23 arrangement has been made with the appropriate State or county
24 highway authority, the State or county highway authority or the
25 general contractor of the building project may file a complaint
26 in the circuit court for an emergency order to direct and

1 compel the owner to remove, relocate, or modify the drains,
2 track, rails, poles, wires, pipe line, or other equipment to
3 the satisfaction of the appropriate highway authority. The
4 complaint for an order shall be brought in the circuit in which
5 the subject matter of the complaint is situated or, if the
6 subject matter of the complaint is situated in more than one
7 circuit, in any one of those circuits.

8 (g) It shall be the sole responsibility of the entity,
9 without expense to the State highway authority, to maintain and
10 repair its ditches, drains, track, rails, poles, wires, pipe
11 line or other equipment after it is located, placed or
12 constructed upon, under or along any State highway and in no
13 case shall the State highway authority thereafter be liable or
14 responsible to the entity for any damages or liability of any
15 kind whatsoever incurred by the entity or to the entity's
16 ditches, drains, track, rails, poles, wires, pipe line or other
17 equipment.

18 (h) Except as provided in subsection (h-1), upon receipt of
19 an application therefor, consent to so use a highway may be
20 granted subject to such terms and conditions not inconsistent
21 with this Code as the highway authority deems for the best
22 interest of the public. The terms and conditions required by
23 the appropriate highway authority may include but need not be
24 limited to participation by the party granted consent in the
25 strategies and practices adopted under subsection (b) of this
26 Section. The petitioner shall pay to the owners of property

1 abutting upon the affected highways established as though by
2 common law plat all damages the owners may sustain by reason of
3 such use of the highway, such damages to be ascertained and
4 paid in the manner provided by law for the exercise of the
5 right of eminent domain.

6 (h-1) With regard to any public utility, as defined in
7 Section 3-105 of the Public Utilities Act, engaged in public
8 water or public sanitary sewer service that comes under the
9 jurisdiction of the Illinois Commerce Commission, upon receipt
10 of an application therefor, consent to so use a highway may be
11 granted subject to such terms and conditions not inconsistent
12 with this Code as the highway authority deems for the best
13 interest of the public. The terms and conditions required by
14 the appropriate highway authority may include but need not be
15 limited to participation by the party granted consent in the
16 strategies and practices adopted under subsection (b) of this
17 Section. If the highway authority does not have fee ownership
18 of the property, the petitioner shall pay to the owners of
19 property located in the highway right-of-way all damages the
20 owners may sustain by reason of such use of the highway, such
21 damages to be ascertained and paid in the manner provided by
22 law for the exercise of the right of eminent domain. The
23 consent shall not otherwise relieve the entity granted that
24 consent from obtaining by purchase, condemnation, or otherwise
25 the necessary approval of any owner of the fee over or under
26 which the highway or road is located, except to the extent that

1 no such owner has paid real estate taxes on the property for
2 the 2 years prior to the grant of the consent. Owners of
3 property that abuts the right-of-way but who acquired the
4 property through a conveyance that either expressly excludes
5 the property subject to the right-of-way or that describes the
6 property conveyed as ending at the right-of-way or being
7 bounded by the right-of-way or road shall not be considered
8 owners of property located in the right-of-way and shall not be
9 entitled to damages by reason of the use of the highway or road
10 for utility purposes, except that this provision shall not
11 relieve the public utility from the obligation to pay for any
12 physical damage it causes to improvements lawfully located in
13 the right-of-way. Owners of abutting property whose
14 descriptions include the right-of-way but are made subject to
15 the right-of-way shall be entitled to compensation for use of
16 the right-of-way. If the property subject to the right-of-way
17 is not owned by the owners of the abutting property (either
18 because it is expressly excluded from the property conveyed to
19 an abutting property owner or the property as conveyed ends at
20 or is bounded by the right-of-way or road), then the petitioner
21 shall pay any damages, as so calculated, to the person or
22 persons who have paid real estate taxes for the property as
23 reflected in the county tax records. If no person has paid real
24 estate taxes, then the public interest permits the installation
25 of the facilities without payment of any damages. This
26 provision of this amendatory Act of the 93rd General Assembly

1 is intended to clarify, by codification, existing law and is
2 not intended to change the law.

3 (i) Such consent shall be granted by the Department in the
4 case of a State highway; by the county board or its designated
5 county superintendent of highways in the case of a county
6 highway; by either the highway commissioner or the county
7 superintendent of highways in the case of a township or
8 district road, provided that if consent is granted by the
9 highway commissioner, the petition shall be filed with the
10 commissioner at least 30 days prior to the proposed date of the
11 beginning of construction, and that if written consent is not
12 given by the commissioner within 30 days after receipt of the
13 petition, the applicant may make written application to the
14 county superintendent of highways for consent to the
15 construction. This Section does not vitiate, extend or
16 otherwise affect any consent granted in accordance with law
17 prior to the effective date of this Code to so use any highway.

18 (j) Nothing in this Section shall limit the right of a
19 highway authority to permit the location, placement or
20 construction or any ditches, drains, track, rails, poles,
21 wires, pipe line or other equipment upon, under or along any
22 highway or road as a part of its highway or road facilities or
23 which the highway authority determines is necessary to service
24 facilities required for operating the highway or road,
25 including rest areas and weigh stations.

26 (k) Paragraphs (c) and (d) of this Section shall not apply

1 to any accommodation located, placed or constructed with the
2 consent of the State highway authority upon, under or along any
3 non-toll federal-aid fully access-controlled State highway
4 prior to July 1, 1984, provided that accommodation was
5 otherwise in compliance with the rules, regulations and
6 specifications of the State highway authority.

7 (1) Except as provided in subsection (1-1), the consent to
8 be granted pursuant to this Section by the appropriate highway
9 authority shall be effective only to the extent of the property
10 interest of the State or government unit served by that highway
11 authority. Such consent shall not be binding on any owner of
12 the fee over or under which the highway or road is located and
13 shall not otherwise relieve the entity granted that consent
14 from obtaining by purchase, condemnation or otherwise the
15 necessary approval of any owner of the fee over or under which
16 the highway or road is located. This paragraph shall not be
17 construed as a limitation on the use for highway or road
18 purposes of the land or other property interests acquired by
19 the public for highway or road purposes, including the space
20 under or above such right-of-way.

21 (1-1) With regard to any public utility, as defined in
22 Section 3-105 of the Public Utilities Act, engaged in public
23 water or public sanitary sewer service that comes under the
24 jurisdiction of the Illinois Commerce Commission, the consent
25 to be granted pursuant to this Section by the appropriate
26 highway authority shall be effective only to the extent of the

1 property interest of the State or government unit served by
2 that highway authority. Such consent shall not be binding on
3 any owner of the fee over or under which the highway or road is
4 located but shall be binding on any abutting property owner
5 whose property boundary ends at the right-of-way of the highway
6 or road. For purposes of the preceding sentence, property that
7 includes a portion of a highway or road but is subject to the
8 highway or road shall not be considered to end at the highway
9 or road. The consent shall not otherwise relieve the entity
10 granted that consent from obtaining by purchase, condemnation
11 or otherwise the necessary approval of any owner of the fee
12 over or under which the highway or road is located, except to
13 the extent that no such owner has paid real estate taxes on the
14 property for the 2 years prior to the grant of the consent.
15 This provision is not intended to absolve a utility from
16 obtaining consent from a lawful owner of the roadway or highway
17 property (i.e. a person whose deed of conveyance lawfully
18 includes the property, whether or not made subject to the
19 highway or road) but who does not pay taxes by reason of
20 Division 6 of Article 10 of the Property Tax Code. This
21 paragraph shall not be construed as a limitation on the use for
22 highway or road purposes of the land or other property
23 interests acquired by the public for highway or road purposes,
24 including the space under or above such right-of-way.

25 (m) The provisions of this Section apply to all permits
26 issued by the Department of Transportation and the appropriate

1 State or county highway authority.

2 (Source: P.A. 92-470, eff. 1-1-02; 93-357, eff. 1-1-04.)

3 (605 ILCS 5/9-119.5)

4 Sec. 9-119.5. Hay harvesting permit.

5 (a) The Department may issue a hay harvesting permit
6 authorizing the mowing and harvesting of hay on a specified
7 right-of-way in this State. An owner or owner's designee has
8 priority until July 30 of each year to receive a permit for the
9 portion of right-of-way that is adjacent to the owner's land.
10 After July 30 of each year, a permit may be issued to an
11 applicant that is not the owner of the land adjacent to the
12 right-of-way for a maximum distance of 5 miles each year. A
13 permit issued under this subsection may be valid from July 15
14 of each year until September 15 of each year, and the
15 Department must include the timeframe that the permit is valid
16 on every permit issued under this subsection. Commencement of
17 harvesting activity notice instructions must be included on
18 every permit under this subsection in accordance with paragraph
19 (1) of subsection (c) of this Section. The non-refundable
20 application fee for every permit under this subsection is \$40,
21 and all fees collected by the Department shall be deposited
22 into the Transportation Mobility Road Fund.

23 (b) An applicant for a permit in subsection (a) must:

24 (1) sign a release acknowledging that the applicant (i)
25 assumes all risk for the quality of the hay harvested under

1 the permit, (ii) assumes all liability for accidents or
2 injury that results from the activities permitted by the
3 Department, (iii) is liable for any damage to the
4 right-of-way described in paragraphs (5) and (6) of
5 subsection (c), and (iv) understands that the State or any
6 instrumentality thereof assumes no risk or liability for
7 the activities permitted by the Department;

8 (2) demonstrate proof that a liability insurance
9 policy in the amount of not less than \$1,000,000 is in
10 force to cover any accident, damage, or loss that may occur
11 to persons or property as a result of the activities
12 permitted by the Department; and

13 (3) pay a non-refundable application fee of \$40.

14 (c) The usage of a permit in subsection (a) is subject to
15 the following limitations:

16 (1) The permittee must give the Department 48 hours
17 notice prior to commencing any activities permitted by the
18 Department;

19 (2) The permittee must identify the location of noxious
20 weeds pursuant to the Noxious Weed Law. Noxious weeds may
21 be mowed but may not be windrowed or baled;

22 (3) The permittee may use the permit only during the
23 timeframes specified on the permit;

24 (4) The permittee must carry a copy of the permit at
25 all times while performing the activities permitted by the
26 Department;

1 (5) The permittee may use the permit only when soil in
2 the right-of-way is dry enough to prevent rutting or other
3 similar type of damage to the right-of-way; and

4 (6) The permittee may not alter, damage, or remove any
5 right-of-way markers, land monuments, fences, signs,
6 trees, shrubbery or similar landscape vegetation, or other
7 highway features or structures.

8 (d) The Department may immediately terminate a permit in
9 subsection (a) issued to a permittee for failure to comply with
10 the use limitations of subsection (c).

11 (e) The Department or the permittee may cancel the permit
12 at any time upon 3 days written notice.

13 (f) The Department may promulgate rules for the
14 administration of this Section.

15 (Source: P.A. 96-415, eff. 8-13-09; 97-813, eff. 7-13-12.)

16 Section 4-85. The Toll Highway Act is amended by changing
17 Sections 32.1 and 35 as follows:

18 (605 ILCS 10/32.1)

19 Sec. 32.1. Power to construct railroad tracks. Upon written
20 approval by the Governor, the Authority may exercise any powers
21 that exist under this Act on the effective date of this
22 amendatory Act of the 97th General Assembly to design and
23 construct new railroad tracks. The Authority may charge an
24 access fee to any passenger or freight rail operator who wishes

1 to use tracks which the Authority has constructed using the
2 powers granted by this Section. Moneys in the Transportation
3 Mobility Road Fund may not be used to implement this Section.
4 Authorization must be granted to the Authority for each
5 individual and distinct railroad track project.

6 (Source: P.A. 97-977, eff. 8-17-12.)

7 (605 ILCS 10/35) (from Ch. 121, par. 100-35)

8 Sec. 35. (a) The sum of \$1,914,000 is hereby appropriated
9 from the Transportation Mobility Road Fund to The Illinois
10 State Toll Highway Authority for the purpose of paying the
11 ordinary and contingent expenses of the Authority necessary to
12 finance engineering and traffic studies to determine the
13 feasibility of constructing additional toll highways within
14 the State of Illinois, to determine routes therefor, to prepare
15 for a successful marketing of bonds to finance construction of
16 the additional toll highways, and for the purpose of
17 compensating all persons who must be employed for such
18 purposes.

19 (b) Compensation of employees devoting their entire time in
20 coordinating the necessary information and in determining the
21 feasibility of constructing additional toll highways within
22 the State of Illinois shall be paid from the amount herein
23 appropriated, and in the case of any employee who is devoting
24 part time to the coordination and procuring of the necessary
25 material for a determination as to whether or not additional

1 toll highways shall be constructed within the State of Illinois
2 shall be paid from the amount herein appropriated, to the
3 extent of the time devoted to such work, it being the intent
4 and purpose that each employee account for the time so spent to
5 be paid from this appropriation, to the end that no charges or
6 expenses of any kind shall be made to any of the funds or
7 accounts created by virtue of the issuing of bonds under "An
8 Act in relation to the construction, operation, regulation and
9 maintenance of a system of toll highways and to create The
10 Illinois State Toll Highway Commission and to define its powers
11 and duties and to repeal an Act therein named", approved July
12 13, 1953, as amended, except those necessary to the
13 maintenance, administration and operation of the existing toll
14 highway constructed under the provisions of the act.

15 (c) The amount appropriated herein shall be repaid by the
16 Authority as provided by Section 18 of this Act.

17 (Source: Laws 1968, p. 199.)

18 Section 4-90. The Heroes Way Designation Program Act is
19 amended by changing Section 15 as follows:

20 (605 ILCS 127/15)

21 Sec. 15. Heroes Way Designation Program.

22 (a) Any person who is related by marriage, adoption, or
23 consanguinity within the second degree to a member of the
24 United States Armed Forces who was killed in action while

1 performing active military duty with the Armed Forces, and who
2 was a resident of this State at the time he or she was killed in
3 action, may apply for a designation allowing the placement of
4 an honorary sign alongside roads designated under the
5 provisions of this Act.

6 (b) The honorary signs may be placed upon interstate or
7 state-numbered highway interchanges or upon bridges or
8 segments of highway under the jurisdiction of the Department
9 according to the provisions of this Section, and any applicable
10 federal and State limitations or conditions on highway signage,
11 including location and spacing.

12 (c) Any person described under subsection (a) of this
13 Section who desires to have an interstate or state-numbered
14 highway interchange or bridge or segment of highway under the
15 jurisdiction of the Department designated after his or her
16 family member shall petition the Department by submitting an
17 application in a form prescribed by the Secretary. The form
18 shall include the amount of the fee under subsection (d) of
19 this Section. The application must meet the following
20 requirements:

21 (1) describe the interstate or state-numbered highway
22 interchange or bridge or segment of highway under the
23 jurisdiction of the Department for which the designation is
24 sought and the proposed name of the interchange, bridge, or
25 relevant segment of highway. The application shall include
26 the name of at least one current member of the General

1 Assembly who will sponsor the designation. The application
2 may contain written testimony for support of the
3 designation;

4 (2) a signed form, prescribed by the Secretary,
5 certifying that the applicant is related by marriage,
6 adoption, or consanguinity within the second degree to the
7 member of the United States Armed Forces who was killed in
8 action; and

9 (3) the name of the member of the United States Armed
10 Forces for whom the designation is sought must be listed on
11 the National Gold Star Family Registry.

12 (d) After determining that the petitioner meets all of the
13 application requirements of subsection (c), the Department
14 shall submit a recommendation containing the proposed
15 designations to the sponsor in the General Assembly named in
16 the application. The Department shall be notified upon the
17 approval or denial of a proposed designation. Upon the approval
18 of a proposed designation, the petitioner shall submit a fee to
19 be determined by the Secretary to cover the costs of
20 constructing and maintaining the proposed signs on the
21 interchange, bridge, or segment of highway. The fee shall not
22 exceed the cost of constructing and maintaining each sign.

23 (e) The Department shall give notice of any proposed
24 designation under this Section on the Department's official
25 public website.

26 (f) Two signs shall be erected for each interchange,

1 bridge, or segment of highway designation processed under this
2 Section.

3 (g) No interchange, bridge, or segment of highway may be
4 named or designated under this Section if it carries an
5 existing designation. A designated member of the United States
6 Armed Forces shall not be eligible for more than one
7 interchange, bridge, or segment of highway designation under
8 this Section.

9 (h) All moneys received by the Department for the
10 construction and maintenance of interchange, bridge, or
11 segment of highway signs shall be deposited in the
12 Transportation Mobility Fund ~~"Road Fund"~~ of the State treasury.

13 (i) The documents and fees required under this Section
14 shall be submitted to the Department.

15 (Source: P.A. 99-802, eff. 1-1-17.)

16 Section 4-95. The Illinois Vehicle Code is amended by
17 changing Sections 2-119, 3-109, 6-106.1, 11-417, 13-116,
18 15-314, 15-319, 16-105, and 18b-107 as follows:

19 (625 ILCS 5/2-119) (from Ch. 95 1/2, par. 2-119)

20 Sec. 2-119. Disposition of fees and taxes.

21 (a) All moneys received from Salvage Certificates shall be
22 deposited in the Common School Fund in the State Treasury.

23 (b) Of the money collected for each certificate of title,
24 duplicate certificate of title, and corrected certificate of

1 title:

2 (1) \$2.60 shall be deposited in the Park and
3 Conservation Fund;

4 (2) \$0.65 shall be deposited in the Illinois Fisheries
5 Management Fund;

6 (3) \$48 shall be disbursed under subsection (g) of this
7 Section;

8 (4) \$4 shall be deposited into the Motor Vehicle
9 License Plate Fund; and

10 (5) \$30 shall be deposited into the Capital Projects
11 Fund.

12 All remaining moneys collected for certificates of title,
13 and all moneys collected for filing of security interests,
14 shall be deposited in the General Revenue Fund.

15 The \$20 collected for each delinquent vehicle registration
16 renewal fee shall be deposited into the General Revenue Fund.

17 The moneys deposited in the Park and Conservation Fund
18 under this Section shall be used for the acquisition and
19 development of bike paths as provided for in Section 805-420 of
20 the Department of Natural Resources (Conservation) Law of the
21 Civil Administrative Code of Illinois. The moneys deposited
22 into the Park and Conservation Fund under this subsection shall
23 not be subject to administrative charges or chargebacks, unless
24 otherwise authorized by this Code.

25 If the balance in the Motor Vehicle License Plate Fund
26 exceeds \$40,000,000 on the last day of a calendar month, then

1 during the next calendar month, the \$4 that otherwise would be
2 deposited in that fund shall instead be deposited into the
3 Transportation Mobility Road Fund.

4 (c) All moneys collected for that portion of a driver's
5 license fee designated for driver education under Section 6-118
6 shall be placed in the Drivers Education Fund in the State
7 Treasury.

8 (d) Of the moneys collected as a registration fee for each
9 motorcycle, motor driven cycle, and moped, 27% shall be
10 deposited in the Cycle Rider Safety Training Fund.

11 (e) (Blank).

12 (f) Of the total money collected for a commercial learner's
13 permit (CLP) or original or renewal issuance of a commercial
14 driver's license (CDL) pursuant to the Uniform Commercial
15 Driver's License Act (UCDLA): (i) \$6 of the total fee for an
16 original or renewal CDL, and \$6 of the total CLP fee when such
17 permit is issued to any person holding a valid Illinois
18 driver's license, shall be paid into the CDLIS/AAMVAnet/NMVTIS
19 Trust Fund (Commercial Driver's License Information
20 System/American Association of Motor Vehicle Administrators
21 network/National Motor Vehicle Title Information Service Trust
22 Fund) and shall be used for the purposes provided in Section
23 6z-23 of the State Finance Act and (ii) \$20 of the total fee
24 for an original or renewal CDL or CLP shall be paid into the
25 Motor Carrier Safety Inspection Fund, which is hereby created
26 as a special fund in the State Treasury, to be used by the

1 Department of State Police, subject to appropriation, to hire
2 additional officers to conduct motor carrier safety
3 inspections pursuant to Chapter 18b of this Code.

4 (g) Of the moneys received by the Secretary of State as
5 registration fees or taxes, certificates of title, duplicate
6 certificates of title, corrected certificates of title, or as
7 payment of any other fee under this Code, when those moneys are
8 not otherwise distributed by this Code, 37% shall be deposited
9 into the State Construction Account Fund, and 63% shall be
10 deposited in the Transportation Mobility ~~Road~~ Fund. Moneys in
11 the Transportation Mobility ~~Road~~ Fund shall be used for the
12 purposes provided in Section 8.3 of the State Finance Act.

13 (h) (Blank).

14 (i) (Blank).

15 (j) (Blank).

16 (k) There is created in the State Treasury a special fund
17 to be known as the Secretary of State Special License Plate
18 Fund. Money deposited into the Fund shall, subject to
19 appropriation, be used by the Office of the Secretary of State
20 (i) to help defray plate manufacturing and plate processing
21 costs for the issuance and, when applicable, renewal of any new
22 or existing registration plates authorized under this Code and
23 (ii) for grants made by the Secretary of State to benefit
24 Illinois Veterans Home libraries.

25 (l) The Motor Vehicle Review Board Fund is created as a
26 special fund in the State Treasury. Moneys deposited into the

1 Fund under paragraph (7) of subsection (b) of Section 5-101 and
2 Section 5-109 shall, subject to appropriation, be used by the
3 Office of the Secretary of State to administer the Motor
4 Vehicle Review Board, including without limitation payment of
5 compensation and all necessary expenses incurred in
6 administering the Motor Vehicle Review Board under the Motor
7 Vehicle Franchise Act.

8 (m) Effective July 1, 1996, there is created in the State
9 Treasury a special fund to be known as the Family
10 Responsibility Fund. Moneys deposited into the Fund shall,
11 subject to appropriation, be used by the Office of the
12 Secretary of State for the purpose of enforcing the Family
13 Financial Responsibility Law.

14 (n) The Illinois Fire Fighters' Memorial Fund is created as
15 a special fund in the State Treasury. Moneys deposited into the
16 Fund shall, subject to appropriation, be used by the Office of
17 the State Fire Marshal for construction of the Illinois Fire
18 Fighters' Memorial to be located at the State Capitol grounds
19 in Springfield, Illinois. Upon the completion of the Memorial,
20 moneys in the Fund shall be used in accordance with Section
21 3-634.

22 (o) Of the money collected for each certificate of title
23 for all-terrain vehicles and off-highway motorcycles, \$17
24 shall be deposited into the Off-Highway Vehicle Trails Fund.

25 (p) For audits conducted on or after July 1, 2003 pursuant
26 to Section 2-124(d) of this Code, 50% of the money collected as

1 audit fees shall be deposited into the General Revenue Fund.
2 (Source: P.A. 98-176 (See Section 10 of P.A. 98-722 and Section
3 10 of P.A. 99-414 for the effective date of changes made by
4 P.A. 98-176); 98-177, eff. 1-1-14; 98-756, eff. 7-16-14;
5 99-127, eff. 1-1-16; 99-933, eff. 1-27-17.)

6 (625 ILCS 5/3-109) (from Ch. 95 1/2, par. 3-109)

7 Sec. 3-109. Registration without certificate of title;
8 bond. If the Secretary of State is not satisfied as to the
9 ownership of the vehicle, including, but not limited to, in the
10 case of a manufactured home, a circumstance in which the
11 manufactured home is covered by a Manufacturer's Statement of
12 Origin that the owner of the manufactured home, after diligent
13 search and inquiry, is unable to produce, or that there are no
14 undisclosed security interests in it, the Secretary of State
15 may register the vehicle but shall:

16 (a) Withhold issuance of a certificate of title until
17 the applicant presents documents reasonably sufficient to
18 satisfy the Secretary of State as to the applicant's
19 ownership of the vehicle and that there are no undisclosed
20 security interests in it;

21 (b) As a condition of issuing a certificate of title,
22 require the applicant to file with the Secretary of State a
23 bond in the form prescribed by the Secretary of State and
24 executed by the applicant, and either accompanied by the
25 deposit of cash with the Secretary of State or also

1 executed by a person authorized to conduct a surety
2 business in this State. The bond shall be in an amount
3 equal to one and one-half times the value of the vehicle as
4 determined by the Secretary of State and conditioned to
5 indemnify any prior owner and lienholder and any subsequent
6 purchaser of the vehicle or person acquiring any security
7 interest in it, and their respective successors in
8 interest, against any expense, loss or damage, including
9 reasonable attorney's fees, by reason of the issuance of
10 the certificate of title of the vehicle or on account of
11 any defect in or undisclosed security interest upon the
12 right, title and interest of the applicant in and to the
13 vehicle. Any such interested person has a right of action
14 to recover on the bond for any breach of its conditions,
15 but the aggregate liability of the surety to all persons
16 shall not exceed the amount of the bond. The bond, and any
17 deposit accompanying it, shall be returned at the end of 3
18 years or prior thereto if (i) the vehicle is no longer
19 registered in this State and the currently valid
20 certificate of title is surrendered to the Secretary of
21 State or (ii) in the case of a certificate of title to a
22 manufactured home, the currently valid certificate of
23 title is surrendered to the Secretary of State in
24 accordance with Section 3-116.2; unless the Secretary of
25 State has been notified of the pendency of an action to
26 recover on the bond; or

1 (b-5) Require the applicant to file with the Secretary
2 of State an application for a provisional title in the form
3 prescribed by the Secretary and executed by the applicant,
4 and accompanied by a \$50 fee to be deposited in the
5 CDLIS/AAMVAnet/NMVTIS Trust Fund. The Secretary shall
6 designate by rule the documentation acceptable for an
7 individual to apply for a provisional title. A provisional
8 title shall be valid for 3 years and is nontransferable for
9 the 3-year period. A provisional title shall be clearly
10 marked and otherwise distinguished from a certificate of
11 title. Three years after the issuance of a provisional
12 title, the provisional title holder shall apply for the
13 appropriate transferrable title in the applicant's name.
14 If a claim of ownership for the vehicle is brought against
15 a holder of a provisional title, then the provisional title
16 holder shall apply for a bond under subsection (b) of this
17 Section for the amount of time remaining on the provisional
18 title. A provisional title holder or an individual who
19 asserts a claim to the motor vehicle may petition a circuit
20 court of competent jurisdiction for an order to determine
21 the ownership of the vehicle. A provisional title shall not
22 be available to individuals or entities that rebuild,
23 repair, store, or tow vehicles or have a claim against the
24 vehicle under the Labor and Storage Lien Act or the Labor
25 and Storage Lien (Small Amount) Act.

26 Security deposited as a bond hereunder shall be placed

1 by the Secretary of State in the custody of the State
2 Treasurer.

3 During July, annually, the Secretary shall compile a list
4 of all bonds on deposit, pursuant to this Section, for more
5 than 3 years and concerning which he has received no notice as
6 to the pendency of any judicial proceeding that could affect
7 the disposition thereof. Thereupon, he shall promptly send a
8 notice by certified mail to the last known address of each
9 depositor advising him that his bond will be subject to escheat
10 to the State of Illinois if not claimed within 30 days after
11 the mailing date of such notice. At the expiration of such
12 time, the Secretary of State shall file with the State
13 Treasurer an order directing the transfer of such deposit to
14 the Transportation Mobility Road Fund in the State Treasury.
15 Upon receipt of such order, the State Treasurer shall make such
16 transfer, after converting to cash any other type of security.
17 Thereafter any person having a legal claim against such deposit
18 may enforce it by appropriate proceedings in the Court of
19 Claims subject to the limitations prescribed for such Court. At
20 the expiration of such limitation period such deposit shall
21 escheat to the State of Illinois.

22 (Source: P.A. 98-749, eff. 7-16-14; 98-777, eff. 1-1-15; 99-78,
23 eff. 7-20-15.)

24 (625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)

25 Sec. 6-106.1. School bus driver permit.

1 (a) The Secretary of State shall issue a school bus driver
2 permit to those applicants who have met all the requirements of
3 the application and screening process under this Section to
4 insure the welfare and safety of children who are transported
5 on school buses throughout the State of Illinois. Applicants
6 shall obtain the proper application required by the Secretary
7 of State from their prospective or current employer and submit
8 the completed application to the prospective or current
9 employer along with the necessary fingerprint submission as
10 required by the Department of State Police to conduct
11 fingerprint based criminal background checks on current and
12 future information available in the state system and current
13 information available through the Federal Bureau of
14 Investigation's system. Applicants who have completed the
15 fingerprinting requirements shall not be subjected to the
16 fingerprinting process when applying for subsequent permits or
17 submitting proof of successful completion of the annual
18 refresher course. Individuals who on July 1, 1995 (the
19 effective date of Public Act 88-612) possess a valid school bus
20 driver permit that has been previously issued by the
21 appropriate Regional School Superintendent are not subject to
22 the fingerprinting provisions of this Section as long as the
23 permit remains valid and does not lapse. The applicant shall be
24 required to pay all related application and fingerprinting fees
25 as established by rule including, but not limited to, the
26 amounts established by the Department of State Police and the

1 Federal Bureau of Investigation to process fingerprint based
2 criminal background investigations. All fees paid for
3 fingerprint processing services under this Section shall be
4 deposited into the State Police Services Fund for the cost
5 incurred in processing the fingerprint based criminal
6 background investigations. All other fees paid under this
7 Section shall be deposited into the Transportation Mobility
8 ~~Road~~ Fund for the purpose of defraying the costs of the
9 Secretary of State in administering this Section. All
10 applicants must:

11 1. be 21 years of age or older;

12 2. possess a valid and properly classified driver's
13 license issued by the Secretary of State;

14 3. possess a valid driver's license, which has not been
15 revoked, suspended, or canceled for 3 years immediately
16 prior to the date of application, or have not had his or
17 her commercial motor vehicle driving privileges
18 disqualified within the 3 years immediately prior to the
19 date of application;

20 4. successfully pass a written test, administered by
21 the Secretary of State, on school bus operation, school bus
22 safety, and special traffic laws relating to school buses
23 and submit to a review of the applicant's driving habits by
24 the Secretary of State at the time the written test is
25 given;

26 5. demonstrate ability to exercise reasonable care in

1 the operation of school buses in accordance with rules
2 promulgated by the Secretary of State;

3 6. demonstrate physical fitness to operate school
4 buses by submitting the results of a medical examination,
5 including tests for drug use for each applicant not subject
6 to such testing pursuant to federal law, conducted by a
7 licensed physician, a licensed advanced practice
8 registered nurse, or a licensed physician assistant within
9 90 days of the date of application according to standards
10 promulgated by the Secretary of State;

11 7. affirm under penalties of perjury that he or she has
12 not made a false statement or knowingly concealed a
13 material fact in any application for permit;

14 8. have completed an initial classroom course,
15 including first aid procedures, in school bus driver safety
16 as promulgated by the Secretary of State; and after
17 satisfactory completion of said initial course an annual
18 refresher course; such courses and the agency or
19 organization conducting such courses shall be approved by
20 the Secretary of State; failure to complete the annual
21 refresher course, shall result in cancellation of the
22 permit until such course is completed;

23 9. not have been under an order of court supervision
24 for or convicted of 2 or more serious traffic offenses, as
25 defined by rule, within one year prior to the date of
26 application that may endanger the life or safety of any of

1 the driver's passengers within the duration of the permit
2 period;

3 10. not have been under an order of court supervision
4 for or convicted of reckless driving, aggravated reckless
5 driving, driving while under the influence of alcohol,
6 other drug or drugs, intoxicating compound or compounds or
7 any combination thereof, or reckless homicide resulting
8 from the operation of a motor vehicle within 3 years of the
9 date of application;

10 11. not have been convicted of committing or attempting
11 to commit any one or more of the following offenses: (i)
12 those offenses defined in Sections 8-1.2, 9-1, 9-1.2, 9-2,
13 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5,
14 10-5.1, 10-6, 10-7, 10-9, 11-1.20, 11-1.30, 11-1.40,
15 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6, 11-9, 11-9.1,
16 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15,
17 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19,
18 11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.1B, 11-20.3,
19 11-21, 11-22, 11-23, 11-24, 11-25, 11-26, 11-30, 12-2.6,
20 12-3.1, 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4,
21 12-4.5, 12-4.6, 12-4.7, 12-4.9, 12-5.01, 12-6, 12-6.2,
22 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14,
23 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33,
24 12C-5, 12C-10, 12C-20, 12C-30, 12C-45, 16-16, 16-16.1,
25 18-1, 18-2, 18-3, 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2,
26 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.6,

1 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8, 24-3.9, 31A-1,
2 31A-1.1, 33A-2, and 33D-1, and in subsection (b) of Section
3 8-1, and in subdivisions (a)(1), (a)(2), (b)(1), (e)(1),
4 (e)(2), (e)(3), (e)(4), and (f)(1) of Section 12-3.05, and
5 in subsection (a) and subsection (b), clause (1), of
6 Section 12-4, and in subsection (A), clauses (a) and (b),
7 of Section 24-3, and those offenses contained in Article
8 29D of the Criminal Code of 1961 or the Criminal Code of
9 2012; (ii) those offenses defined in the Cannabis Control
10 Act except those offenses defined in subsections (a) and
11 (b) of Section 4, and subsection (a) of Section 5 of the
12 Cannabis Control Act; (iii) those offenses defined in the
13 Illinois Controlled Substances Act; (iv) those offenses
14 defined in the Methamphetamine Control and Community
15 Protection Act; (v) any offense committed or attempted in
16 any other state or against the laws of the United States,
17 which if committed or attempted in this State would be
18 punishable as one or more of the foregoing offenses; (vi)
19 the offenses defined in Section 4.1 and 5.1 of the Wrongs
20 to Children Act or Section 11-9.1A of the Criminal Code of
21 1961 or the Criminal Code of 2012; (vii) those offenses
22 defined in Section 6-16 of the Liquor Control Act of 1934;
23 and (viii) those offenses defined in the Methamphetamine
24 Precursor Control Act;

25 12. not have been repeatedly involved as a driver in
26 motor vehicle collisions or been repeatedly convicted of

1 offenses against laws and ordinances regulating the
2 movement of traffic, to a degree which indicates lack of
3 ability to exercise ordinary and reasonable care in the
4 safe operation of a motor vehicle or disrespect for the
5 traffic laws and the safety of other persons upon the
6 highway;

7 13. not have, through the unlawful operation of a motor
8 vehicle, caused an accident resulting in the death of any
9 person;

10 14. not have, within the last 5 years, been adjudged to
11 be afflicted with or suffering from any mental disability
12 or disease; and

13 15. consent, in writing, to the release of results of
14 reasonable suspicion drug and alcohol testing under
15 Section 6-106.1c of this Code by the employer of the
16 applicant to the Secretary of State.

17 (b) A school bus driver permit shall be valid for a period
18 specified by the Secretary of State as set forth by rule. It
19 shall be renewable upon compliance with subsection (a) of this
20 Section.

21 (c) A school bus driver permit shall contain the holder's
22 driver's license number, legal name, residence address, zip
23 code, and date of birth, a brief description of the holder and
24 a space for signature. The Secretary of State may require a
25 suitable photograph of the holder.

26 (d) The employer shall be responsible for conducting a

1 pre-employment interview with prospective school bus driver
2 candidates, distributing school bus driver applications and
3 medical forms to be completed by the applicant, and submitting
4 the applicant's fingerprint cards to the Department of State
5 Police that are required for the criminal background
6 investigations. The employer shall certify in writing to the
7 Secretary of State that all pre-employment conditions have been
8 successfully completed including the successful completion of
9 an Illinois specific criminal background investigation through
10 the Department of State Police and the submission of necessary
11 fingerprints to the Federal Bureau of Investigation for
12 criminal history information available through the Federal
13 Bureau of Investigation system. The applicant shall present the
14 certification to the Secretary of State at the time of
15 submitting the school bus driver permit application.

16 (e) Permits shall initially be provisional upon receiving
17 certification from the employer that all pre-employment
18 conditions have been successfully completed, and upon
19 successful completion of all training and examination
20 requirements for the classification of the vehicle to be
21 operated, the Secretary of State shall provisionally issue a
22 School Bus Driver Permit. The permit shall remain in a
23 provisional status pending the completion of the Federal Bureau
24 of Investigation's criminal background investigation based
25 upon fingerprinting specimens submitted to the Federal Bureau
26 of Investigation by the Department of State Police. The Federal

1 Bureau of Investigation shall report the findings directly to
2 the Secretary of State. The Secretary of State shall remove the
3 bus driver permit from provisional status upon the applicant's
4 successful completion of the Federal Bureau of Investigation's
5 criminal background investigation.

6 (f) A school bus driver permit holder shall notify the
7 employer and the Secretary of State if he or she is issued an
8 order of court supervision for or convicted in another state of
9 an offense that would make him or her ineligible for a permit
10 under subsection (a) of this Section. The written notification
11 shall be made within 5 days of the entry of the order of court
12 supervision or conviction. Failure of the permit holder to
13 provide the notification is punishable as a petty offense for a
14 first violation and a Class B misdemeanor for a second or
15 subsequent violation.

16 (g) Cancellation; suspension; notice and procedure.

17 (1) The Secretary of State shall cancel a school bus
18 driver permit of an applicant whose criminal background
19 investigation discloses that he or she is not in compliance
20 with the provisions of subsection (a) of this Section.

21 (2) The Secretary of State shall cancel a school bus
22 driver permit when he or she receives notice that the
23 permit holder fails to comply with any provision of this
24 Section or any rule promulgated for the administration of
25 this Section.

26 (3) The Secretary of State shall cancel a school bus

1 driver permit if the permit holder's restricted commercial
2 or commercial driving privileges are withdrawn or
3 otherwise invalidated.

4 (4) The Secretary of State may not issue a school bus
5 driver permit for a period of 3 years to an applicant who
6 fails to obtain a negative result on a drug test as
7 required in item 6 of subsection (a) of this Section or
8 under federal law.

9 (5) The Secretary of State shall forthwith suspend a
10 school bus driver permit for a period of 3 years upon
11 receiving notice that the holder has failed to obtain a
12 negative result on a drug test as required in item 6 of
13 subsection (a) of this Section or under federal law.

14 (6) The Secretary of State shall suspend a school bus
15 driver permit for a period of 3 years upon receiving notice
16 from the employer that the holder failed to perform the
17 inspection procedure set forth in subsection (a) or (b) of
18 Section 12-816 of this Code.

19 (7) The Secretary of State shall suspend a school bus
20 driver permit for a period of 3 years upon receiving notice
21 from the employer that the holder refused to submit to an
22 alcohol or drug test as required by Section 6-106.1c or has
23 submitted to a test required by that Section which
24 disclosed an alcohol concentration of more than 0.00 or
25 disclosed a positive result on a National Institute on Drug
26 Abuse five-drug panel, utilizing federal standards set

1 forth in 49 CFR 40.87.

2 The Secretary of State shall notify the State
3 Superintendent of Education and the permit holder's
4 prospective or current employer that the applicant has (1) has
5 failed a criminal background investigation or (2) is no longer
6 eligible for a school bus driver permit; and of the related
7 cancellation of the applicant's provisional school bus driver
8 permit. The cancellation shall remain in effect pending the
9 outcome of a hearing pursuant to Section 2-118 of this Code.
10 The scope of the hearing shall be limited to the issuance
11 criteria contained in subsection (a) of this Section. A
12 petition requesting a hearing shall be submitted to the
13 Secretary of State and shall contain the reason the individual
14 feels he or she is entitled to a school bus driver permit. The
15 permit holder's employer shall notify in writing to the
16 Secretary of State that the employer has certified the removal
17 of the offending school bus driver from service prior to the
18 start of that school bus driver's next workshift. An employing
19 school board that fails to remove the offending school bus
20 driver from service is subject to the penalties defined in
21 Section 3-14.23 of the School Code. A school bus contractor who
22 violates a provision of this Section is subject to the
23 penalties defined in Section 6-106.11.

24 All valid school bus driver permits issued under this
25 Section prior to January 1, 1995, shall remain effective until
26 their expiration date unless otherwise invalidated.

1 (h) When a school bus driver permit holder who is a service
2 member is called to active duty, the employer of the permit
3 holder shall notify the Secretary of State, within 30 days of
4 notification from the permit holder, that the permit holder has
5 been called to active duty. Upon notification pursuant to this
6 subsection, (i) the Secretary of State shall characterize the
7 permit as inactive until a permit holder renews the permit as
8 provided in subsection (i) of this Section, and (ii) if a
9 permit holder fails to comply with the requirements of this
10 Section while called to active duty, the Secretary of State
11 shall not characterize the permit as invalid.

12 (i) A school bus driver permit holder who is a service
13 member returning from active duty must, within 90 days, renew a
14 permit characterized as inactive pursuant to subsection (h) of
15 this Section by complying with the renewal requirements of
16 subsection (b) of this Section.

17 (j) For purposes of subsections (h) and (i) of this
18 Section:

19 "Active duty" means active duty pursuant to an executive
20 order of the President of the United States, an act of the
21 Congress of the United States, or an order of the Governor.

22 "Service member" means a member of the Armed Services or
23 reserve forces of the United States or a member of the Illinois
24 National Guard.

25 (k) A private carrier employer of a school bus driver
26 permit holder, having satisfied the employer requirements of

1 this Section, shall be held to a standard of ordinary care for
2 intentional acts committed in the course of employment by the
3 bus driver permit holder. This subsection (k) shall in no way
4 limit the liability of the private carrier employer for
5 violation of any provision of this Section or for the negligent
6 hiring or retention of a school bus driver permit holder.

7 (Source: P.A. 99-148, eff. 1-1-16; 99-173, eff. 7-29-15;
8 99-642, eff. 7-28-16; 100-513, eff. 1-1-18.)

9 (625 ILCS 5/11-417)

10 Sec. 11-417. Motor vehicle accident report and motor
11 vehicle accident data.

12 (a) Upon written request and payment of the required fee,
13 the Department shall make available to the public motor vehicle
14 accident data received in compliance with this Code. The
15 Department shall adopt any rules necessary to establish a fee
16 schedule for motor vehicle accident data made available under
17 Section 11-414 of this Code.

18 (b) The Department shall provide copies of a written motor
19 vehicle accident report or motor vehicle accident data without
20 any cost or fees authorized under any provision of law to a
21 federal, State, or local agency, the Secretary of State, the
22 Illinois Commerce Commission, or any other person or entity
23 that has a contractual agreement with the Department or a
24 federal, State, or local agency to complete a highway safety
25 research and study for the Department or the federal, State, or

1 local agency.

2 (c) All fees collected under this Section shall be placed
3 in the Transportation Mobility Road Fund to be used, subject to
4 appropriation, for the costs associated with motor vehicle
5 accident records and motor vehicle accident data.

6 (Source: P.A. 100-96, eff. 1-1-18.)

7 (625 ILCS 5/13-116) (from Ch. 95 1/2, par. 13-116)

8 Sec. 13-116. All funds collected by the Department under
9 this Chapter shall be deposited in the Transportation Mobility
10 Fund ~~road fund~~ in the State Treasury.

11 (Source: P.A. 80-606.)

12 (625 ILCS 5/15-314) (from Ch. 95 1/2, par. 15-314)

13 Sec. 15-314. Payment of fees. The Department shall
14 prescribe the time and method of payment of all appropriate
15 fees authorized by Section 15-302 through 15-313.

16 The Department may, at its discretion, establish credit
17 accounts with billing to be made at intervals not exceeding one
18 month.

19 Failure to pay invoices in full within a period of 30 days
20 after the billing date shall be sufficient cause for the
21 Department to withhold issuance of any further permits or
22 credit to the individual, company, or subsidiary firm.

23 The Department is authorized to charge a service fee of \$3
24 for a dishonored payment returned for any reason. All money

1 received by the Department under the provisions of this Section
2 shall be deposited in the Transportation Mobility Road Fund. No
3 refund shall be made to applicant following issuance of a
4 permit if move is not completed.

5 (Source: P.A. 99-324, eff. 1-1-16.)

6 (625 ILCS 5/15-319) (from Ch. 95 1/2, par. 15-319)

7 Sec. 15-319. Special registration of vehicles by
8 department. (a) Applicants for special permits authorized in
9 Section 15-301 may apply to the Department for an Illinois
10 Department of Transportation (IDT) registration number and
11 classification identification label issued for the purpose of
12 identifying and classifying vehicles or combinations of
13 vehicles that may be operated or moved by special permit.
14 Applications shall be made on a form provided by the Department
15 and certified to be true.

16 (b) For a fee of \$5 and following an analysis of data
17 submitted by the applicant, the Department may, at its
18 discretion, issue an Illinois Department of Transportation
19 (IDT) registration number and classification identification
20 label. The label shall be issued for a period of not to exceed
21 2 years or for a lesser period of time in conformance with
22 rules to be established by the Department and to be valid must
23 be displayed in a conspicuous place on the outside of a vehicle
24 as designated by the Department. The label, all forms, records,
25 rules, procedures, methods of analysis, and classification

1 shall be in the form or as prescribed in rules promulgated by
2 the Department.

3 (c) All monies received by the Department under the
4 provisions of this Section shall be deposited in the
5 Transportation Mobility ~~Road~~ Fund. Vehicle classification
6 shall be for identification purposes and shall not alter or in
7 any manner affect either the provisions of Section 15-301 or
8 the policy adopted by the Department for the administration
9 thereof.

10 (Source: P.A. 83-831.)

11 (625 ILCS 5/16-105) (from Ch. 95 1/2, par. 16-105)

12 Sec. 16-105. Disposition of fines and forfeitures.

13 (a) Except as provided in Section 15-113 and Section
14 16-104a of this Act and except for those amounts required to be
15 paid into the Traffic and Criminal Conviction Surcharge Fund in
16 the State Treasury pursuant to Section 9.1 of the Illinois
17 Police Training Act and Section 5-9-1 of the Unified Code of
18 Corrections and except those amounts subject to disbursement by
19 the circuit clerk under Section 27.5 of the Clerks of Courts
20 Act, fines and penalties recovered under the provisions of
21 Chapters 11 through 16 inclusive of this Code shall be paid and
22 used as follows:

23 1. For offenses committed upon a highway within the
24 limits of a city, village, or incorporated town or under
25 the jurisdiction of any park district, to the treasurer of

1 the particular city, village, incorporated town or park
2 district, if the violator was arrested by the authorities
3 of the city, village, incorporated town or park district,
4 provided the police officers and officials of cities,
5 villages, incorporated towns and park districts shall
6 seasonably prosecute for all fines and penalties under this
7 Code. If the violation is prosecuted by the authorities of
8 the county, any fines or penalties recovered shall be paid
9 to the county treasurer. Provided further that if the
10 violator was arrested by the State Police, fines and
11 penalties recovered under the provisions of paragraph (a)
12 of Section 15-113 of this Code or paragraph (e) of Section
13 15-316 of this Code shall be paid over to the Department of
14 State Police which shall thereupon remit the amount of the
15 fines and penalties so received to the State Treasurer who
16 shall deposit the amount so remitted in the special fund in
17 the State treasury known as the Transportation Mobility
18 ~~Road~~ Fund except that if the violation is prosecuted by the
19 State's Attorney, 10% of the fine or penalty recovered
20 shall be paid to the State's Attorney as a fee of his
21 office and the balance shall be paid over to the Department
22 of State Police for remittance to and deposit by the State
23 Treasurer as hereinabove provided.

24 2. Except as provided in paragraph 4, for offenses
25 committed upon any highway outside the limits of a city,
26 village, incorporated town or park district, to the county

1 treasurer of the county where the offense was committed
2 except if such offense was committed on a highway
3 maintained by or under the supervision of a township,
4 township district, or a road district to the Treasurer
5 thereof for deposit in the road and bridge fund of such
6 township or other district; Provided, that fines and
7 penalties recovered under the provisions of paragraph (a)
8 of Section 15-113, paragraph (d) of Section 3-401, or
9 paragraph (e) of Section 15-316 of this Code shall be paid
10 over to the Department of State Police which shall
11 thereupon remit the amount of the fines and penalties so
12 received to the State Treasurer who shall deposit the
13 amount so remitted in the special fund in the State
14 treasury known as the Transportation Mobility Road ~~Road~~ Fund
15 except that if the violation is prosecuted by the State's
16 Attorney, 10% of the fine or penalty recovered shall be
17 paid to the State's Attorney as a fee of his office and the
18 balance shall be paid over to the Department of State
19 Police for remittance to and deposit by the State Treasurer
20 as hereinabove provided.

21 3. Notwithstanding subsections 1 and 2 of this
22 paragraph, for violations of overweight and overload
23 limits found in Sections 15-101 through 15-203 of this
24 Code, which are committed upon the highways belonging to
25 the Illinois State Toll Highway Authority, fines and
26 penalties shall be paid over to the Illinois State Toll

1 Highway Authority for deposit with the State Treasurer into
2 that special fund known as the Illinois State Toll Highway
3 Authority Fund, except that if the violation is prosecuted
4 by the State's Attorney, 10% of the fine or penalty
5 recovered shall be paid to the State's Attorney as a fee of
6 his office and the balance shall be paid over to the
7 Illinois State Toll Highway Authority for remittance to and
8 deposit by the State Treasurer as hereinabove provided.

9 4. With regard to violations of overweight and overload
10 limits found in Sections 15-101 through 15-203 of this Code
11 committed by operators of vehicles registered as Special
12 Hauling Vehicles, for offenses committed upon a highway
13 within the limits of a city, village, or incorporated town
14 or under the jurisdiction of any park district, all fines
15 and penalties shall be paid over or retained as required in
16 paragraph 1. However, with regard to the above offenses
17 committed by operators of vehicles registered as Special
18 Hauling Vehicles upon any highway outside the limits of a
19 city, village, incorporated town or park district, fines
20 and penalties shall be paid over or retained by the entity
21 having jurisdiction over the road or highway upon which the
22 offense occurred, except that if the violation is
23 prosecuted by the State's Attorney, 10% of the fine or
24 penalty recovered shall be paid to the State's Attorney as
25 a fee of his office.

26 (b) Failure, refusal or neglect on the part of any judicial

1 or other officer or employee receiving or having custody of any
2 such fine or forfeiture either before or after a deposit with
3 the proper official as defined in paragraph (a) of this
4 Section, shall constitute misconduct in office and shall be
5 grounds for removal therefrom.

6 (Source: P.A. 96-34, eff. 1-1-10.)

7 (625 ILCS 5/18b-107) (from Ch. 95 1/2, par. 18b-107)

8 Sec. 18b-107. Violations - Civil penalties. Except as
9 provided in Section 18b-108, any person who is determined by
10 the Department after reasonable notice and opportunity for a
11 fair and impartial hearing to have committed an act in
12 violation of this Chapter or any rule or regulation issued
13 under this Chapter is liable to the State for a civil penalty.
14 Such person is subject to a civil penalty as prescribed by
15 Appendix B to 49 CFR Part 386 -- Penalty Schedule; Violations
16 and Maximum Monetary Penalties, except that a person committing
17 a railroad-highway grade crossing violation is subject to a
18 civil penalty of not more than \$10,000, and, if any such
19 violation is a continuing one, each day of violation
20 constitutes a separate offense. The amount of any such penalty
21 shall be assessed by the Department by a written notice. In
22 determining the amount of such penalty, the Department shall
23 take into account the nature, circumstances, extent and gravity
24 of the violation and, with respect to a person found to have
25 committed such violation, the degree of culpability, history or

1 prior offenses, ability to pay, effect on ability to continue
2 to do business and such other matters as justice may require.

3 Such civil penalty is recoverable in an action brought by
4 the State's Attorney or the Attorney General on behalf of the
5 State in the circuit court or, prior to referral to the State's
6 Attorney or the Attorney General, such civil penalty may be
7 compromised by the Department. The amount of such penalty when
8 finally determined (or agreed upon in compromise), may be
9 deducted from any sums owed by the State to the person charged.
10 All civil penalties collected under this subsection shall be
11 deposited in the Transportation Mobility Road Fund.

12 (Source: P.A. 94-519, eff. 8-10-05.)

13 Article 5

14 (30 ILCS 105/5.488 rep.)

15 Section 5-5. The State Finance Act is amended by repealing
16 Section 5.488.

17 (30 ILCS 750/9-11 rep.)

18 Section 5-10. The Build Illinois Act is amended by
19 repealing Section 9-11.

20 Article 99

21 Section 99-97. Severability. The provisions of this Act are

1 severable under Section 1.31 of the Statute on Statutes.

1 INDEX

2 Statutes amended in order of appearance

3 New Act

4 20 ILCS 2705/2705-233 new

5 20 ILCS 3501/825-108 new

6 30 ILCS 500/1-10.5 new

7 30 ILCS 550/1.9 new

8 30 ILCS 570/2.8 new

9 30 ILCS 575/2.8 new

10 605 ILCS 10/11.2 new

11 735 ILCS 30/15-5-48 new

12 820 ILCS 130/2 from Ch. 48, par. 39s-2

13 605 ILCS 5/4-304 new

14 605 ILCS 5/4-305 new

15 605 ILCS 5/5-111 new

16 605 ILCS 5/5-112 new

17 605 ILCS 5/6-140 new

18 605 ILCS 5/6-145 new

19 605 ILCS 5/7-302 new

20 605 ILCS 5/7-303 new

21 605 ILCS 10/23.1 new

22 605 ILCS 10/23.2 new

23 20 ILCS 3501/801-40

24 30 ILCS 500/1-10

25 30 ILCS 740/2-15.3

1	35 ILCS 200/15-57 new	
2	70 ILCS 3605/52	
3	70 ILCS 3615/3A.16	
4	70 ILCS 3615/3B.15	
5	70 ILCS 3615/4.04	from Ch. 111 2/3, par. 704.04
6	625 ILCS 5/3-805	from Ch. 95 1/2, par. 3-805
7	630 ILCS 5/15	
8	5 ILCS 375/11	from Ch. 127, par. 531
9	5 ILCS 375/13.1	from Ch. 127, par. 533.1
10	15 ILCS 20/50-5	
11	15 ILCS 330/2	from Ch. 124, par. 13
12	15 ILCS 335/2	from Ch. 124, par. 22
13	15 ILCS 335/12	from Ch. 124, par. 32
14	20 ILCS 405/405-105	was 20 ILCS 405/64.1
15	20 ILCS 2705/2705-575	was 20 ILCS 2705/49.28
16	20 ILCS 2705/2705-610	
17	30 ILCS 105/5.42	from Ch. 127, par. 141.42
18	30 ILCS 105/5e	from Ch. 127, par. 141e
19	30 ILCS 105/5f	from Ch. 127, par. 141f
20	30 ILCS 105/5g	from Ch. 127, par. 141g
21	30 ILCS 105/6c	from Ch. 127, par. 142c
22	30 ILCS 105/6c.1	from Ch. 127, par. 142c.1
23	30 ILCS 105/6r	from Ch. 127, par. 142r
24	30 ILCS 105/6z-78	
25	30 ILCS 105/8.3	from Ch. 127, par. 144.3
26	30 ILCS 105/8r	

1	30 ILCS 105/14.1	from Ch. 127, par. 150.1
2	30 ILCS 210/10.2	
3	30 ILCS 260/3	from Ch. 127, par. 180
4	30 ILCS 330/2.5	
5	30 ILCS 330/14	from Ch. 127, par. 664
6	30 ILCS 330/15	from Ch. 127, par. 665
7	30 ILCS 330/19	from Ch. 127, par. 669
8	30 ILCS 415/6	from Ch. 127, par. 706
9	30 ILCS 415/7	from Ch. 127, par. 707
10	30 ILCS 415/9	from Ch. 127, par. 709
11	35 ILCS 505/8	from Ch. 120, par. 424
12	40 ILCS 15/1.2	
13	70 ILCS 3615/4.09	from Ch. 111 2/3, par. 704.09
14	430 ILCS 30/11	from Ch. 95 1/2, par. 700-11
15	605 ILCS 5/3-105	from Ch. 121, par. 3-105
16	605 ILCS 5/3-105.1	from Ch. 121, par. 3-105.1
17	605 ILCS 5/4-201.17	from Ch. 121, par. 4-201.17
18	605 ILCS 5/6-901	from Ch. 121, par. 6-901
19	605 ILCS 5/6-906	from Ch. 121, par. 6-906
20	605 ILCS 5/9-113	from Ch. 121, par. 9-113
21	605 ILCS 5/9-119.5	
22	605 ILCS 10/32.1	
23	605 ILCS 10/35	from Ch. 121, par. 100-35
24	605 ILCS 127/15	
25	625 ILCS 5/2-119	from Ch. 95 1/2, par. 2-119
26	625 ILCS 5/3-109	from Ch. 95 1/2, par. 3-109

- 1 625 ILCS 5/6-106.1 from Ch. 95 1/2, par. 6-106.1
- 2 625 ILCS 5/11-417
- 3 625 ILCS 5/13-116 from Ch. 95 1/2, par. 13-116
- 4 625 ILCS 5/15-314 from Ch. 95 1/2, par. 15-314
- 5 625 ILCS 5/15-319 from Ch. 95 1/2, par. 15-319
- 6 625 ILCS 5/16-105 from Ch. 95 1/2, par. 16-105
- 7 625 ILCS 5/18b-107 from Ch. 95 1/2, par. 18b-107
- 8 30 ILCS 105/5.488 rep.
- 9 30 ILCS 750/9-11 rep.