



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2981

by Rep. Margo McDermed

SYNOPSIS AS INTRODUCED:

See Index

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 Illinois Income Tax Act to create a credit for railroad track maintenance. Amends the Property Tax Code. Provides that certain tax-exempt property that is leased to another party for a public purpose project shall remain exempt from taxation. 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 to remove 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. Amends the Build Illinois Act. Repeals the Port Development Revolving Loan Program.

LRB101 11166 TAE 56404 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 Section 5. The Illinois Finance Authority Act is amended by
5 changing Section 801-40 as follows:

6 (20 ILCS 3501/801-40)

7 Sec. 801-40. In addition to the powers otherwise authorized
8 by law and in addition to the foregoing general corporate
9 powers, the Authority shall also have the following additional
10 specific powers to be exercised in furtherance of the purposes
11 of this Act.

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

21 (b) The Authority shall have power to procure and enter
22 into contracts for any type of insurance and indemnity
23 agreements covering loss or damage to property from any cause,

1 including loss of use and occupancy, or covering any other
2 insurable risk.

3 (c) The Authority shall have the continuing power to issue
4 bonds for its corporate purposes. Bonds may be issued by the
5 Authority in one or more series and may provide for the payment
6 of any interest deemed necessary on such bonds, of the costs of
7 issuance of such bonds, of any premium on any insurance, or of
8 the cost of any guarantees, letters of credit or other similar
9 documents, may provide for the funding of the reserves deemed
10 necessary in connection with such bonds, and may provide for
11 the refunding or advance refunding of any bonds or for accounts
12 deemed necessary in connection with any purpose of the
13 Authority. The bonds may bear interest payable at any time or
14 times and at any rate or rates, notwithstanding any other
15 provision of law to the contrary, and such rate or rates may be
16 established by an index or formula which may be implemented or
17 established by persons appointed or retained therefor by the
18 Authority, or may bear no interest or may bear interest payable
19 at maturity or upon redemption prior to maturity, may bear such
20 date or dates, may be payable at such time or times and at such
21 place or places, may mature at any time or times not later than
22 40 years from the date of issuance, may be sold at public or
23 private sale at such time or times and at such price or prices,
24 may be secured by such pledges, reserves, guarantees, letters
25 of credit, insurance contracts or other similar credit support
26 or liquidity instruments, may be executed in such manner, may

1 be subject to redemption prior to maturity, may provide for the
2 registration of the bonds, and may be subject to such other
3 terms and conditions all as may be provided by the resolution
4 or indenture authorizing the issuance of such bonds. The holder
5 or holders of any bonds issued by the Authority may bring suits
6 at law or proceedings in equity to compel the performance and
7 observance by any person or by the Authority or any of its
8 agents or employees of any contract or covenant made with the
9 holders of such bonds and to compel such person or the
10 Authority and any of its agents or employees to perform any
11 duties required to be performed for the benefit of the holders
12 of any such bonds by the provision of the resolution
13 authorizing their issuance, and to enjoin such person or the
14 Authority and any of its agents or employees from taking any
15 action in conflict with any such contract or covenant.
16 Notwithstanding the form and tenor of any such bonds and in the
17 absence of any express recital on the face thereof that it is
18 non-negotiable, all such bonds shall be negotiable
19 instruments. Pending the preparation and execution of any such
20 bonds, temporary bonds may be issued as provided by the
21 resolution. The bonds shall be sold by the Authority in such
22 manner as it shall determine. The bonds may be secured as
23 provided in the authorizing resolution by the receipts,
24 revenues, income and other available funds of the Authority and
25 by any amounts derived by the Authority from the loan agreement
26 or lease agreement with respect to the project or projects; and

1 bonds may be issued as general obligations of the Authority
2 payable from such revenues, funds and obligations of the
3 Authority as the bond resolution shall provide, or may be
4 issued as limited obligations with a claim for payment solely
5 from such revenues, funds and obligations as the bond
6 resolution shall provide. The Authority may grant a specific
7 pledge or assignment of and lien on or security interest in
8 such rights, revenues, income, or amounts and may grant a
9 specific pledge or assignment of and lien on or security
10 interest in any reserves, funds or accounts established in the
11 resolution authorizing the issuance of bonds. Any such pledge,
12 assignment, lien or security interest for the benefit of the
13 holders of the Authority's bonds shall be valid and binding
14 from the time the bonds are issued without any physical
15 delivery or further act, and shall be valid and binding as
16 against and prior to the claims of all other parties having
17 claims against the Authority or any other person irrespective
18 of whether the other parties have notice of the pledge,
19 assignment, lien or security interest. As evidence of such
20 pledge, assignment, lien and security interest, the Authority
21 may execute and deliver a mortgage, trust agreement, indenture
22 or security agreement or an assignment thereof. A remedy for
23 any breach or default of the terms of any such agreement by the
24 Authority may be by mandamus proceedings in any court of
25 competent jurisdiction to compel the performance and
26 compliance therewith, but the agreement may prescribe by whom

1 or on whose behalf such action may be instituted. It is
2 expressly understood that the Authority may, but need not,
3 acquire title to any project with respect to which it exercises
4 its authority.

5 (d) With respect to the powers granted by this Act, the
6 Authority may adopt rules and regulations prescribing the
7 procedures by which persons may apply for assistance under this
8 Act. Nothing herein shall be deemed to preclude the Authority,
9 prior to the filing of any formal application, from conducting
10 preliminary discussions and investigations with respect to the
11 subject matter of any prospective application.

12 (e) The Authority shall have power to acquire by purchase,
13 lease, gift or otherwise any property or rights therein from
14 any person useful for its purposes, whether improved for the
15 purposes of any prospective project, or unimproved. The
16 Authority may also accept any donation of funds for its
17 purposes from any such source. The Authority shall have no
18 independent power of condemnation but may acquire any property
19 or rights therein obtained upon condemnation by any other
20 authority, governmental entity or unit of local government with
21 such power.

22 (f) The Authority shall have power to develop, construct
23 and improve either under its own direction, or through
24 collaboration with any approved applicant, or to acquire
25 through purchase or otherwise, any project, using for such
26 purpose the proceeds derived from the sale of its bonds or from

1 governmental loans or grants, and to hold title in the name of
2 the Authority to such projects.

3 (g) The Authority shall have power to lease pursuant to a
4 lease agreement any project so developed and constructed or
5 acquired to the approved tenant on such terms and conditions as
6 may be appropriate to further the purposes of this Act and to
7 maintain the credit of the Authority. Any such lease may
8 provide for either the Authority or the approved tenant to
9 assume initially, in whole or in part, the costs of
10 maintenance, repair and improvements during the leasehold
11 period. In no case, however, shall the total rentals from any
12 project during any initial leasehold period or the total loan
13 repayments to be made pursuant to any loan agreement, be less
14 than an amount necessary to return over such lease or loan
15 period (1) all costs incurred in connection with the
16 development, construction, acquisition or improvement of the
17 project and for repair, maintenance and improvements thereto
18 during the period of the lease or loan; provided, however, that
19 the rentals or loan repayments need not include costs met
20 through the use of funds other than those obtained by the
21 Authority through the issuance of its bonds or governmental
22 loans; (2) a reasonable percentage additive to be agreed upon
23 by the Authority and the borrower or tenant to cover a properly
24 allocable portion of the Authority's general expenses,
25 including, but not limited to, administrative expenses,
26 salaries and general insurance, and (3) an amount sufficient to

1 pay when due all principal of, interest and premium, if any on,
2 any bonds issued by the Authority with respect to the project.
3 The portion of total rentals payable under clause (3) of this
4 subsection (g) shall be deposited in such special accounts,
5 including all sinking funds, acquisition or construction
6 funds, debt service and other funds as provided by any
7 resolution, mortgage or trust agreement of the Authority
8 pursuant to which any bond is issued.

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

26 (i) The Authority shall have the power to make loans, or to

1 purchase loan participations in loans made, to persons to
2 finance a project, to enter into loan agreements or agreements
3 with participating lenders with respect thereto, and to accept
4 guarantees from persons of its loans or the resultant evidences
5 of obligations of the Authority.

6 (j) The Authority may fix, determine, charge and collect
7 any premiums, fees, charges, costs and expenses, including,
8 without limitation, any application fees, commitment fees,
9 program fees, financing charges or publication fees from any
10 person in connection with its activities under this Act.

11 (k) In addition to the funds established as provided
12 herein, the Authority shall have the power to create and
13 establish such reserve funds and accounts as may be necessary
14 or desirable to accomplish its purposes under this Act and to
15 deposit its available monies into the funds and accounts.

16 (l) At the request of the governing body of any unit of
17 local government, the Authority is authorized to market such
18 local government's revenue bond offerings by preparing bond
19 issues for sale, advertising for sealed bids, receiving bids at
20 its offices, making the award to the bidder that offers the
21 most favorable terms or arranging for negotiated placements or
22 underwritings of such securities. The Authority may, at its
23 discretion, offer for concurrent sale the revenue bonds of
24 several local governments. Sales by the Authority of revenue
25 bonds under this Section shall in no way imply State guarantee
26 of such debt issue. The Authority may require such financial

1 information from participating local governments as it deems
2 necessary in order to carry out the purposes of this subsection
3 (1).

4 (m) The Authority may make grants to any county to which
5 Division 5-37 of the Counties Code is applicable to assist in
6 the financing of capital development, construction and
7 renovation of new or existing facilities for hospitals and
8 health care facilities under that Act. Such grants may only be
9 made from funds appropriated for such purposes from the Build
10 Illinois Bond Fund.

11 (n) The Authority may establish an urban development action
12 grant program for the purpose of assisting municipalities in
13 Illinois which are experiencing severe economic distress to
14 help stimulate economic development activities needed to aid in
15 economic recovery. The Authority shall determine the types of
16 activities and projects for which the urban development action
17 grants may be used, provided that such projects and activities
18 are broadly defined to include all reasonable projects and
19 activities the primary objectives of which are the development
20 of viable urban communities, including decent housing and a
21 suitable living environment, and expansion of economic
22 opportunity, principally for persons of low and moderate
23 incomes. The Authority shall enter into grant agreements from
24 monies appropriated for such purposes from the Build Illinois
25 Bond Fund. The Authority shall monitor the use of the grants,
26 and shall provide for audits of the funds as well as recovery

1 by the Authority of any funds determined to have been spent in
2 violation of this subsection (n) or any rule or regulation
3 promulgated hereunder. The Authority shall provide technical
4 assistance with regard to the effective use of the urban
5 development action grants. The Authority shall file an annual
6 report to the General Assembly concerning the progress of the
7 grant program.

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

1 (p) The Authority may award grants to universities and
2 research institutions, research consortiums and other
3 not-for-profit entities for the purposes of: remodeling or
4 otherwise physically altering existing laboratory or research
5 facilities, expansion or physical additions to existing
6 laboratory or research facilities, construction of new
7 laboratory or research facilities or acquisition of modern
8 equipment to support laboratory or research operations
9 provided that such grants (i) be used solely in support of
10 project and equipment acquisitions which enhance technology
11 transfer, and (ii) not constitute more than 60 percent of the
12 total project or acquisition cost.

13 (q) Grants may be awarded by the Authority to units of
14 local government for the purpose of developing the appropriate
15 infrastructure or defraying other costs to the local government
16 in support of laboratory or research facilities provided that
17 such grants may not exceed 40% of the cost to the unit of local
18 government.

19 (r) In addition to the powers granted to the Authority
20 under subsection (i), and in all cases supplemental to it, the
21 Authority may establish a direct loan program to make loans to,
22 or may purchase participations in loans made by participating
23 lenders to, individuals, partnerships, corporations, or other
24 business entities for the purpose of financing an industrial
25 project, as defined in Section 801-10 of this Act. For the
26 purposes of such program and not by way of limitation on any

1 other program of the Authority, including, without limitation,
2 programs established under subsection (i), the Authority shall
3 have the power to issue bonds, notes, or other evidences of
4 indebtedness including commercial paper for purposes of
5 providing a fund of capital from which it may make such loans.
6 The Authority shall have the power to use any appropriations
7 from the State made especially for the Authority's direct loan
8 program, or moneys at any time held by the Authority under this
9 Act outside the State treasury in the custody of either the
10 Treasurer of the Authority or a trustee or depository appointed
11 by the Authority, for additional capital to make such loans or
12 purchase such loan participations, or for the purposes of
13 reserve funds or pledged funds which secure the Authority's
14 obligations of repayment of any bond, note or other form of
15 indebtedness established for the purpose of providing capital
16 for which it intends to make such loans or purchase such loan
17 participations. For the purpose of obtaining such capital, the
18 Authority may also enter into agreements with financial
19 institutions, participating lenders, and other persons for the
20 purpose of administering a loan participation program, selling
21 loans or developing a secondary market for such loans or loan
22 participations. Loans made under the direct loan program
23 specifically established under this subsection (r), including
24 loans under such program made by participating lenders in which
25 the Authority purchases a participation, may be in an amount
26 not to exceed \$600,000 and shall be made for a portion of an

1 industrial project which does not exceed 50% of the total
2 project. No loan may be made by the Authority unless approved
3 by the affirmative vote of at least 8 members of the board. The
4 Authority shall establish procedures and publish rules which
5 shall provide for the submission, review, and analysis of each
6 direct loan and loan participation application and which shall
7 preserve the ability of each board member and the Executive
8 Director, as applicable, to reach an individual business
9 judgment regarding the propriety of each direct loan or loan
10 participation. The collective discretion of the board to
11 approve or disapprove each loan shall be unencumbered. The
12 Authority may establish and collect such fees and charges,
13 determine and enforce such terms and conditions, and charge
14 such interest rates as it determines to be necessary and
15 appropriate to the successful administration of the direct loan
16 program, including purchasing loan participations. The
17 Authority may require such interests in collateral and such
18 guarantees as it determines are necessary to protect the
19 Authority's interest in the repayment of the principal and
20 interest of each loan and loan participation made under the
21 direct loan program. The restrictions established under this
22 subsection (r) shall not be applicable to any loan or loan
23 participation made under subsection (i) or to any loan or loan
24 participation made under any other Section of this Act.

25 (s) The Authority may guarantee private loans to third
26 parties up to a specified dollar amount in order to promote

1 economic development in this State.

2 (t) The Authority may adopt rules and regulations as may be
3 necessary or advisable to implement the powers conferred by
4 this Act.

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

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

25 (w) Moral Obligation. In the event that the Authority
26 determines that monies of the Authority will not be sufficient

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

1 principal amount of Authority bonds outstanding issued under
2 this Section 801-40(w) or under 20 ILCS 3850/1-80 or 30 ILCS
3 360/2-6(c), which have been assumed by the Authority, shall not
4 exceed \$150,000,000. This subsection (w) shall in no way be
5 applied to any bonds issued by the Authority on behalf of the
6 Illinois Power Agency under Section 825-90 of this Act.

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

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

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

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

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

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

25 (aa) The Authority may establish an infrastructure
26 revolving loan program for the purpose of financing and

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

1 may be used only in support of the program for so long as the
2 program is established, subject to the applicable terms of any
3 appropriation from the State and any grant from or agreement
4 with the federal government or the State, or any agency or
5 instrumentality thereof, or any other source. The Authority may
6 use its other powers under this Act in support of public
7 purpose projects undertaken pursuant to this subsection.

8 (Source: P.A. 100-919, eff. 8-17-18.)

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

11 (30 ILCS 500/1-10)

12 Sec. 1-10. Application.

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

24 (b) This Code shall apply regardless of the source of the

1 funds with which the contracts are paid, including federal
2 assistance moneys. This Code shall not apply to:

3 (1) Contracts between the State and its political
4 subdivisions or other governments, or between State
5 governmental bodies, except as specifically provided in
6 this Code.

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

9 (3) Purchase of care, except as provided in Section
10 5-30.6 of the Illinois Public Aid Code and this Section.

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 (16) Procurement expenditures necessary for the
21 Department of Public Health to provide the delivery of
22 timely newborn screening services in accordance with the
23 Newborn Metabolic Screening Act.

24 (17) ~~(16)~~ Procurement expenditures necessary for the
25 Department of Agriculture, the Department of Financial and
26 Professional Regulation, the Department of Human Services,

1 and the Department of Public Health to implement the
2 Compassionate Use of Medical Cannabis Pilot Program and
3 Opioid Alternative Pilot Program requirements and ensure
4 access to medical cannabis for patients with debilitating
5 medical conditions in accordance with the Compassionate
6 Use of Medical Cannabis Pilot Program Act.

7 Notwithstanding any other provision of law, for contracts
8 entered into on or after October 1, 2017 under an exemption
9 provided in any paragraph of this subsection (b), except
10 paragraph (1), (2), or (5), each State agency shall post to the
11 appropriate procurement bulletin the name of the contractor, a
12 description of the supply or service provided, the total amount
13 of the contract, the term of the contract, and the exception to
14 the Code utilized. The chief procurement officer shall submit a
15 report to the Governor and General Assembly no later than
16 November 1 of each year that shall include, at a minimum, an
17 annual summary of the monthly information reported to the chief
18 procurement officer.

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

23 (d) Except for Section 20-160 and Article 50 of this Code,
24 and as expressly required by Section 9.1 of the Illinois
25 Lottery Law, the provisions of this Code do not apply to the
26 procurement process provided for under Section 9.1 of the

1 Illinois Lottery Law.

2 (e) This Code does not apply to the process used by the
3 Capital Development Board to retain a person or entity to
4 assist the Capital Development Board with its duties related to
5 the determination of costs of a clean coal SNG brownfield
6 facility, as defined by Section 1-10 of the Illinois Power
7 Agency Act, as required in subsection (h-3) of Section 9-220 of
8 the Public Utilities Act, including calculating the range of
9 capital costs, the range of operating and maintenance costs, or
10 the sequestration costs or monitoring the construction of clean
11 coal SNG brownfield facility for the full duration of
12 construction.

13 (f) (Blank).

14 (g) (Blank).

15 (h) This Code does not apply to the process to procure or
16 contracts entered into in accordance with Sections 11-5.2 and
17 11-5.3 of the Illinois Public Aid Code.

18 (i) Each chief procurement officer may access records
19 necessary to review whether a contract, purchase, or other
20 expenditure is or is not subject to the provisions of this
21 Code, unless such records would be subject to attorney-client
22 privilege.

23 (j) This Code does not apply to the process used by the
24 Capital Development Board to retain an artist or work or works
25 of art as required in Section 14 of the Capital Development
26 Board Act.

1 (k) This Code does not apply to the process to procure
2 contracts, or contracts entered into, by the State Board of
3 Elections or the State Electoral Board for hearing officers
4 appointed pursuant to the Election Code.

5 (l) This Code does not apply to the processes used by the
6 Illinois Student Assistance Commission to procure supplies and
7 services paid for from the private funds of the Illinois
8 Prepaid Tuition Fund. As used in this subsection (l), "private
9 funds" means funds derived from deposits paid into the Illinois
10 Prepaid Tuition Trust Fund and the earnings thereon.

11 (Source: P.A. 99-801, eff. 1-1-17; 100-43, eff. 8-9-17;
12 100-580, eff. 3-12-18; 100-757, eff. 8-10-18; 100-1114, eff.
13 8-28-18; revised 10-18-18.)

14 (30 ILCS 750/9-11 rep.)

15 Section 15. The Build Illinois Act is amended by repealing
16 Section 9-11.

17 Section 20. The Illinois Income Tax Act is amended by
18 adding Section 229 as follows:

19 (35 ILCS 5/229 new)

20 Sec. 229. Railroad track maintenance credit.

21 (a) For tax years ending on or after December 31, 2019, a
22 taxpayer who is an eligible taxpayer under Section 45G of the
23 Internal Revenue Code is entitled to a credit against the taxes

1 imposed under subsections (a) and (b) of Section 201 of this
2 Act in an amount equal to 50% of the qualified railroad track
3 maintenance expenditures. For purposes of this Section,
4 "qualified railroad track maintenance expenditures" means
5 qualifying expenditures defined for the federal railroad track
6 maintenance credit that would be allowable under section 45G of
7 the Internal Revenue Code and are conducted in this State.

8 (b) If the taxpayer is a partnership or Subchapter S
9 corporation, the credit is allowed to the partners or
10 shareholders in accordance with the determination of income and
11 distributive share of income under Sections 702 and 704 and
12 Subchapter S of the Internal Revenue Code. A transfer of this
13 credit may be made by the taxpayer earning the credit within
14 one year after the credit is earned in accordance with rules
15 adopted by the Department. The Department shall prescribe rules
16 to enforce and administer provisions of this Section. If the
17 amount of the credit exceeds the tax liability for the year,
18 then the excess credit may be carried forward and applied to
19 the tax liability of the 5 taxable years following the excess
20 credit year. The credit shall be applied to the earliest year
21 for which there is a tax liability. If there are credits from
22 more than one tax year that are available to offset a
23 liability, the earlier credit shall be applied first. In no
24 event shall a credit under this Section reduce the taxpayer's
25 liability to less than zero.

1 Section 25. The Property Tax Code is amended by adding
2 Section 15-57 as follows:

3 (35 ILCS 200/15-57 new)

4 Sec. 15-57. Public purpose project property.

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

13 Section 30. The Metropolitan Transit Authority Act is
14 amended by changing Section 52 as follows:

15 (70 ILCS 3605/52)

16 Sec. 52. Transit services for individuals with
17 disabilities. Notwithstanding any law to the contrary, ~~no later~~
18 ~~than 60 days following the effective date of this amendatory~~
19 ~~Act of the 95th General Assembly,~~ all fixed route public
20 transportation services provided by, or under grant or purchase
21 of service contract of, the Board may be offered, at the
22 discretion of the Board, ~~shall be provided~~ without charge to
23 all persons with disabilities who meet the income eligibility

1 limitation set forth in subsection (a-5) of Section 4 of the
2 Senior Citizens and Persons with Disabilities Property Tax
3 Relief Act, under such procedures as shall be prescribed by the
4 Board. The Department on Aging shall furnish all information
5 reasonably necessary to determine eligibility, including
6 updated lists of individuals who are eligible for services
7 without charge under this Section.

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

9 Section 35. The Regional Transportation Authority Act is
10 amended by changing Sections 3A.16, 3B.15, and 4.04 as follows:

11 (70 ILCS 3615/3A.16)

12 Sec. 3A.16. Transit services for individuals with
13 disabilities. Notwithstanding any law to the contrary, ~~no later~~
14 ~~than 60 days following the effective date of this amendatory~~
15 ~~Act of the 95th General Assembly,~~ all fixed route public
16 transportation services provided by, or under grant or purchase
17 of service contract of, the Suburban Bus Board may ~~shall~~ be
18 offered, at the discretion of the Board, ~~provided~~ without
19 charge to all persons with disabilities who meet the income
20 eligibility limitation set forth in subsection (a-5) of Section
21 4 of the Senior Citizens and Persons with Disabilities Property
22 Tax Relief Act, under such procedures as shall be prescribed by
23 the Board. The Department on Aging shall furnish all
24 information reasonably necessary to determine eligibility,

1 including updated lists of individuals who are eligible for
2 services without charge under this Section.

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

4 (70 ILCS 3615/3B.15)

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

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

21 (70 ILCS 3615/4.04) (from Ch. 111 2/3, par. 704.04)

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

23 (a) The Authority shall have the continuing power to borrow
24 money and to issue its negotiable bonds or notes as provided in

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

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

1 Authority issue its Working Cash Notes in such amounts and
2 having such maturities as the Service Board may determine.

3 Notwithstanding any other provision of this Act, any
4 amounts necessary to pay principal of and interest on any
5 Working Cash Notes issued at the demand and direction of a
6 Service Board or any Working Cash Notes the proceeds of which
7 were used for the direct benefit of a Service Board or any
8 other Bonds or Notes of the Authority the proceeds of which
9 were used for the direct benefit of a Service Board shall
10 constitute a reduction of the amount of any other funds
11 provided by the Authority to that Service Board. The Authority
12 shall, after deducting any costs of issuance, tender the net
13 proceeds of any Working Cash Notes issued at the demand and
14 direction of a Service Board to such Service Board as soon as
15 may be practicable after the proceeds are received. The
16 Authority may also issue notes or bonds to pay, refund or
17 redeem any of its notes and bonds, including to pay redemption
18 premiums or accrued interest on such bonds or notes being
19 renewed, paid or refunded, and other costs in connection
20 therewith. The Authority may also utilize the proceeds of any
21 such bonds or notes to pay the legal, financial, administrative
22 and other expenses of such authorization, issuance, sale or
23 delivery of bonds or notes or to provide or increase a debt
24 service reserve fund with respect to any or all of its bonds or
25 notes. The Authority may also issue and deliver its bonds or
26 notes in exchange for any public transportation facilities,

1 (including funds and rights relating thereto, as provided in
2 Section 2.05 of this Act) or in exchange for outstanding bonds
3 or notes of the Authority, including any accrued interest or
4 redemption premium thereon, without advertising or submitting
5 such notes or bonds for public bidding.

6 (b) The ordinance providing for the issuance of any such
7 bonds or notes shall fix the date or dates of maturity, the
8 dates on which interest is payable, any sinking fund account or
9 reserve fund account provisions and all other details of such
10 bonds or notes and may provide for such covenants or agreements
11 necessary or desirable with regard to the issue, sale and
12 security of such bonds or notes. The rate or rates of interest
13 on its bonds or notes may be fixed or variable and the
14 Authority shall determine or provide for the determination of
15 the rate or rates of interest of its bonds or notes issued
16 under this Act in an ordinance adopted by the Authority prior
17 to the issuance thereof, none of which rates of interest shall
18 exceed that permitted in the Bond Authorization Act. Interest
19 may be payable at such times as are provided for by the Board.
20 Bonds and notes issued under this Section may be issued as
21 serial or term obligations, shall be of such denomination or
22 denominations and form, including interest coupons to be
23 attached thereto, be executed in such manner, shall be payable
24 at such place or places and bear such date as the Authority
25 shall fix by the ordinance authorizing such bond or note and
26 shall mature at such time or times, within a period not to

1 exceed forty years from the date of issue, and may be
2 redeemable prior to maturity with or without premium, at the
3 option of the Authority, upon such terms and conditions as the
4 Authority shall fix by the ordinance authorizing the issuance
5 of such bonds or notes. No bond anticipation note or any
6 renewal thereof shall mature at any time or times exceeding 5
7 years from the date of the first issuance of such note. The
8 Authority may provide for the registration of bonds or notes in
9 the name of the owner as to the principal alone or as to both
10 principal and interest, upon such terms and conditions as the
11 Authority may determine. The ordinance authorizing bonds or
12 notes may provide for the exchange of such bonds or notes which
13 are fully registered, as to both principal and interest, with
14 bonds or notes which are registerable as to principal only. All
15 bonds or notes issued under this Section by the Authority other
16 than those issued in exchange for property or for bonds or
17 notes of the Authority shall be sold at a price which may be at
18 a premium or discount but such that the interest cost
19 (excluding any redemption premium) to the Authority of the
20 proceeds of an issue of such bonds or notes, computed to stated
21 maturity according to standard tables of bond values, shall not
22 exceed that permitted in the Bond Authorization Act. The
23 Authority shall notify the Governor's Office of Management and
24 Budget and the State Comptroller at least 30 days before any
25 bond sale and shall file with the Governor's Office of
26 Management and Budget and the State Comptroller a certified

1 copy of any ordinance authorizing the issuance of bonds at or
2 before the issuance of the bonds. After December 31, 1994, any
3 such bonds or notes shall be sold to the highest and best
4 bidder on sealed bids as the Authority shall deem. As such
5 bonds or notes are to be sold the Authority shall advertise for
6 proposals to purchase the bonds or notes which advertisement
7 shall be published at least once in a daily newspaper of
8 general circulation published in the metropolitan region at
9 least 10 days before the time set for the submission of bids.
10 The Authority shall have the right to reject any or all bids.
11 Notwithstanding any other provisions of this Section, Working
12 Cash Notes or bonds or notes to provide funds for
13 self-insurance or a joint self-insurance pool or entity may be
14 sold either upon competitive bidding or by negotiated sale
15 (without any requirement of publication of intention to
16 negotiate the sale of such Notes), as the Board shall determine
17 by ordinance adopted with the affirmative votes of at least 9
18 Directors. In case any officer whose signature appears on any
19 bonds, notes or coupons authorized pursuant to this Section
20 shall cease to be such officer before delivery of such bonds or
21 notes, such signature shall nevertheless be valid and
22 sufficient for all purposes, the same as if such officer had
23 remained in office until such delivery. Neither the Directors
24 of the Authority nor any person executing any bonds or notes
25 thereof shall be liable personally on any such bonds or notes
26 or coupons by reason of the issuance thereof.

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

26 The Authority may provide in the ordinance authorizing the

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

24 (d) The ordinance of the Authority authorizing the issuance
25 of any bonds or notes may provide additional security for such
26 bonds or notes by providing for appointment of a corporate

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

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

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

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

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

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

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

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

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

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

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

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

23 the aggregate total authorization of bonds and notes
24 for Strategic Capital Improvement Projects as of January 1,
25 1994, shall be \$500,000,000.

26 The Authority is also authorized to issue, sell, and

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

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

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

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

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

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

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

25 the aggregate total authorization of bonds and notes
26 for Strategic Capital Improvement Projects pursuant to

1 this paragraph (3) as of January 1, 2004 shall be
2 \$1,300,000,000.

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

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

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

23 (j) (1) The Authority may establish a line of credit with a
24 bank or other financial institution (as may be evidenced by the
25 issuance of notes or other obligations), secured by and payable
26 from all tax receipts of the Authority and any or all other

1 revenues or moneys of the Authority, in an amount not to exceed
2 the limitations set forth in subsection (g)(1). Money so
3 borrowed shall be used to provide money for the Authority or
4 the Service Boards to cover any cash flow deficit which the
5 Authority or a Service Board anticipates incurring, and shall
6 be repaid within 24 months.

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

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

1 establishment of a line of credit at or before establishing the
2 line of credit.

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

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

8 Section 40. The Public Utilities Act is amended by adding
9 Section 9-211.5 as follows:

10 (220 ILCS 5/9-211.5 new)

11 Sec. 9-211.5. Recovery of water and wastewater service
12 revenue requirements. A public utility that provides both water
13 and wastewater service may request in a general rate proceeding
14 that the Commission allocate a portion of the public utility's
15 water service revenue requirement for recovery through
16 wastewater base rates or allocate a portion of the public
17 utility's wastewater revenue requirement for recovery through
18 water base rates, and, if requested, the Commission may approve
19 the allocation if it can be shown to be in the public interest.

20 Section 45. The Illinois Highway Code is amended by adding
21 Sections 4-304, 4-305, 5-111, 5-112, 6-140, 6-145, 7-302, and
22 7-303 as follows:

1 (605 ILCS 5/4-304 new)

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

13 The report shall be delivered to the General Assembly every
14 even-numbered year by April 1, beginning April 1, 2020.

15 (605 ILCS 5/4-305 new)

16 Sec. 4-305. Transportation asset list. The Secretary of
17 Transportation shall compile a list of assets that contains
18 information on transportation assets within this State,
19 including the age of each asset, the annual maintenance
20 schedule, the year of last major reconstruction, and any future
21 construction related to improving or enhancing the assets.

22 The Illinois Department of Transportation, Illinois State
23 Toll Highway Authority, county, municipal, and township road
24 districts shall use this information to better align, plan,
25 design, and coordinate construction and repair of

1 transportation assets within this State.

2 The report shall be delivered to the General Assembly by
3 April 1 of every year, beginning with April 1, 2020.

4 (605 ILCS 5/5-111 new)

5 Sec. 5-111. County efficiencies report. Every 2 years, each
6 county shall compile and make public a report on efficiencies
7 implemented in the previous fiscal years in planning and
8 project management and delivery, along with an explanation of
9 the efficiencies employed to achieve the savings and the
10 methodology used in the calculations. The level of savings
11 achieved must equal, in comparison with the total government
12 transportation construction budget for those years, a minimum
13 of 5% over those fiscal years. The report must identify the
14 projects that have been advanced or completed due to the
15 implementation of efficiency measures.

16 (605 ILCS 5/5-112 new)

17 Sec. 5-112. Transportation asset report. Every 2 years,
18 each county shall compile and submit to the Department a list
19 of transportation assets that includes age of each asset, the
20 annual maintenance schedule, the year of last major
21 reconstruction, and any future construction related to
22 improving or enhancing the asset.

23 This list shall be made publicly accessible by April 1 of
24 every even-numbered year, beginning with April 1, 2020.

1 (605 ILCS 5/6-140 new)

2 Sec. 6-140. Townships efficiencies report. Each township
3 shall compile and make public a report every 4 years on
4 efficiencies implemented in the previous fiscal years in
5 planning and project management and delivery, along with an
6 explanation of the efficiencies employed to achieve the savings
7 and the methodology used in the calculations. The level of
8 savings achieved must equal, in comparison with the total
9 government transportation construction budget for those years,
10 a minimum of 5% over those fiscal years. The report must
11 identify the projects that have been advanced or completed due
12 to the implementation of efficiency measures.

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

15 This report shall be made publicly accessible by April 1 of
16 every fourth year, beginning April 1, 2020.

17 (605 ILCS 5/6-145 new)

18 Sec. 6-145. Townships transportation assets list. Every 2
19 years, each township shall compile and submit to the Department
20 a list of transportation assets that includes the age of the
21 assets, annual maintenance schedule, year of last major
22 reconstruction, and any future construction related to
23 improving or enhancing the assets.

24 A township is exempt from this requirement if it has

1 abolished the road district of that township.

2 This list shall be made publicly accessible by April 1 of
3 every even-numbered year, beginning April 1, 2020.

4 (605 ILCS 5/7-302 new)

5 Sec. 7-302. Municipalities efficiencies report. Each
6 municipality shall compile and make public a report every 4
7 years on efficiencies implemented in the previous fiscal years
8 in planning and project management and delivery, along with an
9 explanation of the efficiencies employed to achieve the savings
10 and the methodology used in the calculations. The level of
11 savings achieved must equal, in comparison with the total
12 government transportation construction budget for those years,
13 a minimum of 5% over those fiscal years. The report must
14 identify the projects that have been advanced or completed due
15 to the implementation of efficiency measures.

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

18 This report shall be made publicly accessible by April 1 of
19 every fourth year, beginning April 1, 2020.

20 (605 ILCS 5/7-303 new)

21 Sec. 7-303. Assets list; municipalities. Every 2 years,
22 each municipality shall compile and submit to the Department a
23 list of transportation assets that includes the age of the
24 assets, annual maintenance schedule, year of last major

1 reconstruction, and any future construction related to
2 improving or enhancing the assets.

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

5 This list shall be made publicly accessible by April 1 of
6 every odd-numbered year, beginning April 1, 2020.

7 Section 50. The Toll Highway Act is amended by adding
8 Sections 23.1 and 23.2 as follows:

9 (605 ILCS 10/23.1 new)

10 Sec. 23.1. Authority efficiencies report. Every 2 years,
11 the Authority 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 by
22 April 1 of every odd-numbered year, beginning April 1, 2019.

23 (605 ILCS 10/23.2 new)

1 Sec. 23.2. Authority transportation assets list. Every 2
2 years, the Authority shall compile and deliver a list of
3 transportation assets that includes the age of the assets,
4 annual maintenance schedule, year of last major
5 reconstruction, and any future construction related to
6 improving or enhancing the assets.

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

9 Section 55. The Illinois Vehicle Code is amended by
10 changing Section 3-805 as follows:

11 (625 ILCS 5/3-805) (from Ch. 95 1/2, par. 3-805)

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

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

2 Section 60. The Public-Private Partnerships for
3 Transportation Act is amended by changing Section 15 as
4 follows:

5 (630 ILCS 5/15)

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

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

23 (b) The Authority shall not enter into a public-private
24 agreement involving a lease or other transfer of any toll

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

1 developed or financed, or both, through a public-private
2 agreement entered into by another public entity, under an
3 agreement with the public entity or contractor responsible for
4 the transportation project.

5 (c) A contractor has:

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

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

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

15 (d) Each year, at least 30 days prior to the beginning of
16 the transportation agency's fiscal year, and at other times the
17 transportation agency deems necessary, the Department and the
18 Authority shall submit for review to the General Assembly a
19 description of potential projects that the transportation
20 agency is considering undertaking under this Act. Any
21 submission from the Authority shall indicate which of its
22 potential projects, if any, will involve the proposer operating
23 the transportation facility for a period of one year or more.
24 Prior to the issuance of any request for qualifications or
25 request for proposals with respect to any potential project
26 undertaken by the Department or the Authority pursuant to

1 Section 20 of this Act, the project may not move forward if the
2 General Assembly declares by joint resolution that the project
3 is not in the public interest ~~commencement of a procurement~~
4 ~~process for that particular potential project shall be~~
5 ~~authorized by joint resolution of the General Assembly.~~

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

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

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

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

1 review under subsection (d). The transportation agency shall
2 publish a notice of the hearing or hearings at least 7 days
3 before a hearing takes place, and shall include the following
4 in the notice: (i) the date, time, and place of the hearing and
5 the address of the transportation agency; (ii) a brief
6 description of the potential projects that the transportation
7 agency is considering undertaking; and (iii) a statement that
8 the public may comment on the potential projects.

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

1 INDEX

2 Statutes amended in order of appearance

3 20 ILCS 3501/801-40

4 30 ILCS 500/1-10

5 30 ILCS 750/9-11 rep.

6 35 ILCS 5/229 new

7 35 ILCS 200/15-57 new

8 70 ILCS 3605/52

9 70 ILCS 3615/3A.16

10 70 ILCS 3615/3B.15

11 70 ILCS 3615/4.04 from Ch. 111 2/3, par. 704.04

12 220 ILCS 5/9-211.5 new

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

23 625 ILCS 5/3-805 from Ch. 95 1/2, par. 3-805

24 630 ILCS 5/15