

1 AN ACT concerning regulation.

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

4 Section 5. The Illinois Administrative Procedure Act is
5 amended by renumbering and changing Section 5-45.35 as added
6 by Public Act 103-568 as follows:

7 (5 ILCS 100/5-45.52)

8 (Section scheduled to be repealed on December 8, 2024)

9 Sec. 5-45.52 ~~5-45.35~~. Emergency rulemaking; Public Act
10 103-568 ~~this amendatory Act of the 103rd General Assembly~~. To
11 provide for the expeditious and timely implementation of
12 Public Act 103-568 ~~this amendatory Act of the 103rd General~~
13 ~~Assembly~~, emergency rules implementing Public Act 103-568 ~~this~~
14 ~~amendatory Act of the 103rd General Assembly~~ may be adopted in
15 accordance with Section 5-45 by the Department of Financial
16 and Professional Regulation. The adoption of emergency rules
17 authorized by Section 5-45 and this Section is deemed to be
18 necessary for the public interest, safety, and welfare.

19 This Section is repealed on August 4, 2025 ~~one year after~~
20 ~~the effective date of this amendatory Act of the 103rd General~~
21 ~~Assembly~~.

22 (Source: P.A. 103-568, eff. 12-8-23; revised 12-22-23.)

1 Section 10. The Department of Professional Regulation Law
2 of the Civil Administrative Code of Illinois is amended by
3 changing Section 2105-380 as follows:

4 (20 ILCS 2105/2105-380)

5 (Section scheduled to be repealed on December 8, 2024)

6 Sec. 2105-380. Extension of expiration dates or renewal
7 periods for specified licenses, registrations, or
8 certificates.

9 (a) If the Secretary finds that there is a significant
10 operational need to do so or that it is necessary to do so to
11 avoid undue hardship on a class of individuals whose
12 professional licenses, registrations, or certificates are
13 issued by the Department, then the Secretary shall extend the
14 expiration date or renewal period of the license,
15 registration, or certificate of those individuals for a period
16 not to exceed the standard renewal period for those licenses,
17 registrations, or certificates. Factors that may be considered
18 by the Secretary when determining whether to extend the
19 expiration date or renewal period shall include, but are not
20 limited to:

21 (1) the number of applications pending;

22 (2) the percentage of applicants or licensees,
23 registrants, or certificate holders waiting for Department
24 action on their applications compared to the number of
25 licensees, registrants, or certificate holders in the

1 profession;

2 (3) the number of licenses, registrations, or
3 certificates that have expired while pending Department
4 action on renewal;

5 (4) whether there is a shortage of licensees,
6 registrants, or certificate holders providing the
7 professional service;

8 (5) the potential impact on the Department's
9 operational budget; and

10 (6) any other licensing-related factors that are
11 deemed relevant by the Department and are prescribed by
12 rule.

13 (b) The Secretary shall waive the payment of late fees for
14 a licensee, registrant, or certificate holder in a profession
15 whose expiration date or renewal period has been extended
16 under this Section and in those cases where Department
17 processing delays result in the expiration of a license,
18 registration, or certificate.

19 (c) The Department may adopt rules or emergency rules to
20 implement and administer this Section.

21 (d) This Section is repealed January 1, 2026 ~~one year~~
22 ~~after the effective date of this amendatory Act of the 103rd~~
23 ~~General Assembly.~~

24 (Source: P.A. 103-568, eff. 12-8-23.)

25 Section 15. The Illinois Grant Funds Recovery Act is

1 amended by changing Section 5.1 as follows:

2 (30 ILCS 705/5.1)

3 (Section scheduled to be repealed on July 31, 2024)

4 Sec. 5.1. Restoration of grant award.

5 (a) A grantee who received an award pursuant to the Open
6 Space Lands Acquisition and Development Act who was unable to
7 complete the project within the 2 years required by Section 5
8 due to the COVID-19 public health emergency, and whose grant
9 agreement expired between January 1, 2021 and July 29, 2021,
10 shall be eligible for an award under the same terms as the
11 expired grant agreement, subject to the availability of
12 appropriated moneys in the fund from which the original
13 disbursement to the grantee was made. The grantee must
14 demonstrate prior compliance with the terms and conditions of
15 the expired award to be eligible for funding under this
16 Section.

17 (b) Any grant funds not expended or legally obligated by
18 the expiration of the newly executed agreement must be
19 returned to the grantor agency within 45 days, if the funds are
20 not already on deposit with the grantor agency or the State
21 Treasurer. Such returned funds shall be deposited into the
22 fund from which the original grant disbursement to the grantee
23 was made.

24 (c) This Section is repealed on July 1, 2025 ~~July 31, 2024~~.

25 (Source: P.A. 102-699, eff. 4-19-22.)

1 Section 20. The Small Wireless Facilities Deployment Act
2 is amended by changing Sections 15, 25, and 90 as follows:

3 (50 ILCS 840/15) (was 50 ILCS 835/15)

4 (Section scheduled to be repealed on December 31, 2024)

5 Sec. 15. Regulation of small wireless facilities.

6 (a) This Section applies to activities of a wireless
7 provider within or outside rights-of-way.

8 (b) Except as provided in this Section, an authority may
9 not prohibit, regulate, or charge for the collocation of small
10 wireless facilities.

11 (c) Small wireless facilities shall be classified as
12 permitted uses and subject to administrative review in
13 conformance with this Act, except as provided in paragraph (5)
14 of subsection (d) of this Section regarding height exceptions
15 or variances, but not subject to zoning review or approval if
16 they are collocated (i) in rights-of-way in any zone, or (ii)
17 outside rights-of-way in property zoned exclusively for
18 commercial or industrial use.

19 (d) An authority may require an applicant to obtain one or
20 more permits to collocate a small wireless facility. An
21 authority shall receive applications for, process, and issue
22 permits subject to the following requirements:

23 (1) An authority may not directly or indirectly
24 require an applicant to perform services unrelated to the

1 collocation for which approval is sought, such as in-kind
2 contributions to the authority, including reserving fiber,
3 conduit, or utility pole space for the authority on the
4 wireless provider's utility pole. An authority may reserve
5 space on authority utility poles for future public safety
6 uses or for the authority's electric utility uses, but a
7 reservation of space may not preclude the collocation of a
8 small wireless facility unless the authority reasonably
9 determines that the authority utility pole cannot
10 accommodate both uses.

11 (2) An applicant shall not be required to provide more
12 information to obtain a permit than the authority requires
13 of a communications service provider that is not a
14 wireless provider that requests to attach facilities to a
15 structure; however, a wireless provider may be required to
16 provide the following information when seeking a permit to
17 collocate small wireless facilities on a utility pole or
18 wireless support structure:

19 (A) site specific structural integrity and, for an
20 authority utility pole, make-ready analysis prepared
21 by a structural engineer, as that term is defined in
22 Section 4 of the Structural Engineering Practice Act
23 of 1989;

24 (B) the location where each proposed small
25 wireless facility or utility pole would be installed
26 and photographs of the location and its immediate

1 surroundings depicting the utility poles or structures
2 on which each proposed small wireless facility would
3 be mounted or location where utility poles or
4 structures would be installed;

5 (C) specifications and drawings prepared by a
6 structural engineer, as that term is defined in
7 Section 4 of the Structural Engineering Practice Act
8 of 1989, for each proposed small wireless facility
9 covered by the application as it is proposed to be
10 installed;

11 (D) the equipment type and model numbers for the
12 antennas and all other wireless equipment associated
13 with the small wireless facility;

14 (E) a proposed schedule for the installation and
15 completion of each small wireless facility covered by
16 the application, if approved;

17 (F) certification that the collocation complies
18 with paragraph (6) to the best of the applicant's
19 knowledge; and

20 (G) the wireless provider's certification from a
21 radio engineer that it operates the small wireless
22 facility within all applicable FCC standards.

23 (3) Subject to paragraph (6), an authority may not
24 require the placement of small wireless facilities on any
25 specific utility pole, or category of utility poles, or
26 require multiple antenna systems on a single utility pole;

1 however, with respect to an application for the
2 collocation of a small wireless facility associated with a
3 new utility pole, an authority may propose that the small
4 wireless facility be collocated on an existing utility
5 pole or existing wireless support structure within 200
6 feet of the proposed collocation, which the applicant
7 shall accept if it has the right to use the alternate
8 structure on reasonable terms and conditions and the
9 alternate location and structure does not impose technical
10 limits or additional material costs as determined by the
11 applicant. The authority may require the applicant to
12 provide a written certification describing the property
13 rights, technical limits or material cost reasons the
14 alternate location does not satisfy the criteria in this
15 paragraph (3).

16 (4) Subject to paragraph (6), an authority may not
17 limit the placement of small wireless facilities mounted
18 on a utility pole or a wireless support structure by
19 minimum horizontal separation distances.

20 (5) An authority may limit the maximum height of a
21 small wireless facility to 10 feet above the utility pole
22 or wireless support structure on which the small wireless
23 facility is collocated. Subject to any applicable waiver,
24 zoning, or other process that addresses wireless provider
25 requests for an exception or variance and does not
26 prohibit granting of such exceptions or variances, the

1 authority may limit the height of new or replacement
2 utility poles or wireless support structures on which
3 small wireless facilities are collocated to the higher of:
4 (i) 10 feet in height above the tallest existing utility
5 pole, other than a utility pole supporting only wireless
6 facilities, that is in place on the date the application
7 is submitted to the authority, that is located within 300
8 feet of the new or replacement utility pole or wireless
9 support structure and that is in the same right-of-way
10 within the jurisdictional boundary of the authority,
11 provided the authority may designate which intersecting
12 right-of-way within 300 feet of the proposed utility pole
13 or wireless support structures shall control the height
14 limitation for such facility; or (ii) 45 feet above ground
15 level.

16 (6) An authority may require that:

17 (A) the wireless provider's operation of the small
18 wireless facilities does not interfere with the
19 frequencies used by a public safety agency for public
20 safety communications; a wireless provider shall
21 install small wireless facilities of the type and
22 frequency that will not cause unacceptable
23 interference with a public safety agency's
24 communications equipment; unacceptable interference
25 will be determined by and measured in accordance with
26 industry standards and the FCC's regulations

1 addressing unacceptable interference to public safety
2 spectrum or any other spectrum licensed by a public
3 safety agency; if a small wireless facility causes
4 such interference, and the wireless provider has been
5 given written notice of the interference by the public
6 safety agency, the wireless provider, at its own
7 expense, shall take all reasonable steps necessary to
8 correct and eliminate the interference, including, but
9 not limited to, powering down the small wireless
10 facility and later powering up the small wireless
11 facility for intermittent testing, if necessary; the
12 authority may terminate a permit for a small wireless
13 facility based on such interference if the wireless
14 provider is not making a good faith effort to remedy
15 the problem in a manner consistent with the abatement
16 and resolution procedures for interference with public
17 safety spectrum established by the FCC including 47
18 CFR 22.970 through 47 CFR 22.973 and 47 CFR 90.672
19 through 47 CFR 90.675;

20 (B) the wireless provider comply with requirements
21 that are imposed by a contract between an authority
22 and a private property owner that concern design or
23 construction standards applicable to utility poles and
24 ground-mounted equipment located in the right-of-way;

25 (C) the wireless provider comply with applicable
26 spacing requirements in applicable codes and

1 ordinances concerning the location of ground-mounted
2 equipment located in the right-of-way if the
3 requirements include a waiver, zoning, or other
4 process that addresses wireless provider requests for
5 exception or variance and do not prohibit granting of
6 such exceptions or variances;

7 (D) the wireless provider comply with local code
8 provisions or regulations concerning undergrounding
9 requirements that prohibit the installation of new or
10 the modification of existing utility poles in a
11 right-of-way without prior approval if the
12 requirements include a waiver, zoning, or other
13 process that addresses requests to install such new
14 utility poles or modify such existing utility poles
15 and do not prohibit the replacement of utility poles;

16 (E) the wireless provider comply with generally
17 applicable standards that are consistent with this Act
18 and adopted by an authority for construction and
19 public safety in the rights-of-way, including, but not
20 limited to, reasonable and nondiscriminatory wiring
21 and cabling requirements, grounding requirements,
22 utility pole extension requirements, acoustic
23 regulations, and signage limitations; and shall comply
24 with reasonable and nondiscriminatory requirements
25 that are consistent with this Act and adopted by an
26 authority regulating the location, size, surface area

1 and height of small wireless facilities, or the
2 abandonment and removal of small wireless facilities;

3 (F) the wireless provider not collocate small
4 wireless facilities on authority utility poles that
5 are part of an electric distribution or transmission
6 system within the communication worker safety zone of
7 the pole or the electric supply zone of the pole;
8 however, the antenna and support equipment of the
9 small wireless facility may be located in the
10 communications space on the authority utility pole and
11 on the top of the pole, if not otherwise unavailable,
12 if the wireless provider complies with applicable
13 codes for work involving the top of the pole; for
14 purposes of this subparagraph (F), the terms
15 "communications space", "communication worker safety
16 zone", and "electric supply zone" have the meanings
17 given to those terms in the National Electric Safety
18 Code as published by the Institute of Electrical and
19 Electronics Engineers;

20 (G) the wireless provider comply with the
21 applicable codes and local code provisions or
22 regulations that concern public safety;

23 (H) the wireless provider comply with written
24 design standards that are generally applicable for
25 decorative utility poles, or reasonable stealth,
26 concealment, and aesthetic requirements that are

1 identified by the authority in an ordinance, written
2 policy adopted by the governing board of the
3 authority, a comprehensive plan, or other written
4 design plan that applies to other occupiers of the
5 rights-of-way, including on a historic landmark or in
6 a historic district;

7 (I) subject to subsection (c) of this Section, and
8 except for facilities excluded from evaluation for
9 effects on historic properties under 47 CFR
10 1.1307(a)(4), reasonable, technically feasible and
11 non-discriminatory design or concealment measures in a
12 historic district or historic landmark; any such
13 design or concealment measures, including restrictions
14 on a specific category of poles, may not have the
15 effect of prohibiting any provider's technology; such
16 design and concealment measures shall not be
17 considered a part of the small wireless facility for
18 purposes of the size restrictions of a small wireless
19 facility; this paragraph may not be construed to limit
20 an authority's enforcement of historic preservation in
21 conformance with the requirements adopted pursuant to
22 the Illinois State Agency Historic Resources
23 Preservation Act or the National Historic Preservation
24 Act of 1966, 54 U.S.C. Section 300101 et seq., and the
25 regulations adopted to implement those laws; and

26 (J) When a wireless provider replaces or adds a

1 new radio transceiver or antennas to an existing small
2 wireless facility, certification by the wireless
3 provider from a radio engineer that the continuing
4 operation of the small wireless facility complies with
5 all applicable FCC standards.

6 (7) Within 30 days after receiving an application, an
7 authority must determine whether the application is
8 complete and notify the applicant. If an application is
9 incomplete, an authority must specifically identify the
10 missing information. An application shall be deemed
11 complete if the authority fails to provide notification to
12 the applicant within 30 days after when all documents,
13 information, and fees specifically enumerated in the
14 authority's permit application form are submitted by the
15 applicant to the authority. Processing deadlines are
16 tolled from the time the authority sends the notice of
17 incompleteness to the time the applicant provides the
18 missing information.

19 (8) An authority shall process applications as
20 follows:

21 (A) an application to collocate a small wireless
22 facility on an existing utility pole or wireless
23 support structure shall be processed on a
24 nondiscriminatory basis and deemed approved if the
25 authority fails to approve or deny the application
26 within 90 days; however, if an applicant intends to

1 proceed with the permitted activity on a deemed
2 approved basis, the applicant must notify the
3 authority in writing of its intention to invoke the
4 deemed approved remedy no sooner than 75 days after
5 the submission of a completed application; the permit
6 shall be deemed approved on the latter of the 90th day
7 after submission of the complete application or the
8 10th day after the receipt of the deemed approved
9 notice by the authority; the receipt of the deemed
10 approved notice shall not preclude the authority's
11 denial of the permit request within the time limits as
12 provided under this Act; and

13 (B) an application to collocate a small wireless
14 facility that includes the installation of a new
15 utility pole shall be processed on a nondiscriminatory
16 basis and deemed approved if the authority fails to
17 approve or deny the application within 120 days;
18 however, if an applicant intends to proceed with the
19 permitted activity on a deemed approved basis, the
20 applicant must notify the authority in writing of its
21 intention to invoke the deemed approved remedy no
22 sooner than 105 days after the submission of a
23 completed application; the permit shall be deemed
24 approved on the latter of the 120th day after
25 submission of the complete application or the 10th day
26 after the receipt of the deemed approved notice by the

1 authority; the receipt of the deemed approved notice
2 shall not preclude the authority's denial of the
3 permit request within the time limits as provided
4 under this Act.

5 (9) An authority shall approve an application unless
6 the application does not meet the requirements of this
7 Act. If an authority determines that applicable codes,
8 local code provisions or regulations that concern public
9 safety, or the requirements of paragraph (6) require that
10 the utility pole or wireless support structure be replaced
11 before the requested collocation, approval may be
12 conditioned on the replacement of the utility pole or
13 wireless support structure at the cost of the provider.
14 The authority must document the basis for a denial,
15 including the specific code provisions or application
16 conditions on which the denial was based, and send the
17 documentation to the applicant on or before the day the
18 authority denies an application. The applicant may cure
19 the deficiencies identified by the authority and resubmit
20 the revised application once within 30 days after notice
21 of denial is sent to the applicant without paying an
22 additional application fee. The authority shall approve or
23 deny the revised application within 30 days after the
24 applicant resubmits the application or it is deemed
25 approved; however, the applicant must notify the authority
26 in writing of its intention to proceed with the permitted

1 activity on a deemed approved basis, which may be
2 submitted with the resubmitted application. Any subsequent
3 review shall be limited to the deficiencies cited in the
4 denial. However, this revised application cure does not
5 apply if the cure requires the review of a new location,
6 new or different structure to be collocated upon, new
7 antennas, or other wireless equipment associated with the
8 small wireless facility.

9 (10) The time period for applications may be further
10 tolled by:

11 (A) the express agreement in writing by both the
12 applicant and the authority; or

13 (B) a local, State, or federal disaster
14 declaration or similar emergency that causes the
15 delay.

16 (11) An applicant seeking to collocate small wireless
17 facilities within the jurisdiction of a single authority
18 shall be allowed, at the applicant's discretion, to file a
19 consolidated application and receive a single permit for
20 the collocation of up to 25 small wireless facilities if
21 the collocations each involve substantially the same type
22 of small wireless facility and substantially the same type
23 of structure. If an application includes multiple small
24 wireless facilities, the authority may remove small
25 wireless facility collocations from the application and
26 treat separately small wireless facility collocations for

1 which incomplete information has been provided or that do
2 not qualify for consolidated treatment or that are denied.
3 The authority may issue separate permits for each
4 collocation that is approved in a consolidated
5 application.

6 (12) Collocation for which a permit is granted shall
7 be completed within 180 days after issuance of the permit,
8 unless the authority and the wireless provider agree to
9 extend this period or a delay is caused by make-ready work
10 for an authority utility pole or by the lack of commercial
11 power or backhaul availability at the site, provided the
12 wireless provider has made a timely request within 60 days
13 after the issuance of the permit for commercial power or
14 backhaul services, and the additional time to complete
15 installation does not exceed 360 days after issuance of
16 the permit. Otherwise, the permit shall be void unless the
17 authority grants an extension in writing to the applicant.

18 (13) The duration of a permit shall be for a period of
19 not less than 5 years, and the permit shall be renewed for
20 equivalent durations unless the authority makes a finding
21 that the small wireless facilities or the new or modified
22 utility pole do not comply with the applicable codes or
23 local code provisions or regulations in paragraphs (6) and
24 (9). If this Act is repealed as provided in Section 90,
25 renewals of permits shall be subject to the applicable
26 authority code provisions or regulations in effect at the

1 time of renewal.

2 (14) An authority may not prohibit, either expressly
3 or de facto, the (i) filing, receiving, or processing
4 applications, or (ii) issuing of permits or other
5 approvals, if any, for the collocation of small wireless
6 facilities unless there has been a local, State, or
7 federal disaster declaration or similar emergency that
8 causes the delay.

9 (15) Applicants shall submit applications, supporting
10 information, and notices by personal delivery or as
11 otherwise required by the authority. An authority may
12 require that permits, supporting information, and notices
13 be submitted by personal delivery at the authority's
14 designated place of business, by regular mail postmarked
15 on the date due, or by any other commonly used means,
16 including electronic mail, as required by the authority.

17 (e) Application fees are subject to the following
18 requirements:

19 (1) An authority may charge an application fee of up
20 to \$650 for an application to collocate a single small
21 wireless facility on an existing utility pole or wireless
22 support structure and up to \$350 for each small wireless
23 facility addressed in an application to collocate more
24 than one small wireless facility on existing utility poles
25 or wireless support structures.

26 (2) An authority may charge an application fee of

1 \$1,000 for each small wireless facility addressed in an
2 application that includes the installation of a new
3 utility pole for such collocation.

4 (3) Notwithstanding any contrary provision of State
5 law or local ordinance, applications pursuant to this
6 Section must be accompanied by the required application
7 fee.

8 (4) Within 2 months after the effective date of this
9 Act, an authority shall make available application fees
10 consistent with this subsection, through ordinance, or in
11 a written schedule of permit fees adopted by the
12 authority.

13 (5) Notwithstanding any provision of this Act to the
14 contrary, an authority may charge recurring rates and
15 application fees up to the amount permitted by the Federal
16 Communication Commission in its Declaratory Ruling and
17 Third Report and Order adopted on September 26, 2018 in WT
18 Docket Nos. 17-70, 17-84 and cited as 33 FCC Rcd 9088,
19 9129, or any subsequent ruling, order, or guidance issued
20 by the Federal Communication Commission regarding fees and
21 recurring rates.

22 (f) An authority shall not require an application,
23 approval, or permit, or require any fees or other charges,
24 from a communications service provider authorized to occupy
25 the rights-of-way, for: (i) routine maintenance; (ii) the
26 replacement of wireless facilities with wireless facilities

1 that are substantially similar, the same size, or smaller if
2 the wireless provider notifies the authority at least 10 days
3 prior to the planned replacement and includes equipment
4 specifications for the replacement of equipment consistent
5 with the requirements of subparagraph (D) of paragraph (2) of
6 subsection (d) of this Section; or (iii) the installation,
7 placement, maintenance, operation, or replacement of micro
8 wireless facilities that are suspended on cables that are
9 strung between existing utility poles in compliance with
10 applicable safety codes. However, an authority may require a
11 permit to work within rights-of-way for activities that affect
12 traffic patterns or require lane closures.

13 (g) Nothing in this Act authorizes a person to collocate
14 small wireless facilities on: (1) property owned by a private
15 party or property owned or controlled by a unit of local
16 government that is not located within rights-of-way, subject
17 to subsection (j) of this Section, or a privately owned
18 utility pole or wireless support structure without the consent
19 of the property owner; (2) property owned, leased, or
20 controlled by a park district, forest preserve district, or
21 conservation district for public park, recreation, or
22 conservation purposes without the consent of the affected
23 district, excluding the placement of facilities on
24 rights-of-way located in an affected district that are under
25 the jurisdiction and control of a different unit of local
26 government as provided by the Illinois Highway Code; or (3)

1 property owned by a rail carrier registered under Section
2 18c-7201 of the Illinois Vehicle Code, Metra Commuter Rail or
3 any other public commuter rail service, or an electric utility
4 as defined in Section 16-102 of the Public Utilities Act,
5 without the consent of the rail carrier, public commuter rail
6 service, or electric utility. The provisions of this Act do
7 not apply to an electric or gas public utility or such
8 utility's wireless facilities if the facilities are being
9 used, developed, and maintained consistent with the provisions
10 of subsection (i) of Section 16-108.5 of the Public Utilities
11 Act.

12 For the purposes of this subsection, "public utility" has
13 the meaning given to that term in Section 3-105 of the Public
14 Utilities Act. Nothing in this Act shall be construed to
15 relieve any person from any requirement (1) to obtain a
16 franchise or a State-issued authorization to offer cable
17 service or video service or (2) to obtain any required
18 permission to install, place, maintain, or operate
19 communications facilities, other than small wireless
20 facilities subject to this Act.

21 (h) Agreements between authorities and wireless providers
22 that relate to the collocation of small wireless facilities in
23 the right-of-way, including the collocation of small wireless
24 facilities on authority utility poles, that are in effect on
25 the effective date of this Act remain in effect for all small
26 wireless facilities collocated on the authority's utility

1 poles pursuant to applications submitted to the authority
2 before the effective date of this Act, subject to applicable
3 termination provisions. Such agreements entered into after the
4 effective date of the Act shall comply with the Act.

5 (i) An authority shall allow the collocation of small
6 wireless facilities on authority utility poles subject to the
7 following:

8 (1) An authority may not enter into an exclusive
9 arrangement with any person for the right to attach small
10 wireless facilities to authority utility poles.

11 (2) The rates and fees for collocations on authority
12 utility poles shall be nondiscriminatory regardless of the
13 services provided by the collocating person.

14 (3) An authority may charge an annual recurring rate
15 to collocate a small wireless facility on an authority
16 utility pole located in a right-of-way that equals (i)
17 \$270 ~~\$200~~ per year or (ii) the actual, direct, and
18 reasonable costs related to the wireless provider's use of
19 space on the authority utility pole. Rates for collocation
20 on authority utility poles located outside of a
21 right-of-way are not subject to these limitations. In any
22 controversy concerning the appropriateness of a cost-based
23 rate for an authority utility pole located within a
24 right-of-way, the authority shall have the burden of
25 proving that the rate does not exceed the actual, direct,
26 and reasonable costs for the applicant's proposed use of

1 the authority utility pole. Nothing in this paragraph (3)
2 prohibits a wireless provider and an authority from
3 mutually agreeing to an annual recurring rate of less than
4 \$270 ~~\$200~~ to collocate a small wireless facility on an
5 authority utility pole.

6 (4) Authorities or other persons owning or controlling
7 authority utility poles within the right-of-way shall
8 offer rates, fees, and other terms that comply with
9 subparagraphs (A) through (E) of this paragraph (4).
10 Within 2 months after the effective date of this Act, an
11 authority or a person owning or controlling authority
12 utility poles shall make available, through ordinance or
13 an authority utility pole attachment agreement, license or
14 other agreement that makes available to wireless
15 providers, the rates, fees, and terms for the collocation
16 of small wireless facilities on authority utility poles
17 that comply with this Act and with subparagraphs (A)
18 through (E) of this paragraph (4). In the absence of such
19 an ordinance or agreement that complies with this Act, and
20 until such a compliant ordinance or agreement is adopted,
21 wireless providers may collocate small wireless facilities
22 and install utility poles under the requirements of this
23 Act.

24 (A) The rates, fees, and terms must be
25 nondiscriminatory, competitively neutral, and
26 commercially reasonable, and may address, among other

1 requirements, the requirements in subparagraphs (A)
2 through (I) of paragraph (6) of subsection (d) of this
3 Section; subsections (e), (i), and (k) of this
4 Section; Section 30; and Section 35, and must comply
5 with this Act.

6 (B) For authority utility poles that support
7 aerial facilities used to provide communications
8 services or electric service, wireless providers shall
9 comply with the process for make-ready work under 47
10 U.S.C. 224 and its implementing regulations, and the
11 authority shall follow a substantially similar process
12 for make-ready work except to the extent that the
13 timing requirements are otherwise addressed in this
14 Act. The good-faith estimate of the person owning or
15 controlling the authority utility pole for any
16 make-ready work necessary to enable the pole to
17 support the requested collocation shall include
18 authority utility pole replacement, if necessary.

19 (C) For authority utility poles that do not
20 support aerial facilities used to provide
21 communications services or electric service, the
22 authority shall provide a good-faith estimate for any
23 make-ready work necessary to enable the authority
24 utility pole to support the requested collocation,
25 including pole replacement, if necessary, within 90
26 days after receipt of a complete application.

1 Make-ready work, including any authority utility pole
2 replacement, shall be completed within 60 days of
3 written acceptance of the good-faith estimate by the
4 applicant at the wireless provider's sole cost and
5 expense. Alternatively, if the authority determines
6 that applicable codes or public safety regulations
7 require the authority utility pole to be replaced to
8 support the requested collocation, the authority may
9 require the wireless provider to replace the authority
10 utility pole at the wireless provider's sole cost and
11 expense.

12 (D) The authority shall not require more
13 make-ready work than required to meet applicable codes
14 or industry standards. Make-ready work may include
15 work needed to accommodate additional public safety
16 communications needs that are identified in a
17 documented and approved plan for the deployment of
18 public safety equipment as specified in paragraph (1)
19 of subsection (d) of this Section and included in an
20 existing or preliminary authority or public service
21 agency budget for attachment within one year of the
22 application. Fees for make-ready work, including any
23 authority utility pole replacement, shall not exceed
24 actual costs or the amount charged to communications
25 service providers for similar work and shall not
26 include any consultants' fees or expenses for

1 authority utility poles that do not support aerial
2 facilities used to provide communications services or
3 electric service. Make-ready work, including any pole
4 replacement, shall be completed within 60 days of
5 written acceptance of the good-faith estimate by the
6 wireless provider, at its sole cost and expense.

7 (E) A wireless provider that has an existing
8 agreement with the authority on the effective date of
9 the Act may accept the rates, fees, and terms that an
10 authority makes available under this Act for the
11 collocation of small wireless facilities or the
12 installation of new utility poles for the collocation
13 of small wireless facilities that are the subject of
14 an application submitted 2 or more years after the
15 effective date of the Act as provided in this
16 paragraph (4) by notifying the authority that it opts
17 to accept such rates, fees, and terms. The existing
18 agreement remains in effect, subject to applicable
19 termination provisions, for the small wireless
20 facilities the wireless provider has collocated on the
21 authority's utility poles pursuant to applications
22 submitted to the authority before the wireless
23 provider provides such notice and exercises its option
24 under this subparagraph.

25 (5) Notwithstanding any provision of this Act to the
26 contrary, an authority may charge recurring rates and

1 application fees up to the amount permitted by the Federal
2 Communication Commission in its Declaratory Ruling and
3 Third Report and Order adopted on September 26, 2018 in WT
4 Docket Nos. 17-70, 17-84 and cited as 33 FCC Rcd 9088,
5 9129, or any subsequent ruling, order, or guidance issued
6 by the Federal Communication Commission regarding fees and
7 recurring rates.

8 (j) An authority shall authorize the collocation of small
9 wireless facilities on utility poles owned or controlled by
10 the authority that are not located within rights-of-way to the
11 same extent the authority currently permits access to utility
12 poles for other commercial projects or uses. The collocations
13 shall be subject to reasonable and nondiscriminatory rates,
14 fees, and terms as provided in an agreement between the
15 authority and the wireless provider.

16 (k) Nothing in this Section precludes an authority from
17 adopting reasonable rules with respect to the removal of
18 abandoned small wireless facilities. A small wireless facility
19 that is not operated for a continuous period of 12 months shall
20 be considered abandoned and the owner of the facility must
21 remove the small wireless facility within 90 days after
22 receipt of written notice from the authority notifying the
23 owner of the abandonment. The notice shall be sent by
24 certified or registered mail, return receipt requested, by the
25 authority to the owner at the last known address of the owner.
26 If the small wireless facility is not removed within 90 days of

1 such notice, the authority may remove or cause the removal of
2 the facility pursuant to the terms of its pole attachment
3 agreement for authority utility poles or through whatever
4 actions are provided for abatement of nuisances or by other
5 law for removal and cost recovery. An authority may require a
6 wireless provider to provide written notice to the authority
7 if it sells or transfers small wireless facilities subject to
8 this Act within the jurisdictional boundary of the authority.
9 Such notice shall include the name and contact information of
10 the new wireless provider.

11 (1) Nothing in this Section requires an authority to
12 install or maintain any specific utility pole or to continue
13 to install or maintain utility poles in any location if the
14 authority makes a non-discriminatory decision to eliminate
15 above-ground utility poles of a particular type generally,
16 such as electric utility poles, in all or a significant
17 portion of its geographic jurisdiction. For authority utility
18 poles with collocated small wireless facilities in place when
19 an authority makes a decision to eliminate above-ground
20 utility poles of a particular type generally, the authority
21 shall either (i) continue to maintain the authority utility
22 pole or install and maintain a reasonable alternative utility
23 pole or wireless support structure for the collocation of the
24 small wireless facility, or (ii) offer to sell the utility
25 pole to the wireless provider at a reasonable cost or allow the
26 wireless provider to install its own utility pole so it can

1 maintain service from that location.

2 (Source: P.A. 102-9, eff. 6-3-21; 102-21, eff. 6-25-21.)

3 (50 ILCS 840/25) (was 50 ILCS 835/25)

4 (Section scheduled to be repealed on December 31, 2024)

5 Sec. 25. Dispute resolution. A circuit court has
6 jurisdiction to resolve all disputes arising under this Act.
7 Pending resolution of a dispute concerning rates for
8 collocation of small wireless facilities on authority utility
9 poles within the right-of-way, the authority shall allow the
10 collocating person to collocate on its poles at annual rates
11 of no more than \$270 ~~\$200~~ per year per authority utility pole,
12 with rates to be determined upon final resolution of the
13 dispute.

14 (Source: P.A. 102-21, eff. 6-25-21.)

15 (50 ILCS 840/90) (was 50 ILCS 835/90)

16 (Section scheduled to be repealed on December 31, 2024)

17 Sec. 90. Repeal. This Act is repealed on January 1, 2030
18 ~~December 31, 2024~~.

19 (Source: P.A. 102-9, eff. 6-3-21; 102-21, eff. 6-25-21.)

20 Section 25. The Illinois Municipal Code is amended by
21 changing Sections 8-3-14b and 8-3-14c as follows:

22 (65 ILCS 5/8-3-14b)

1 (Section scheduled to be repealed on January 1, 2025)

2 Sec. 8-3-14b. Municipal hotel operators' tax in DuPage
3 County. For any municipality located within DuPage County that
4 belongs to a not-for-profit organization headquartered in
5 DuPage County that is recognized by the Department of Commerce
6 and Economic Opportunity as a certified local tourism and
7 convention bureau entitled to receive State tourism grant
8 funds, not less than 75% of the amounts collected pursuant to
9 Section 8-3-14 shall be expended by the municipality to
10 promote tourism and conventions within that municipality or
11 otherwise to attract nonresident overnight visitors to the
12 municipality, and the remainder of the amounts collected by a
13 municipality within DuPage County pursuant to Section 8-3-14
14 may be expended by the municipality for economic development
15 or capital infrastructure.

16 This Section is repealed on January 1, 2027 ~~2025~~.

17 (Source: P.A. 101-204, eff. 8-2-19; 102-699, eff. 4-19-22.)

18 (65 ILCS 5/8-3-14c)

19 (Section scheduled to be repealed on January 1, 2025)

20 Sec. 8-3-14c. Municipal hotel use tax in DuPage County.
21 For any municipality located within DuPage County that belongs
22 to a not-for-profit organization headquartered in DuPage
23 County that is recognized by the Department of Commerce and
24 Economic Opportunity as a certified local tourism and
25 convention bureau entitled to receive State tourism grant

1 funds, not less than 75% of the amounts collected pursuant to
2 Section 8-3-14a shall be expended by the municipality to
3 promote tourism and conventions within that municipality or
4 otherwise to attract nonresident overnight visitors to the
5 municipality, and the remainder of the amounts collected by a
6 municipality within DuPage County pursuant to Section 8-3-14a
7 may be expended by the municipality for economic development
8 or capital infrastructure.

9 This Section is repealed on January 1, 2027 ~~2025~~.

10 (Source: P.A. 101-204, eff. 8-2-19; 102-699, eff. 4-19-22.)

11 Section 30. The School Code is amended by changing Section
12 17-2A as follows:

13 (105 ILCS 5/17-2A) (from Ch. 122, par. 17-2A)

14 Sec. 17-2A. Interfund transfers.

15 (a) The school board of any district having a population
16 of less than 500,000 inhabitants may, by proper resolution
17 following a public hearing set by the school board or the
18 president of the school board (that is preceded (i) by at least
19 one published notice over the name of the clerk or secretary of
20 the board, occurring at least 7 days and not more than 30 days
21 prior to the hearing, in a newspaper of general circulation
22 within the school district and (ii) by posted notice over the
23 name of the clerk or secretary of the board, at least 48 hours
24 before the hearing, at the principal office of the school

1 board or at the building where the hearing is to be held if a
2 principal office does not exist, with both notices setting
3 forth the time, date, place, and subject matter of the
4 hearing), transfer money from (1) the Educational Fund to the
5 Operations and Maintenance Fund or the Transportation Fund,
6 (2) the Operations and Maintenance Fund to the Educational
7 Fund or the Transportation Fund, (3) the Transportation Fund
8 to the Educational Fund or the Operations and Maintenance
9 Fund, or (4) the Tort Immunity Fund to the Operations and
10 Maintenance Fund of said district, provided that, except
11 during the period from July 1, 2003 through June 30, 2026 ~~2024~~,
12 such transfer is made solely for the purpose of meeting
13 one-time, non-recurring expenses. Except during the period
14 from July 1, 2003 through June 30, 2026 and except as otherwise
15 provided in subsection (b) of this Section, any other
16 permanent interfund transfers authorized by any provision or
17 judicial interpretation of this Code for which the transferee
18 fund is not precisely and specifically set forth in the
19 provision of this Code authorizing such transfer shall be made
20 to the fund of the school district most in need of the funds
21 being transferred, as determined by resolution of the school
22 board.

23 (b) (Blank).

24 (c) Notwithstanding subsection (a) of this Section or any
25 other provision of this Code to the contrary, the school board
26 of any school district (i) that is subject to the Property Tax

1 Extension Limitation Law, (ii) that is an elementary district
2 servicing students in grades K through 8, (iii) whose
3 territory is in one county, (iv) that is eligible for Section
4 7002 Federal Impact Aid, and (v) that has no more than \$81,000
5 in funds remaining from refinancing bonds that were refinanced
6 a minimum of 5 years prior to January 20, 2017 (the effective
7 date of Public Act 99-926) may make a one-time transfer of the
8 funds remaining from the refinancing bonds to the Operations
9 and Maintenance Fund of the district by proper resolution
10 following a public hearing set by the school board or the
11 president of the school board, with notice as provided in
12 subsection (a) of this Section, so long as the district meets
13 the qualifications set forth in this subsection (c) on January
14 20, 2017 (the effective date of Public Act 99-926).

15 (d) Notwithstanding subsection (a) of this Section or any
16 other provision of this Code to the contrary, the school board
17 of any school district (i) that is subject to the Property Tax
18 Extension Limitation Law, (ii) that is a community unit school
19 district servicing students in grades K through 12, (iii)
20 whose territory is in one county, (iv) that owns property
21 designated by the United States as a Superfund site pursuant
22 to the federal Comprehensive Environmental Response,
23 Compensation and Liability Act of 1980 (42 U.S.C. 9601 et
24 seq.), and (v) that has an excess accumulation of funds in its
25 bond fund, including funds accumulated prior to July 1, 2000,
26 may make a one-time transfer of those excess funds accumulated

1 prior to July 1, 2000 to the Operations and Maintenance Fund of
2 the district by proper resolution following a public hearing
3 set by the school board or the president of the school board,
4 with notice as provided in subsection (a) of this Section, so
5 long as the district meets the qualifications set forth in
6 this subsection (d) on August 4, 2017 (the effective date of
7 Public Act 100-32).

8 (Source: P.A. 101-643, eff. 6-18-20; 102-671, eff. 11-30-21;
9 102-895, eff. 5-23-22.)

10 Section 35. The Public Utilities Act is amended by
11 changing Sections 13-1200 and 21-1601 as follows:

12 (220 ILCS 5/13-1200)

13 (Section scheduled to be repealed on December 31, 2026)

14 Sec. 13-1200. Repealer. This Article is repealed January
15 1, 2030 ~~December 31, 2026~~.

16 (Source: P.A. 101-639, eff. 6-12-20; 102-9, eff. 6-3-21.)

17 (220 ILCS 5/21-1601)

18 Sec. 21-1601. Repealer. Sections 21-101 through 21-1501 of
19 this Article are repealed January 1, 2030 ~~December 31, 2026~~.

20 (Source: P.A. 101-639, eff. 6-12-20; 102-9, eff. 6-3-21.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.