



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB5823

Introduced 4/30/2024, by Rep. Kam Buckner

#### SYNOPSIS AS INTRODUCED:

See Index

Creates the Metropolitan Mobility Authority Act, and establishes the Metropolitan Mobility Authority. Provides that the Chicago Transit Authority, the Commuter Rail Division and the Suburban Bus Division of the Regional Transportation Authority, and the Regional Transportation Authority are consolidated into the Metropolitan Mobility Authority and the Service Boards are abolished, instead creating the Suburban Bus Operating Division, Commuter Rail Operating Division, and the Chicago Transit Operating Division. Reinserts, reorganizes, and changes some provisions from the Metropolitan Transit Authority Act and the Regional Transportation Authority Act into the new Act. Includes provisions about the operation of the Metropolitan Mobility Authority. Repeals the Metropolitan Transit Authority Act and the Regional Transportation Authority Act. Amends various Acts, Laws, and Codes to make conforming changes. Creates the Equitable Transit-Supportive Development Act. Establishes the Office of Transit-Oriented Development and the Transit-Supportive Development Fund. Provides that the Office and the Fund are to aid transit-supportive development near high-quality transit by providing specified funding to municipalities that have adopted the standards in the transit support overlay district for that area or that have adopted zoning and other changes that the Office determines have benefits greater than or equal to such a District, including transit support overlay districts. Includes provisions relating to Office standards, procedures, and reports. Amends the State Finance Act to make a conforming change. Amends the Department of Transportation Law of the Civil Administrative Code. Requires the Department to establish, staff, and support an Office of Public Transportation Support for the purpose of optimizing the operation of public transportation vehicles and the delivery of public transportation services on highways under the Department's jurisdiction in the Metropolitan Mobility Authority's metropolitan region. Describes the duties and operations of the Office. Amends the Toll Highway Act. Provides that the Chair of the Metropolitan Mobility Authority is a nonvoting member of the Illinois State Toll Highway Authority.

LRB103 40434 AWJ 72767 b

1 AN ACT concerning local government.

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

4 Article I. METROPOLITAN MOBILITY AUTHORITY

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

9 Section 1.02. Legislative findings and purpose.

10 (a) The General Assembly finds:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25

## Article II. CREATION AND ORGANIZATION



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

6           Section 2.02. Territory and annexation.

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

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

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

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

23 Section 2.04. Board of Directors.

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

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

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

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

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

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

16 (5) the following nonvoting Directors:

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

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

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

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

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

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

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

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

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

22          Section 2.05. Director qualifications.

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

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

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

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

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

19 Section 2.07. Board Chair and other officers.

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

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

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

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

20           Section 2.08. Terms and vacancies.

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

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

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

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

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

25 Section 2.09. Compensation. Each Director, including the

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

8 Section 2.10. Meetings.

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

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



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

10 Section 2.11. Director liability.

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

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

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

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

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

23

## Article III. TRANSITION

1 Section 3.01. Transition Committee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

14 Article IV. POWERS

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

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

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

1 region meets those goals, objectives, and standards;

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

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

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

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

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

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

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

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

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

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

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

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

10 (1) to sue and be sued;

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

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

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

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

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

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

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

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

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

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

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

1 transportation agency;

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

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

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

17 Section 4.03. Purchase of transit services.

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

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

1 as the Authority shall prescribe.

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

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

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

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

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

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

19 Section 4.04. Paratransit services.

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

1 its implementing regulations.

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

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

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

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

26 (3) provide that service contracts and rates with



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

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

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

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

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

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

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

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

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

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

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

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

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

13 Section 4.05. Fares and nature of service.

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

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

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

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

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

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

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

- 23 (1) an income-based reduced fare program; and  
24 (2) fare capping for individual services and across  
25 public transportation service providers.

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

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

4 Section 4.06. Use of streets and roads.

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

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

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

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

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

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

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

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

9 Section 4.09. Eminent domain.

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

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

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

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



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

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

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

20 Section 4.10. Acquisitions.

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

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

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

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

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

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

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

11 Section 4.11. Public bidding.

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

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

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

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

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

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

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

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

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

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

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

1 phase-one proposals submitted to the Authority.

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

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

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

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

10 Section 4.12. Limitations on Authority powers.

11 (a) The Authority may not:

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

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

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



1 purchase of service agreement from the Authority.

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

1 Section 4.13. Appointment of officers and employees.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 Section 4.17. Labor contracts.

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

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

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

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

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



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

9 Section 4.18. Labor relations procedures.

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

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

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

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

13           Section 4.19. Workforce development.

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

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

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

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

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

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

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

1 to the General Assembly.

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

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

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

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

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

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

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

3 Section 4.22. Protection of the environment.

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

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

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

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

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

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



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

3 Section 4.25. Zero-emission buses.

4 (a) As used in this Section:

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

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

8 (2) a zero-emission vehicle; and

9 (3) not a taxi.

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

12 (1) is a motor vehicle;

13 (2) is made by a commercial manufacturer;

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

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

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

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

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

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

1 fleet.

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

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

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

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

14 Section 4.26. City-Suburban Mobility Innovations Program.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 Section 4.29. Planning activities.

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

6 Section 4.31. Traffic law enforcement.

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

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

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

25 (d) An enforcement program established under this Section

1 shall contain the following elements:

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

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

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

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

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

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

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

1 and

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

5 (e) The Authority shall:

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

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

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

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

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

1 the Bill of Rights for the Homeless Act.

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

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

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

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

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

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

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

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

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

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

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

1 person was detained in a jail.

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

18           Section 4.34. Safety.

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

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

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

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

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

1 659.

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

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

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

17 Article V. ACCOUNTABILITY

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

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

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

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

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

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

1 days to submit such comments.

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

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

16 Section 5.02. System usage requirements.

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

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

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

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

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

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

12 Section 5.03. Director attendance requirement.

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

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

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

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

1 executives or officers of the Authority.

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

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

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

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

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

25 Section 5.05. Revolving door prohibition. A Director,



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

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

17 Section 5.07. Strategic Plan.

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

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

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

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

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

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

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

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

1 with respect to:

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Mobility Innovations Fund;

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

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

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

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

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

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

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

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

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

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

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

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

1 minimum:

2 (1) increasing access to key destinations such as

3 jobs, retail, healthcare, and recreation;

4 (2) reliability improvement;

5 (3) capacity needs;

6 (4) safety;

7 (5) state of good repair;

8 (6) racial equity and mobility justice;

9 (7) environmental protection;

10 (8) the Service Standards; and

11 (9) economic development.

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

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

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

1 Section 5.09. Five-Year Capital Program.

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

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

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

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



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

3           Section 5.10. Annual Capital Improvement Plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 Section 5.11. Service Standards.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (7) service productivity; and

2 (8) customer satisfaction.

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

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

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

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

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



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

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

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

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

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

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

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

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

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

1 and

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

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

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

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

6 Section 5.13. Authority Inspector General.

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

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

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

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

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

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

10           Section 5.14. Executive Inspector General.

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

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

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

24           Section 5.15. Performance audits.

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

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

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

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

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

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

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

11           Section 5.17. Transparency and accountability portal.

12           (a) As used in this Section:

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

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

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

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

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

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

3           (A) name;

4           (B) division or department;

5           (C) employment position title;

6           (D) county of employment location;

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

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

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

15           (H) status as a military veteran.

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

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

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

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



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

4 Section 5.18. Financial statements and annual reports.

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

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

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

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

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

9 Section 5.19. Opt out.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 Article VI. FINANCES

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

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

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

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

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

11 Section 6.02. Taxes.

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

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

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

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

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



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

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

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

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

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

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

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

1 Government Aviation Trust Fund, as appropriate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 subsection.

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

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

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

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

25 (ii) As used in this Section:

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

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

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

4 Section 6.03. Gross receipts tax-automobile rental.

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



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

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

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

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

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

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

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

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

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

20 Section 6.04. Distribution of revenues.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 the trustee to the Authority.

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

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



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

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

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

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

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

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

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

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

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

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

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

1 Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

26           (3) Its debt service savings during the preceding

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

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

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

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

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

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

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

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

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

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

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

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



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

6 Section 6.09. Strategic Capital Improvement Program.

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

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

1 Section 6.10. Rate protection contracts.

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

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

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

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

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

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

8 Article VII. OFFICE OF TRANSIT-ORIENTED DEVELOPMENT

9 Section 7.01. Short title; intent.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 private organizations;

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

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

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

22 Section 7.04. Transit support overlay districts.

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

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

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

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

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



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

11 Article VIII. MISCELLANEOUS

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

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

15 Sec. 2. Open meetings.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 the Illinois Prepaid Tuition Trust Fund.

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

7 (9) Student disciplinary cases.

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

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

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

1 body is a member.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Act.

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

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

7 (27) (Blank).

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

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

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

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

1 Concealed Carry Act.

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

19 (5 ILCS 140/7.5)

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

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

24 (a) All information determined to be confidential

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

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

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

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

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

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

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

26 (h) Information the disclosure of which is exempted

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

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

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

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

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

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

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

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

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

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

19 (q) Information prohibited from being disclosed by the  
20 Personnel Record Review Act.

21 (r) Information prohibited from being disclosed by the  
22 Illinois School Student Records Act.

23 (s) Information the disclosure of which is restricted  
24 under Section 5-108 of the Public Utilities Act.

25 (t) (Blank).

26 (u) Records and information provided to an independent

1 team of experts under the Developmental Disability and  
2 Mental Health Safety Act (also known as Brian's Law).

3 (v) Names and information of people who have applied  
4 for or received Firearm Owner's Identification Cards under  
5 the Firearm Owners Identification Card Act or applied for  
6 or received a concealed carry license under the Firearm  
7 Concealed Carry Act, unless otherwise authorized by the  
8 Firearm Concealed Carry Act; and databases under the  
9 Firearm Concealed Carry Act, records of the Concealed  
10 Carry Licensing Review Board under the Firearm Concealed  
11 Carry Act, and law enforcement agency objections under the  
12 Firearm Concealed Carry Act.

13 (v-5) Records of the Firearm Owner's Identification  
14 Card Review Board that are exempted from disclosure under  
15 Section 10 of the Firearm Owners Identification Card Act.

16 (w) Personally identifiable information which is  
17 exempted from disclosure under subsection (g) of Section  
18 19.1 of the Toll Highway Act.

19 (x) Information which is exempted from disclosure  
20 under Section 5-1014.3 of the Counties Code or Section  
21 8-11-21 of the Illinois Municipal Code.

22 (y) Confidential information under the Adult  
23 Protective Services Act and its predecessor enabling  
24 statute, the Elder Abuse and Neglect Act, including  
25 information about the identity and administrative finding  
26 against any caregiver of a verified and substantiated

1 decision of abuse, neglect, or financial exploitation of  
2 an eligible adult maintained in the Registry established  
3 under Section 7.5 of the Adult Protective Services Act.

4 (z) Records and information provided to a fatality  
5 review team or the Illinois Fatality Review Team Advisory  
6 Council under Section 15 of the Adult Protective Services  
7 Act.

8 (aa) Information which is exempted from disclosure  
9 under Section 2.37 of the Wildlife Code.

10 (bb) Information which is or was prohibited from  
11 disclosure by the Juvenile Court Act of 1987.

12 (cc) Recordings made under the Law Enforcement  
13 Officer-Worn Body Camera Act, except to the extent  
14 authorized under that Act.

15 (dd) Information that is prohibited from being  
16 disclosed under Section 45 of the Condominium and Common  
17 Interest Community Ombudsperson Act.

18 (ee) Information that is exempted from disclosure  
19 under Section 30.1 of the Pharmacy Practice Act.

20 (ff) Information that is exempted from disclosure  
21 under the Revised Uniform Unclaimed Property Act.

22 (gg) Information that is prohibited from being  
23 disclosed under Section 7-603.5 of the Illinois Vehicle  
24 Code.

25 (hh) Records that are exempt from disclosure under  
26 Section 1A-16.7 of the Election Code.

1           (ii) Information which is exempted from disclosure  
2 under Section 2505-800 of the Department of Revenue Law of  
3 the Civil Administrative Code of Illinois.

4           (jj) Information and reports that are required to be  
5 submitted to the Department of Labor by registering day  
6 and temporary labor service agencies but are exempt from  
7 disclosure under subsection (a-1) of Section 45 of the Day  
8 and Temporary Labor Services Act.

9           (kk) Information prohibited from disclosure under the  
10 Seizure and Forfeiture Reporting Act.

11           (ll) Information the disclosure of which is restricted  
12 and exempted under Section 5-30.8 of the Illinois Public  
13 Aid Code.

14           (mm) Records that are exempt from disclosure under  
15 Section 4.2 of the Crime Victims Compensation Act.

16           (nn) Information that is exempt from disclosure under  
17 Section 70 of the Higher Education Student Assistance Act.

18           (oo) Communications, notes, records, and reports  
19 arising out of a peer support counseling session  
20 prohibited from disclosure under the First Responders  
21 Suicide Prevention Act.

22           (pp) Names and all identifying information relating to  
23 an employee of an emergency services provider or law  
24 enforcement agency under the First Responders Suicide  
25 Prevention Act.

26           (qq) Information and records held by the Department of



1 Public Health and its authorized representatives collected  
2 under the Reproductive Health Act.

3 (rr) Information that is exempt from disclosure under  
4 the Cannabis Regulation and Tax Act.

5 (ss) Data reported by an employer to the Department of  
6 Human Rights pursuant to Section 2-108 of the Illinois  
7 Human Rights Act.

8 (tt) Recordings made under the Children's Advocacy  
9 Center Act, except to the extent authorized under that  
10 Act.

11 (uu) Information that is exempt from disclosure under  
12 Section 50 of the Sexual Assault Evidence Submission Act.

13 (vv) Information that is exempt from disclosure under  
14 subsections (f) and (j) of Section 5-36 of the Illinois  
15 Public Aid Code.

16 (ww) Information that is exempt from disclosure under  
17 Section 16.8 of the State Treasurer Act.

18 (xx) Information that is exempt from disclosure or  
19 information that shall not be made public under the  
20 Illinois Insurance Code.

21 (yy) Information prohibited from being disclosed under  
22 the Illinois Educational Labor Relations Act.

23 (zz) Information prohibited from being disclosed under  
24 the Illinois Public Labor Relations Act.

25 (aaa) Information prohibited from being disclosed  
26 under Section 1-167 of the Illinois Pension Code.

1           (bbb) Information that is prohibited from disclosure  
2 by the Illinois Police Training Act and the Illinois State  
3 Police Act.

4           (ccc) Records exempt from disclosure under Section  
5 2605-304 of the Illinois State Police Law of the Civil  
6 Administrative Code of Illinois.

7           (ddd) Information prohibited from being disclosed  
8 under Section 35 of the Address Confidentiality for  
9 Victims of Domestic Violence, Sexual Assault, Human  
10 Trafficking, or Stalking Act.

11           (eee) Information prohibited from being disclosed  
12 under subsection (b) of Section 75 of the Domestic  
13 Violence Fatality Review Act.

14           (fff) Images from cameras under the Expressway Camera  
15 Act. This subsection (fff) is inoperative on and after  
16 July 1, 2025.

17           (ggg) Information prohibited from disclosure under  
18 paragraph (3) of subsection (a) of Section 14 of the Nurse  
19 Agency Licensing Act.

20           (hhh) Information submitted to the Illinois State  
21 Police in an affidavit or application for an assault  
22 weapon endorsement, assault weapon attachment endorsement,  
23 .50 caliber rifle endorsement, or .50 caliber cartridge  
24 endorsement under the Firearm Owners Identification Card  
25 Act.

26           (iii) Data exempt from disclosure under Section 50 of

1 the School Safety Drill Act.

2 (jjj) ~~(hhh)~~ Information exempt from disclosure under  
3 Section 30 of the Insurance Data Security Law.

4 (kkk) ~~(iii)~~ Confidential business information  
5 prohibited from disclosure under Section 45 of the Paint  
6 Stewardship Act.

7 (lll) (Reserved).

8 (mmm) ~~(iii)~~ Information prohibited from being  
9 disclosed under subsection (e) of Section 1-129 of the  
10 Illinois Power Agency Act.

11 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;  
12 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.  
13 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;  
14 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.  
15 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,  
16 eff. 1-1-24; 103-508, eff. 8-4-23; 103-580, eff. 12-8-23;  
17 revised 1-2-24.)

18 (Text of Section after amendment by P.A. 103-472)

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

22 (a) All information determined to be confidential  
23 under Section 4002 of the Technology Advancement and  
24 Development Act.

25 (b) Library circulation and order records identifying

1 library users with specific materials under the Library  
2 Records Confidentiality Act.

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

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

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

17 (f) Firm performance evaluations under Section 55 of  
18 the Architectural, Engineering, and Land Surveying  
19 Qualifications Based Selection Act.

20 (g) Information the disclosure of which is restricted  
21 and exempted under Section 50 of the Illinois Prepaid  
22 Tuition Act.

23 (h) Information the disclosure of which is exempted  
24 under the State Officials and Employees Ethics Act, and  
25 records of any lawfully created State or local inspector  
26 general's office that would be exempt if created or

1           obtained by an Executive Inspector General's office under  
2           that Act.

3           (i) Information contained in a local emergency energy  
4           plan submitted to a municipality in accordance with a  
5           local emergency energy plan ordinance that is adopted  
6           under Section 11-21.5-5 of the Illinois Municipal Code.

7           (j) Information and data concerning the distribution  
8           of surcharge moneys collected and remitted by carriers  
9           under the Emergency Telephone System Act.

10          (k) Law enforcement officer identification information  
11          or driver identification information compiled by a law  
12          enforcement agency or the Department of Transportation  
13          under Section 11-212 of the Illinois Vehicle Code.

14          (l) Records and information provided to a residential  
15          health care facility resident sexual assault and death  
16          review team or the Executive Council under the Abuse  
17          Prevention Review Team Act.

18          (m) Information provided to the predatory lending  
19          database created pursuant to Article 3 of the Residential  
20          Real Property Disclosure Act, except to the extent  
21          authorized under that Article.

22          (n) Defense budgets and petitions for certification of  
23          compensation and expenses for court appointed trial  
24          counsel as provided under Sections 10 and 15 of the  
25          Capital Crimes Litigation Act (repealed). This subsection

26          (n) shall apply until the conclusion of the trial of the

1 case, even if the prosecution chooses not to pursue the  
2 death penalty prior to trial or sentencing.

3 (o) Information that is prohibited from being  
4 disclosed under Section 4 of the Illinois Health and  
5 Hazardous Substances Registry Act.

6 (p) Security portions of system safety program plans,  
7 investigation reports, surveys, schedules, lists, data, or  
8 information compiled, collected, or prepared by or for the  
9 Department of Transportation under Sections 2705-300 and  
10 2705-616 of the Department of Transportation Law of the  
11 Civil Administrative Code of Illinois, the Metropolitan  
12 Mobility Regional Transportation Authority under Section  
13 4.33 of the Metropolitan Mobility Authority Act ~~2.11 of~~  
14 ~~the Regional Transportation Authority Act~~, or the St.  
15 Clair County Transit District under the Bi-State Transit  
16 Safety Act (repealed).

17 (q) Information prohibited from being disclosed by the  
18 Personnel Record Review Act.

19 (r) Information prohibited from being disclosed by the  
20 Illinois School Student Records Act.

21 (s) Information the disclosure of which is restricted  
22 under Section 5-108 of the Public Utilities Act.

23 (t) (Blank).

24 (u) Records and information provided to an independent  
25 team of experts under the Developmental Disability and  
26 Mental Health Safety Act (also known as Brian's Law).

1           (v) Names and information of people who have applied  
2           for or received Firearm Owner's Identification Cards under  
3           the Firearm Owners Identification Card Act or applied for  
4           or received a concealed carry license under the Firearm  
5           Concealed Carry Act, unless otherwise authorized by the  
6           Firearm Concealed Carry Act; and databases under the  
7           Firearm Concealed Carry Act, records of the Concealed  
8           Carry Licensing Review Board under the Firearm Concealed  
9           Carry Act, and law enforcement agency objections under the  
10          Firearm Concealed Carry Act.

11          (v-5) Records of the Firearm Owner's Identification  
12          Card Review Board that are exempted from disclosure under  
13          Section 10 of the Firearm Owners Identification Card Act.

14          (w) Personally identifiable information which is  
15          exempted from disclosure under subsection (g) of Section  
16          19.1 of the Toll Highway Act.

17          (x) Information which is exempted from disclosure  
18          under Section 5-1014.3 of the Counties Code or Section  
19          8-11-21 of the Illinois Municipal Code.

20          (y) Confidential information under the Adult  
21          Protective Services Act and its predecessor enabling  
22          statute, the Elder Abuse and Neglect Act, including  
23          information about the identity and administrative finding  
24          against any caregiver of a verified and substantiated  
25          decision of abuse, neglect, or financial exploitation of  
26          an eligible adult maintained in the Registry established

1 under Section 7.5 of the Adult Protective Services Act.

2 (z) Records and information provided to a fatality  
3 review team or the Illinois Fatality Review Team Advisory  
4 Council under Section 15 of the Adult Protective Services  
5 Act.

6 (aa) Information which is exempted from disclosure  
7 under Section 2.37 of the Wildlife Code.

8 (bb) Information which is or was prohibited from  
9 disclosure by the Juvenile Court Act of 1987.

10 (cc) Recordings made under the Law Enforcement  
11 Officer-Worn Body Camera Act, except to the extent  
12 authorized under that Act.

13 (dd) Information that is prohibited from being  
14 disclosed under Section 45 of the Condominium and Common  
15 Interest Community Ombudsperson Act.

16 (ee) Information that is exempted from disclosure  
17 under Section 30.1 of the Pharmacy Practice Act.

18 (ff) Information that is exempted from disclosure  
19 under the Revised Uniform Unclaimed Property Act.

20 (gg) Information that is prohibited from being  
21 disclosed under Section 7-603.5 of the Illinois Vehicle  
22 Code.

23 (hh) Records that are exempt from disclosure under  
24 Section 1A-16.7 of the Election Code.

25 (ii) Information which is exempted from disclosure  
26 under Section 2505-800 of the Department of Revenue Law of



1 the Civil Administrative Code of Illinois.

2 (jj) Information and reports that are required to be  
3 submitted to the Department of Labor by registering day  
4 and temporary labor service agencies but are exempt from  
5 disclosure under subsection (a-1) of Section 45 of the Day  
6 and Temporary Labor Services Act.

7 (kk) Information prohibited from disclosure under the  
8 Seizure and Forfeiture Reporting Act.

9 (ll) Information the disclosure of which is restricted  
10 and exempted under Section 5-30.8 of the Illinois Public  
11 Aid Code.

12 (mm) Records that are exempt from disclosure under  
13 Section 4.2 of the Crime Victims Compensation Act.

14 (nn) Information that is exempt from disclosure under  
15 Section 70 of the Higher Education Student Assistance Act.

16 (oo) Communications, notes, records, and reports  
17 arising out of a peer support counseling session  
18 prohibited from disclosure under the First Responders  
19 Suicide Prevention Act.

20 (pp) Names and all identifying information relating to  
21 an employee of an emergency services provider or law  
22 enforcement agency under the First Responders Suicide  
23 Prevention Act.

24 (qq) Information and records held by the Department of  
25 Public Health and its authorized representatives collected  
26 under the Reproductive Health Act.

1           (rr) Information that is exempt from disclosure under  
2 the Cannabis Regulation and Tax Act.

3           (ss) Data reported by an employer to the Department of  
4 Human Rights pursuant to Section 2-108 of the Illinois  
5 Human Rights Act.

6           (tt) Recordings made under the Children's Advocacy  
7 Center Act, except to the extent authorized under that  
8 Act.

9           (uu) Information that is exempt from disclosure under  
10 Section 50 of the Sexual Assault Evidence Submission Act.

11           (vv) Information that is exempt from disclosure under  
12 subsections (f) and (j) of Section 5-36 of the Illinois  
13 Public Aid Code.

14           (wv) Information that is exempt from disclosure under  
15 Section 16.8 of the State Treasurer Act.

16           (xx) Information that is exempt from disclosure or  
17 information that shall not be made public under the  
18 Illinois Insurance Code.

19           (yy) Information prohibited from being disclosed under  
20 the Illinois Educational Labor Relations Act.

21           (zz) Information prohibited from being disclosed under  
22 the Illinois Public Labor Relations Act.

23           (aaa) Information prohibited from being disclosed  
24 under Section 1-167 of the Illinois Pension Code.

25           (bbb) Information that is prohibited from disclosure  
26 by the Illinois Police Training Act and the Illinois State

1 Police Act.

2 (ccc) Records exempt from disclosure under Section  
3 2605-304 of the Illinois State Police Law of the Civil  
4 Administrative Code of Illinois.

5 (ddd) Information prohibited from being disclosed  
6 under Section 35 of the Address Confidentiality for  
7 Victims of Domestic Violence, Sexual Assault, Human  
8 Trafficking, or Stalking Act.

9 (eee) Information prohibited from being disclosed  
10 under subsection (b) of Section 75 of the Domestic  
11 Violence Fatality Review Act.

12 (fff) Images from cameras under the Expressway Camera  
13 Act. This subsection (fff) is inoperative on and after  
14 July 1, 2025.

15 (ggg) Information prohibited from disclosure under  
16 paragraph (3) of subsection (a) of Section 14 of the Nurse  
17 Agency Licensing Act.

18 (hhh) Information submitted to the Illinois State  
19 Police in an affidavit or application for an assault  
20 weapon endorsement, assault weapon attachment endorsement,  
21 .50 caliber rifle endorsement, or .50 caliber cartridge  
22 endorsement under the Firearm Owners Identification Card  
23 Act.

24 (iii) Data exempt from disclosure under Section 50 of  
25 the School Safety Drill Act.

26 (jjj) ~~(hhh)~~ Information exempt from disclosure under

1 Section 30 of the Insurance Data Security Law.

2 (kkk) ~~(iii)~~ Confidential business information  
3 prohibited from disclosure under Section 45 of the Paint  
4 Stewardship Act.

5 (lll) ~~(iii)~~ Data exempt from disclosure under Section  
6 2-3.196 of the School Code.

7 (mmm) ~~(iii)~~ Information prohibited from being  
8 disclosed under subsection (e) of Section 1-129 of the  
9 Illinois Power Agency Act.

10 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;  
11 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.  
12 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;  
13 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.  
14 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,  
15 eff. 1-1-24; 103-472, eff. 8-1-24; 103-508, eff. 8-4-23;  
16 103-580, eff. 12-8-23; revised 1-2-24.)

17 Section 8.03. The Transportation Cooperation Act of 1971  
18 is amended by changing Section 2 as follows:

19 (5 ILCS 225/2) (from Ch. 111 2/3, par. 602)

20 Sec. 2. For the purposes of this Act:

21 (a) "Railroad passenger service" means any railroad  
22 passenger service within the State of Illinois, including the  
23 equipment and facilities used in connection therewith, with  
24 the exception of the basic system operated by the National

1 Railroad Passenger Corporation pursuant to Title II and  
2 Section 403(a) of the Federal Rail Passenger Service Act of  
3 1970.

4 (b) "Federal Railroad Corporation" means the National  
5 Railroad Passenger Corporation established pursuant to an Act  
6 of Congress known as the "Rail Passenger Service Act of 1970."

7 (c) "Transportation system" means any and all modes of  
8 public transportation within the State, including, but not  
9 limited to, transportation of persons or property by rapid  
10 transit, rail, bus, and aircraft, and all equipment,  
11 facilities and property, real and personal, used in connection  
12 therewith.

13 (d) "Carrier" means any corporation, authority,  
14 partnership, association, person or district authorized to  
15 maintain a transportation system within the State with the  
16 exception of the Federal Railroad Corporation.

17 (e) "Units of local government" means cities, villages,  
18 incorporated towns, counties, municipalities, townships, and  
19 special districts, including any district created pursuant to  
20 the "Local Mass Transit District Act", approved July 21, 1959,  
21 as amended; the Metropolitan Mobility Authority; any Authority  
22 ~~created pursuant to the "Metropolitan Transit Authority Act",~~  
23 ~~approved April 12, 1945, as amended;~~ and, any authority,  
24 commission, or other entity which by virtue of an interstate  
25 compact approved by Congress is authorized to provide mass  
26 transportation.

1 (f) "Universities" means all public institutions of higher  
2 education as defined in an "Act creating a Board of Higher  
3 Education, defining its powers and duties, making an  
4 appropriation therefor, and repealing an Act herein named",  
5 approved August 22, 1961, as amended, and all private  
6 institutions of higher education as defined in the Illinois  
7 Finance Authority Act.

8 (g) "Department" means the Illinois Department of  
9 Transportation, or such other department designated by law to  
10 perform the duties and functions of the Illinois Department of  
11 Transportation prior to January 1, 1972.

12 (h) "Association" means any Transportation Service  
13 Association created pursuant to Section 4 of this Act.

14 (i) "Contracting Parties" means any units of local  
15 government or universities which have associated and joined  
16 together pursuant to Section 3 of this Act.

17 (j) "Governing authorities" means (1) the city council or  
18 similar legislative body of a city; (2) the board of trustees  
19 or similar body of a village or incorporated town; (3) the  
20 council of a municipality under the commission form of  
21 municipal government; (4) the board of trustees in a township;  
22 (5) the Board of Trustees of the University of Illinois, the  
23 Board of Trustees of Southern Illinois University, the Board  
24 of Trustees of Chicago State University, the Board of Trustees  
25 of Eastern Illinois University, the Board of Trustees of  
26 Governors State University, the Board of Trustees of Illinois

1 State University, the Board of Trustees of Northeastern  
2 Illinois University, the Board of Trustees of Northern  
3 Illinois University, the Board of Trustees of Western Illinois  
4 University, and the Illinois Community College Board; (6) the  
5 county board of a county; and (7) the trustees, commissioners,  
6 board members, or directors of a university, special district,  
7 authority or similar agency.

8 (Source: P.A. 93-205, eff. 1-1-04.)

9 Section 8.04. The Illinois Public Labor Relations Act is  
10 amended by changing Sections 5 and 15 as follows:

11 (5 ILCS 315/5) (from Ch. 48, par. 1605)

12 Sec. 5. Illinois Labor Relations Board; State Panel; Local  
13 Panel.

14 (a) There is created the Illinois Labor Relations Board.  
15 The Board shall be comprised of 2 panels, to be known as the  
16 State Panel and the Local Panel.

17 (a-5) The State Panel shall have jurisdiction over  
18 collective bargaining matters between employee organizations  
19 and the State of Illinois, excluding the General Assembly of  
20 the State of Illinois, between employee organizations and  
21 units of local government and school districts with a  
22 population not in excess of 2 million persons, and between  
23 employee organizations and the Metropolitan Mobility ~~Regional~~  
24 ~~Transportation~~ Authority.

1           The State Panel shall consist of 5 members appointed by  
2 the Governor, with the advice and consent of the Senate. The  
3 Governor shall appoint to the State Panel only persons who  
4 have had a minimum of 5 years of experience directly related to  
5 labor and employment relations in representing public  
6 employers, private employers or labor organizations; or  
7 teaching labor or employment relations; or administering  
8 executive orders or regulations applicable to labor or  
9 employment relations. At the time of his or her appointment,  
10 each member of the State Panel shall be an Illinois resident.  
11 The Governor shall designate one member to serve as the  
12 Chairman of the State Panel and the Board.

13           Notwithstanding any other provision of this Section, the  
14 term of each member of the State Panel who was appointed by the  
15 Governor and is in office on June 30, 2003 shall terminate at  
16 the close of business on that date or when all of the successor  
17 members to be appointed pursuant to this amendatory Act of the  
18 93rd General Assembly have been appointed by the Governor,  
19 whichever occurs later. As soon as possible, the Governor  
20 shall appoint persons to fill the vacancies created by this  
21 amendatory Act.

22           The initial appointments under this amendatory Act of the  
23 93rd General Assembly shall be for terms as follows: The  
24 Chairman shall initially be appointed for a term ending on the  
25 4th Monday in January, 2007; 2 members shall be initially  
26 appointed for terms ending on the 4th Monday in January, 2006;



1 one member shall be initially appointed for a term ending on  
2 the 4th Monday in January, 2005; and one member shall be  
3 initially appointed for a term ending on the 4th Monday in  
4 January, 2004. Each subsequent member shall be appointed for a  
5 term of 4 years, commencing on the 4th Monday in January. Upon  
6 expiration of the term of office of any appointive member,  
7 that member shall continue to serve until a successor shall be  
8 appointed and qualified. In case of a vacancy, a successor  
9 shall be appointed to serve for the unexpired portion of the  
10 term. If the Senate is not in session at the time the initial  
11 appointments are made, the Governor shall make temporary  
12 appointments in the same manner successors are appointed to  
13 fill vacancies. A temporary appointment shall remain in effect  
14 no longer than 20 calendar days after the commencement of the  
15 next Senate session.

16 (b) The Local Panel shall have jurisdiction over  
17 collective bargaining agreement matters between employee  
18 organizations and units of local government with a population  
19 in excess of 2 million persons, but excluding the Metropolitan  
20 Mobility ~~Regional Transportation~~ Authority.

21 The Local Panel shall consist of one person appointed by  
22 the Governor with the advice and consent of the Senate (or, if  
23 no such person is appointed, the Chairman of the State Panel)  
24 and two additional members, one appointed by the Mayor of the  
25 City of Chicago and one appointed by the President of the Cook  
26 County Board of Commissioners. Appointees to the Local Panel

1 must have had a minimum of 5 years of experience directly  
2 related to labor and employment relations in representing  
3 public employers, private employers or labor organizations; or  
4 teaching labor or employment relations; or administering  
5 executive orders or regulations applicable to labor or  
6 employment relations. Each member of the Local Panel shall be  
7 an Illinois resident at the time of his or her appointment. The  
8 member appointed by the Governor (or, if no such person is  
9 appointed, the Chairman of the State Panel) shall serve as the  
10 Chairman of the Local Panel.

11 Notwithstanding any other provision of this Section, the  
12 term of the member of the Local Panel who was appointed by the  
13 Governor and is in office on June 30, 2003 shall terminate at  
14 the close of business on that date or when his or her successor  
15 has been appointed by the Governor, whichever occurs later. As  
16 soon as possible, the Governor shall appoint a person to fill  
17 the vacancy created by this amendatory Act. The initial  
18 appointment under this amendatory Act of the 93rd General  
19 Assembly shall be for a term ending on the 4th Monday in  
20 January, 2007.

21 The initial appointments under this amendatory Act of the  
22 91st General Assembly shall be for terms as follows: The  
23 member appointed by the Governor shall initially be appointed  
24 for a term ending on the 4th Monday in January, 2001; the  
25 member appointed by the President of the Cook County Board  
26 shall be initially appointed for a term ending on the 4th

1 Monday in January, 2003; and the member appointed by the Mayor  
2 of the City of Chicago shall be initially appointed for a term  
3 ending on the 4th Monday in January, 2004. Each subsequent  
4 member shall be appointed for a term of 4 years, commencing on  
5 the 4th Monday in January. Upon expiration of the term of  
6 office of any appointive member, the member shall continue to  
7 serve until a successor shall be appointed and qualified. In  
8 the case of a vacancy, a successor shall be appointed by the  
9 applicable appointive authority to serve for the unexpired  
10 portion of the term.

11 (c) Three members of the State Panel shall at all times  
12 constitute a quorum. Two members of the Local Panel shall at  
13 all times constitute a quorum. A vacancy on a panel does not  
14 impair the right of the remaining members to exercise all of  
15 the powers of that panel. Each panel shall adopt an official  
16 seal which shall be judicially noticed. The salary of the  
17 Chairman of the State Panel shall be \$82,429 per year, or as  
18 set by the Compensation Review Board, whichever is greater,  
19 and that of the other members of the State and Local Panels  
20 shall be \$74,188 per year, or as set by the Compensation Review  
21 Board, whichever is greater.

22 (d) Each member shall devote his or her entire time to the  
23 duties of the office, and shall hold no other office or  
24 position of profit, nor engage in any other business,  
25 employment, or vocation. No member shall hold any other public  
26 office or be employed as a labor or management representative

1 by the State or any political subdivision of the State or of  
2 any department or agency thereof, or actively represent or act  
3 on behalf of an employer or an employee organization or an  
4 employer in labor relations matters. Any member of the State  
5 Panel may be removed from office by the Governor for  
6 inefficiency, neglect of duty, misconduct or malfeasance in  
7 office, and for no other cause, and only upon notice and  
8 hearing. Any member of the Local Panel may be removed from  
9 office by the applicable appointive authority for  
10 inefficiency, neglect of duty, misconduct or malfeasance in  
11 office, and for no other cause, and only upon notice and  
12 hearing.

13 (e) Each panel at the end of every State fiscal year shall  
14 make a report in writing to the Governor and the General  
15 Assembly, stating in detail the work it has done in hearing and  
16 deciding cases and otherwise.

17 (f) In order to accomplish the objectives and carry out  
18 the duties prescribed by this Act, a panel or its authorized  
19 designees may hold elections to determine whether a labor  
20 organization has majority status; investigate and attempt to  
21 resolve or settle charges of unfair labor practices; hold  
22 hearings in order to carry out its functions; develop and  
23 effectuate appropriate impasse resolution procedures for  
24 purposes of resolving labor disputes; require the appearance  
25 of witnesses and the production of evidence on any matter  
26 under inquiry; and administer oaths and affirmations. The

1 panels shall sign and report in full an opinion in every case  
2 which they decide.

3 (g) Each panel may appoint or employ an executive  
4 director, attorneys, hearing officers, mediators,  
5 fact-finders, arbitrators, and such other employees as it may  
6 deem necessary to perform its functions. The governing boards  
7 shall prescribe the duties and qualifications of such persons  
8 appointed and, subject to the annual appropriation, fix their  
9 compensation and provide for reimbursement of actual and  
10 necessary expenses incurred in the performance of their  
11 duties. The Board shall employ a minimum of 16 attorneys and 6  
12 investigators.

13 (h) Each panel shall exercise general supervision over all  
14 attorneys which it employs and over the other persons employed  
15 to provide necessary support services for such attorneys. The  
16 panels shall have final authority in respect to complaints  
17 brought pursuant to this Act.

18 (i) The following rules and regulations shall be adopted  
19 by the panels meeting in joint session: (1) procedural rules  
20 and regulations which shall govern all Board proceedings; (2)  
21 procedures for election of exclusive bargaining  
22 representatives pursuant to Section 9, except for the  
23 determination of appropriate bargaining units; and (3)  
24 appointment of counsel pursuant to subsection (k) of this  
25 Section.

26 (j) Rules and regulations may be adopted, amended or

1 rescinded only upon a vote of 5 of the members of the State and  
2 Local Panels meeting in joint session. The adoption, amendment  
3 or rescission of rules and regulations shall be in conformity  
4 with the requirements of the Illinois Administrative Procedure  
5 Act.

6 (k) The panels in joint session shall promulgate rules and  
7 regulations providing for the appointment of attorneys or  
8 other Board representatives to represent persons in unfair  
9 labor practice proceedings before a panel. The regulations  
10 governing appointment shall require the applicant to  
11 demonstrate an inability to pay for or inability to otherwise  
12 provide for adequate representation before a panel. Such rules  
13 must also provide: (1) that an attorney may not be appointed in  
14 cases which, in the opinion of a panel, are clearly without  
15 merit; (2) the stage of the unfair labor proceeding at which  
16 counsel will be appointed; and (3) the circumstances under  
17 which a client will be allowed to select counsel.

18 (1) The panels in joint session may promulgate rules and  
19 regulations which allow parties in proceedings before a panel  
20 to be represented by counsel or any other representative of  
21 the party's choice.

22 (m) The Chairman of the State Panel shall serve as  
23 Chairman of a joint session of the panels. Attendance of at  
24 least 2 members of the State Panel and at least one member of  
25 the Local Panel, in addition to the Chairman, shall constitute  
26 a quorum at a joint session. The panels shall meet in joint

1 session at least annually.

2 (Source: P.A. 96-813, eff. 10-30-09.)

3 (5 ILCS 315/15) (from Ch. 48, par. 1615)

4 (Text of Section WITHOUT the changes made by P.A. 98-599,  
5 which has been held unconstitutional)

6 Sec. 15. Act Takes Precedence.

7 (a) In case of any conflict between the provisions of this  
8 Act and any other law (other than Section 5 of the State  
9 Employees Group Insurance Act of 1971 and other than the  
10 changes made to the Illinois Pension Code by this amendatory  
11 Act of the 96th General Assembly), executive order or  
12 administrative regulation relating to wages, hours and  
13 conditions of employment and employment relations, the  
14 provisions of this Act or any collective bargaining agreement  
15 negotiated thereunder shall prevail and control. Nothing in  
16 this Act shall be construed to replace or diminish the rights  
17 of employees established by Sections 4.14 through 4.18 of the  
18 Metropolitan Mobility Authority Act ~~Sections 28 and 28a of the~~  
19 ~~Metropolitan Transit Authority Act, Sections 2.15 through 2.19~~  
20 ~~of the Regional Transportation Authority Act.~~ The provisions  
21 of this Act are subject to Section 5 of the State Employees  
22 Group Insurance Act of 1971. Nothing in this Act shall be  
23 construed to replace the necessity of complaints against a  
24 sworn peace officer, as defined in Section 2(a) of the Uniform  
25 Peace Officer Disciplinary Act, from having a complaint

1 supported by a sworn affidavit.

2 (b) Except as provided in subsection (a) above, any  
3 collective bargaining contract between a public employer and a  
4 labor organization executed pursuant to this Act shall  
5 supersede any contrary statutes, charters, ordinances, rules  
6 or regulations relating to wages, hours and conditions of  
7 employment and employment relations adopted by the public  
8 employer or its agents. Any collective bargaining agreement  
9 entered into prior to the effective date of this Act shall  
10 remain in full force during its duration.

11 (c) It is the public policy of this State, pursuant to  
12 paragraphs (h) and (i) of Section 6 of Article VII of the  
13 Illinois Constitution, that the provisions of this Act are the  
14 exclusive exercise by the State of powers and functions which  
15 might otherwise be exercised by home rule units. Such powers  
16 and functions may not be exercised concurrently, either  
17 directly or indirectly, by any unit of local government,  
18 including any home rule unit, except as otherwise authorized  
19 by this Act.

20 (Source: P.A. 95-331, eff. 8-21-07; 96-889, eff. 1-1-11.)

21 Section 8.05. The State Employees Group Insurance Act of  
22 1971 is amended by changing Section 2.5 as follows:

23 (5 ILCS 375/2.5)

24 Sec. 2.5. Application to Metropolitan Mobility ~~Regional~~



1 ~~Transportation~~ Authority Board members. Notwithstanding any  
2 other provision of this Act to the contrary, this Act does not  
3 apply to any member of the Regional Transportation Authority  
4 Board or the Metropolitan Mobility Authority Board who first  
5 becomes a member of either ~~that~~ Board on or after July 23, 2013  
6 (the effective date of Public Act 98-108) with respect to  
7 service of either ~~that~~ Board.

8 (Source: P.A. 98-108, eff. 7-23-13; 98-756, eff. 7-16-14.)

9 Section 8.06. The State Officials and Employees Ethics Act  
10 is amended by changing Sections 1-5, 20-5, 20-10, 75-5, and  
11 75-10 and by changing the heading of Article 75 as follows:

12 (5 ILCS 430/1-5)

13 Sec. 1-5. Definitions. As used in this Act:

14 "Appointee" means a person appointed to a position in or  
15 with a State agency, regardless of whether the position is  
16 compensated.

17 "Board members of Regional Development Authorities" means  
18 any person appointed to serve on the governing board of a  
19 Regional Development Authority.

20 "Board members of the Regional Transit Board ~~Boards~~" means  
21 any person appointed to serve on the governing board of the  
22 Metropolitan Mobility Authority Board ~~a Regional Transit~~  
23 ~~Board~~.

24 "Campaign for elective office" means any activity in

1 furtherance of an effort to influence the selection,  
2 nomination, election, or appointment of any individual to any  
3 federal, State, or local public office or office in a  
4 political organization, or the selection, nomination, or  
5 election of Presidential or Vice-Presidential electors, but  
6 does not include activities (i) relating to the support or  
7 opposition of any executive, legislative, or administrative  
8 action (as those terms are defined in Section 2 of the Lobbyist  
9 Registration Act), (ii) relating to collective bargaining, or  
10 (iii) that are otherwise in furtherance of the person's  
11 official State duties.

12 "Candidate" means a person who has filed nominating papers  
13 or petitions for nomination or election to an elected State  
14 office, or who has been appointed to fill a vacancy in  
15 nomination, and who remains eligible for placement on the  
16 ballot at either a general primary election or general  
17 election.

18 "Collective bargaining" has the same meaning as that term  
19 is defined in Section 3 of the Illinois Public Labor Relations  
20 Act.

21 "Commission" means an ethics commission created by this  
22 Act.

23 "Compensated time" means any time worked by or credited to  
24 a State employee that counts toward any minimum work time  
25 requirement imposed as a condition of employment with a State  
26 agency, but does not include any designated State holidays or

1 any period when the employee is on a leave of absence.

2 "Compensatory time off" means authorized time off earned  
3 by or awarded to a State employee to compensate in whole or in  
4 part for time worked in excess of the minimum work time  
5 required of that employee as a condition of employment with a  
6 State agency.

7 "Contribution" has the same meaning as that term is  
8 defined in Section 9-1.4 of the Election Code.

9 "Employee" means (i) any person employed full-time,  
10 part-time, or pursuant to a contract and whose employment  
11 duties are subject to the direction and control of an employer  
12 with regard to the material details of how the work is to be  
13 performed or (ii) any appointed or elected commissioner,  
14 trustee, director, or board member of a board of a State  
15 agency, including any retirement system or investment board  
16 subject to the Illinois Pension Code or (iii) any other  
17 appointee.

18 "Employment benefits" include but are not limited to the  
19 following: modified compensation or benefit terms; compensated  
20 time off; or change of title, job duties, or location of office  
21 or employment. An employment benefit may also include  
22 favorable treatment in determining whether to bring any  
23 disciplinary or similar action or favorable treatment during  
24 the course of any disciplinary or similar action or other  
25 performance review.

26 "Executive branch constitutional officer" means the

1 Governor, Lieutenant Governor, Attorney General, Secretary of  
2 State, Comptroller, and Treasurer.

3 "Gift" means any gratuity, discount, entertainment,  
4 hospitality, loan, forbearance, or other tangible or  
5 intangible item having monetary value including, but not  
6 limited to, cash, food and drink, and honoraria for speaking  
7 engagements related to or attributable to government  
8 employment or the official position of an employee, member, or  
9 officer. The value of a gift may be further defined by rules  
10 adopted by the appropriate ethics commission or by the Auditor  
11 General for the Auditor General and for employees of the  
12 office of the Auditor General.

13 "Governmental entity" means a unit of local government  
14 (including a community college district) or a school district  
15 but not a State agency, a Regional Transit Board, or a Regional  
16 Development Authority.

17 "Leave of absence" means any period during which a State  
18 employee does not receive (i) compensation for State  
19 employment, (ii) service credit towards State pension  
20 benefits, and (iii) health insurance benefits paid for by the  
21 State.

22 "Legislative branch constitutional officer" means a member  
23 of the General Assembly and the Auditor General.

24 "Legislative leader" means the President and Minority  
25 Leader of the Senate and the Speaker and Minority Leader of the  
26 House of Representatives.

1 "Member" means a member of the General Assembly.

2 "Officer" means an executive branch constitutional officer  
3 or a legislative branch constitutional officer.

4 "Political" means any activity in support of or in  
5 connection with any campaign for elective office or any  
6 political organization, but does not include activities (i)  
7 relating to the support or opposition of any executive,  
8 legislative, or administrative action (as those terms are  
9 defined in Section 2 of the Lobbyist Registration Act), (ii)  
10 relating to collective bargaining, or (iii) that are otherwise  
11 in furtherance of the person's official State duties or  
12 governmental and public service functions.

13 "Political organization" means a party, committee,  
14 association, fund, or other organization (whether or not  
15 incorporated) that is required to file a statement of  
16 organization with the State Board of Elections or a county  
17 clerk under Section 9-3 of the Election Code, but only with  
18 regard to those activities that require filing with the State  
19 Board of Elections or a county clerk.

20 "Prohibited political activity" means:

21 (1) Preparing for, organizing, or participating in any  
22 political meeting, political rally, political  
23 demonstration, or other political event.

24 (2) Soliciting contributions, including but not  
25 limited to the purchase of, selling, distributing, or  
26 receiving payment for tickets for any political

1 fundraiser, political meeting, or other political event.

2 (3) Soliciting, planning the solicitation of, or  
3 preparing any document or report regarding any thing of  
4 value intended as a campaign contribution.

5 (4) Planning, conducting, or participating in a public  
6 opinion poll in connection with a campaign for elective  
7 office or on behalf of a political organization for  
8 political purposes or for or against any referendum  
9 question.

10 (5) Surveying or gathering information from potential  
11 or actual voters in an election to determine probable vote  
12 outcome in connection with a campaign for elective office  
13 or on behalf of a political organization for political  
14 purposes or for or against any referendum question.

15 (6) Assisting at the polls on election day on behalf  
16 of any political organization or candidate for elective  
17 office or for or against any referendum question.

18 (7) Soliciting votes on behalf of a candidate for  
19 elective office or a political organization or for or  
20 against any referendum question or helping in an effort to  
21 get voters to the polls.

22 (8) Initiating for circulation, preparing,  
23 circulating, reviewing, or filing any petition on behalf  
24 of a candidate for elective office or for or against any  
25 referendum question.

26 (9) Making contributions on behalf of any candidate

1 for elective office in that capacity or in connection with  
2 a campaign for elective office.

3 (10) Preparing or reviewing responses to candidate  
4 questionnaires in connection with a campaign for elective  
5 office or on behalf of a political organization for  
6 political purposes.

7 (11) Distributing, preparing for distribution, or  
8 mailing campaign literature, campaign signs, or other  
9 campaign material on behalf of any candidate for elective  
10 office or for or against any referendum question.

11 (12) Campaigning for any elective office or for or  
12 against any referendum question.

13 (13) Managing or working on a campaign for elective  
14 office or for or against any referendum question.

15 (14) Serving as a delegate, alternate, or proxy to a  
16 political party convention.

17 (15) Participating in any recount or challenge to the  
18 outcome of any election, except to the extent that under  
19 subsection (d) of Section 6 of Article IV of the Illinois  
20 Constitution each house of the General Assembly shall  
21 judge the elections, returns, and qualifications of its  
22 members.

23 "Prohibited source" means any person or entity who:

24 (1) is seeking official action (i) by the member or  
25 officer or (ii) in the case of an employee, by the employee  
26 or by the member, officer, State agency, or other employee

1 directing the employee;

2 (2) does business or seeks to do business (i) with the  
3 member or officer or (ii) in the case of an employee, with  
4 the employee or with the member, officer, State agency, or  
5 other employee directing the employee;

6 (3) conducts activities regulated (i) by the member or  
7 officer or (ii) in the case of an employee, by the employee  
8 or by the member, officer, State agency, or other employee  
9 directing the employee;

10 (4) has interests that may be substantially affected  
11 by the performance or non-performance of the official  
12 duties of the member, officer, or employee;

13 (5) is registered or required to be registered with  
14 the Secretary of State under the Lobbyist Registration  
15 Act, except that an entity not otherwise a prohibited  
16 source does not become a prohibited source merely because  
17 a registered lobbyist is one of its members or serves on  
18 its board of directors; or

19 (6) is an agent of, a spouse of, or an immediate family  
20 member who is living with a "prohibited source".

21 "Regional Development Authority" means the following  
22 regional development authorities:

23 (1) the Central Illinois Economic Development  
24 Authority created by the Central Illinois Economic  
25 Development Authority Act;

26 (2) the Eastern Illinois Economic Development



1 Authority created by the Eastern Illinois Economic  
2 Development Authority Act;

3 (3) the Joliet Arsenal Development Authority created  
4 by the Joliet Arsenal Development Authority Act;

5 (4) the Quad Cities Regional Economic Development  
6 Authority created by Quad Cities Regional Economic  
7 Development Authority Act, approved September 22, 1987;

8 (5) the Riverdale Development Authority created by the  
9 Riverdale Development Authority Act;

10 (6) the Southeastern Illinois Economic Development  
11 Authority created by the Southeastern Illinois Economic  
12 Development Authority Act;

13 (7) the Southern Illinois Economic Development  
14 Authority created by the Southern Illinois Economic  
15 Development Authority Act;

16 (8) the Southwestern Illinois Development Authority  
17 created by the Southwestern Illinois Development Authority  
18 Act;

19 (9) the Tri-County River Valley Development Authority  
20 created by the Tri-County River Valley Development  
21 Authority Law;

22 (10) the Upper Illinois River Valley Development  
23 Authority created by the Upper Illinois River Valley  
24 Development Authority Act;

25 (11) the Illinois Urban Development Authority created  
26 by the Illinois Urban Development Authority Act;

1 (12) the Western Illinois Economic Development  
2 Authority created by the Western Illinois Economic  
3 Development Authority Act; and

4 (13) the Will-Kankakee Regional Development Authority  
5 created by the Will-Kankakee Regional Development  
6 Authority Law.

7 "Regional Transit Board Boards" means ~~(i) the Metropolitan~~  
8 Mobility Authority Board created by the Metropolitan Mobility  
9 Authority Act ~~Regional Transportation Authority created by the~~  
10 ~~Regional Transportation Authority Act, (ii) the Suburban Bus~~  
11 ~~Division created by the Regional Transportation Authority Act,~~  
12 ~~(iii) the Commuter Rail Division created by the Regional~~  
13 ~~Transportation Authority Act, and (iv) the Chicago Transit~~  
14 ~~Authority created by the Metropolitan Transit Authority Act.~~

15 "State agency" includes all officers, boards, commissions  
16 and agencies created by the Constitution, whether in the  
17 executive or legislative branch; all officers, departments,  
18 boards, commissions, agencies, institutions, authorities,  
19 public institutions of higher learning as defined in Section 2  
20 of the Higher Education Cooperation Act (except community  
21 colleges), and bodies politic and corporate of the State; and  
22 administrative units or corporate outgrowths of the State  
23 government which are created by or pursuant to statute, other  
24 than units of local government (including community college  
25 districts) and their officers, school districts, and boards of  
26 election commissioners; and all administrative units and

1 corporate outgrowths of the above and as may be created by  
2 executive order of the Governor. "State agency" includes the  
3 General Assembly, the Senate, the House of Representatives,  
4 the President and Minority Leader of the Senate, the Speaker  
5 and Minority Leader of the House of Representatives, the  
6 Senate Operations Commission, and the legislative support  
7 services agencies. "State agency" includes the Office of the  
8 Auditor General. "State agency" does not include the judicial  
9 branch.

10 "State employee" means any employee of a State agency.

11 "Ultimate jurisdictional authority" means the following:

12 (1) For members, legislative partisan staff, and  
13 legislative secretaries, the appropriate legislative  
14 leader: President of the Senate, Minority Leader of the  
15 Senate, Speaker of the House of Representatives, or  
16 Minority Leader of the House of Representatives.

17 (2) For State employees who are professional staff or  
18 employees of the Senate and not covered under item (1),  
19 the Senate Operations Commission.

20 (3) For State employees who are professional staff or  
21 employees of the House of Representatives and not covered  
22 under item (1), the Speaker of the House of  
23 Representatives.

24 (4) For State employees who are employees of the  
25 legislative support services agencies, the Joint Committee  
26 on Legislative Support Services.

1           (5) For State employees of the Auditor General, the  
2 Auditor General.

3           (6) For State employees of public institutions of  
4 higher learning as defined in Section 2 of the Higher  
5 Education Cooperation Act (except community colleges), the  
6 board of trustees of the appropriate public institution of  
7 higher learning.

8           (7) For State employees of an executive branch  
9 constitutional officer other than those described in  
10 paragraph (6), the appropriate executive branch  
11 constitutional officer.

12           (8) For State employees not under the jurisdiction of  
13 paragraph (1), (2), (3), (4), (5), (6), or (7), the  
14 Governor.

15           (9) (Blank). ~~For employees of Regional Transit Boards,~~  
16 ~~the appropriate Regional Transit Board.~~

17           (10) For board members of the Regional Transit Board  
18 Boards, the Governor.

19           (11) For employees of Regional Development  
20 Authorities, the appropriate Regional Development  
21 Authority.

22           (12) For board members of Regional Development  
23 Authorities, the Governor.

24 (Source: P.A. 103-517, eff. 8-11-23.)

25 (5 ILCS 430/20-5)

1           Sec. 20-5. Executive Ethics Commission.

2           (a) The Executive Ethics Commission is created.

3           (b) The Executive Ethics Commission shall consist of 9  
4 commissioners. The Governor shall appoint 5 commissioners, and  
5 the Attorney General, Secretary of State, Comptroller, and  
6 Treasurer shall each appoint one commissioner. Appointments  
7 shall be made by and with the advice and consent of the Senate  
8 by three-fifths of the elected members concurring by record  
9 vote. Any nomination not acted upon by the Senate within 60  
10 session days of the receipt thereof shall be deemed to have  
11 received the advice and consent of the Senate. If, during a  
12 recess of the Senate, there is a vacancy in an office of  
13 commissioner, the appointing authority shall make a temporary  
14 appointment until the next meeting of the Senate when the  
15 appointing authority shall make a nomination to fill that  
16 office. No person rejected for an office of commissioner  
17 shall, except by the Senate's request, be nominated again for  
18 that office at the same session of the Senate or be appointed  
19 to that office during a recess of that Senate. No more than 5  
20 commissioners may be of the same political party.

21           The terms of the initial commissioners shall commence upon  
22 qualification. Four initial appointees of the Governor, as  
23 designated by the Governor, shall serve terms running through  
24 June 30, 2007. One initial appointee of the Governor, as  
25 designated by the Governor, and the initial appointees of the  
26 Attorney General, Secretary of State, Comptroller, and

1 Treasurer shall serve terms running through June 30, 2008. The  
2 initial appointments shall be made within 60 days after the  
3 effective date of this Act.

4 After the initial terms, commissioners shall serve for  
5 4-year terms commencing on July 1 of the year of appointment  
6 and running through June 30 of the fourth following year.  
7 Commissioners may be reappointed to one or more subsequent  
8 terms.

9 Vacancies occurring other than at the end of a term shall  
10 be filled by the appointing authority only for the balance of  
11 the term of the commissioner whose office is vacant.

12 Terms shall run regardless of whether the position is  
13 filled.

14 (c) The appointing authorities shall appoint commissioners  
15 who have experience holding governmental office or employment  
16 and shall appoint commissioners from the general public. A  
17 person is not eligible to serve as a commissioner if that  
18 person (i) has been convicted of a felony or a crime of  
19 dishonesty or moral turpitude, (ii) is, or was within the  
20 preceding 12 months, engaged in activities that require  
21 registration under the Lobbyist Registration Act, (iii) is  
22 related to the appointing authority, or (iv) is a State  
23 officer or employee.

24 (d) The Executive Ethics Commission shall have  
25 jurisdiction over all officers and employees of State agencies  
26 other than the General Assembly, the Senate, the House of

1 Representatives, the President and Minority Leader of the  
2 Senate, the Speaker and Minority Leader of the House of  
3 Representatives, the Senate Operations Commission, the  
4 legislative support services agencies, and the Office of the  
5 Auditor General. The Executive Ethics Commission shall have  
6 jurisdiction over all board members and employees of the  
7 Regional Transit Board ~~Boards~~ and all board members and  
8 employees of Regional Development Authorities. The  
9 jurisdiction of the Commission is limited to matters arising  
10 under this Act, except as provided in subsection (d-5).

11 A member or legislative branch State employee serving on  
12 an executive branch board or commission remains subject to the  
13 jurisdiction of the Legislative Ethics Commission and is not  
14 subject to the jurisdiction of the Executive Ethics  
15 Commission.

16 (d-5) The Executive Ethics Commission shall have  
17 jurisdiction over all chief procurement officers and  
18 procurement compliance monitors and their respective staffs.  
19 The Executive Ethics Commission shall have jurisdiction over  
20 any matters arising under the Illinois Procurement Code if the  
21 Commission is given explicit authority in that Code.

22 (d-6) (1) The Executive Ethics Commission shall have  
23 jurisdiction over the Illinois Power Agency and its staff. The  
24 Director of the Agency shall be appointed by a majority of the  
25 commissioners of the Executive Ethics Commission, subject to  
26 Senate confirmation, for a term of 2 years. The Director is

1 removable for cause by a majority of the Commission upon a  
2 finding of neglect, malfeasance, absence, or incompetence.

3 (2) In case of a vacancy in the office of Director of the  
4 Illinois Power Agency during a recess of the Senate, the  
5 Executive Ethics Commission may make a temporary appointment  
6 until the next meeting of the Senate, at which time the  
7 Executive Ethics Commission shall nominate some person to fill  
8 the office, and any person so nominated who is confirmed by the  
9 Senate shall hold office during the remainder of the term and  
10 until his or her successor is appointed and qualified. Nothing  
11 in this subsection shall prohibit the Executive Ethics  
12 Commission from removing a temporary appointee or from  
13 appointing a temporary appointee as the Director of the  
14 Illinois Power Agency.

15 (3) Prior to June 1, 2012, the Executive Ethics Commission  
16 may, until the Director of the Illinois Power Agency is  
17 appointed and qualified or a temporary appointment is made  
18 pursuant to paragraph (2) of this subsection, designate some  
19 person as an acting Director to execute the powers and  
20 discharge the duties vested by law in that Director. An acting  
21 Director shall serve no later than 60 calendar days, or upon  
22 the making of an appointment pursuant to paragraph (1) or (2)  
23 of this subsection, whichever is earlier. Nothing in this  
24 subsection shall prohibit the Executive Ethics Commission from  
25 removing an acting Director or from appointing an acting  
26 Director as the Director of the Illinois Power Agency.



1           (4) No person rejected by the Senate for the office of  
2 Director of the Illinois Power Agency shall, except at the  
3 Senate's request, be nominated again for that office at the  
4 same session or be appointed to that office during a recess of  
5 that Senate.

6           (d-7) The Executive Ethics Commission shall have  
7 jurisdiction over complainants and respondents in violation of  
8 subsection (d) of Section 20-90.

9           (e) The Executive Ethics Commission must meet, either in  
10 person or by other technological means, at least monthly and  
11 as often as necessary. At the first meeting of the Executive  
12 Ethics Commission, the commissioners shall choose from their  
13 number a chairperson and other officers that they deem  
14 appropriate. The terms of officers shall be for 2 years  
15 commencing July 1 and running through June 30 of the second  
16 following year. Meetings shall be held at the call of the  
17 chairperson or any 3 commissioners. Official action by the  
18 Commission shall require the affirmative vote of 5  
19 commissioners, and a quorum shall consist of 5 commissioners.  
20 Commissioners shall receive compensation in an amount equal to  
21 the compensation of members of the State Board of Elections  
22 and may be reimbursed for their reasonable expenses actually  
23 incurred in the performance of their duties.

24           (f) No commissioner or employee of the Executive Ethics  
25 Commission may during his or her term of appointment or  
26 employment:

1 (1) become a candidate for any elective office;

2 (2) hold any other elected or appointed public office  
3 except for appointments on governmental advisory boards or  
4 study commissions or as otherwise expressly authorized by  
5 law;

6 (3) be actively involved in the affairs of any  
7 political party or political organization; or

8 (4) advocate for the appointment of another person to  
9 an appointed or elected office or position or actively  
10 participate in any campaign for any elective office.

11 (g) An appointing authority may remove a commissioner only  
12 for cause.

13 (h) The Executive Ethics Commission shall appoint an  
14 Executive Director. The compensation of the Executive Director  
15 shall be as determined by the Commission. The Executive  
16 Director of the Executive Ethics Commission may employ and  
17 determine the compensation of staff, as appropriations permit.

18 (i) The Executive Ethics Commission shall appoint, by a  
19 majority of the members appointed to the Commission, chief  
20 procurement officers and may appoint procurement compliance  
21 monitors in accordance with the provisions of the Illinois  
22 Procurement Code. The compensation of a chief procurement  
23 officer and procurement compliance monitor shall be determined  
24 by the Commission.

25 (Source: P.A. 103-517, eff. 8-11-23.)

1 (5 ILCS 430/20-10)

2 Sec. 20-10. Offices of Executive Inspectors General.

3 (a) Five independent Offices of the Executive Inspector  
4 General are created, one each for the Governor, the Attorney  
5 General, the Secretary of State, the Comptroller, and the  
6 Treasurer. Each Office shall be under the direction and  
7 supervision of an Executive Inspector General and shall be a  
8 fully independent office with separate appropriations.

9 (b) The Governor, Attorney General, Secretary of State,  
10 Comptroller, and Treasurer shall each appoint an Executive  
11 Inspector General, without regard to political affiliation and  
12 solely on the basis of integrity and demonstrated ability.  
13 Appointments shall be made by and with the advice and consent  
14 of the Senate by three-fifths of the elected members  
15 concurring by record vote. Any nomination not acted upon by  
16 the Senate within 60 session days of the receipt thereof shall  
17 be deemed to have received the advice and consent of the  
18 Senate. If, during a recess of the Senate, there is a vacancy  
19 in an office of Executive Inspector General, the appointing  
20 authority shall make a temporary appointment until the next  
21 meeting of the Senate when the appointing authority shall make  
22 a nomination to fill that office. No person rejected for an  
23 office of Executive Inspector General shall, except by the  
24 Senate's request, be nominated again for that office at the  
25 same session of the Senate or be appointed to that office  
26 during a recess of that Senate.

1           Nothing in this Article precludes the appointment by the  
2 Governor, Attorney General, Secretary of State, Comptroller,  
3 or Treasurer of any other inspector general required or  
4 permitted by law. The Governor, Attorney General, Secretary of  
5 State, Comptroller, and Treasurer each may appoint an existing  
6 inspector general as the Executive Inspector General required  
7 by this Article, provided that such an inspector general is  
8 not prohibited by law, rule, jurisdiction, qualification, or  
9 interest from serving as the Executive Inspector General  
10 required by this Article. An appointing authority may not  
11 appoint a relative as an Executive Inspector General.

12           Each Executive Inspector General shall have the following  
13 qualifications:

14           (1) has not been convicted of any felony under the  
15 laws of this State, another State, or the United States;

16           (2) has earned a baccalaureate degree from an  
17 institution of higher education; and

18           (3) has 5 or more years of cumulative service (A) with  
19 a federal, State, or local law enforcement agency, at  
20 least 2 years of which have been in a progressive  
21 investigatory capacity; (B) as a federal, State, or local  
22 prosecutor; (C) as a senior manager or executive of a  
23 federal, State, or local agency; (D) as a member, an  
24 officer, or a State or federal judge; or (E) representing  
25 any combination of items (A) through (D).

26           The term of each initial Executive Inspector General shall

1 commence upon qualification and shall run through June 30,  
2 2008. The initial appointments shall be made within 60 days  
3 after the effective date of this Act.

4 After the initial term, each Executive Inspector General  
5 shall serve for 5-year terms commencing on July 1 of the year  
6 of appointment and running through June 30 of the fifth  
7 following year. An Executive Inspector General may be  
8 reappointed to one or more subsequent terms.

9 A vacancy occurring other than at the end of a term shall  
10 be filled by the appointing authority only for the balance of  
11 the term of the Executive Inspector General whose office is  
12 vacant.

13 Terms shall run regardless of whether the position is  
14 filled.

15 (c) The Executive Inspector General appointed by the  
16 Attorney General shall have jurisdiction over the Attorney  
17 General and all officers and employees of, and vendors and  
18 others doing business with, State agencies within the  
19 jurisdiction of the Attorney General. The Executive Inspector  
20 General appointed by the Secretary of State shall have  
21 jurisdiction over the Secretary of State and all officers and  
22 employees of, and vendors and others doing business with,  
23 State agencies within the jurisdiction of the Secretary of  
24 State. The Executive Inspector General appointed by the  
25 Comptroller shall have jurisdiction over the Comptroller and  
26 all officers and employees of, and vendors and others doing

1 business with, State agencies within the jurisdiction of the  
2 Comptroller. The Executive Inspector General appointed by the  
3 Treasurer shall have jurisdiction over the Treasurer and all  
4 officers and employees of, and vendors and others doing  
5 business with, State agencies within the jurisdiction of the  
6 Treasurer. The Executive Inspector General appointed by the  
7 Governor shall have jurisdiction over (i) the Governor, (ii)  
8 the Lieutenant Governor, (iii) all officers and employees of,  
9 and vendors and others doing business with, executive branch  
10 State agencies under the jurisdiction of the Executive Ethics  
11 Commission and not within the jurisdiction of the Attorney  
12 General, the Secretary of State, the Comptroller, or the  
13 Treasurer, (iv) all board members and employees of the  
14 Regional Transit Board ~~Boards~~ and all vendors and others doing  
15 business with the Regional Transit Board ~~Boards~~, and (v) all  
16 board members and employees of the Regional Development  
17 Authorities and all vendors and others doing business with the  
18 Regional Development Authorities.

19 The jurisdiction of each Executive Inspector General is to  
20 investigate allegations of fraud, waste, abuse, mismanagement,  
21 misconduct, nonfeasance, misfeasance, malfeasance, or  
22 violations of this Act or violations of other related laws and  
23 rules.

24 Each Executive Inspector General shall have jurisdiction  
25 over complainants in violation of subsection (e) of Section  
26 20-63 for disclosing a summary report prepared by the

1       respective Executive Inspector General.

2           (d) The compensation for each Executive Inspector General  
3 shall be determined by the Executive Ethics Commission and  
4 shall be provided from appropriations made to the Comptroller  
5 for this purpose. For terms of office beginning on or after  
6 July 1, 2023, each Executive Inspector General shall receive,  
7 on July 1 of each year, beginning on July 1, 2024, an increase  
8 in salary based on a cost of living adjustment as authorized by  
9 Senate Joint Resolution 192 of the 86th General Assembly.  
10 Subject to Section 20-45 of this Act, each Executive Inspector  
11 General has full authority to organize his or her Office of the  
12 Executive Inspector General, including the employment and  
13 determination of the compensation of staff, such as deputies,  
14 assistants, and other employees, as appropriations permit. A  
15 separate appropriation shall be made for each Office of  
16 Executive Inspector General.

17           (e) No Executive Inspector General or employee of the  
18 Office of the Executive Inspector General may, during his or  
19 her term of appointment or employment:

20                   (1) become a candidate for any elective office;

21                   (2) hold any other elected or appointed public office  
22 except for appointments on governmental advisory boards or  
23 study commissions or as otherwise expressly authorized by  
24 law;

25                   (3) be actively involved in the affairs of any  
26 political party or political organization; or

1           (4) advocate for the appointment of another person to  
2           an appointed or elected office or position or actively  
3           participate in any campaign for any elective office.

4           In this subsection an appointed public office means a  
5           position authorized by law that is filled by an appointing  
6           authority as provided by law and does not include employment  
7           by hiring in the ordinary course of business.

8           (e-1) No Executive Inspector General or employee of the  
9           Office of the Executive Inspector General may, for one year  
10          after the termination of his or her appointment or employment:

11           (1) become a candidate for any elective office;

12           (2) hold any elected public office; or

13           (3) hold any appointed State, county, or local  
14          judicial office.

15          (e-2) The requirements of item (3) of subsection (e-1) may  
16          be waived by the Executive Ethics Commission.

17          (f) An Executive Inspector General may be removed only for  
18          cause and may be removed only by the appointing constitutional  
19          officer. At the time of the removal, the appointing  
20          constitutional officer must report to the Executive Ethics  
21          Commission the justification for the removal.

22          (Source: P.A. 102-558, eff. 8-20-21; 102-1115, eff. 1-9-23;  
23          103-517, eff. 8-11-23.)

24           (5 ILCS 430/Art. 75 heading)

25                           ARTICLE 75. REGIONAL TRANSIT BOARD ~~BOARDS~~



## 1 AND REGIONAL DEVELOPMENT AUTHORITIES

2 (Source: P.A. 103-517, eff. 8-11-23.)

3 (5 ILCS 430/75-5)

4 Sec. 75-5. Application of the State Officials and  
5 Employees Ethics Act to the Regional Transit Board ~~Boards~~ and  
6 Regional Development Authorities.7 (a) The provisions of Articles 1, 5, 10, 20, and 50 of this  
8 Act, as well as this Article, apply to the Regional Transit  
9 Board ~~Boards~~ and Regional Development Authorities. As used in  
10 Articles 1, 5, 10, 20, 50, and 75, (i) "appointee" and  
11 "officer" include a person appointed to serve on the board of a  
12 Regional Transit Board or a board of a Regional Development  
13 Authority, and (ii) "employee" and "State employee" include:  
14 (A) a full-time, part-time, or contractual employee of a  
15 Regional Transit Board or a Regional Development Authority;  
16 and (B) Authority leaders of a Regional Development Authority.  
17 As used in this subsection, "Authority leader" has the meaning  
18 given to that term in the various Acts and Laws creating the  
19 Regional Development Authorities.20 (b) The Executive Ethics Commission shall have  
21 jurisdiction over all board members and employees of the  
22 Regional Transit Board ~~Boards~~ and Regional Development  
23 Authorities. The Executive Inspector General appointed by the  
24 Governor shall have jurisdiction over all board members,  
25 employees, vendors, and others doing business with the

1 Regional Transit Board ~~Boards~~ and Regional Development  
2 Authorities to investigate allegations of fraud, waste, abuse,  
3 mismanagement, misconduct, nonfeasance, misfeasance,  
4 malfeasance, or violations of this Act.

5 (Source: P.A. 103-517, eff. 8-11-23.)

6 (5 ILCS 430/75-10)

7 Sec. 75-10. Coordination between Executive Inspector  
8 General and Inspectors General appointed by Regional Transit  
9 Board ~~Boards~~.

10 (a) Nothing in this amendatory Act of the 96th General  
11 Assembly precludes the ~~a~~ Regional Transit Board from  
12 appointing or employing an Inspector General to serve under  
13 the jurisdiction of the ~~a~~ Regional Transit Board to receive  
14 complaints and conduct investigations in accordance with an  
15 ordinance or resolution adopted by that respective Board,  
16 provided he or she is approved by the Executive Ethics  
17 Commission. The ~~A~~ Regional Transit Board shall notify the  
18 Executive Ethics Commission within 10 days after employing or  
19 appointing a person to serve as Inspector General, and the  
20 Executive Ethics Commission shall approve or reject the  
21 appointment or employment of the Inspector General. Any  
22 notification not acted upon by the Executive Ethics Commission  
23 within 60 days after its receipt shall be deemed to have  
24 received the approval of the Executive Ethics Commission.  
25 ~~Within 30 days after the effective date of this amendatory Act~~

1 ~~of the 96th General Assembly, a Regional Transit Board shall~~  
2 ~~notify the Executive Ethics Commission of any person serving~~  
3 ~~on the effective date of this amendatory Act as an Inspector~~  
4 ~~General for the Regional Transit Board, and the Executive~~  
5 ~~Ethics Commission shall approve or reject the appointment or~~  
6 ~~employment within 30 days after receipt of the notification,~~  
7 ~~provided that any notification not acted upon by the Executive~~  
8 ~~Ethics Commission within 30 days shall be deemed to have~~  
9 ~~received approval.~~ No person rejected by the Executive Ethics  
10 Commission shall serve as an Inspector General for the a  
11 Regional Transit Board for a term of 5 years after being  
12 rejected by the Commission. For purposes of this subsection  
13 (a), any person appointed or employed by a Transit Board to  
14 receive complaints and investigate allegations of fraud,  
15 waste, abuse, mismanagement, misconduct, nonfeasance,  
16 misfeasance, malfeasance, or violations of this Act shall be  
17 considered an Inspector General and shall be subject to  
18 approval of the Executive Ethics Commission.

19 (b) The Executive Inspector General appointed by the  
20 Governor shall have exclusive jurisdiction to investigate  
21 complaints or allegations of violations of this Act and, in  
22 his or her discretion, may investigate other complaints or  
23 allegations. Complaints or allegations of a violation of this  
24 Act received by an Inspector General appointed or employed by  
25 the a Regional Transit Board shall be immediately referred to  
26 the Executive Inspector General. The Executive Inspector

1 General shall have authority to assume responsibility and  
2 investigate any complaint or allegation received by an  
3 Inspector General appointed or employed by the a Regional  
4 Transit Board. In the event the Executive Inspector General  
5 provides written notification of intent to assume  
6 investigatory responsibility for a complaint, allegation, or  
7 ongoing investigation, the Inspector General appointed or  
8 employed by the a Regional Transit Board shall cease review of  
9 the complaint, allegation, or ongoing investigation and  
10 provide all information to the Executive Inspector General.  
11 The Executive Inspector General may delegate responsibility  
12 for an investigation to the Inspector General appointed or  
13 employed by the a Regional Transit Board. In the event the  
14 Executive Inspector General provides an Inspector General  
15 appointed or employed by the a Regional Transit Board with  
16 written notification of intent to delegate investigatory  
17 responsibility for a complaint, allegation, or ongoing  
18 investigation, the Executive Inspector General shall provide  
19 all information to the Inspector General appointed or employed  
20 by the a Regional Transit Board.

21 (c) An Inspector General appointed or employed by the a  
22 Regional Transit Board shall provide a monthly activity report  
23 to the Executive Inspector General indicating:

24 (1) the total number of complaints or allegations  
25 received since the date of the last report and a  
26 description of each complaint;

1 (2) the number of investigations pending as of the  
2 reporting date and the status of each investigation;

3 (3) the number of investigations concluded since the  
4 date of the last report and the result of each  
5 investigation; and

6 (4) the status of any investigation delegated by the  
7 Executive Inspector General.

8 An Inspector General appointed or employed by the ~~a~~  
9 Regional Transit Board and the Executive Inspector General  
10 shall cooperate and share resources or information as  
11 necessary to implement the provisions of this Article.

12 (d) Reports filed under this Section are exempt from the  
13 Freedom of Information Act and shall be deemed confidential.  
14 Investigatory files and reports prepared by the Office of the  
15 Executive Inspector General and the Office of an Inspector  
16 General appointed or employed by the ~~a~~ Regional Transit Board  
17 may be disclosed between the Offices as necessary to implement  
18 the provisions of this Article.

19 (Source: P.A. 96-1528, eff. 7-1-11.)

20 Section 8.07. The Illinois Act on the Aging is amended by  
21 changing Section 4.15 as follows:

22 (20 ILCS 105/4.15)

23 Sec. 4.15. Eligibility determinations.

24 (a) The Department is authorized to make eligibility

1 determinations for benefits administered by other governmental  
2 bodies based on the Senior Citizens and Persons with  
3 Disabilities Property Tax Relief Act as follows:

4 (i) for the Secretary of State with respect to reduced  
5 fees paid by qualified vehicle owners under the Illinois  
6 Vehicle Code;

7 (ii) for special districts that offer free fixed-route  
8 ~~fixed route~~ public transportation services for qualified  
9 older adults under the Local Mass Transit District Act,  
10 ~~the Metropolitan Transit Authority Act,~~ and the  
11 Metropolitan Mobility Regional Transportation Authority  
12 Act; and

13 (iii) for special districts that offer transit  
14 services for qualified individuals with disabilities under  
15 the Local Mass Transit District Act,~~the Metropolitan~~  
16 ~~Transit Authority Act,~~ and the Metropolitan Mobility  
17 ~~Regional Transportation~~ Authority Act.

18 (b) The Department shall establish the manner by which  
19 claimants shall apply for these benefits. The Department is  
20 authorized to promulgate rules regarding the following  
21 matters: the application cycle; the application process; the  
22 content for an electronic application; required personal  
23 identification information; acceptable proof of eligibility as  
24 to age, disability status, marital status, residency, and  
25 household income limits; household composition; calculating  
26 income; use of social security numbers; duration of

1 eligibility determinations; and any other matters necessary  
2 for such administrative operations.

3 (c) All information received by the Department from an  
4 application or from any investigation to determine eligibility  
5 for benefits shall be confidential, except for official  
6 purposes.

7 (d) A person may not under any circumstances charge a fee  
8 to a claimant for assistance in completing an application form  
9 for these benefits.

10 (Source: P.A. 98-887, eff. 8-15-14; 99-143, eff. 7-27-15.)

11 Section 8.08. The Department of Public Health Powers and  
12 Duties Law of the Civil Administrative Code of Illinois is  
13 amended by changing Section 2310-55.5 as follows:

14 (20 ILCS 2310/2310-55.5)

15 Sec. 2310-55.5. Free and reduced fare services. The  
16 Metropolitan Mobility ~~Regional Transportation~~ Authority shall  
17 monthly provide the Department with a list of riders that  
18 receive free or reduced fares under the Metropolitan Mobility  
19 ~~Regional Transportation~~ Authority Act. The list shall include  
20 an individual's name, address, and date of birth. The  
21 Department shall, within 2 weeks after receipt of the list,  
22 report back to the Metropolitan Mobility ~~Regional~~  
23 ~~Transportation~~ Authority any discrepancies that indicate that  
24 a rider receiving free or reduced fare services is deceased.

1 (Source: P.A. 97-781, eff. 1-1-13.)

2 (20 ILCS 2605/2605-340 rep.)

3 Section 8.09. The Illinois State Police Law of the Civil  
4 Administrative Code of Illinois is amended by repealing  
5 Section 2605-340.

6 Section 8.10. The Department of Transportation Law of the  
7 Civil Administrative Code of Illinois is amended by changing  
8 Sections 2705-203, 2705-300, 2705-305, 2705-310, 2705-315, and  
9 2705-440 and by adding Section 2705-594 as follows:

10 (20 ILCS 2705/2705-203)

11 Sec. 2705-203. Transportation asset management plan and  
12 performance-based programming.

13 (a) The General Assembly declares it to be in the public  
14 interest that a project prioritization process be developed  
15 and implemented to: improve the efficiency and effectiveness  
16 of the State's transportation system and transportation  
17 safety; enhance movement and multi-modal connections of people  
18 and goods; mitigate environmental impacts; and promote  
19 inclusive economic growth throughout the State.

20 (b) In accordance with Section 2705-200, the Department of  
21 Transportation shall develop and publish a statewide  
22 multi-modal transportation improvement program for all  
23 transportation facilities under its jurisdiction. The



1 development of the program shall use the following methods:

2 (1) use transportation system information to make  
3 investment and policy decisions to achieve statewide and  
4 regional performance goals established in the State's  
5 long-range transportation plan;

6 (2) ensure transportation investment decisions emerge  
7 from an objective and quantifiable technical analysis;

8 (3) evaluate the need and financial support necessary  
9 for maintaining, expanding, and modernizing existing  
10 transportation infrastructure;

11 (4) ensure that all State transportation funds  
12 invested are directed to support progress toward the  
13 achievement of performance targets established in the  
14 State's long-range transportation plan;

15 (5) make investment decisions transparent and  
16 accessible to the public;

17 (6) consider emissions and increase infrastructure  
18 resilience to climate change; and

19 (7) reduce disparities in transportation system  
20 performance experienced by racially marginalized  
21 communities, low-income to moderate-income consumers, and  
22 other disadvantaged groups and populations identified  
23 under the Environmental Justice Act.

24 (c) The Department shall develop a risk-based, statewide  
25 highway system asset management plan in accordance with 23  
26 U.S.C. 119 and 23 CFR Part 515 to preserve and improve the

1 condition of highway and bridge assets and enhance the  
2 performance of the system while minimizing the life-cycle  
3 cost. The asset management plan shall be made publicly  
4 available on the Department's website.

5 (d) The Department shall develop a needs-based transit  
6 asset management plan for State-supported public  
7 transportation assets, including vehicles, facilities,  
8 equipment, and other infrastructure in accordance with 49 CFR  
9 Part 625. The goal of the transit asset management plan is to  
10 preserve and modernize capital transit assets that will  
11 enhance the performance of the transit system. Federally  
12 required transit asset management plans developed by the  
13 Metropolitan Mobility Authority ~~Regional Transportation~~  
14 ~~Authority (RTA) or service boards, as defined in Section 1.03~~  
15 ~~of the Regional Transportation Authority Act,~~ shall become the  
16 transportation asset management plans for all public  
17 transportation assets owned and operated by the Authority  
18 ~~service boards~~. The Department's transit asset management plan  
19 shall be made publicly available on the Department's website.  
20 The Metropolitan Mobility Authority ~~RTA~~ shall be responsible  
21 for making public transit asset management plans for its  
22 service area publicly available.

23 (e) The Department shall develop a performance-based  
24 project selection process to prioritize taxpayer investment in  
25 State-owned transportation assets that add capacity. The goal  
26 of the process is to select projects through an evaluation

1 process. This process shall provide the ability to prioritize  
2 projects based on geographic regions. The Department shall  
3 solicit input from localities, metropolitan planning  
4 organizations, transit authorities, transportation  
5 authorities, representatives of labor and private businesses,  
6 the public, community-based organizations, and other  
7 stakeholders in its development of the prioritization process  
8 pursuant to this subsection.

9 The selection process shall include a defined public  
10 process by which candidate projects are evaluated and  
11 selected. The process shall include both a quantitative  
12 analysis of the evaluation factors and qualitative review by  
13 the Department. The Department may apply different weights to  
14 the performance measures based on regional geography or  
15 project type. Projects selected as part of the process will be  
16 considered for inclusion in the State's multi-year  
17 transportation program and the annual element of the  
18 multi-year program. Starting April 1, 2022, no new capacity  
19 project shall be included in the multi-year transportation  
20 plan or annual element without being evaluated under the  
21 selection process described in this Section. Existing projects  
22 in the multi-year highway improvement program may be included  
23 regardless of the outcome of using the performance-based  
24 project selection tool. The policies that guide the  
25 performance-based project selection process shall be derived  
26 from State and regional long-range transportation plans. The

1 Department shall certify that it is making progress toward the  
2 goals included in the State's long-range transportation plan.  
3 All plan and program development based on the project  
4 selection process described in this subsection shall include  
5 consideration of regional balance. The selection process shall  
6 be based on an objective and quantifiable analysis that  
7 considers, at a minimum, the goals identified in the  
8 long-range transportation plan and shall:

9 (1) consider emissions and increase infrastructure  
10 resilience due to climate change; and

11 (2) reduce disparities in transportation system  
12 performance experienced by racially marginalized  
13 communities, low-income to moderate-income consumers, and  
14 other disadvantaged groups and populations identified  
15 under the Environmental Justice Act.

16 (f) The prioritization process developed under subsection  
17 (e) may apply only to State jurisdiction projects and not to:

18 (1) projects funded by the Congestion Mitigation and  
19 Air Quality Improvement funds apportioned to the State  
20 pursuant to 23 U.S.C. 104(b) (4) and State matching funds;

21 (2) projects funded by the Highway Safety Improvement  
22 Program funds apportioned to the State pursuant to 23  
23 U.S.C. 104(b) (3) and State matching funds;

24 (3) projects funded by the Transportation Alternatives  
25 funds set-aside pursuant to 23 U.S.C. 133(h) and State  
26 matching funds;

1           (4) projects funded by the National Highway Freight  
2 Program pursuant to 23 U.S.C. 167 and State matching  
3 funds;

4           (5) funds to be allocated to urban areas based on  
5 population under federal law; and

6           (6) any new federal program that requires competitive  
7 selection, distribution to local public agencies, or  
8 specific eligibility.

9           (g) A summary of the project evaluation process, measures,  
10 program, and scores for all candidate projects shall be  
11 published on the Department website in a timely manner.

12       (Source: P.A. 102-573, eff. 8-24-21.)

13           (20 ILCS 2705/2705-300) (was 20 ILCS 2705/49.18)

14           Sec. 2705-300. Powers concerning mass transportation. The  
15 Department has the power to do the following:

16           (1) Advise and assist the Governor and the General  
17 Assembly in formulating (i) a mass transportation policy  
18 for the State, (ii) proposals designed to help meet and  
19 resolve special problems of mass transportation within the  
20 State, and (iii) programs of assistance for the  
21 comprehensive planning, development, and administration of  
22 mass transportation facilities and services.

23           (2) Appear and participate in proceedings before any  
24 federal, State, or local regulatory agency involving or  
25 affecting mass transportation in the State.

1           (3) Study mass transportation problems and provide  
2 technical assistance to units of local government.

3           (4) Encourage experimentation in developing new mass  
4 transportation facilities and services.

5           (5) Recommend policies, programs, and actions designed  
6 to improve utilization of mass transportation services.

7           (6) Cooperate with mass transit districts and systems,  
8 local governments, and other State agencies in meeting  
9 those problems of air, noise, and water pollution  
10 associated with transportation.

11           (7) Participate fully in a statewide effort to improve  
12 transport safety, including, as the designated State  
13 agency responsible for overseeing the safety and security  
14 of rail fixed guideway public transportation systems in  
15 compliance with 49 U.S.C. 5329 and 49 U.S.C. 5330:

16           (A) developing, adopting, and implementing a  
17 system safety program standard and procedures meeting  
18 the compliance requirements of 49 U.S.C. 5329 and 49  
19 U.S.C. 5330, as now or hereafter amended, for the  
20 safety and security of rail fixed guideway public  
21 transportation systems within the State; and

22           (B) establishing procedures in accordance with 49  
23 U.S.C. 5329 and 49 U.S.C. 5330 to review, approve,  
24 oversee, investigate, audit, and enforce all other  
25 necessary and incidental functions related to the  
26 effectuation of 49 U.S.C. 5329 and 49 U.S.C. 5330, or

1 other federal law, pertaining to public transportation  
2 oversight. The Department may contract for the  
3 services of a qualified consultant to comply with this  
4 subsection.

5 The security portion of the system safety program,  
6 investigation reports, surveys, schedules, lists, or data  
7 compiled, collected, or prepared by or for the Department  
8 under this subsection shall not be subject to discovery or  
9 admitted into evidence in federal or State court or  
10 considered for other purposes in any civil action for  
11 damages arising from any matter mentioned or addressed in  
12 such reports, surveys, schedules, lists, data, or  
13 information. Except for willful or wanton conduct, neither  
14 the Department nor its employees, nor the Metropolitan  
15 Mobility Regional Transportation Authority, nor the St.  
16 Clair County Transit District, nor any mass transit  
17 district ~~nor service board~~ subject to this Section, nor  
18 their respective directors, officers, or employees, shall  
19 be held liable in any civil action for any injury to or  
20 death of any person or loss of or damage to property for  
21 any act, omission, or failure to act under this Section or  
22 49 U.S.C. 5329 or 49 U.S.C. 5330 as now or hereafter  
23 amended.

24 (8) Conduct by contract or otherwise technical  
25 studies, and demonstration and development projects which  
26 shall be designed to test and develop methods for

1 increasing public use of mass transportation and for  
2 providing mass transportation in an efficient,  
3 coordinated, and convenient manner.

4 (9) Make applications for, receive, and make use of  
5 grants for mass transportation.

6 (10) Make grants for mass transportation from the  
7 Transportation Fund pursuant to the standards and  
8 procedures of Sections 2705-305 and 2705-310.

9 Nothing in this Section alleviates an individual's duty to  
10 comply with the State Officials and Employees Ethics Act.

11 (Source: P.A. 102-559, eff. 8-20-21.)

12 (20 ILCS 2705/2705-305)

13 Sec. 2705-305. Grants for mass transportation.

14 (a) For the purpose of mass transportation grants and  
15 contracts, the following definitions apply:

16 "Carrier" means any corporation, authority, partnership,  
17 association, person, or district authorized to provide mass  
18 transportation within the State.

19 "District" means all of the following:

20 (i) Any district created pursuant to the Local Mass  
21 Transit District Act.

22 (ii) (Blank). ~~The Authority created pursuant to the~~  
23 ~~Metropolitan Transit Authority Act.~~

24 (iii) Any authority, commission, or other entity that  
25 by virtue of an interstate compact approved by Congress is



1 authorized to provide mass transportation.

2 (iv) The Authority created pursuant to the  
3 Metropolitan Mobility Regional Transportation Authority  
4 Act.

5 "Facilities" comprise all real and personal property used  
6 in or appurtenant to a mass transportation system, including  
7 parking lots.

8 "Mass transportation" means transportation provided within  
9 the State of Illinois by rail, bus, or other conveyance and  
10 available to the general public on a regular and continuing  
11 basis, including the transportation of persons with  
12 disabilities or elderly persons as provided more specifically  
13 in Section 2705-310.

14 "Unit of local government" means any city, village,  
15 incorporated town, or county.

16 (b) Grants may be made to units of local government,  
17 districts, and carriers for the acquisition, construction,  
18 extension, reconstruction, and improvement of mass  
19 transportation facilities. Grants shall be made upon the terms  
20 and conditions that in the judgment of the Secretary are  
21 necessary to ensure their proper and effective utilization.

22 (c) The Department shall make grants under this Law in a  
23 manner designed, so far as is consistent with the maintenance  
24 and development of a sound mass transportation system within  
25 the State, to: (i) maximize federal funds for the assistance  
26 of mass transportation in Illinois under the Federal Transit

1 Act and other federal Acts; (ii) facilitate the movement of  
2 persons who because of age, economic circumstance, or physical  
3 infirmity are unable to drive; (iii) contribute to an improved  
4 environment through the reduction of air, water, and noise  
5 pollution; and (iv) reduce traffic congestion.

6 (d) The Secretary shall establish procedures for making  
7 application for mass transportation grants. The procedures  
8 shall provide for public notice of all applications and give  
9 reasonable opportunity for the submission of comments and  
10 objections by interested parties. The procedures shall be  
11 designed with a view to facilitating simultaneous application  
12 for a grant to the Department and to the federal government.

13 (e) Grants may be made for mass transportation projects as  
14 follows:

15 (1) In an amount not to exceed 100% of the nonfederal  
16 share of projects for which a federal grant is made.

17 (2) In an amount not to exceed 100% of the net project  
18 cost for projects for which a federal grant is not made.

19 (3) In an amount not to exceed five-sixths of the net  
20 project cost for projects essential for the maintenance of  
21 a sound transportation system and eligible for federal  
22 assistance for which a federal grant application has been  
23 made but a federal grant has been delayed. If and when a  
24 federal grant is made, the amount in excess of the  
25 nonfederal share shall be promptly returned to the  
26 Department.

1           In no event shall the Department make a grant that,  
2 together with any federal funds or funds from any other  
3 source, is in excess of 100% of the net project cost.

4           (f) Regardless of whether any funds are available under a  
5 federal grant, the Department shall not make a mass  
6 transportation grant unless the Secretary finds that the  
7 recipient has entered into an agreement with the Department in  
8 which the recipient agrees not to engage in school bus  
9 operations exclusively for the transportation of students and  
10 school personnel in competition with private school bus  
11 operators where those private school bus operators are able to  
12 provide adequate transportation, at reasonable rates, in  
13 conformance with applicable safety standards, provided that  
14 this requirement shall not apply to a recipient that operates  
15 a school system in the area to be served and operates a  
16 separate and exclusive school bus program for the school  
17 system.

18           (g) Grants may be made for mass transportation purposes  
19 with funds appropriated from the Build Illinois Bond Fund  
20 consistent with the specific purposes for which those funds  
21 are appropriated by the General Assembly. Grants under this  
22 subsection (g) are not subject to any limitations or  
23 conditions imposed upon grants by any other provision of this  
24 Section, except that the Secretary may impose the terms and  
25 conditions that in his or her judgment are necessary to ensure  
26 the proper and effective utilization of the grants under this

1 subsection.

2 (h) The Department may let contracts for mass  
3 transportation purposes and facilities for the purpose of  
4 reducing urban congestion funded in whole or in part with  
5 bonds described in subdivision (b)(1) of Section 4 of the  
6 General Obligation Bond Act, not to exceed \$75,000,000 in  
7 bonds.

8 (i) The Department may make grants to carriers, districts,  
9 and units of local government for the purpose of reimbursing  
10 them for providing reduced fares for mass transportation  
11 services for students, persons with disabilities, and the  
12 elderly. Grants shall be made upon the terms and conditions  
13 that in the judgment of the Secretary are necessary to ensure  
14 their proper and effective utilization.

15 (j) The Department may make grants to carriers, districts,  
16 and units of local government for costs of providing ADA  
17 paratransit service.

18 (Source: P.A. 99-143, eff. 7-27-15.)

19 (20 ILCS 2705/2705-310)

20 Sec. 2705-310. Grants for transportation for persons with  
21 disabilities.

22 (a) For the purposes of this Section, the following  
23 definitions apply:

24 "Carrier" means a district or a not for profit  
25 corporation providing mass transportation for persons with

1 disabilities on a regular and continuing basis.

2 "Person with a disability" means any individual who, by  
3 reason of illness, injury, age, congenital malfunction, or  
4 other permanent or temporary incapacity or disability, is  
5 unable without special mass transportation facilities or  
6 special planning or design to utilize ordinary mass  
7 transportation facilities and services as effectively as  
8 persons who are not so affected.

9 "Unit of local government", "district", and "facilities"  
10 have the meanings ascribed to them in Section 2705-305.

11 (b) The Department may make grants from the Transportation  
12 Fund and the General Revenue Fund (i) to units of local  
13 government, districts, and carriers for vehicles, equipment,  
14 and the acquisition, construction, extension, reconstruction,  
15 and improvement of mass transportation facilities for persons  
16 with disabilities and (ii) during State fiscal years 1986 and  
17 1987, to the Regional Transportation Authority (now the  
18 Metropolitan Mobility Authority) for operating assistance for  
19 mass transportation for mobility limited persons, including  
20 paratransit services for the mobility limited. The grants  
21 shall be made upon the terms and conditions that in the  
22 judgment of the Secretary are necessary to ensure their proper  
23 and effective utilization. The procedures, limitations, and  
24 safeguards provided in Section 2705-305 to govern grants for  
25 mass transportation shall apply to grants made under this  
26 Section.

1 For the efficient administration of grants, the  
2 Department, on behalf of grant recipients under this Section  
3 and on behalf of recipients receiving funds under Sections  
4 5309 and 5311 of the Federal Transit Act and State funds, may  
5 administer and consolidate procurements and may enter into  
6 contracts with manufacturers of vehicles and equipment.

7 (c) The Department may make operating assistance grants  
8 from the Transportation Fund to those carriers that, during  
9 federal fiscal year 1986, directly received operating  
10 assistance pursuant to Section 5307 or Section 5311 of the  
11 Federal Transit Act, or under contracts with a unit of local  
12 government or mass transit district that received operating  
13 expenses under Section 5307 or Section 5311 of the Federal  
14 Transit Act, to provide public paratransit services to the  
15 general mobility limited population. The Secretary shall take  
16 into consideration the reduction in federal operating expense  
17 grants to carriers when considering the grant applications.  
18 The procedures, limitations, and safeguards provided in  
19 Section 2705-305 to govern grants for mass transportation  
20 shall apply to grants made under this Section.

21 (Source: P.A. 99-143, eff. 7-27-15.)

22 (20 ILCS 2705/2705-315) (was 20 ILCS 2705/49.19b)

23 Sec. 2705-315. Grants for passenger security. The  
24 Department may make grants from the Transportation Fund and  
25 the General Revenue Fund to the Metropolitan Mobility ~~Regional~~

1 ~~Transportation~~ Authority created under the Metropolitan  
2 Mobility Regional Transportation Authority Act to be used to  
3 provide protection against crime for the consumers of public  
4 transportation, and for the employees and facilities of public  
5 transportation providers, in the metropolitan region. The  
6 grants may be used (1) to provide that protection directly, ~~or~~  
7 (2) to contract with any municipality or county in the  
8 metropolitan region to provide that protection, or (3) ~~except~~  
9 ~~for the Chicago Transit Authority created under the~~  
10 ~~Metropolitan Transit Authority Act,~~ to contract with a private  
11 security agency to provide that protection.

12 The grants shall be made upon the terms and conditions  
13 that in the judgment of the Secretary are necessary to ensure  
14 their proper and effective utilization. The procedures  
15 provided in Section 2705-305 to govern grants for mass  
16 transportation shall apply to grants made under this Section.

17 (Source: P.A. 91-239, eff. 1-1-00.)

18 (20 ILCS 2705/2705-440) (was 20 ILCS 2705/49.25h)

19 Sec. 2705-440. Intercity Rail Service.

20 (a) For the purposes of providing intercity railroad  
21 passenger service within this State and throughout the United  
22 States, the Department is authorized to enter into agreements  
23 with any state, state agency, units of local government or  
24 political subdivisions, Metropolitan Mobility Authority ~~the~~  
25 ~~Commuter Rail Division of the Regional Transportation~~

1 ~~Authority~~ (or a public corporation on behalf of that Authority  
2 ~~Division~~), architecture or engineering firms, the National  
3 Railroad Passenger Corporation, any carrier, or any  
4 individual, corporation, partnership, or public or private  
5 entity. The cost related to such services shall be borne in  
6 such proportion as, by agreement or contract the parties may  
7 desire.

8 (b) In providing any intercity railroad passenger service  
9 as provided in this Section, the Department shall have the  
10 following additional powers:

11 (1) to enter into trackage use agreements with rail  
12 carriers;

13 (1.5) to freely lease or otherwise contract for any  
14 purpose any of the locomotives, passenger railcars, and  
15 other rolling stock equipment or accessions to any state  
16 or state agency, public or private entity, or quasi-public  
17 entities;

18 (2) to enter into haulage agreements with rail  
19 carriers;

20 (3) to lease or otherwise contract for use,  
21 maintenance, servicing, and repair of any needed  
22 locomotives, rolling stock, stations, or other facilities,  
23 the lease or contract having a term not to exceed 50 years  
24 (but any multi-year contract shall recite that the  
25 contract is subject to termination and cancellation,  
26 without any penalty, acceleration payment, or other



1           recoupment mechanism, in any fiscal year for which the  
2           General Assembly fails to make an adequate appropriation  
3           to cover the contract obligation);

4           (4) to enter into management agreements;

5           (5) to include in any contract indemnification of  
6           carriers or other parties for any liability with regard to  
7           intercity railroad passenger service;

8           (6) to obtain insurance for any losses or claims with  
9           respect to the service;

10          (7) to promote the use of the service;

11          (8) to make grants to any body politic and corporate,  
12          any unit of local government, or the Metropolitan Mobility  
13          Authority ~~Commuter Rail Division of the Regional~~  
14          ~~Transportation Authority~~ to cover all or any part of any  
15          capital or operating costs of the service and to enter  
16          into agreements with respect to those grants;

17          (9) to set any fares or make other regulations with  
18          respect to the service, consistent with any contracts for  
19          the service; and

20          (10) to otherwise enter into any contracts necessary  
21          or convenient to provide rail services, operate or  
22          maintain locomotives, passenger railcars, and other  
23          rolling stock equipment or accessions, including the lease  
24          or use of such locomotives, railcars, equipment, or  
25          accessions.

26          (c) All service provided under this Section shall be

1 exempt from all regulations by the Illinois Commerce  
2 Commission (other than for safety matters). To the extent the  
3 service is provided by the Metropolitan Mobility Authority  
4 ~~Commuter Rail Division of the Regional Transportation~~  
5 ~~Authority~~ (or a public corporation on behalf of that Authority  
6 ~~Division~~), it shall be exempt from safety regulations of the  
7 Illinois Commerce Commission to the extent the Authority  
8 ~~Commuter Rail Division~~ adopts its own safety regulations.

9 (d) In connection with any powers exercised under this  
10 Section, the Department

11 (1) shall not have the power of eminent domain; and

12 (2) shall not directly operate any railroad service  
13 with its own employees.

14 (e) Any contract with the Metropolitan Mobility Authority  
15 ~~Commuter Rail Division of the Regional Transportation~~  
16 ~~Authority~~ (or a public corporation on behalf of the Authority  
17 ~~Division~~) under this Section shall provide that all costs in  
18 excess of revenue received by the Division generated from  
19 intercity rail service provided by the Division shall be fully  
20 borne by the Department, and no funds for operation of  
21 commuter rail service shall be used, directly or indirectly,  
22 or for any period of time, to subsidize the intercity rail  
23 operation. If at any time the Division does not have  
24 sufficient funds available to satisfy the requirements of this  
25 Section, the Division shall forthwith terminate the operation  
26 of intercity rail service. The payments made by the Department

1 to the Division for the intercity rail passenger service shall  
2 not be made in excess of those costs or as a subsidy for costs  
3 of commuter rail operations. This shall not prevent the  
4 contract from providing for efficient coordination of service  
5 and facilities to promote cost-effective ~~cost-effective~~  
6 operations of both intercity rail passenger service and  
7 commuter rail services with cost allocations as provided in  
8 this paragraph.

9 (f) Whenever the Department enters into an agreement with  
10 any carrier, state or state agency, any public or private  
11 entity, or quasi-public entity for either the Department's  
12 payment of such railroad required maintenance expenses  
13 necessary for intercity passenger service or for the lease or  
14 use of locomotives, passenger railcars, and other rolling  
15 stock equipment or accessions, the Department may deposit such  
16 required maintenance funds, use fees, or rental payments into  
17 any escrow account. For purposes of this subsection, an escrow  
18 account means any fiduciary account established with (i) any  
19 banking corporation which is both organized under the Illinois  
20 Banking Act and authorized to accept and administer trusts in  
21 this State, or (ii) any national banking association which has  
22 its principal place of business in this State and which also is  
23 authorized to accept and administer trusts in this State. The  
24 funds in any required maintenance escrow account may be  
25 withdrawn by the carrier or entity in control of the railroad  
26 being maintained, only with the consent of the Department,

1 pursuant to a written maintenance agreement and pursuant to a  
2 maintenance plan that shall be updated each year. Funds in an  
3 escrow account holding lease, use fees, or rental payments may  
4 be withdrawn by the Department to be used or expended on  
5 acquisition, offsets, overhaul fees, or costs of locomotives,  
6 railcars, equipment or accessions, including any future  
7 equipment purchase, expenses, fees, or costs, or any other  
8 purpose permitted or required by the escrow agreement or any  
9 other agreement regarding disbursement of funds. The moneys  
10 deposited in the escrow accounts shall be invested and  
11 reinvested, pursuant to the direction of the Department, in  
12 bonds and other interest bearing obligations of this State, or  
13 in such accounts, certificates, bills, obligations, shares,  
14 pools or other securities as are authorized for the investment  
15 of public funds under the Public Funds Investment Act. Escrow  
16 accounts created under this subsection shall not have terms  
17 that exceed 20 years. At the end of the term of an escrow  
18 account, the remaining balance shall be deposited in the  
19 High-Speed Rail Rolling Stock Fund, a special fund that is  
20 created in the State treasury ~~Treasury~~. Moneys in the  
21 High-Speed Rail Rolling Stock Fund may be used for any purpose  
22 related to locomotives, passenger railcars, and other rolling  
23 stock equipment. The Department shall prepare a report for  
24 presentation to the Comptroller and the Treasurer each year  
25 that shows the amounts deposited and withdrawn, the purposes  
26 for withdrawal, the balance, and the amounts derived from

1 investment.

2 (Source: P.A. 100-773, eff. 1-1-19.)

3 (20 ILCS 2705/2705-594 new)

4 Sec. 2705-594. Office of Public Transportation Support.

5 (a) As used in this Section, "metropolitan region" has the  
6 meaning given to that term in the Metropolitan Mobility  
7 Authority Act.

8 (b) The Department shall establish, staff, and support an  
9 Office of Public Transportation Support within District 1. The  
10 Office's purpose is to optimize the operation of public  
11 transportation vehicles and the delivery of public  
12 transportation services on highways, as defined by Section  
13 2-202 of the Illinois Highway Code, under the Department's  
14 jurisdiction in the metropolitan region.

15 (c) The Office of Public Transportation Support shall have  
16 the following duties:

17 (1) reviewing Department plans for the construction,  
18 rehabilitation, and repair of roadways under the  
19 Department's jurisdiction to identify opportunities for  
20 enhancements that will improve public transportation  
21 operations and safety on such highways, and making  
22 recommendations for implementing such enhancements;

23 (2) reviewing the plans by other governmental entities  
24 for the construction, rehabilitation, and repair of  
25 highways under the Department's jurisdiction or that

1 intersect with such highways to identify opportunities for  
2 enhancements that will improve public transportation  
3 operations and safety on such highways, and making  
4 recommendations for implementing such enhancements;

5 (3) facilitating the implementation of intelligent  
6 transportation system solutions, such as bus priority at  
7 signalized intersections, to improve public transportation  
8 vehicle operations and safety on highways under the  
9 Department's jurisdiction;

10 (4) facilitating the implementation of highway  
11 infrastructure enhancements such as sidewalks, bus  
12 shelters, and bicycle paths and lanes that help connect  
13 people to public transportation services on highways under  
14 the Department's jurisdiction;

15 (5) identifying and pursuing grant funding  
16 opportunities for projects that will improve public  
17 transportation operations and safety on highways under the  
18 Department's jurisdiction;

19 (6) coordinating with the Metropolitan Mobility  
20 Authority on the implementation of bus speed and  
21 reliability improvements and other enhancements to  
22 highways under the Department's jurisdiction to improve  
23 public transportation operations and safety; and

24 (7) coordinating with the Metropolitan Mobility  
25 Authority on the pursuit of grant opportunities for  
26 projects that will improve public transportation on

1 highways under the Department's jurisdiction.

2 (d) To fulfill its obligations under this Section, and  
3 notwithstanding any of its current policies and practices to  
4 the contrary, the Department shall in its design and operation  
5 of highways under its jurisdiction in the metropolitan region  
6 give priority to public transportation vehicles and other  
7 vehicles, such as school buses, designed to carry a sizable  
8 number of people over the priority the Department gives to  
9 standard light duty vehicles typically used to carry one or a  
10 few people at a time.

11 (e) The Department shall prioritize maximizing the  
12 throughput of people on highways under its jurisdiction in the  
13 metropolitan region where public transportation is provided or  
14 planned over maximizing the number and speeds of vehicles on  
15 such highways.

16 (f) On highways in the metropolitan region under its  
17 jurisdiction served by public transportation or where public  
18 transportation is planned, the Department shall identify and  
19 implement highway design, infrastructure, and operations  
20 enhancements that maximize the attractiveness and efficacy of  
21 public transportation compared to travel by single occupancy  
22 vehicles on such highways and coordinate with the Metropolitan  
23 Mobility Authority on such enhancements.

24 (g) The Department shall give the Metropolitan Mobility  
25 Authority a timely opportunity to review, comment, and concur  
26 on plans for the construction, rehabilitation, or repair of

1 highways under the jurisdiction of the Department in the  
2 metropolitan region where public transportation is being  
3 provided or is planned by the Metropolitan Mobility Authority.

4 (h) The Department shall not advance a project subject to  
5 the process set forth in subsections (d) through (g) to  
6 construction until it has received the Metropolitan Mobility  
7 Authority's concurrence.

8 (i) The Chicago Metropolitan Agency for Planning shall  
9 make appropriate changes to its travel demand model, project  
10 scoring and prioritization processes, long-range plan, and  
11 transportation improvement program to reflect the requirements  
12 of subsections (d) through (h).

13 Section 8.11. The Illinois Finance Authority Act is  
14 amended by changing Section 820-50 as follows:

15 (20 ILCS 3501/820-50)

16 Sec. 820-50. Pledge of Funds by Units of Local Government.

17 (a) Pledge of Funds. Any unit of local government which  
18 receives funds from the Department of Revenue, including  
19 without limitation funds received pursuant to Sections 8-11-1,  
20 8-11-1.4, 8-11-5 or 8-11-6 of the Illinois Municipal Code, the  
21 Home Rule County Retailers' Occupation Tax Act, the Home Rule  
22 County Service Occupation Tax Act, Sections 25.05-2, 25.05-3  
23 or 25.05-10 of "An Act to revise the law in relation to  
24 counties", Section 5.01 of the Local Mass Transit District



1 Act, Section 4.03 of the Metropolitan Mobility ~~Regional~~  
2 ~~Transportation~~ Authority Act, Sections 2 or 12 of the State  
3 Revenue Sharing Act, or from the Department of Transportation  
4 pursuant to Section 8 of the Motor Fuel Tax Law, or from the  
5 State Superintendent of Education (directly or indirectly  
6 through regional superintendents of schools) pursuant to  
7 Article 18 of the School Code, or any unit of government which  
8 receives other funds which are at any time in the custody of  
9 the State Treasurer, the State Comptroller, the Department of  
10 Revenue, the Department of Transportation or the State  
11 Superintendent of Education may by appropriate proceedings,  
12 pledge to the Authority or any entity acting on behalf of the  
13 Authority (including, without limitation, any trustee), any or  
14 all of such receipts to the extent that such receipts are  
15 necessary to provide revenues to pay the principal of,  
16 premium, if any, and interest on, and other fees related to, or  
17 to secure, any of the local government securities of such unit  
18 of local government which have been sold or delivered to the  
19 Authority or its designee or to pay lease rental payments to be  
20 made by such unit of local government to the extent that such  
21 lease rental payments secure the payment of the principal of,  
22 premium, if any, and interest on, and other fees related to,  
23 any local government securities which have been sold or  
24 delivered to the Authority or its designee. Any pledge of such  
25 receipts (or any portion thereof) shall constitute a first and  
26 prior lien thereon and shall be binding from the time the

1 pledge is made.

2 (b) Direct Payment of Pledged Receipts. Any such unit of  
3 local government may, by such proceedings, direct that all or  
4 any of such pledged receipts payable to such unit of local  
5 government be paid directly to the Authority or such other  
6 entity (including, without limitation, any trustee) for the  
7 purpose of paying the principal of, premium, if any, and  
8 interest on, and fees relating to, such local government  
9 securities or for the purpose of paying such lease rental  
10 payments to the extent necessary to pay the principal of,  
11 premium, if any, and interest on, and other fees related to,  
12 such local government securities secured by such lease rental  
13 payments. Upon receipt of a certified copy of such proceedings  
14 by the State Treasurer, the State Comptroller, the Department  
15 of Revenue, the Department of Transportation or the State  
16 Superintendent of Education, as the case may be, such  
17 Department or State Superintendent shall direct the State  
18 Comptroller and State Treasurer to pay to, or on behalf of, the  
19 Authority or such other entity (including, without limitation,  
20 any trustee) all or such portion of the pledged receipts from  
21 the Department of Revenue, or the Department of Transportation  
22 or the State Superintendent of Education (directly or  
23 indirectly through regional superintendents of schools), as  
24 the case may be, sufficient to pay the principal of and  
25 premium, if any, and interest on, and other fees related to,  
26 the local governmental securities for which the pledge was

1 made or to pay such lease rental payments securing such local  
2 government securities for which the pledge was made. The  
3 proceedings shall constitute authorization for such a  
4 directive to the State Comptroller to cause orders to be drawn  
5 and to the State Treasurer to pay in accordance with such  
6 directive. To the extent that the Authority or its designee  
7 notifies the Department of Revenue, the Department of  
8 Transportation or the State Superintendent of Education, as  
9 the case may be, that the unit of local government has  
10 previously paid to the Authority or its designee the amount of  
11 any principal, premium, interest and fees payable from such  
12 pledged receipts, the State Comptroller shall cause orders to  
13 be drawn and the State Treasurer shall pay such pledged  
14 receipts to the unit of local government as if they were not  
15 pledged receipts. To the extent that such receipts are pledged  
16 and paid to the Authority or such other entity, any taxes which  
17 have been levied or fees or charges assessed pursuant to law on  
18 account of the issuance of such local government securities  
19 shall be paid to the unit of local government and may be used  
20 for the purposes for which the pledged receipts would have  
21 been used.

22 (c) Payment of Pledged Receipts upon Default. Any such  
23 unit of local government may, by such proceedings, direct that  
24 such pledged receipts payable to such unit of local government  
25 be paid to the Authority or such other entity (including,  
26 without limitation, any trustee) upon a default in the payment

1 of any principal of, premium, if any, or interest on, or fees  
2 relating to, any of the local government securities of such  
3 unit of local government which have been sold or delivered to  
4 the Authority or its designee or any of the local government  
5 securities which have been sold or delivered to the Authority  
6 or its designee and which are secured by such lease rental  
7 payments. If such local governmental security is in default as  
8 to the payment of principal thereof, premium, if any, or  
9 interest thereon, or fees relating thereto, to the extent that  
10 the State Treasurer, the State Comptroller, the Department of  
11 Revenue, the Department of Transportation or the State  
12 Superintendent of Education (directly or indirectly through  
13 regional superintendents of schools) shall be the custodian at  
14 any time of any other available funds or moneys pledged to the  
15 payment of such local government securities or such lease  
16 rental payments securing such local government securities  
17 pursuant to this Section and due or payable to such a unit of  
18 local government at any time subsequent to written notice to  
19 the State Comptroller and State Treasurer from the Authority  
20 or any entity acting on behalf of the Authority (including,  
21 without limitation, any trustee) to the effect that such unit  
22 of local government has not paid or is in default as to payment  
23 of the principal of, premium, if any, or interest on, or fees  
24 relating to, any local government security sold or delivered  
25 to the Authority or any such entity (including, without  
26 limitation, any trustee) or has not paid or is in default as to

1 the payment of such lease rental payments securing the payment  
2 of the principal of, premium, if any, or interest on, or other  
3 fees relating to, any local government security sold or  
4 delivered to the Authority or such other entity (including,  
5 without limitation, any trustee):

6 (i) The State Comptroller and the State Treasurer  
7 shall withhold the payment of such funds or moneys from  
8 such unit of local government until the amount of such  
9 principal, premium, if any, interest or fees then due and  
10 unpaid has been paid to the Authority or any such entity  
11 (including, without limitation, any trustee), or the State  
12 Comptroller and the State Treasurer have been advised that  
13 arrangements, satisfactory to the Authority or such  
14 entity, have been made for the payment of such principal,  
15 premium, if any, interest and fees; and

16 (ii) Within 10 days after a demand for payment by the  
17 Authority or such entity given to such unit of local  
18 government, the State Treasurer and the State Comptroller,  
19 the State Treasurer shall pay such funds or moneys as are  
20 legally available therefor to the Authority or such entity  
21 for the payment of principal of, premium, if any, or  
22 interest on, or fees relating to, such local government  
23 securities. The Authority or any such entity may carry out  
24 this Section and exercise all the rights, remedies and  
25 provisions provided or referred to in this Section.

26 (d) Remedies. Upon the sale or delivery of any local

1 government securities of the Authority or its designee, the  
2 local government which issued such local government securities  
3 shall be deemed to have agreed that upon its failure to pay  
4 interest or premium, if any, on, or principal of, or fees  
5 relating to, the local government securities sold or delivered  
6 to the Authority or any entity acting on behalf of the  
7 Authority (including, without limitation, any trustee) when  
8 payable, all statutory defenses to nonpayment are thereby  
9 waived. Upon a default in payment of principal of or interest  
10 on any local government securities issued by a unit of local  
11 government and sold or delivered to the Authority or its  
12 designee, and upon demand on the unit of local government for  
13 payment, if the local government securities are payable from  
14 property taxes and funds are not legally available in the  
15 treasury of the unit of local government to make payment, an  
16 action in mandamus for the levy of a tax by the unit of local  
17 government to pay the principal of or interest on the local  
18 government securities shall lie, and the Authority or such  
19 entity shall be constituted a holder or owner of the local  
20 government securities as being in default. Upon the occurrence  
21 of any failure or default with respect to any local government  
22 securities issued by a unit of local government, the Authority  
23 or such entity may thereupon avail itself of all remedies,  
24 rights and provisions of law applicable in the circumstances,  
25 and the failure to exercise or exert any rights or remedies  
26 within a time or period provided by law may not be raised as a

1 defense by the unit of local government.

2 (Source: P.A. 93-205, eff. 1-1-04.)

3 Section 8.12. The Illinois State Auditing Act is amended  
4 by changing Section 3-1 as follows:

5 (30 ILCS 5/3-1) (from Ch. 15, par. 303-1)

6 Sec. 3-1. Jurisdiction of Auditor General. The Auditor  
7 General has jurisdiction over all State agencies to make post  
8 audits and investigations authorized by or under this Act or  
9 the Constitution.

10 The Auditor General has jurisdiction over local government  
11 agencies and private agencies only:

12 (a) to make such post audits authorized by or under  
13 this Act as are necessary and incidental to a post audit of  
14 a State agency or of a program administered by a State  
15 agency involving public funds of the State, but this  
16 jurisdiction does not include any authority to review  
17 local governmental agencies in the obligation, receipt,  
18 expenditure or use of public funds of the State that are  
19 granted without limitation or condition imposed by law,  
20 other than the general limitation that such funds be used  
21 for public purposes;

22 (b) to make investigations authorized by or under this  
23 Act or the Constitution; and

24 (c) to make audits of the records of local government

1 agencies to verify actual costs of state-mandated programs  
2 when directed to do so by the Legislative Audit Commission  
3 at the request of the State Board of Appeals under the  
4 State Mandates Act.

5 In addition to the foregoing, the Auditor General may  
6 conduct an audit of the Metropolitan Pier and Exposition  
7 Authority, the Metropolitan Mobility Authority, ~~Regional~~  
8 ~~Transportation Authority, the Suburban Bus Division, the~~  
9 ~~Commuter Rail Division and the Chicago Transit Authority~~ and  
10 any other subsidized carrier when authorized by the  
11 Legislative Audit Commission. Such audit may be a financial,  
12 management or program audit, or any combination thereof.

13 The audit shall determine whether they are operating in  
14 accordance with all applicable laws and regulations. Subject  
15 to the limitations of this Act, the Legislative Audit  
16 Commission may by resolution specify additional determinations  
17 to be included in the scope of the audit.

18 In addition to the foregoing, the Auditor General must  
19 also conduct a financial audit of the Illinois Sports  
20 Facilities Authority's expenditures of public funds in  
21 connection with the reconstruction, renovation, remodeling,  
22 extension, or improvement of all or substantially all of any  
23 existing "facility", as that term is defined in the Illinois  
24 Sports Facilities Authority Act.

25 The Auditor General may also conduct an audit, when  
26 authorized by the Legislative Audit Commission, of any



1 hospital which receives 10% or more of its gross revenues from  
2 payments from the State of Illinois, Department of Healthcare  
3 and Family Services (formerly Department of Public Aid),  
4 Medical Assistance Program.

5 The Auditor General is authorized to conduct financial and  
6 compliance audits of the Illinois Distance Learning Foundation  
7 and the Illinois Conservation Foundation.

8 As soon as practical after the effective date of this  
9 amendatory Act of 1995, the Auditor General shall conduct a  
10 compliance and management audit of the City of Chicago and any  
11 other entity with regard to the operation of Chicago O'Hare  
12 International Airport, Chicago Midway Airport and Merrill C.  
13 Meigs Field. The audit shall include, but not be limited to, an  
14 examination of revenues, expenses, and transfers of funds;  
15 purchasing and contracting policies and practices; staffing  
16 levels; and hiring practices and procedures. When completed,  
17 the audit required by this paragraph shall be distributed in  
18 accordance with Section 3-14.

19 The Auditor General shall conduct a financial and  
20 compliance and program audit of distributions from the  
21 Municipal Economic Development Fund during the immediately  
22 preceding calendar year pursuant to Section 8-403.1 of the  
23 Public Utilities Act at no cost to the city, village, or  
24 incorporated town that received the distributions.

25 The Auditor General must conduct an audit of the Health  
26 Facilities and Services Review Board pursuant to Section 19.5

1 of the Illinois Health Facilities Planning Act.

2 The Auditor General of the State of Illinois shall  
3 annually conduct or cause to be conducted a financial and  
4 compliance audit of the books and records of any county water  
5 commission organized pursuant to the Water Commission Act of  
6 1985 and shall file a copy of the report of that audit with the  
7 Governor and the Legislative Audit Commission. The filed audit  
8 shall be open to the public for inspection. The cost of the  
9 audit shall be charged to the county water commission in  
10 accordance with Section 6z-27 of the State Finance Act. The  
11 county water commission shall make available to the Auditor  
12 General its books and records and any other documentation,  
13 whether in the possession of its trustees or other parties,  
14 necessary to conduct the audit required. These audit  
15 requirements apply only through July 1, 2007.

16 The Auditor General must conduct audits of the Rend Lake  
17 Conservancy District as provided in Section 25.5 of the River  
18 Conservancy Districts Act.

19 The Auditor General must conduct financial audits of the  
20 Southeastern Illinois Economic Development Authority as  
21 provided in Section 70 of the Southeastern Illinois Economic  
22 Development Authority Act.

23 The Auditor General shall conduct a compliance audit in  
24 accordance with subsections (d) and (f) of Section 30 of the  
25 Innovation Development and Economy Act.

26 (Source: P.A. 95-331, eff. 8-21-07; 96-31, eff. 6-30-09;

1 96-939, eff. 6-24-10.)

2 (30 ILCS 5/3-2.3 rep.)

3 Section 8.12a. The Illinois State Auditing Act is amended  
4 by repealing Section 3-2.3.

5 Section 8.13. The State Finance Act is amended by changing  
6 Sections 5.277, 5.918, 6z-17, 6z-20, 6z-27, 6z-109, 8.25g, and  
7 8.3 and by adding Sections 5.1015 and 5.1016 as follows:

8 (30 ILCS 105/5.277) (from Ch. 127, par. 141.277)

9 Sec. 5.277. The Metropolitan Mobility ~~Regional~~  
10 ~~Transportation~~ Authority Occupation and Use Tax Replacement  
11 Fund.

12 (Source: P.A. 86-928; 86-1028.)

13 (30 ILCS 105/5.918)

14 Sec. 5.918. The Metropolitan Mobility ~~Regional~~  
15 ~~Transportation~~ Authority Capital Improvement Fund.

16 (Source: P.A. 101-31, eff. 6-28-19; 101-32, eff. 6-28-19;  
17 102-558, eff. 8-20-21.)

18 (30 ILCS 105/5.1015 new)

19 Sec. 5.1015. The Transit-Supportive Development Fund.

20 (30 ILCS 105/5.1016 new)

1        Sec. 5.1016. The Metropolitan Mobility Authority  
2        Additional Operating Funding Fund.

3            (30 ILCS 105/6z-17) (from Ch. 127, par. 142z-17)

4            Sec. 6z-17. State and Local Sales Tax Reform Fund.

5            (a) After deducting the amount transferred to the Tax  
6        Compliance and Administration Fund under subsection (b), of  
7        the money paid into the State and Local Sales Tax Reform Fund:

8            (i) subject to appropriation to the Department of Revenue,  
9        Municipalities having 1,000,000 or more inhabitants shall

10       receive 20% and may expend such amount to fund and establish a  
11       program for developing and coordinating public and private  
12       resources targeted to meet the affordable housing needs of

13       low-income and very low-income households within such  
14       municipality, (ii) 10% shall be transferred into the

15       Metropolitan Mobility ~~Regional Transportation~~ Authority  
16       Occupation and Use Tax Replacement Fund, a special fund in the

17       State treasury which is hereby created, (iii) until July 1,  
18       2013, subject to appropriation to the Department of

19       Transportation, the Madison County Mass Transit District shall  
20       receive .6%, and beginning on July 1, 2013, subject to

21       appropriation to the Department of Revenue, 0.6% shall be  
22       distributed each month out of the Fund to the Madison County

23       Mass Transit District, (iv) the following amounts, plus any  
24       cumulative deficiency in such transfers for prior months,

25       shall be transferred monthly into the Build Illinois Fund and

1 credited to the Build Illinois Bond Account therein:

2 Fiscal Year	Amount
3 1990	\$2,700,000
4 1991	1,850,000
5 1992	2,750,000
6 1993	2,950,000

7 From Fiscal Year 1994 through Fiscal Year 2025 the  
8 transfer shall total \$3,150,000 monthly, plus any cumulative  
9 deficiency in such transfers for prior months, and (v) the  
10 remainder of the money paid into the State and Local Sales Tax  
11 Reform Fund shall be transferred into the Local Government  
12 Distributive Fund and, except for municipalities with  
13 1,000,000 or more inhabitants which shall receive no portion  
14 of such remainder, shall be distributed, subject to  
15 appropriation, in the manner provided by Section 2 of "An Act  
16 in relation to State revenue sharing with local government  
17 entities", approved July 31, 1969, as now or hereafter  
18 amended. Municipalities with more than 50,000 inhabitants  
19 according to the 1980 U.S. Census and located within the Metro  
20 East Mass Transit District receiving funds pursuant to  
21 provision (v) of this paragraph may expend such amounts to  
22 fund and establish a program for developing and coordinating  
23 public and private resources targeted to meet the affordable  
24 housing needs of low-income and very low-income households  
25 within such municipality.

26 Moneys transferred from the Grocery Tax Replacement Fund

1 to the State and Local Sales Tax Reform Fund under Section  
2 6z-130 shall be treated under this Section in the same manner  
3 as if they had been remitted with the return on which they were  
4 reported.

5 (b) Beginning on the first day of the first calendar month  
6 to occur on or after the effective date of this amendatory Act  
7 of the 98th General Assembly, each month the Department of  
8 Revenue shall certify to the State Comptroller and the State  
9 Treasurer, and the State Comptroller shall order transferred  
10 and the State Treasurer shall transfer from the State and  
11 Local Sales Tax Reform Fund to the Tax Compliance and  
12 Administration Fund, an amount equal to 1/12 of 5% of 20% of  
13 the cash receipts collected during the preceding fiscal year  
14 by the Audit Bureau of the Department of Revenue under the Use  
15 Tax Act, the Service Use Tax Act, the Service Occupation Tax  
16 Act, the Retailers' Occupation Tax Act, and associated local  
17 occupation and use taxes administered by the Department. The  
18 amount distributed under subsection (a) each month shall first  
19 be reduced by the amount transferred to the Tax Compliance and  
20 Administration Fund under this subsection (b). Moneys  
21 transferred to the Tax Compliance and Administration Fund  
22 under this subsection (b) shall be used, subject to  
23 appropriation, to fund additional auditors and compliance  
24 personnel at the Department of Revenue.

25 (Source: P.A. 102-700, eff. 4-19-22.)

1 (30 ILCS 105/6z-20) (from Ch. 127, par. 142z-20)

2 Sec. 6z-20. County and Mass Transit District Fund. Of the  
3 money received from the 6.25% general rate (and, beginning  
4 July 1, 2000 and through December 31, 2000, the 1.25% rate on  
5 motor fuel and gasohol, and beginning on August 6, 2010  
6 through August 15, 2010, and beginning again on August 5, 2022  
7 through August 14, 2022, the 1.25% rate on sales tax holiday  
8 items) on sales subject to taxation under the Retailers'  
9 Occupation Tax Act and Service Occupation Tax Act and paid  
10 into the County and Mass Transit District Fund, distribution  
11 to the Metropolitan Mobility Authority Occupation and Use Tax  
12 Replacement Fund ~~Regional Transportation Authority tax fund,~~  
13 created pursuant to Section 6.02 ~~4.03~~ of the Metropolitan  
14 Mobility ~~Regional Transportation~~ Authority Act, for deposit  
15 therein shall be made based upon the retail sales occurring in  
16 a county having more than 3,000,000 inhabitants. The remainder  
17 shall be distributed to each county having 3,000,000 or fewer  
18 inhabitants based upon the retail sales occurring in each such  
19 county.

20 For the purpose of determining allocation to the local  
21 government unit, a retail sale by a producer of coal or other  
22 mineral mined in Illinois is a sale at retail at the place  
23 where the coal or other mineral mined in Illinois is extracted  
24 from the earth. This paragraph does not apply to coal or other  
25 mineral when it is delivered or shipped by the seller to the  
26 purchaser at a point outside Illinois so that the sale is

1 exempt under the United States Constitution as a sale in  
2 interstate or foreign commerce.

3 Of the money received from the 6.25% general use tax rate  
4 on tangible personal property which is purchased outside  
5 Illinois at retail from a retailer and which is titled or  
6 registered by any agency of this State's government and paid  
7 into the County and Mass Transit District Fund, the amount for  
8 which Illinois addresses for titling or registration purposes  
9 are given as being in each county having more than 3,000,000  
10 inhabitants shall be distributed into the Metropolitan  
11 Mobility Authority Occupation and Use Tax Replacement Fund  
12 ~~Regional Transportation Authority tax fund~~, created pursuant  
13 to Section 6.02 ~~4.03~~ of the Metropolitan Mobility ~~Regional~~  
14 ~~Transportation~~ Authority Act. The remainder of the money paid  
15 from such sales shall be distributed to each county based on  
16 sales for which Illinois addresses for titling or registration  
17 purposes are given as being located in the county. ~~Any money~~  
18 ~~paid into the Regional Transportation Authority Occupation and~~  
19 ~~Use Tax Replacement Fund from the County and Mass Transit~~  
20 ~~District Fund prior to January 14, 1991, which has not been~~  
21 ~~paid to the Authority prior to that date, shall be transferred~~  
22 ~~to the Regional Transportation Authority tax fund.~~

23 Whenever the Department determines that a refund of money  
24 paid into the County and Mass Transit District Fund should be  
25 made to a claimant instead of issuing a credit memorandum, the  
26 Department shall notify the State Comptroller, who shall cause



1 the order to be drawn for the amount specified, and to the  
2 person named, in such notification from the Department. Such  
3 refund shall be paid by the State Treasurer out of the County  
4 and Mass Transit District Fund.

5 As soon as possible after the first day of each month,  
6 beginning January 1, 2011, upon certification of the  
7 Department of Revenue, the Comptroller shall order  
8 transferred, and the Treasurer shall transfer, to the STAR  
9 Bonds Revenue Fund the local sales tax increment, as defined  
10 in the Innovation Development and Economy Act, collected  
11 during the second preceding calendar month for sales within a  
12 STAR bond district and deposited into the County and Mass  
13 Transit District Fund, less 3% of that amount, which shall be  
14 transferred into the Tax Compliance and Administration Fund  
15 and shall be used by the Department, subject to appropriation,  
16 to cover the costs of the Department in administering the  
17 Innovation Development and Economy Act.

18 After the monthly transfer to the STAR Bonds Revenue Fund,  
19 on or before the 25th day of each calendar month, the  
20 Department shall prepare and certify to the Comptroller the  
21 disbursement of stated sums of money to the Metropolitan  
22 Mobility ~~Regional Transportation~~ Authority and to named  
23 counties, the counties to be those entitled to distribution,  
24 as hereinabove provided, of taxes or penalties paid to the  
25 Department during the second preceding calendar month. The  
26 amount to be paid to the Metropolitan Mobility ~~Regional~~

1 ~~Transportation~~ Authority and each county having 3,000,000 or  
2 fewer inhabitants shall be the amount (not including credit  
3 memoranda) collected during the second preceding calendar  
4 month by the Department and paid into the County and Mass  
5 Transit District Fund, plus an amount the Department  
6 determines is necessary to offset any amounts which were  
7 erroneously paid to a different taxing body, and not including  
8 an amount equal to the amount of refunds made during the second  
9 preceding calendar month by the Department, and not including  
10 any amount which the Department determines is necessary to  
11 offset any amounts which were payable to a different taxing  
12 body but were erroneously paid to the Metropolitan Mobility  
13 ~~Regional Transportation~~ Authority or county, and not including  
14 any amounts that are transferred to the STAR Bonds Revenue  
15 Fund, less 1.5% of the amount to be paid to the Metropolitan  
16 Mobility ~~Regional Transportation~~ Authority, which shall be  
17 transferred into the Tax Compliance and Administration Fund.  
18 The Department, at the time of each monthly disbursement to  
19 the Metropolitan Mobility ~~Regional Transportation~~ Authority,  
20 shall prepare and certify to the State Comptroller the amount  
21 to be transferred into the Tax Compliance and Administration  
22 Fund under this Section. Within 10 days after receipt, by the  
23 Comptroller, of the disbursement certification to the  
24 Metropolitan Mobility ~~Regional Transportation~~ Authority,  
25 counties, and the Tax Compliance and Administration Fund  
26 provided for in this Section to be given to the Comptroller by

1 the Department, the Comptroller shall cause the orders to be  
2 drawn for the respective amounts in accordance with the  
3 directions contained in such certification.

4 When certifying the amount of a monthly disbursement to  
5 the Metropolitan Mobility ~~Regional Transportation~~ Authority or  
6 to a county under this Section, the Department shall increase  
7 or decrease that amount by an amount necessary to offset any  
8 misallocation of previous disbursements. The offset amount  
9 shall be the amount erroneously disbursed within the 6 months  
10 preceding the time a misallocation is discovered.

11 The provisions directing the distributions from the  
12 special fund in the State treasury ~~Treasury~~ provided for in  
13 this Section and from the Metropolitan Mobility Authority  
14 Occupation and Use Tax Replacement Fund ~~Regional~~  
15 ~~Transportation Authority tax fund~~ created by Section 6.02 ~~4.03~~  
16 of the Metropolitan Mobility ~~Regional Transportation~~ Authority  
17 Act shall constitute an irrevocable and continuing  
18 appropriation of all amounts as provided herein. The State  
19 Treasurer and State Comptroller are hereby authorized to make  
20 distributions as provided in this Section.

21 In construing any development, redevelopment, annexation,  
22 preannexation or other lawful agreement in effect prior to  
23 September 1, 1990, which describes or refers to receipts from  
24 a county or municipal retailers' occupation tax, use tax or  
25 service occupation tax which now cannot be imposed, such  
26 description or reference shall be deemed to include the

1 replacement revenue for such abolished taxes, distributed from  
2 the County and Mass Transit District Fund or Local Government  
3 Distributive Fund, as the case may be.

4 (Source: P.A. 102-700, eff. 4-19-22.)

5 (30 ILCS 105/6z-27)

6 Sec. 6z-27. All moneys in the Audit Expense Fund shall be  
7 transferred, appropriated and used only for the purposes  
8 authorized by, and subject to the limitations and conditions  
9 prescribed by, the Illinois State Auditing Act.

10 Within 30 days after July 1, 2023, or as soon thereafter as  
11 practical, the State Comptroller shall order transferred and  
12 the State Treasurer shall transfer from the following funds  
13 moneys in the specified amounts for deposit into the Audit  
14 Expense Fund:

15	African-American HIV/AIDS Response <del>RESP</del> Fund .....	\$1,421
16	Agricultural Premium Fund.....	\$122,719
17	Alzheimer's Awareness Fund .....	\$1,499
18	Alzheimer's Disease Research, Care, and Support Fund ....	\$662
19	Amusement Ride and Patron Safety Fund .....	\$6,315
20	Assisted Living and <del> &amp;</del> Shared Housing Regulatory	
21	<del>House Regulation</del> Fund.....	\$2,564
22	Capital Development Board Revolving Fund .....	\$15,118
23	Care Provider Fund for Persons with a Developmental	
24	Disability .....	\$15,392
25	Carolyn Adams Ticket For The Cure Grant Fund .....	\$927

1	CDLIS/AAMVANET/NMVTIS Trust Fund (Commercial	
2	Driver's License Information	
3	System/American Association of	
4	Motor Vehicle Administrators	
5	network/National Motor Vehicle	
6	Title Information Service Trust Fund) .....	\$5,236
7	Chicago Police Memorial Foundation Fund .....	\$708
8	Chicago State University Education Improvement Fund ..	\$13,666
9	Child Labor and Day and Temporary Labor	
10	Services Enforcement Fund .....	\$11,991
11	Child Support Administrative Fund .....	\$5,287
12	Clean Air Act Permit Fund .....	\$1,556
13	Coal Technology Development Assistance Fund .....	\$6,936
14	Common School Fund .....	\$343,892
15	Community Mental Health Medicaid Trust Fund .....	\$14,084
16	Corporate Franchise Tax Refund Fund .....	\$1,096
17	DCFS Children's Services Fund .....	\$8,766
18	Death Certificate Surcharge Fund .....	\$2,060
19	Death Penalty Abolition Fund .....	\$2,448
20	Department of Business Services <del>Service</del> Special	
21	Operations Fund .....	\$13,889
22	Department of Human Services <del>DHS</del> Community	
23	Services Fund .....	\$7,970
24	Downstate Public Transportation Fund .....	\$11,631
25	Dram Shop Fund .....	\$142,500
26	Driver Services Administration Fund .....	\$1,873

1	Drug Rebate Fund .....	\$42,473
2	Drug Treatment Fund.....	\$1,767
3	Education Assistance Fund.....	\$2,031,292
4	Emergency Public Health Fund .....	\$5,162
5	Environmental Protection Permit and Inspection Fund ....	\$1,447
6	Estate Tax Refund Fund .....	\$852
7	Facilities Management Revolving Fund .....	\$50,148
8	Facility Licensing Fund.....	\$5,522
9	Fair and <del>Ex</del> Exposition Fund .....	\$4,248
10	Feed Control Fund.....	\$7,709
11	Fertilizer Control Fund.....	\$6,849
12	Fire Prevention Fund .....	\$3,859
13	Fund for the Advancement of Education .....	\$24,772
14	General Assembly Operations Revolving <del>Rev</del> Fund .....	\$1,146
15	General Professions Dedicated Fund .....	\$4,039
16	General Revenue Fund .....	\$17,653,153
17	Governor's Administrative Fund .....	\$2,832
18	Governor's Grant Fund.....	\$17,709
19	Grade Crossing Protection Fund .....	\$930
20	Grant Accountability and <del>Trans</del> Transparency Fund .....	\$805
21	Guardianship and <del>Adv</del> Advocacy Fund .....	\$14,843
22	Hazardous Waste Fund .....	\$835
23	Health Facility Plan Review Fund .....	\$1,776
24	Health and Human Services <del>Service</del> Medicaid Trust Fund ..	\$6,554
25	Healthcare Provider Relief Fund.....	\$407,107
26	Healthy Smiles Fund.....	\$738

1	Home Care Services Agency Licensure Fund .....	\$3,101
2	Hospital Licensure Fund.....	\$1,688
3	Hospital Provider Fund .....	\$138,829
4	ICCB Federal Trust Fund .....	\$9,968
5	ICJIA Violence Prevention Fund .....	\$932
6	Illinois <del>HB</del> Affordable Housing Trust Fund .....	\$17,236
7	Illinois <del>HB</del> Clean Water Fund .....	\$2,152
8	<u>Illinois</u> <del>HB</del> Community College Board	
9	Contracts and Grants <u>Fund</u> .....	\$9,968
10	Illinois <del>HB</del> Health Facilities Planning Fund .....	\$3,094
11	IMSA Income Fund .....	\$12,417
12	Illinois <del>HB</del> Power Agency Operations Fund .....	\$62,583
13	Illinois <del>HB</del> School Asbestos Abatement Fund .....	\$784
14	Illinois <del>HB</del> State Fair Fund .....	\$29,752
15	Illinois <del>HB</del> State Police Memorial Park Fund .....	\$681
16	Illinois Telecommunications <del>HB-Telecom</del> Access	
17	Corporation Fund .....	\$1,668
18	Illinois <del>HB</del> Underground Utility Facilities	
19	<del>Facility</del> Damage Prevention Fund.....	\$4,276
20	Illinois <del>HB</del> Veterans' Rehabilitation Fund.....	\$5,943
21	Illinois <del>HB</del> Workers' Compensation Commission	
22	Operations Fund.....	\$243,187
23	Income Tax Refund Fund .....	\$54,420
24	Lead Poisoning Screening, Prevention, and	
25	Abatement Fund .....	\$16,379
26	Live and Learn Fund .....	\$25,492

1	Lobbyist Registration Administration Fund.....	\$1,471
2	Local Government Distributive Fund .....	\$44,025
3	Long Term Care Monitor/Receiver <del>Receive</del> Fund .....	\$42,016
4	Long-Term <del>Long-Term</del> Care Provider Fund .....	\$13,537
5	Low-Level Radioactive <del>Low-Level Rad</del> Facility	
6	Development and Operation <del>Dev &amp; Op</del> Fund .....	\$618
7	Mandatory Arbitration Fund .....	\$2,104
8	Medical Special Purposes <del>Purpose</del> Trust Fund .....	\$786
9	Mental Health Fund .....	\$9,376
10	Mental Health Reporting Fund .....	\$1,443
11	Metabolic Screening and <del>&amp;</del> Treatment Fund .....	\$32,049
12	Monitoring Device Driving Permit Administration	
13	Fee Fund .....	\$1,616
14	Motor Fuel Tax Fund .....	\$36,238
15	Motor Vehicle License Plate Fund .....	\$17,694
16	<del>Motor Vehicle Theft Prevention and Insurance</del>	
17	<del>Verification Trust .....</del>	<del>10,970</del>
18	Multiple Sclerosis Research Fund .....	\$758
19	Nuclear Safety Emergency Preparedness Fund .....	\$26,117
20	Nursing Dedicated and Professional Fund.....	\$2,420
21	Open Space Lands Acquisition and <del>&amp;</del> Development Fund .....	\$658
22	Partners For Conservation Fund .....	\$89,847
23	Pension Stabilization Fund .....	\$1,031
24	Personal Property Tax Replacement Fund .....	\$290,755
25	Pesticide Control Fund .....	\$30,513
26	Plumbing Licensure and <del>&amp;</del> Program Fund .....	\$6,276



1	Police Memorial Committee Fund .....	\$813
2	Professional Services Fund .....	\$72,029
3	Public Health Laboratory <del>Lab</del> Services Revolving	
4	<del>Rev</del> Fund .....	\$5,816
5	Public Transportation Fund .....	\$46,826
6	Public Utility Fund.....	\$198,423
7	Radiation Protection Fund.....	\$11,034
8	Renewable Energy Resources Trust Fund.....	\$7,834
9	Road Fund.....	\$226,150
10	Regional Transportation Authority <del>RTA</del> Occupation	
11	and <del>U</del> Use Tax Replacement Fund <u>(now the</u>	
12	<u>Metropolitan Mobility Authority Occupation</u>	
13	<u>and Use Tax Replacement Fund)</u> .....	\$1,167
14	School Infrastructure Fund .....	\$7,749
15	Secretary of State DUI Administration Fund .....	\$2,694
16	Secretary of State Identification <del>and</del> Security	
17	and Theft Prevention Fund.....	\$12,676
18	Secretary of State Police Services Fund .....	\$717
19	Secretary of State Special License Plate Fund .....	\$4,203
20	Secretary of State Special Services Fund .....	\$34,491
21	Securities Audit and Enforcement Fund.....	\$8,198
22	Solid Waste Management Fund.....	\$1,613
23	Special Olympics Illinois and Special	
24	Children's Charities Fund.....	\$852
25	Special Education Medicaid Matching Fund .....	\$5,131
26	Sports Wagering Fund .....	\$4,450

1	State and Local Sales Tax Reform Fund .....	\$2,361
2	State Construction Account Fund .....	\$37,865
3	State Gaming Fund .....	\$94,435
4	State Garage Revolving Fund .....	\$8,977
5	State Lottery Fund .....	\$340,323
6	State Pensions Fund .....	\$500,000
7	State Treasurer's Bank Services Trust Fund .....	\$1,295
8	Supreme Court Special Purposes Fund .....	\$1,722
9	Tattoo and <del>&amp;</del> Body Piercing Establishment	
10	Registration Fund .....	\$950
11	Tax Compliance and <del>&amp;</del> Administration Fund .....	\$1,483
12	Technology Management Revolving Fund .....	\$186,193
13	Tobacco Settlement Recovery Fund .....	\$29,864
14	Tourism Promotion Fund .....	\$50,155
15	Transportation Regulatory Fund .....	\$78,256
16	Trauma Center Fund .....	\$1,960
17	Underground Storage Tank Fund .....	\$3,630
18	University of Illinois <del>HH</del> Hospital Services Fund .....	\$6,712
19	Vehicle Hijacking and Motor Vehicle	
20	Theft Prevention and Insurance	
21	Verification Trust Fund .....	\$10,970
22	Vehicle Inspection Fund .....	\$5,069
23	Weights and Measures Fund .....	\$22,129
24	Youth Alcoholism and <del>&amp;</del> Substance Abuse Prevention Fund ..	\$526
25	Notwithstanding any provision of the law to the contrary,	
26	the General Assembly hereby authorizes the use of such funds	

1 for the purposes set forth in this Section.

2 These provisions do not apply to funds classified by the  
3 Comptroller as federal trust funds or State trust funds. The  
4 Audit Expense Fund may receive transfers from those trust  
5 funds only as directed herein, except where prohibited by the  
6 terms of the trust fund agreement. The Auditor General shall  
7 notify the trustees of those funds of the estimated cost of the  
8 audit to be incurred under the Illinois State Auditing Act for  
9 the fund. The trustees of those funds shall direct the State  
10 Comptroller and Treasurer to transfer the estimated amount to  
11 the Audit Expense Fund.

12 The Auditor General may bill entities that are not subject  
13 to the above transfer provisions, including private entities,  
14 related organizations and entities whose funds are  
15 locally-held, for the cost of audits, studies, and  
16 investigations incurred on their behalf. Any revenues received  
17 under this provision shall be deposited into the Audit Expense  
18 Fund.

19 In the event that moneys on deposit in any fund are  
20 unavailable, by reason of deficiency or any other reason  
21 preventing their lawful transfer, the State Comptroller shall  
22 order transferred and the State Treasurer shall transfer the  
23 amount deficient or otherwise unavailable from the General  
24 Revenue Fund for deposit into the Audit Expense Fund.

25 On or before December 1, 1992, and each December 1  
26 thereafter, the Auditor General shall notify the Governor's

1 Office of Management and Budget (formerly Bureau of the  
2 Budget) of the amount estimated to be necessary to pay for  
3 audits, studies, and investigations in accordance with the  
4 Illinois State Auditing Act during the next succeeding fiscal  
5 year for each State fund for which a transfer or reimbursement  
6 is anticipated.

7 Beginning with fiscal year 1994 and during each fiscal  
8 year thereafter, the Auditor General may direct the State  
9 Comptroller and Treasurer to transfer moneys from funds  
10 authorized by the General Assembly for that fund. In the event  
11 funds, including federal and State trust funds but excluding  
12 the General Revenue Fund, are transferred, during fiscal year  
13 1994 and during each fiscal year thereafter, in excess of the  
14 amount to pay actual costs attributable to audits, studies,  
15 and investigations as permitted or required by the Illinois  
16 State Auditing Act or specific action of the General Assembly,  
17 the Auditor General shall, on September 30, or as soon  
18 thereafter as is practicable, direct the State Comptroller and  
19 Treasurer to transfer the excess amount back to the fund from  
20 which it was originally transferred.

21 (Source: P.A. 102-16, eff. 6-17-21; 102-699, eff. 4-19-22;  
22 103-8, eff. 6-7-23; 103-129, eff. 6-30-23; revised 11-21-23.)

23 (30 ILCS 105/6z-109)

24 Sec. 6z-109. Metropolitan Mobility ~~Regional Transportation~~  
25 Authority Capital Improvement Fund.

1           (a) The Metropolitan Mobility ~~Regional Transportation~~  
2 Authority Capital Improvement Fund is created as a special  
3 fund in the State treasury and shall receive a portion of the  
4 moneys deposited into the Transportation Renewal Fund from  
5 Motor Fuel Tax revenues pursuant to Section 8b of the Motor  
6 Fuel Tax Law.

7           (b) Money in the Metropolitan Mobility ~~Regional~~  
8 ~~Transportation~~ Authority Capital Improvement Fund shall be  
9 used exclusively for transportation-related purposes as  
10 described in Section 11 of Article IX of the Illinois  
11 Constitution of 1970.

12           (Source: P.A. 101-30, eff. 6-28-19.)

13           (30 ILCS 105/8.3)

14           Sec. 8.3. Money in the Road Fund shall, if and when the  
15 State of Illinois incurs any bonded indebtedness for the  
16 construction of permanent highways, be set aside and used for  
17 the purpose of paying and discharging annually the principal  
18 and interest on that bonded indebtedness then due and payable,  
19 and for no other purpose. The surplus, if any, in the Road Fund  
20 after the payment of principal and interest on that bonded  
21 indebtedness then annually due shall be used as follows:

22                   first -- to pay the cost of administration of Chapters  
23                   2 through 10 of the Illinois Vehicle Code, except the cost  
24                   of administration of Articles I and II of Chapter 3 of that  
25                   Code, and to pay the costs of the Executive Ethics

1 Commission for oversight and administration of the Chief  
2 Procurement Officer appointed under paragraph (2) of  
3 subsection (a) of Section 10-20 of the Illinois  
4 Procurement Code for transportation; and

5 secondly -- for expenses of the Department of  
6 Transportation for construction, reconstruction,  
7 improvement, repair, maintenance, operation, and  
8 administration of highways in accordance with the  
9 provisions of laws relating thereto, or for any purpose  
10 related or incident to and connected therewith, including  
11 the separation of grades of those highways with railroads  
12 and with highways and including the payment of awards made  
13 by the Illinois Workers' Compensation Commission under the  
14 terms of the Workers' Compensation Act or Workers'  
15 Occupational Diseases Act for injury or death of an  
16 employee of the Division of Highways in the Department of  
17 Transportation; or for the acquisition of land and the  
18 erection of buildings for highway purposes, including the  
19 acquisition of highway right-of-way or for investigations  
20 to determine the reasonably anticipated future highway  
21 needs; or for making of surveys, plans, specifications and  
22 estimates for and in the construction and maintenance of  
23 flight strips and of highways necessary to provide access  
24 to military and naval reservations, to defense industries  
25 and defense-industry sites, and to the sources of raw  
26 materials and for replacing existing highways and highway

1 connections shut off from general public use at military  
2 and naval reservations and defense-industry sites, or for  
3 the purchase of right-of-way, except that the State shall  
4 be reimbursed in full for any expense incurred in building  
5 the flight strips; or for the operating and maintaining of  
6 highway garages; or for patrolling and policing the public  
7 highways and conserving the peace; or for the operating  
8 expenses of the Department relating to the administration  
9 of public transportation programs; or, during fiscal year  
10 2023, for the purposes of a grant not to exceed \$8,394,800  
11 to the Regional Transportation Authority (now the  
12 Metropolitan Mobility Transportation Authority) on behalf  
13 of PACE for the purpose of ADA/Para-transit expenses; or,  
14 during fiscal year 2024, for the purposes of a grant not to  
15 exceed \$9,108,400 to the Regional Transportation Authority  
16 (now the Metropolitan Mobility Transportation Authority)  
17 on behalf of PACE for the purpose of ADA/Para-transit  
18 expenses; or for any of those purposes or any other  
19 purpose that may be provided by law.

20 Appropriations for any of those purposes are payable from  
21 the Road Fund. Appropriations may also be made from the Road  
22 Fund for the administrative expenses of any State agency that  
23 are related to motor vehicles or arise from the use of motor  
24 vehicles.

25 Beginning with fiscal year 1980 and thereafter, no Road  
26 Fund monies shall be appropriated to the following Departments

1 or agencies of State government for administration, grants, or  
2 operations; but this limitation is not a restriction upon  
3 appropriating for those purposes any Road Fund monies that are  
4 eligible for federal reimbursement:

5 1. Department of Public Health;

6 2. Department of Transportation, only with respect to  
7 subsidies for one-half fare Student Transportation and  
8 Reduced Fare for Elderly, except fiscal year 2023 when no  
9 more than \$17,570,000 may be expended and except fiscal  
10 year 2024 when no more than \$19,063,500 may be expended;

11 3. Department of Central Management Services, except  
12 for expenditures incurred for group insurance premiums of  
13 appropriate personnel;

14 4. Judicial Systems and Agencies.

15 Beginning with fiscal year 1981 and thereafter, no Road  
16 Fund monies shall be appropriated to the following Departments  
17 or agencies of State government for administration, grants, or  
18 operations; but this limitation is not a restriction upon  
19 appropriating for those purposes any Road Fund monies that are  
20 eligible for federal reimbursement:

21 1. Illinois State Police, except for expenditures with  
22 respect to the Division of Patrol and Division of Criminal  
23 Investigation;

24 2. Department of Transportation, only with respect to  
25 Intercity Rail Subsidies, except fiscal year 2023 when no  
26 more than \$55,000,000 may be expended and except fiscal



1 year 2024 when no more than \$60,000,000 may be expended,  
2 and Rail Freight Services.

3 Beginning with fiscal year 1982 and thereafter, no Road  
4 Fund monies shall be appropriated to the following Departments  
5 or agencies of State government for administration, grants, or  
6 operations; but this limitation is not a restriction upon  
7 appropriating for those purposes any Road Fund monies that are  
8 eligible for federal reimbursement: Department of Central  
9 Management Services, except for awards made by the Illinois  
10 Workers' Compensation Commission under the terms of the  
11 Workers' Compensation Act or Workers' Occupational Diseases  
12 Act for injury or death of an employee of the Division of  
13 Highways in the Department of Transportation.

14 Beginning with fiscal year 1984 and thereafter, no Road  
15 Fund monies shall be appropriated to the following Departments  
16 or agencies of State government for administration, grants, or  
17 operations; but this limitation is not a restriction upon  
18 appropriating for those purposes any Road Fund monies that are  
19 eligible for federal reimbursement:

20 1. Illinois State Police, except not more than 40% of  
21 the funds appropriated for the Division of Patrol and  
22 Division of Criminal Investigation;

23 2. State Officers.

24 Beginning with fiscal year 1984 and thereafter, no Road  
25 Fund monies shall be appropriated to any Department or agency  
26 of State government for administration, grants, or operations

1 except as provided hereafter; but this limitation is not a  
2 restriction upon appropriating for those purposes any Road  
3 Fund monies that are eligible for federal reimbursement. It  
4 shall not be lawful to circumvent the above appropriation  
5 limitations by governmental reorganization or other methods.  
6 Appropriations shall be made from the Road Fund only in  
7 accordance with the provisions of this Section.

8 Money in the Road Fund shall, if and when the State of  
9 Illinois incurs any bonded indebtedness for the construction  
10 of permanent highways, be set aside and used for the purpose of  
11 paying and discharging during each fiscal year the principal  
12 and interest on that bonded indebtedness as it becomes due and  
13 payable as provided in the Transportation Bond Act, and for no  
14 other purpose. The surplus, if any, in the Road Fund after the  
15 payment of principal and interest on that bonded indebtedness  
16 then annually due shall be used as follows:

17 first -- to pay the cost of administration of Chapters  
18 2 through 10 of the Illinois Vehicle Code; and

19 secondly -- no Road Fund monies derived from fees,  
20 excises, or license taxes relating to registration,  
21 operation and use of vehicles on public highways or to  
22 fuels used for the propulsion of those vehicles, shall be  
23 appropriated or expended other than for costs of  
24 administering the laws imposing those fees, excises, and  
25 license taxes, statutory refunds and adjustments allowed  
26 thereunder, administrative costs of the Department of

1           Transportation, including, but not limited to, the  
2           operating expenses of the Department relating to the  
3           administration of public transportation programs, payment  
4           of debts and liabilities incurred in construction and  
5           reconstruction of public highways and bridges, acquisition  
6           of rights-of-way for and the cost of construction,  
7           reconstruction, maintenance, repair, and operation of  
8           public highways and bridges under the direction and  
9           supervision of the State, political subdivision, or  
10          municipality collecting those monies, or during fiscal  
11          year 2023 for the purposes of a grant not to exceed  
12          \$8,394,800 to the Regional Transportation Authority (now  
13          the Metropolitan Mobility Transportation Authority) on  
14          behalf of PACE for the purpose of ADA/Para-transit  
15          expenses, or during fiscal year 2024 for the purposes of a  
16          grant not to exceed \$9,108,400 to the Regional  
17          Transportation Authority (now the Metropolitan Mobility  
18          Transportation Authority) on behalf of PACE for the  
19          purpose of ADA/Para-transit expenses, and the costs for  
20          patrolling and policing the public highways (by the State,  
21          political subdivision, or municipality collecting that  
22          money) for enforcement of traffic laws. The separation of  
23          grades of such highways with railroads and costs  
24          associated with protection of at-grade highway and  
25          railroad crossing shall also be permissible.  
26          Appropriations for any of such purposes are payable from

1 the Road Fund or the Grade Crossing Protection Fund as  
2 provided in Section 8 of the Motor Fuel Tax Law.

3 Except as provided in this paragraph, beginning with  
4 fiscal year 1991 and thereafter, no Road Fund monies shall be  
5 appropriated to the Illinois State Police for the purposes of  
6 this Section in excess of its total fiscal year 1990 Road Fund  
7 appropriations for those purposes unless otherwise provided in  
8 Section 5g of this Act. For fiscal years 2003, 2004, 2005,  
9 2006, and 2007 only, no Road Fund monies shall be appropriated  
10 to the Department of State Police for the purposes of this  
11 Section in excess of \$97,310,000. For fiscal year 2008 only,  
12 no Road Fund monies shall be appropriated to the Department of  
13 State Police for the purposes of this Section in excess of  
14 \$106,100,000. For fiscal year 2009 only, no Road Fund monies  
15 shall be appropriated to the Department of State Police for  
16 the purposes of this Section in excess of \$114,700,000.  
17 Beginning in fiscal year 2010, no Road Fund ~~road fund~~ moneys  
18 shall be appropriated to the Illinois State Police. It shall  
19 not be lawful to circumvent this limitation on appropriations  
20 by governmental reorganization or other methods unless  
21 otherwise provided in Section 5g of this Act.

22 In fiscal year 1994, no Road Fund monies shall be  
23 appropriated to the Secretary of State for the purposes of  
24 this Section in excess of the total fiscal year 1991 Road Fund  
25 appropriations to the Secretary of State for those purposes,  
26 plus \$9,800,000. It shall not be lawful to circumvent this

1 limitation on appropriations by governmental reorganization or  
2 other method.

3 Beginning with fiscal year 1995 and thereafter, no Road  
4 Fund monies shall be appropriated to the Secretary of State  
5 for the purposes of this Section in excess of the total fiscal  
6 year 1994 Road Fund appropriations to the Secretary of State  
7 for those purposes. It shall not be lawful to circumvent this  
8 limitation on appropriations by governmental reorganization or  
9 other methods.

10 Beginning with fiscal year 2000, total Road Fund  
11 appropriations to the Secretary of State for the purposes of  
12 this Section shall not exceed the amounts specified for the  
13 following fiscal years:

14	Fiscal Year 2000	\$80,500,000;
15	Fiscal Year 2001	\$80,500,000;
16	Fiscal Year 2002	\$80,500,000;
17	Fiscal Year 2003	\$130,500,000;
18	Fiscal Year 2004	\$130,500,000;
19	Fiscal Year 2005	\$130,500,000;
20	Fiscal Year 2006	\$130,500,000;
21	Fiscal Year 2007	\$130,500,000;
22	Fiscal Year 2008	\$130,500,000;
23	Fiscal Year 2009	\$130,500,000.

24 For fiscal year 2010, no road fund moneys shall be  
25 appropriated to the Secretary of State.

26 Beginning in fiscal year 2011, moneys in the Road Fund

1 shall be appropriated to the Secretary of State for the  
2 exclusive purpose of paying refunds due to overpayment of fees  
3 related to Chapter 3 of the Illinois Vehicle Code unless  
4 otherwise provided for by law.

5 It shall not be lawful to circumvent this limitation on  
6 appropriations by governmental reorganization or other  
7 methods.

8 No new program may be initiated in fiscal year 1991 and  
9 thereafter that is not consistent with the limitations imposed  
10 by this Section for fiscal year 1984 and thereafter, insofar  
11 as appropriation of Road Fund monies is concerned.

12 Nothing in this Section prohibits transfers from the Road  
13 Fund to the State Construction Account Fund under Section 5e  
14 of this Act; nor to the General Revenue Fund, as authorized by  
15 Public Act 93-25.

16 The additional amounts authorized for expenditure in this  
17 Section by Public Acts 92-0600, 93-0025, 93-0839, and 94-91  
18 shall be repaid to the Road Fund from the General Revenue Fund  
19 in the next succeeding fiscal year that the General Revenue  
20 Fund has a positive budgetary balance, as determined by  
21 generally accepted accounting principles applicable to  
22 government.

23 The additional amounts authorized for expenditure by the  
24 Secretary of State and the Department of State Police in this  
25 Section by Public Act 94-91 shall be repaid to the Road Fund  
26 from the General Revenue Fund in the next succeeding fiscal

1 year that the General Revenue Fund has a positive budgetary  
2 balance, as determined by generally accepted accounting  
3 principles applicable to government.

4 (Source: P.A. 102-16, eff. 6-17-21; 102-538, eff. 8-20-21;  
5 102-699, eff. 4-19-22; 102-813, eff. 5-13-22; 103-8, eff.  
6 6-7-23; 103-34, eff. 1-1-24; revised 12-12-23.)

7 (30 ILCS 105/8.25g)

8 Sec. 8.25g. The Civic and Transit Infrastructure Fund. The  
9 Civic and Transit Infrastructure Fund is created as a special  
10 fund in the State treasury ~~Treasury~~. Money in the Civic and  
11 Transit Infrastructure Fund shall, when the State of Illinois  
12 incurs infrastructure indebtedness pursuant to the  
13 public-private partnership entered into by the public agency  
14 on behalf of the State of Illinois with private entity  
15 pursuant to the Public-Private Partnership for Civic and  
16 Transit Infrastructure Project Act, be used for the purpose of  
17 paying and discharging monthly the principal and interest on  
18 that infrastructure indebtedness then due and payable  
19 consistent with the term established in the public-private  
20 agreement entered into by the public agency on behalf of the  
21 State of Illinois. The public agency shall, pursuant to its  
22 authority under the Public-Private Partnership for Civic and  
23 Transit Infrastructure Project Act, annually certify to the  
24 State Comptroller and the State Treasurer the amount necessary  
25 and required, during the fiscal year with respect to which the

1 certification is made, to pay the amounts due under the  
2 Public-Private Partnership for Civic and Transit  
3 Infrastructure Project Act. On or before the last day of each  
4 month, the State Comptroller and State Treasurer shall  
5 transfer the moneys required to be deposited into the Fund  
6 under Section 3 of the Retailers' Occupation Tax Act and the  
7 Public-Private Partnership for Civic and Transit  
8 Infrastructure Project Act and shall pay from that Fund the  
9 required amount certified by the public agency, plus any  
10 cumulative deficiency in such transfers and payments for prior  
11 months, to the public agency for distribution pursuant to the  
12 Public-Private Partnership for Civic and Transit  
13 Infrastructure Project Act. Such transferred amount shall be  
14 sufficient to pay all amounts due under the Public-Private  
15 Partnership for Civic and Transit Infrastructure Project Act.  
16 Provided that all amounts deposited in the Fund have been paid  
17 accordingly under the Public-Private Partnership for Civic and  
18 Transit Infrastructure Project Act, all amounts remaining in  
19 the Civic and Transit Infrastructure Fund shall be held in  
20 that Fund for other subsequent payments required under the  
21 Public-Private Partnership for Civic and Transit  
22 Infrastructure Project Act. In the event the State fails to  
23 pay the amount necessary and required under the Public-Private  
24 Partnership for Civic and Transit Infrastructure Project Act  
25 for any reason during the fiscal year with respect to which the  
26 certification is made or if the State takes any steps that



1 result in an impact to the irrevocable, first priority pledge  
2 of and lien on moneys on deposit in the Civic and Transit  
3 Infrastructure Fund, the public agency shall certify such  
4 delinquent amounts to the State Comptroller and the State  
5 Treasurer and the State Comptroller and the State Treasurer  
6 shall take all steps required to intercept the tax revenues  
7 collected from within the boundary of the civic transit  
8 infrastructure project pursuant to Section 3 of the Retailers'  
9 Occupation Tax Act, Section 9 of the Use Tax Act, Section 9 of  
10 the Service Use Tax Act, Section 9 of the Service Occupation  
11 Tax Act, Section 6.02 ~~4.03~~ of the Metropolitan Mobility  
12 ~~Regional Transportation~~ Authority Act, and Section 6 of the  
13 Hotel Operators' Occupation Tax Act, and shall pay such  
14 amounts to the Fund for distribution by the public agency for  
15 the time period required to ensure that the State's  
16 distribution requirements under the Public-Private Partnership  
17 for Civic and Transit Infrastructure Project Act are fully  
18 met.

19 As used in the Section, "private entity", "public-private  
20 agreement", and "public agency" have meanings provided in  
21 Section 25-10 of the Public-Private Partnership for Civic and  
22 Transit Infrastructure Project Act.

23 (Source: P.A. 101-10, eff. 6-5-19; 102-558, eff. 8-20-21.)

24 Section 8.14. The State Officers and Employees Money  
25 Disposition Act is amended by changing Section 2a as follows:

1 (30 ILCS 230/2a) (from Ch. 127, par. 172)

2 Sec. 2a. Every officer, board, commission, commissioner,  
3 department, institute, arm, or agency to whom or to which this  
4 Act applies is to notify the State Treasurer as to money paid  
5 to him, her, or it under protest as provided in Section 2a.1,  
6 and the Treasurer is to place the money in a special fund to be  
7 known as the protest fund. At the expiration of 30 days from  
8 the date of payment, the money is to be transferred from the  
9 protest fund to the appropriate fund in which it would have  
10 been placed had there been payment without protest unless the  
11 party making that payment under protest has filed a complaint  
12 and secured within that 30 days a temporary restraining order  
13 or a preliminary injunction, restraining the making of that  
14 transfer and unless, in addition, within that 30 days, a copy  
15 of the temporary restraining order or preliminary injunction  
16 has been served upon the State Treasurer and also upon the  
17 officer, board, commission, commissioner, department,  
18 institute, arm, or agency to whom or to which the payment under  
19 protest was made, in which case the payment and such other  
20 payments as are subsequently made under notice of protest, as  
21 provided in Section 2a.1, by the same person, the transfer of  
22 which payments is restrained by such temporary restraining  
23 order or preliminary injunction, are to be held in the protest  
24 fund until the final order or judgment of the court. The  
25 judicial remedy herein provided, however, relates only to

1 questions which must be decided by the court in determining  
2 the proper disposition of the moneys paid under protest. Any  
3 authorized payment from the protest fund shall bear simple  
4 interest at a rate equal to the average of the weekly rates at  
5 issuance on 13-week U.S. Treasury Bills from the date of  
6 deposit into the protest fund to the date of disbursement from  
7 the protest fund. In cases involving temporary restraining  
8 orders or preliminary injunctions entered March 10, 1982, or  
9 thereafter, pursuant to this Section, when the party paying  
10 under protest fails in the protest action the State Treasurer  
11 shall determine if any moneys paid under protest were paid as a  
12 result of assessments under the following provisions: the  
13 Municipal Retailers' Occupation Tax Act, the Municipal Service  
14 Occupation Tax Act, the Municipal Use Tax Act, the Municipal  
15 Automobile Renting Occupation Tax Act, the Municipal  
16 Automobile Renting Use Tax Act, Section 8-11-9 of the Illinois  
17 Municipal Code, the Tourism, Conventions and Other Special  
18 Events Promotion Act of 1967, the County Automobile Renting  
19 Occupation Tax Act, the County Automobile Renting Use Tax Act,  
20 Section 5-1034 of the Counties Code, Section 5.01 of the Local  
21 Mass Transit District Act, the Downstate Public Transportation  
22 Act, Section 6.02 ~~4.03~~ of the Metropolitan Mobility Regional  
23 ~~Transportation~~ Authority Act, subsections (c) and (d) of  
24 Section 201 of the Illinois Income Tax Act, Section 2a.1 of the  
25 Messages Tax Act, Section 2a.1 of the Gas Revenue Tax Act,  
26 Section 2a.1 of the Public Utilities Revenue Act, and the

1 Water Company Invested Capital Tax Act. Any such moneys paid  
2 under protest shall bear simple interest at a rate equal to the  
3 average of the weekly rates at issuance on 13-week U.S.  
4 Treasury Bills from the date of deposit into the protest fund  
5 to the date of disbursement from the protest fund.

6 It is unlawful for the Clerk of a court, a bank or any  
7 person other than the State Treasurer to be appointed as  
8 trustee with respect to any purported payment under protest,  
9 or otherwise to be authorized by a court to hold any purported  
10 payment under protest, during the pendency of the litigation  
11 involving such purported payment under protest, it being the  
12 expressed intention of the General Assembly that no one is to  
13 act as custodian of any such purported payment under protest  
14 except the State Treasurer.

15 No payment under protest within the meaning of this Act  
16 has been made unless paid to an officer, board, commission,  
17 commissioner, department, institute, arm or agency brought  
18 within this Act by Section 1 and unless made in the form  
19 specified by Section 2a.1. No payment into court or to a  
20 circuit clerk or other court-appointed trustee is a payment  
21 under protest within the meaning of this Act.

22 (Source: P.A. 87-950.)

23 Section 8.15. The Transportation Bond Act is amended by  
24 changing Section 2 as follows:

1 (30 ILCS 415/2) (from Ch. 127, par. 702)

2 Sec. 2. The State of Illinois is authorized to issue, sell  
3 and provide for the retirement of bonds of the State of  
4 Illinois in the amount of \$1,729,000,000, hereinafter called  
5 the "Bonds", for the specific purpose of promoting and  
6 assuring rapid, efficient, and safe highway, air and mass  
7 transportation for the inhabitants of the State by providing  
8 monies, including the making of grants and loans, to be used  
9 for the acquisition, construction, reconstruction, extension  
10 and improvement of the following transportation facilities and  
11 equipment and for the acquisition of real property and  
12 interests in real property required or expected to be required  
13 in connection therewith, and within the limitations set forth  
14 in Section 5.1 of this Act for the specific purpose set forth  
15 in Section 2(b) (2) and (3) of this Act:

16 (a) (1) the acquisition, construction, reconstruction,  
17 extension and improvement of State highways, arterial  
18 highways, freeways, roads, structures separating highways and  
19 railroads and bridges; and

20 (2) the repair and reconstruction of bridges on roads  
21 maintained by counties, municipalities, townships or road  
22 districts;

23 (b) (1) the acquisition, construction, extension,  
24 reconstruction and improvement of mass transportation  
25 facilities including rapid transit, rail, bus and other  
26 equipment used in connection therewith by the State or any

1 unit of local government, special transportation district,  
2 municipal corporation or other corporation or public authority  
3 authorized to provide and promote public transportation within  
4 the State or two or more of the foregoing acting jointly; and

5 (2) for the purpose of providing immediate relief from  
6 existing or impending inability to meet principal and interest  
7 payments and thereby aiding in achieving the maximum benefit  
8 for the public from the transportation capital improvement  
9 program, to provide funds for any payments required to be made  
10 for principal of and interest on bonds, certificates,  
11 equipment trust certificates or other evidences of  
12 indebtedness issued or guaranteed prior to the passage of this  
13 Act by the State or any unit of local government, special  
14 transportation district, municipal corporation or other  
15 corporation or public authority authorized to provide public  
16 transportation within the State, or two or more of the  
17 foregoing acting jointly, pursuant to any indenture,  
18 ordinance, resolution, agreement or contract to obtain and  
19 finance transportation facilities; and,

20 (3) for the purpose of reimbursing the General Revenue  
21 Fund for monies paid from the General Revenue Fund after  
22 passage of this Act for the purpose described in Section 2(b)  
23 (2).

24 (c) the acquisition, construction, extension,  
25 reconstruction, and improvement of airport or aviation  
26 facilities and any equipment used in connection therewith,

1 including reimbursement for certain engineering and land  
2 acquisition costs as provided in Section 34a of the "Illinois  
3 Aeronautics Act", approved July 24, 1945, as amended, by the  
4 State or any unit of local government, special transportation  
5 district, municipal corporation or other corporation or public  
6 authority authorized to provide public transportation within  
7 the State or two or more of the foregoing acting jointly.

8 \$1,326,000,000 of the Bonds will be used for State highway  
9 acquisition, construction, reconstruction, extension and  
10 improvement as specifically described herein, hereinafter  
11 called the "Transportation Bonds, Series A". \$363,000,000 of  
12 the Bonds will be used for the mass transportation purposes  
13 specifically described herein and \$40,000,000 of the Bonds  
14 will be used for the aviation purposes specifically described  
15 herein, such \$403,000,000 of Bonds collectively hereinafter  
16 called the "Transportation Bonds, Series B".

17 The \$75,000,000 authorized for mass transportation  
18 purposes by this amendatory Act of 1973 shall be used for the  
19 acquisition of mass transportation equipment including rail  
20 and bus, and other equipment used in connection therewith for  
21 the area comprising the counties of DuPage, Kane, Lake,  
22 McHenry and Will, and that portion of the County of Cook  
23 outside the City of Chicago, as determined by the Metropolitan  
24 Mobility ~~Regional Transportation~~ Authority established  
25 pursuant to the Metropolitan Mobility ~~"The Regional~~  
26 ~~Transportation Authority Act"~~, enacted by the 78th General

1 ~~Assembly~~. The proceeds of the sale of such bonds shall be  
2 expended only to, or with the approval of, such Authority.  
3 Nothing in this paragraph prohibits that Authority from using  
4 or approving the use of such proceeds for purposes of  
5 acquisition of mass transportation equipment for use between  
6 such area and other areas.

7 Of the Bonds authorized to be used for highway purposes,  
8 the proceeds of \$14,965,100 of such bonds shall be used by the  
9 Department of Transportation for the purpose of the repair and  
10 reconstruction of unsafe and substandard bridges on roads  
11 maintained by counties, municipalities, townships and road  
12 districts under the Illinois Highway Code and the proceeds of  
13 \$12,000,000 of such bonds shall be used by the Department of  
14 Transportation for the same purposes as provided in Sections  
15 6-902 through 6-905 of the Illinois Highway Code.

16 Of the Bonds authorized to be sold for highway purposes,  
17 the proceeds of \$36,939,400 of the Bonds shall be used for such  
18 purposes within the City of Chicago, the proceeds of  
19 \$42,457,000 of the Bonds shall be used for such purposes in the  
20 Chicago urbanized area, the proceeds of \$46,359,000 of the  
21 bonds shall be used for such purposes outside the Chicago  
22 urbanized area, the proceeds of \$142,105,500 of the Bonds  
23 shall be used for such purposes within the Counties of Cook,  
24 DuPage, Kane, Lake, McHenry and Will, the proceeds of  
25 \$181,139,100 of the Bonds shall be used for such purposes  
26 within the Counties of the State outside the Counties of Cook,



1 DuPage, Kane, Lake, McHenry and Will.

2 Of the \$106,000,000 of Bonds authorized to be sold for  
3 mass transportation purposes by this amendatory Act of 1979,  
4 \$98,000,000 of the Bonds shall be used for such purposes  
5 within the Counties of Cook, DuPage, Kane, Lake, McHenry and  
6 Will and the proceeds of \$8,000,000 of the Bonds shall be used  
7 for such purposes within the Counties of the State outside the  
8 Counties of Cook, DuPage, Kane, Lake, McHenry and Will.

9 (Source: P.A. 86-453.)

10 Section 8.16. The Downstate Public Transportation Act is  
11 amended by changing Sections 2-2.02, 3-1.02, and 4-1.7 as  
12 follows:

13 (30 ILCS 740/2-2.02) (from Ch. 111 2/3, par. 662.02)

14 Sec. 2-2.02. "Participant" means:

15 (1) a city, village, or incorporated town, a county, or a  
16 local mass transit district organized under the Local Mass  
17 Transit District Act (a) serving an urbanized area of over  
18 50,000 population or (b) serving a nonurbanized area; or

19 (2) any Metro-East Transit District established pursuant  
20 to Section 3 of the Local Mass Transit District Act and serving  
21 one or more of the Counties of Madison, Monroe, and St. Clair  
22 during Fiscal Year 1989, all located outside the boundaries of  
23 the Metropolitan Mobility ~~Regional Transportation~~ Authority as  
24 established pursuant to the Metropolitan Mobility ~~Regional~~

1 ~~Transportation~~ Authority Act.

2 (Source: P.A. 94-70, eff. 6-22-05.)

3 (30 ILCS 740/3-1.02) (from Ch. 111 2/3, par. 683)

4 Sec. 3-1.02. "Participant" means any county located  
5 outside the boundaries of the Metropolitan Mobility Regional  
6 ~~Transportation~~ Authority as established under the Metropolitan  
7 Mobility Regional Transportation Authority Act and outside the  
8 Bi-State Metropolitan Development District established under  
9 an Act approved July 26, 1949, except that beginning, July 1,  
10 1987 the counties within the boundaries of the Bi-State  
11 Metropolitan Development District may be eligible for capital  
12 assistance only, or within such county any municipality with  
13 20,000 or more population that is not included in an urbanized  
14 area or the boundaries of a local mass transit district; or  
15 within such county any municipality with 20,000 or less  
16 population receiving State mass transportation operating  
17 assistance under the Downstate Public Transportation Act  
18 during Fiscal Year 1979; or within such county or counties a  
19 local mass transit district organized under the Local ~~local~~  
20 Mass Transit District Act which is not included in an  
21 urbanized area or the boundaries of a local mass transit  
22 district which includes an urbanized area; provided, however,  
23 that no such entity shall be eligible to participate unless it  
24 agrees to adhere to the regulations and requirements of the  
25 Secretary of Transportation of the federal Department of

1 Transportation affecting Section 18 assistance or any other  
2 conditions as deemed reasonable and necessary by the Illinois  
3 Department of Transportation.

4 (Source: P.A. 87-1235.)

5 (30 ILCS 740/4-1.7) (from Ch. 111 2/3, par. 699.7)

6 Sec. 4-1.7. "Participant" means (1) a city, village or  
7 incorporated town, or a local mass transit district organized  
8 under the Local Mass Transit District Act, that is named as a  
9 designated recipient by the Governor, or is eligible to  
10 receive federal UMTA Section 9 funds, or (2) the recipient  
11 designated by the Governor within the Bi-State Metropolitan  
12 Development District; provided that such entity is all located  
13 outside the boundaries of the Metropolitan Mobility Regional  
14 ~~Transportation~~ Authority as established pursuant to the  
15 Metropolitan Mobility Regional Transportation Authority Act,  
16 ~~as amended,~~ and has formally requested to participate in the  
17 program defined in this Article. However, no such entity shall  
18 be eligible to participate unless it agrees to adhere to the  
19 regulations and requirements of the Secretary of  
20 Transportation of the federal Department of Transportation  
21 affecting UMTA Section 9 assistance or any other conditions  
22 that are deemed reasonable and necessary by the Illinois  
23 Department of Transportation.

24 (Source: P.A. 86-16.)

1 Section 8.17. The State Mandates Act is amended by  
2 changing Section 8.47 as follows:

3 (30 ILCS 805/8.47)

4 Sec. 8.47. Exempt mandate.

5 (a) Notwithstanding Sections 6 and 8 of this Act, no  
6 reimbursement by the State is required for the implementation  
7 of any mandate created by Public Act 103-2, 103-110, 103-409,  
8 103-455, 103-529, 103-552, 103-553, 103-579, or 103-582 ~~this~~  
9 ~~amendatory Act of the 103rd General Assembly.~~

10 (b) Notwithstanding Sections 6 and 8 of this Act, no  
11 reimbursement by the State is required for the implementation  
12 of any mandate created by the Decennial Committees on Local  
13 Government Efficiency Act.

14 (c) Notwithstanding Sections 6 and 8 of this Act, no  
15 reimbursement by the State is required for the implementation  
16 of the mandate created by Section 2.10a of the Regional  
17 Transportation Authority Act (now Section 4.25 of the  
18 Metropolitan Mobility Authority Act) in Public Act 103-281  
19 ~~this amendatory Act of the 103rd General Assembly.~~

20 (Source: P.A. 102-1136, eff. 2-10-23; 103-2, eff. 5-10-23;  
21 103-110, eff. 6-29-23; 103-281, eff. 1-1-24; 103-409, eff.  
22 1-1-24; 103-455, eff. 1-1-24; 103-529, eff. 8-11-23; 103-552,  
23 eff. 8-11-23; 103-553, eff. 8-11-23; 103-579, eff. 12-8-23;  
24 103-582, eff. 12-8-23; revised 1-2-24.)

1 Section 8.18. The Use Tax Act is amended by changing  
2 Sections 2b and 22 as follows:

3 (35 ILCS 105/2b) (from Ch. 120, par. 439.2b)

4 Sec. 2b. "Selling price" does ~~shall~~ not include any  
5 amounts added to prices by sellers on account of the seller's  
6 duty to collect any tax imposed under the Metropolitan  
7 Mobility ~~"Regional Transportation Authority Act", enacted by~~  
8 ~~the 78th General Assembly.~~

9 (Source: P.A. 78-3rd S.S.-12.)

10 (35 ILCS 105/22) (from Ch. 120, par. 439.22)

11 Sec. 22. If it is determined that the Department should  
12 issue a credit or refund under this Act, the Department may  
13 first apply the amount thereof against any amount of tax or  
14 penalty or interest due hereunder, or under the Retailers'  
15 Occupation Tax Act, the Service Occupation Tax Act, the  
16 Service Use Tax Act, any local occupation or use tax  
17 administered by the Department, Section 4 of the Water  
18 Commission Act of 1985, subsections (b), (c) and (d) of  
19 Section 5.01 of the Local Mass Transit District Act, or  
20 subsections (e), (m), and (r) of Section 6.02 of the  
21 Metropolitan Mobility Authority Act ~~(e), (f) and (g) of~~  
22 ~~Section 4.03 of the Regional Transportation Authority Act,~~  
23 from the person entitled to such credit or refund. For this  
24 purpose, if proceedings are pending to determine whether or

1 not any tax or penalty or interest is due under this Act or  
2 under the Retailers' Occupation Tax Act, the Service  
3 Occupation Tax Act, the Service Use Tax Act, any local  
4 occupation or use tax administered by the Department, Section  
5 4 of the Water Commission Act of 1985, subsections (b), (c) and  
6 (d) of Section 5.01 of the Local Mass Transit District Act, or  
7 subsections (e), (m), and (r) of Section 6.02 of the  
8 Metropolitan Mobility Authority Act ~~(e), (f) and (g) of~~  
9 ~~Section 4.03 of the Regional Transportation Authority Act,~~  
10 from such person, the Department may withhold issuance of the  
11 credit or refund pending the final disposition of such  
12 proceedings and may apply such credit or refund against any  
13 amount found to be due to the Department as a result of such  
14 proceedings. The balance, if any, of the credit or refund  
15 shall be issued to the person entitled thereto.

16 Any credit memorandum issued hereunder may be used by the  
17 authorized holder thereof to pay any tax or penalty or  
18 interest due or to become due under this Act or under the  
19 Retailers' Occupation Tax Act, the Service Occupation Tax Act,  
20 the Service Use Tax Act, any local occupation or use tax  
21 administered by the Department, Section 4 of the Water  
22 Commission Act of 1985, subsections (b), (c) and (d) of  
23 Section 5.01 of the Local Mass Transit District Act, or  
24 subsections (e), (m), and (r) of Section 6.02 of the  
25 Metropolitan Mobility Authority Act ~~(e), (f) and (g) of~~  
26 ~~Section 4.03 of the Regional Transportation Authority Act,~~

1 from such holder. Subject to reasonable rules of the  
2 Department, a credit memorandum issued hereunder may be  
3 assigned by the holder thereof to any other person for use in  
4 paying tax or penalty or interest which may be due or become  
5 due under this Act or under the Retailers' Occupation Tax Act,  
6 the Service Occupation Tax Act or the Service Use Tax Act, from  
7 the assignee.

8 In any case in which there has been an erroneous refund of  
9 tax payable under this Act, a notice of tax liability may be  
10 issued at any time within 3 years from the making of that  
11 refund, or within 5 years from the making of that refund if it  
12 appears that any part of the refund was induced by fraud or the  
13 misrepresentation of a material fact. The amount of any  
14 proposed assessment set forth in the notice shall be limited  
15 to the amount of the erroneous refund.

16 (Source: P.A. 91-901, eff. 1-1-01.)

17 Section 8.19. The Service Use Tax Act is amended by  
18 changing Section 20 as follows:

19 (35 ILCS 110/20) (from Ch. 120, par. 439.50)

20 Sec. 20. If it is determined that the Department should  
21 issue a credit or refund hereunder, the Department may first  
22 apply the amount thereof against any amount of tax or penalty  
23 or interest due hereunder, or under the Service Occupation Tax  
24 Act, the Retailers' Occupation Tax Act, the Use Tax Act, any

1 local occupation or use tax administered by the Department,  
2 Section 4 of the Water Commission Act of 1985, subsections  
3 (b), (c) and (d) of Section 5.01 of the Local Mass Transit  
4 District Act, or subsections (e), (m), and (r) of Section 6.02  
5 of the Metropolitan Mobility Authority Act ~~(e), (f) and (g) of~~  
6 ~~Section 4.03 of the Regional Transportation Authority Act,~~  
7 from the person entitled to such credit or refund. For this  
8 purpose, if proceedings are pending to determine whether or  
9 not any tax or penalty or interest is due hereunder, or under  
10 the Service Occupation Tax Act, the Retailers' Occupation Tax  
11 Act, the Use Tax Act, any local occupation or use tax  
12 administered by the Department, Section 4 of the Water  
13 Commission Act of 1985, subsections (b), (c) and (d) of  
14 Section 5.01 of the Local Mass Transit District Act, or  
15 subsections (e), (m), and (r) of Section 6.02 of the  
16 Metropolitan Mobility Authority Act ~~(e), (f) and (g) of~~  
17 ~~Section 4.03 of the Regional Transportation Authority Act,~~  
18 from such person, the Department may withhold issuance of the  
19 credit or refund pending the final disposition of such  
20 proceedings and may apply such credit or refund against any  
21 amount found to be due to the Department as a result of such  
22 proceedings. The balance, if any, of the credit or refund  
23 shall be issued to the person entitled thereto.

24 Any credit memorandum issued hereunder may be used by the  
25 authorized holder thereof to pay any tax or penalty or  
26 interest due or to become due under this Act, the Service



1 Occupation Tax Act, the Retailers' Occupation Tax Act, the Use  
2 Tax Act, any local occupation or use tax administered by the  
3 Department, Section 4 of the Water Commission Act of 1985,  
4 subsections (b), (c) and (d) of Section 5.01 of the Local Mass  
5 Transit District Act, or subsections (e), (m), and (r) of  
6 Section 6.02 of the Metropolitan Mobility Authority Act ~~(e),~~  
7 ~~(f) and (g) of Section 4.03 of the Regional Transportation~~  
8 ~~Authority Act~~, from such holder. Subject to reasonable rules  
9 of the Department, a credit memorandum issued hereunder may be  
10 assigned by the holder thereof to any other person for use in  
11 paying tax or penalty or interest which may be due or become  
12 due under this Act, the Service Occupation Tax Act, the  
13 Retailers' Occupation Tax Act, the Use Tax Act, any local  
14 occupation or use tax administered by the Department, Section  
15 4 of the Water Commission Act of 1985, subsections (b), (c) and  
16 (d) of Section 5.01 of the Local Mass Transit District Act, or  
17 subsections (e), (m), and (r) of Section 6.02 of the  
18 Metropolitan Mobility Authority Act ~~(e), (f) and (g) of~~  
19 ~~Section 4.03 of the Regional Transportation Authority Act~~,  
20 from the assignee.

21 In any case which there has been an erroneous refund of tax  
22 payable under this Act, a notice of tax liability may be issued  
23 at any time within 3 years from the making of that refund, or  
24 within 5 years from the making of that refund if it appears  
25 that any part of the refund was induced by fraud or the  
26 misrepresentation of a material fact. The amount of any

1 proposed assessment set forth in the notice shall be limited  
2 to the amount of the erroneous refund.

3 (Source: P.A. 91-901, eff. 1-1-01.)

4 Section 8.20. The Service Occupation Tax Act is amended by  
5 changing Section 20 as follows:

6 (35 ILCS 115/20) (from Ch. 120, par. 439.120)

7 Sec. 20. If it is determined that the Department should  
8 issue a credit or refund hereunder, the Department may first  
9 apply the amount thereof against any amount of tax or penalty  
10 or interest due hereunder, or under the Service Use Tax Act,  
11 the Retailers' Occupation Tax Act, the Use Tax Act, any local  
12 occupation or use tax administered by the Department, Section  
13 4 of the Water Commission Act of 1985, subsections (b), (c) and  
14 (d) of Section 5.01 of the Local Mass Transit District Act, or  
15 subsections (e), (m), and (r) of Section 6.02 of the  
16 Metropolitan Mobility Authority Act ~~(e), (f) and (g) of~~  
17 ~~Section 4.03 of the Regional Transportation Authority Act,~~  
18 from the person entitled to such credit or refund. For this  
19 purpose, if proceedings are pending to determine whether or  
20 not any tax or penalty or interest is due hereunder, or under  
21 the Service Use Tax Act, the Retailers' Occupation Tax Act,  
22 the Use Tax Act, any local occupation or use tax administered  
23 by the Department, Section 4 of the Water Commission Act of  
24 1985, subsections (b), (c) and (d) of Section 5.01 of the Local

1 Mass Transit District Act, or subsections (e), (m), and (r) of  
2 Section 6.02 of the Metropolitan Mobility Authority Act ~~(e),~~  
3 ~~(f) and (g) of Section 4.03 of the Regional Transportation~~  
4 ~~Authority Act~~, from such person, the Department may withhold  
5 issuance of the credit or refund pending the final disposition  
6 of such proceedings and may apply such credit or refund  
7 against any amount found to be due to the Department as a  
8 result of such proceedings. The balance, if any, of the credit  
9 or refund shall be issued to the person entitled thereto.

10 Any credit memorandum issued hereunder may be used by the  
11 authorized holder thereof to pay any tax or penalty or  
12 interest due or to become due under this Act, or under the  
13 Service Use Tax Act, the Retailers' Occupation Tax Act, the  
14 Use Tax Act, any local occupation or use tax administered by  
15 the Department, Section 4 of the Water Commission Act of 1985,  
16 subsections (b), (c) and (d) of Section 5.01 of the Local Mass  
17 Transit District Act, or subsections (e), (m), and (r) of  
18 Section 6.02 of the Metropolitan Mobility Authority Act ~~(e),~~  
19 ~~(f) and (g) of Section 4.03 of the Regional Transportation~~  
20 ~~Authority Act~~, from such holder. Subject to reasonable rules  
21 of the Department, a credit memorandum issued hereunder may be  
22 assigned by the holder thereof to any other person for use in  
23 paying tax or penalty or interest which may be due or become  
24 due under this Act, the Service Use Tax Act, the Retailers'  
25 Occupation Tax Act, the Use Tax Act, any local occupation or  
26 use tax administered by the Department, Section 4 of the Water

1 Commission Act of 1985, subsections (b), (c) and (d) of  
2 Section 5.01 of the Local Mass Transit District Act, or  
3 subsections (e), (m), and (r) of Section 6.02 of the  
4 Metropolitan Mobility Authority Act ~~(e), (f) and (g) of~~  
5 ~~Section 4.03 of the Regional Transportation Authority Act,~~  
6 from the assignee.

7 In any case in which there has been an erroneous refund of  
8 tax payable under this Act, a notice of tax liability may be  
9 issued at any time within 3 years from the making of that  
10 refund, or within 5 years from the making of that refund if it  
11 appears that any part of the refund was induced by fraud or the  
12 misrepresentation of a material fact. The amount of any  
13 proposed assessment set forth in the notice shall be limited  
14 to the amount of the erroneous refund.

15 (Source: P.A. 91-901, eff. 1-1-01.)

16 Section 8.21. The Retailers' Occupation Tax Act is amended  
17 by changing Section 6 as follows:

18 (35 ILCS 120/6) (from Ch. 120, par. 445)

19 Sec. 6. Credit memorandum or refund. If it appears, after  
20 claim therefor filed with the Department, that an amount of  
21 tax or penalty or interest has been paid which was not due  
22 under this Act, whether as the result of a mistake of fact or  
23 an error of law, except as hereinafter provided, then the  
24 Department shall issue a credit memorandum or refund to the

1 person who made the erroneous payment or, if that person died  
2 or became a person under legal disability, to his or her legal  
3 representative, as such. For purposes of this Section, the tax  
4 is deemed to be erroneously paid by a retailer when the  
5 manufacturer of a motor vehicle sold by the retailer accepts  
6 the return of that automobile and refunds to the purchaser the  
7 selling price of that vehicle as provided in the New Vehicle  
8 Buyer Protection Act. When a motor vehicle is returned for a  
9 refund of the purchase price under the New Vehicle Buyer  
10 Protection Act, the Department shall issue a credit memorandum  
11 or a refund for the amount of tax paid by the retailer under  
12 this Act attributable to the initial sale of that vehicle.  
13 Claims submitted by the retailer are subject to the same  
14 restrictions and procedures provided for in this Act. If it is  
15 determined that the Department should issue a credit  
16 memorandum or refund, the Department may first apply the  
17 amount thereof against any tax or penalty or interest due or to  
18 become due under this Act or under the Use Tax Act, the Service  
19 Occupation Tax Act, the Service Use Tax Act, any local  
20 occupation or use tax administered by the Department, Section  
21 4 of the Water Commission Act of 1985, subsections (b), (c) and  
22 (d) of Section 5.01 of the Local Mass Transit District Act, or  
23 subsections (e), (m), and (r) of Section 6.02 of the  
24 Metropolitan Mobility Authority Act ~~(e), (f) and (g) of~~  
25 ~~Section 4.03 of the Regional Transportation Authority Act,~~  
26 from the person who made the erroneous payment. If no tax or

1 penalty or interest is due and no proceeding is pending to  
2 determine whether such person is indebted to the Department  
3 for tax or penalty or interest, the credit memorandum or  
4 refund shall be issued to the claimant; or (in the case of a  
5 credit memorandum) the credit memorandum may be assigned and  
6 set over by the lawful holder thereof, subject to reasonable  
7 rules of the Department, to any other person who is subject to  
8 this Act, the Use Tax Act, the Service Occupation Tax Act, the  
9 Service Use Tax Act, any local occupation or use tax  
10 administered by the Department, Section 4 of the Water  
11 Commission Act of 1985, subsections (b), (c) and (d) of  
12 Section 5.01 of the Local Mass Transit District Act, or  
13 subsections (e), (m), and (r) of Section 6.02 of the  
14 Metropolitan Mobility Authority Act ~~(e), (f) and (g) of~~  
15 ~~Section 4.03 of the Regional Transportation Authority Act,~~ and  
16 the amount thereof applied by the Department against any tax  
17 or penalty or interest due or to become due under this Act or  
18 under the Use Tax Act, the Service Occupation Tax Act, the  
19 Service Use Tax Act, any local occupation or use tax  
20 administered by the Department, Section 4 of the Water  
21 Commission Act of 1985, subsections (b), (c) and (d) of  
22 Section 5.01 of the Local Mass Transit District Act, or  
23 subsections (e), (m), and (r) of Section 6.02 of the  
24 Metropolitan Mobility Authority Act ~~(e), (f) and (g) of~~  
25 ~~Section 4.03 of the Regional Transportation Authority Act,~~  
26 from such assignee. However, as to any claim for credit or

1 refund filed with the Department on and after each January 1  
2 and July 1 no amount of tax or penalty or interest erroneously  
3 paid (either in total or partial liquidation of a tax or  
4 penalty or amount of interest under this Act) more than 3 years  
5 prior to such January 1 and July 1, respectively, shall be  
6 credited or refunded, except that if both the Department and  
7 the taxpayer have agreed to an extension of time to issue a  
8 notice of tax liability as provided in Section 4 of this Act,  
9 such claim may be filed at any time prior to the expiration of  
10 the period agreed upon. Notwithstanding any other provision of  
11 this Act to the contrary, for any period included in a claim  
12 for credit or refund for which the statute of limitations for  
13 issuing a notice of tax liability under this Act will expire  
14 less than 6 months after the date a taxpayer files the claim  
15 for credit or refund, the statute of limitations is  
16 automatically extended for 6 months from the date it would  
17 have otherwise expired.

18 No claim may be allowed for any amount paid to the  
19 Department, whether paid voluntarily or involuntarily, if paid  
20 in total or partial liquidation of an assessment which had  
21 become final before the claim for credit or refund to recover  
22 the amount so paid is filed with the Department, or if paid in  
23 total or partial liquidation of a judgment or order of court.  
24 No credit may be allowed or refund made for any amount paid by  
25 or collected from any claimant unless it appears (a) that the  
26 claimant bore the burden of such amount and has not been

1 relieved thereof nor reimbursed therefor and has not shifted  
2 such burden directly or indirectly through inclusion of such  
3 amount in the price of the tangible personal property sold by  
4 him or her or in any manner whatsoever; and that no  
5 understanding or agreement, written or oral, exists whereby he  
6 or she or his or her legal representative may be relieved of  
7 the burden of such amount, be reimbursed therefor or may shift  
8 the burden thereof; or (b) that he or she or his or her legal  
9 representative has repaid unconditionally such amount to his  
10 or her vendee (1) who bore the burden thereof and has not  
11 shifted such burden directly or indirectly, in any manner  
12 whatsoever; (2) who, if he or she has shifted such burden, has  
13 repaid unconditionally such amount to his own vendee; and (3)  
14 who is not entitled to receive any reimbursement therefor from  
15 any other source than from his or her vendor, nor to be  
16 relieved of such burden in any manner whatsoever. No credit  
17 may be allowed or refund made for any amount paid by or  
18 collected from any claimant unless it appears that the  
19 claimant has unconditionally repaid, to the purchaser, any  
20 amount collected from the purchaser and retained by the  
21 claimant with respect to the same transaction under the Use  
22 Tax Act.

23 Any credit or refund that is allowed under this Section  
24 shall bear interest at the rate and in the manner specified in  
25 the Uniform Penalty and Interest Act.

26 In case the Department determines that the claimant is



1 entitled to a refund, such refund shall be made only from the  
2 Aviation Fuel Sales Tax Refund Fund or from such appropriation  
3 as may be available for that purpose, as appropriate. If it  
4 appears unlikely that the amount available would permit  
5 everyone having a claim allowed during the period covered by  
6 such appropriation or from the Aviation Fuel Sales Tax Refund  
7 Fund, as appropriate, to elect to receive a cash refund, the  
8 Department, by rule or regulation, shall provide for the  
9 payment of refunds in hardship cases and shall define what  
10 types of cases qualify as hardship cases.

11 If a retailer who has failed to pay retailers' occupation  
12 tax on gross receipts from retail sales is required by the  
13 Department to pay such tax, such retailer, without filing any  
14 formal claim with the Department, shall be allowed to take  
15 credit against such retailers' occupation tax liability to the  
16 extent, if any, to which such retailer has paid an amount  
17 equivalent to retailers' occupation tax or has paid use tax in  
18 error to his or her vendor or vendors of the same tangible  
19 personal property which such retailer bought for resale and  
20 did not first use before selling it, and no penalty or interest  
21 shall be charged to such retailer on the amount of such credit.  
22 However, when such credit is allowed to the retailer by the  
23 Department, the vendor is precluded from refunding any of that  
24 tax to the retailer and filing a claim for credit or refund  
25 with respect thereto with the Department. The provisions of  
26 this amendatory Act shall be applied retroactively, regardless

1 of the date of the transaction.

2 (Source: P.A. 101-10, eff. 6-5-19; 102-40, eff. 6-25-21.)

3 Section 8.22. The Governmental Tax Reform Validation Act  
4 is amended by changing Section 10 as follows:

5 (35 ILCS 165/10)

6 Sec. 10. Re-enactment; findings; purpose; validation.

7 (a) The General Assembly finds and declares that:

8 (1) The amendatory provisions of this Act were first  
9 enacted by Public Act 85-1135 and all related to taxation.

10 (A) Article I of Public Act 85-1135, effective  
11 July 28, 1988, contained provisions stating  
12 legislative intent.

13 (B) Article II of Public Act 85-1135, effective  
14 January 1, 1990, contained provisions amending or  
15 creating Sections 8-11-1, 8-11-1.1, 8-11-1.2,  
16 8-11-1.3, 8-11-1.4, 8-11-5, 8-11-6, 8-11-6a, 8-11-16,  
17 and 11-74.4-8a of the Illinois Municipal Code;  
18 Sections 24a-1, 24a-2, 24a-3, 24a-4, and 25.05 of "An  
19 Act to revise the law in relation to counties";  
20 Section 4 of the Water Commission Act of 1985; Section  
21 5.01 of the Local Mass Transit District Act; Sections  
22 5.12, 6.02, 6.05, and 6.08 of the Metropolitan  
23 Mobility Authority Act ~~Sections 4.01, 4.03, 4.04, and~~  
24 ~~4.09 of the Regional Transportation Authority Act;~~

1 Sections 3, 9, and 10b of the Use Tax Act; Sections 2,  
2 3, 3d, 7a, 9, 10, 10b, and 15 of the Service Use Tax  
3 Act; Sections 2, 3, 9, 13, 15, and 20.1 of the Service  
4 Occupation Tax Act; Sections 2, 3, 5k, and 6d of the  
5 Retailers' Occupation Tax Act; and Sections 5.240,  
6 5.241, 6z-16, and 6z-17 of the State Finance Act.  
7 Article II of Public Act 85-1135, effective January 1,  
8 1990, also contained provisions repealing Sections  
9 25.05a, 25.05-2, 25.05-2a, 25.05-3, 25.05-3a,  
10 25.05-10, 25.05-10a, and 25.05-10.1 of "An Act to  
11 revise the law in relation to counties" and Sections  
12 10 and 14 of the Service Occupation Tax Act.

13 (C) Article III of Public Act 85-1135, effective  
14 September 1, 1988, contained provisions further  
15 amending Sections 3 and 9 of the Use Tax Act; Sections  
16 2, 3, and 9 of the Service Use Tax Act; Sections 2, 3,  
17 and 9 of the Service Occupation Tax Act; and Sections 2  
18 and 3 of the Retailers' Occupation Tax Act; and  
19 amending Section 2 of the State Revenue Sharing Act.

20 (D) Article IV of Public Act 85-1135, effective  
21 July 28, 1988, contained provisions amending Section  
22 6z-9 of the State Finance Act and creating Section .01  
23 of the State Revenue Sharing Act.

24 (E) Article V of Public Act 85-1135, effective  
25 July 28, 1988, contained provisions precluding any  
26 effect on a pre-existing right, remedy, or liability

1           and authorizing enactment of home rule municipality  
2           ordinances.

3           (2) Public Act 85-1135 also contained provisions  
4           relating to State bonds and creating the Water Pollution  
5           Control Revolving Fund loan program.

6           (3) On August 26, 1998, the Cook County Circuit Court  
7           entered an order in the case of Oak Park Arms Associates v.  
8           Whitley (No. 92 L 51045), in which it found that Public Act  
9           85-1135 violates the single subject clause of the Illinois  
10          Constitution (Article IV, Section 8(d)). As of the time  
11          this Act was prepared, the order declaring P.A. 85-1135  
12          invalid has been vacated but the case is subject to  
13          appeal.

14          (4) The tax provisions of Public Act 85-1135 affect  
15          many areas of vital concern to the people of this State.  
16          The disruption of the tax reform contained in those  
17          provisions could constitute a grave threat to the  
18          continued health, safety, and welfare of the people of  
19          this State.

20          (b) It is the purpose of this Act to prevent or minimize  
21          any problems relating to taxation that may result from  
22          challenges to the constitutional validity of Public Act  
23          85-1135, by (1) re-enacting provisions from Public Act 85-1135  
24          and (2) validating all actions taken in reliance on those  
25          provisions from Public Act 85-1135.

26          (c) Because Public Act 86-962, effective January 1, 1990,

1 renumbered Sections 24a-1, 24a-2, 24a-3, 24a-4, and 25.05 of  
2 the Counties Code, this Act contains those provisions as  
3 renumbered under Sections 5-1006, 5-1007, 5-1008, 5-1009, and  
4 5-1024 of the Counties Code. Because Public Act 86-1475,  
5 effective January 10, 1991, resectioned Section 3 of the Use  
6 Tax Act, Section 3 of the Service Use Tax Act, Section 3 of the  
7 Service Occupation Tax Act, and Section 2 of the Retailers'  
8 Occupation Tax Act, this Act contains those provisions as  
9 resectioned under Sections 3, 3-5, 3-10, 3-15, 3-20, 3-25,  
10 3-30, 3-35, 3-40, 3-45, 3-50, 3-55, 3-60, 3-65, 3-70, 3-75,  
11 and 3-80 of the Use Tax Act; Sections 3, 3-5, 3-10, 3-15, 3-20,  
12 3-25, 3-30, 3-35, 3-40, 3-45, 3-50, 3-55, 3-60, and 3-65 of the  
13 Service Use Tax Act; Sections 3, 3-5, 3-10, 3-15, 3-20, 3-25,  
14 3-30, 3-35, 3-40, 3-45, and 3-50 of the Service Occupation Tax  
15 Act; and Sections 2, 2-5, 2-10, 2-15, 2-20, 2-25, 2-30, 2-35,  
16 2-40, 2-45, 2-50, 2-55, 2-60, 2-65 of the Retailers'  
17 Occupation Tax Act. Because Public Act 85-1440, effective  
18 February 1, 1989, renumbered Section 6z-16 of the State  
19 Finance Act and Section .01 of the State Revenue Sharing Act,  
20 this Act contains those provisions as renumbered under Section  
21 6z-18 of the State Finance Act and Section 0.1 of the State  
22 Revenue Sharing Act. Sections 10b of the Use Tax Act, 10b of  
23 the Service Use Tax Act, 20.1 of the Service Occupation Tax  
24 Act, and 6d of the Retailers' Occupation Tax Act have been  
25 omitted from this Act because they were repealed by Public Act  
26 87-1258, effective January 7, 1993.

1 (d) This Act re-enacts Section 1 of Article I of Public Act  
2 85-1135; Sections 8-11-1, 8-11-1.1, 8-11-1.2, 8-11-1.3,  
3 8-11-1.4, 8-11-5, 8-11-6, 8-11-6a, 8-11-16, and 11-74.4-8a of  
4 the Illinois Municipal Code; Sections 5-1006, 5-1007, 5-1008,  
5 5-1009, and 5-1024 of the Counties Code; Section 4 of the Water  
6 Commission Act of 1985; Section 5.01 of the Local Mass Transit  
7 District Act; Sections 5.12, 6.02, 6.05, and 6.08 of the  
8 Metropolitan Mobility Authority Act ~~Sections 4.01, 4.03, 4.04,~~  
9 ~~and 4.09 of the Regional Transportation Authority Act;~~  
10 Sections 3, 3-5, 3-10, 3-15, 3-20, 3-25, 3-30, 3-35, 3-40,  
11 3-45, 3-50, 3-55, 3-60, 3-65, 3-70, 3-75, 3-80, 9, and 10b of  
12 the Use Tax Act; Sections 2, 3, 3-5, 3-10, 3-15, 3-20, 3-25,  
13 3-30, 3-35, 3-40, 3-45, 3-50, 3-55, 3-60, 3-65, 3d, 7a, 9, 10,  
14 10b, and 15 of the Service Use Tax Act; Sections 2, 3, 3-5,  
15 3-10, 3-15, 3-20, 3-25, 3-30, 3-35, 3-40, 3-45, 3-50, 9, 13,  
16 15, and 20.1 of the Service Occupation Tax Act; Sections 2,  
17 2-5, 2-10, 2-15, 2-20, 2-25, 2-30, 2-35, 2-40, 2-45, 2-50,  
18 2-55, 2-60, 2-65, 3, 5k, and 6d of the Retailers' Occupation  
19 Tax Act; Sections 5.240, 5.241, 6z-9, 6z-17, and 6z-18 of the  
20 State Finance Act; Sections 0.1 and 2 of the State Revenue  
21 Sharing Act; and Sections 1 and 2 of Article V of Public Act  
22 85-1135 as they have been amended. It also re-repeals Sections  
23 25.05a, 25.05-2, 25.05-2a, 25.05-3, 25.05-3a, 25.05-10,  
24 25.05-10a, and 25.05-10.1 of "An Act to revise the law in  
25 relation to counties" and Sections 10 and 14 of the Service  
26 Occupation Tax Act. This re-enactment and re-repeal is

1 intended to remove any questions as to the validity or content  
2 of those Sections; it is not intended to supersede any other  
3 Public Act that amends the text of a Section as set forth in  
4 this Act. The re-enacted material in this Act is shown as  
5 existing text (i.e., without underscoring) because, as of the  
6 time this Act was prepared, the order declaring P.A. 85-1135  
7 invalid has been vacated.

8 (e) In Sections 100 and 900 of this Act, references to  
9 "this amendatory Act of 1988" mean Public Act 85-1135, as  
10 re-enacted by this Act.

11 (f) The re-enactment or re-repeal of Sections of Public  
12 Act 85-1135 by this Act is not intended, and shall not be  
13 construed, to imply that Public Act 85-1135 is invalid or to  
14 limit or impair any legal argument (1) upholding the validity  
15 of Public Act 85-1135 or (2) concerning whether the provisions  
16 of Public Act 85-1135 were substantially re-enacted by other  
17 Public Acts.

18 (g) All otherwise lawful actions taken in reasonable  
19 reliance on or pursuant to the Sections re-enacted by this  
20 Act, as set forth in Public Act 85-1135 or subsequently  
21 amended, by any officer, employee, agency, or unit of State or  
22 local government or by any other person or entity, are hereby  
23 validated.

24 With respect to actions taken in relation to matters  
25 arising under the Sections re-enacted by this Act, as set  
26 forth in Public Act 85-1135 or subsequently amended, a person

1 is rebuttably presumed to have acted in reasonable reliance on  
2 and pursuant to the provisions of Public Act 85-1135, as those  
3 provisions had been amended at the time the action was taken.

4 (h) With respect to its administration of matters arising  
5 under the Sections re-enacted by this Act, the Department of  
6 Revenue shall continue to apply the provisions of Public Act  
7 85-1135, as those provisions had been amended at the relevant  
8 time.

9 (i) This Act applies, without limitation, to proceedings  
10 pending on or after the effective date of this Act.

11 (Source: P.A. 91-51, eff. 6-30-99.)

12 Section 8.23. The Simplified Sales and Use Tax  
13 Administration Act is amended by changing Section 2 as  
14 follows:

15 (35 ILCS 171/2)

16 Sec. 2. Definitions. As used in this Act:

17 (a) "Agreement" means the Streamlined Sales and Use Tax  
18 Agreement as amended and adopted on January 27, 2001.

19 (b) "Certified Automated System" means software certified  
20 jointly by the states that are signatories to the Agreement to  
21 calculate the tax imposed by each jurisdiction on a  
22 transaction, determine the amount of tax to remit to the  
23 appropriate state, and maintain a record of the transaction.

24 (c) "Certified Service Provider" means an agent certified



1 jointly by the states that are signatories to the Agreement to  
2 perform all of the seller's sales tax functions.

3 (d) "Person" means an individual, trust, estate,  
4 fiduciary, partnership, limited liability company, limited  
5 liability partnership, corporation, or any other legal entity.

6 (e) "Sales Tax" means the tax levied under the Service  
7 Occupation Tax Act (35 ILCS 115/) and the Retailers'  
8 Occupation Tax Act (35 ILCS 120/). "Sales tax" also means any  
9 local sales tax levied under the Home Rule Municipal  
10 Retailers' Occupation Tax Act (65 ILCS 5/8-11-1), the Non-Home  
11 Rule Municipal Retailers' Occupation Tax Act (65 ILCS  
12 5/8-11-1.3), the Non-Home Rule Municipal Service Occupation  
13 Tax Act (65 ILCS 5/8-11-1.4), the Home Rule Municipal Service  
14 Occupation Tax (65 ILCS 5/8-11-5), the Home Rule County  
15 Retailers' Occupation Tax Law (55 ILCS 5/5-1006), the Special  
16 County Occupation Tax for Public Safety, Public Facilities,  
17 Mental Health, Substance Abuse, or Transportation Law (55 ILCS  
18 5/5-1006.5), the Home Rule County Service Occupation Tax Law  
19 (55 ILCS 5/5-1007), subsection (b) of the Rock Island County  
20 Use and Occupation Tax Law (55 ILCS 5/5-1008.5(b)), the Metro  
21 East Mass Transit District Retailers' Occupation Tax (70 ILCS  
22 3610/5.01(b)), the Metro East Mass Transit District Service  
23 Occupation Tax (70 ILCS 3610/5.01(c)), the Metropolitan  
24 Mobility Regional—Transportation Authority Retailers'  
25 Occupation Tax (subsection (e) of Section 6.02 of the  
26 Metropolitan Mobility Authority Act) ~~70 ILCS 3615/4.03(e)~~),

1 the Metropolitan Mobility ~~Regional Transportation~~ Authority  
2 Service Occupation Tax ~~(70 ILCS 3615/4.03(f))~~, the County  
3 Water Commission Retailers' Occupation Tax (70 ILCS  
4 3720/4(b)), or the County Water Commission Service Occupation  
5 Tax (70 ILCS 3720/4(c)).

6 (f) "Seller" means any person making sales of personal  
7 property or services.

8 (g) "State" means any state of the United States and the  
9 District of Columbia.

10 (h) "Use tax" means the tax levied under the Use Tax Act  
11 (35 ILCS 105/) and the Service Use Tax Act (35 ILCS 110/). "Use  
12 tax" also means any local use tax levied under the Home Rule  
13 Municipal Use Tax Act (65 ILCS 5/8-11-6(b)), provided that the  
14 State and the municipality have entered into an agreement that  
15 provides for administration of the tax by the State.

16 (Source: P.A. 100-1167, eff. 1-4-19.)

17 Section 8.24. The Property Tax Code is amended by changing  
18 Section 15-100 as follows:

19 (35 ILCS 200/15-100)

20 Sec. 15-100. Public transportation systems.

21 (a) All property belonging to any municipal corporation  
22 created for the sole purpose of owning and operating a  
23 transportation system for public service is exempt.

24 (b) Property owned by (i) a municipal corporation of

1 500,000 or more inhabitants, used for public transportation  
2 purposes, and operated by the Metropolitan Mobility Chicago  
3 ~~Transit~~ Authority; (ii) the Metropolitan Mobility Regional  
4 ~~Transportation~~ Authority; (iii) (blank); or any service board  
5 ~~or division of the Regional Transportation Authority;~~ (iv) the  
6 Northeast Illinois Regional Commuter Railroad Corporation, ~~or~~  
7 ~~(v) the Chicago Transit Authority~~ shall be exempt. For  
8 purposes of this Section alone, the Metropolitan Mobility  
9 Authority Regional Transportation Authority, any service board  
10 ~~or division of the Regional Transportation Authority,~~ the  
11 Northeast Illinois Regional Commuter Railroad Corporation, ~~the~~  
12 ~~Chicago Transit Authority,~~ or a municipal corporation, as  
13 defined in item (i), shall be deemed an "eligible  
14 transportation authority". The exemption provided in this  
15 subsection shall not be affected by any transaction in which,  
16 for the purpose of obtaining financing, the eligible  
17 transportation authority, directly or indirectly, leases or  
18 otherwise transfers such property to another whose property is  
19 not exempt and immediately thereafter enters into a leaseback  
20 or other agreement that directly or indirectly gives the  
21 eligible transportation authority a right to use, control, and  
22 possess the property. In the case of a conveyance of such  
23 property, the eligible transportation authority must retain an  
24 option to purchase the property at a future date or, within the  
25 limitations period for reverters, the property must revert  
26 back to the eligible transportation authority.

1 (c) If such property has been conveyed as described in  
2 subsection (b), the property will no longer be exempt pursuant  
3 to this Section as of the date when:

4 (1) the right of the eligible transportation authority  
5 to use, control, and possess the property has been  
6 terminated;

7 (2) the eligible transportation authority no longer  
8 has an option to purchase or otherwise acquire the  
9 property; and

10 (3) there is no provision for a reverter of the  
11 property to the eligible transportation authority within  
12 the limitations period for reverters.

13 (d) Pursuant to Sections 15-15 and 15-20 of this Code, the  
14 eligible transportation authority shall notify the chief  
15 county assessment officer of any transaction under subsection  
16 (b) of this Section. The chief county assessment officer shall  
17 determine initial and continuing compliance with the  
18 requirements of this Section for tax exemption. Failure to  
19 notify the chief county assessment officer of a transaction  
20 under this Section or to otherwise comply with the  
21 requirements of Sections 15-15 and 15-20 of this Code shall,  
22 in the discretion of the chief county assessment officer,  
23 constitute cause to terminate the exemption, notwithstanding  
24 any other provision of this Code.

25 (e) No provision of this Section shall be construed to  
26 affect the obligation of the eligible transportation authority

1 to which an exemption certificate has been issued under this  
2 Section from its obligation under Section 15-10 of this Code  
3 to file an annual certificate of status or to notify the chief  
4 county assessment officer of transfers of interest or other  
5 changes in the status of the property as required by this Code.

6 (f) The changes made by this amendatory Act of 1997 are  
7 declarative of existing law and shall not be construed as a new  
8 enactment.

9 (Source: P.A. 90-562, eff. 12-16-97.)

10 Section 8.25. The Motor Fuel Tax Law is amended by  
11 changing Section 8b as follows:

12 (35 ILCS 505/8b)

13 Sec. 8b. Transportation Renewal Fund; creation;  
14 distribution of proceeds.

15 (a) The Transportation Renewal Fund is hereby created as a  
16 special fund in the State treasury. Moneys in the Fund shall be  
17 used as provided in this Section:

18 (1) 80% of the moneys in the Fund shall be used for  
19 highway maintenance, highway construction, bridge repair,  
20 congestion relief, and construction of aviation  
21 facilities; of that 80%:

22 (A) the State Comptroller shall order transferred  
23 and the State Treasurer shall transfer 60% to the  
24 State Construction Account Fund; those moneys shall be

1 used solely for construction, reconstruction,  
2 improvement, repair, maintenance, operation, and  
3 administration of highways and are limited to payments  
4 made pursuant to design and construction contracts  
5 awarded by the Department of Transportation;

6 (B) 40% shall be distributed by the Department of  
7 Transportation to municipalities, counties, and road  
8 districts of the State using the percentages set forth  
9 in subdivisions (A), (B), (C), and (D) of paragraph  
10 (2) of subsection (e) of Section 8; distributions to  
11 particular municipalities, counties, and road  
12 districts under this subdivision (B) shall be made  
13 according to the allocation procedures described for  
14 municipalities, counties, and road districts in  
15 subsection (e) of Section 8 and shall be subject to the  
16 same requirements and limitations described in that  
17 subsection; and

18 (2) 20% of the moneys in the Fund shall be used for  
19 projects related to rail facilities and mass transit  
20 facilities, as defined in Section 2705-305 of the  
21 Department of Transportation Law of the Civil  
22 Administrative Code of Illinois, including rapid transit,  
23 rail, high-speed rail, bus and other equipment in  
24 connection with the State or a unit of local government,  
25 special district, municipal corporation, or other public  
26 agency authorized to provide and promote public

1 transportation within the State; of that 20%:

2 (A) 90% shall be deposited into the Metropolitan  
3 Mobility ~~Regional Transportation~~ Authority Capital  
4 Improvement Fund, a special fund created in the State  
5 treasury ~~Treasury~~; moneys in the Metropolitan Mobility  
6 ~~Regional Transportation~~ Authority Capital Improvement  
7 Fund shall be used by the Metropolitan Mobility  
8 ~~Regional Transportation~~ Authority for construction,  
9 improvements, and deferred maintenance on mass transit  
10 facilities and acquisition of buses and other  
11 equipment; and

12 (B) 10% shall be deposited into the Downstate Mass  
13 Transportation Capital Improvement Fund, a special  
14 fund created in the State treasury ~~Treasury~~; moneys in  
15 the Downstate Mass Transportation Capital Improvement  
16 Fund shall be used by local mass transit districts  
17 other than the Metropolitan Mobility ~~Regional~~  
18 ~~Transportation~~ Authority for construction,  
19 improvements, and deferred maintenance on mass transit  
20 facilities and acquisition of buses and other  
21 equipment.

22 (b) Beginning on July 1, 2020, the Auditor General shall  
23 conduct an annual financial audit of the obligations,  
24 expenditures, receipt, and use of the funds deposited into the  
25 Transportation Renewal Fund and provide specific  
26 recommendations to help ensure compliance with State and

1 federal statutes, rules, and regulations.

2 (Source: P.A. 101-32, eff. 6-28-19; 101-604, eff. 12-13-19.)

3 Section 8.26. The Postage Stamp Vending Machine Act is  
4 amended by changing Section 1 as follows:

5 (35 ILCS 815/1) (from Ch. 121 1/2, par. 911)

6 Sec. 1. Vending machines which vend only United States  
7 postage stamps are exempt from license fees or any excise or  
8 license tax levied by the State of Illinois or any county or  
9 municipality or other taxing district thereof, but are not  
10 exempt from State, county, municipal, or Metropolitan Mobility  
11 ~~Regional Transportation~~ Authority occupation and use taxes.

12 (Source: P.A. 82-985.)

13 Section 8.27. The Illinois Pension Code is amended by  
14 changing Sections 8-230.1, 11-221.1, 18-112, 22-101, 22-101B,  
15 22-103, and 22-105 as follows:

16 (40 ILCS 5/8-230.1) (from Ch. 108 1/2, par. 8-230.1)

17 Sec. 8-230.1. Right of employees to contribute for certain  
18 other service. Any employee in the service, after having made  
19 contributions covering a period of 10 or more years to the  
20 annuity and benefit fund herein provided for, may elect to pay  
21 for and receive credit for all annuity purposes for service  
22 theretofore rendered by the employee to the Chicago Transit



1 Authority created by the Metropolitan Transit Authority Act  
2 (repealed) or its predecessor public utilities; provided that  
3 the last 5 years of service prior to retirement on annuity  
4 shall have been as an employee of the City and a contributor to  
5 this Fund. Such service credit may be paid for and granted on  
6 the same basis and conditions as are applicable in the case of  
7 employees who make payment for past service under the  
8 provisions of Section 8-230, but on the assumption that the  
9 employee's salary throughout all of his or her service with  
10 the Authority or its predecessor public utilities was at the  
11 rate of the employee's salary at the later of the date of his  
12 or her entrance or reentrance into the service as a municipal  
13 employee, as applicable. In no event, however, shall such  
14 service be credited if the employee has not forfeited and  
15 relinquished pension credit for service covering such period  
16 under any pension or retirement plan applicable to the  
17 Authority or its predecessor public utilities and instituted  
18 and maintained by the Authority or its predecessor public  
19 utilities for the benefit of its employees.

20 (Source: P.A. 103-455, eff. 1-1-24.)

21 (40 ILCS 5/11-221.1) (from Ch. 108 1/2, par. 11-221.1)

22 Sec. 11-221.1. Right of employees to contribute for  
23 certain other service. Any employee in the service, after  
24 having made contributions covering a period of 10 or more  
25 years to the annuity and benefit fund herein provided for, may

1 elect to pay for and receive credit for all annuity purposes  
2 for service theretofore rendered by the employee to the  
3 Chicago Transit Authority created by the Metropolitan Transit  
4 Authority Act (repealed); provided that if the employee has  
5 more than 10 years of such service, only the last 10 years of  
6 such service shall be credited. Such service credit may be  
7 paid for and granted on the same basis and conditions as are  
8 applicable in the case of employees who make payment for past  
9 service under the provisions of Section 11-221, but on the  
10 assumption that the employee's salary throughout all of his or  
11 her service with the Authority was at the rate of the  
12 employee's salary at the date of his or her entrance into the  
13 service as an employee. In no event, however, shall such  
14 service be credited if the employee has not forfeited and  
15 relinquished pension credit for service covering such period  
16 under any pension or retirement plan applicable to the  
17 Authority and instituted and maintained by the Authority for  
18 the benefit of its employees.

19 (Source: P.A. 90-655, eff. 7-30-98.)

20 (40 ILCS 5/18-112) (from Ch. 108 1/2, par. 18-112)

21 Sec. 18-112. Service. "Service": The period beginning on  
22 the day a person first became a judge, whether prior or  
23 subsequent to the effective date, and ending on the date under  
24 consideration, excluding all intervening periods during which  
25 he or she was not a judge following resignation or expiration

1 of any term of election or appointment.

2 Service also includes the following: (a) Any period prior  
3 to January 1, 1964 during which a judge served as a justice of  
4 the peace, police magistrate or master in chancery, or as a  
5 civil referee, commissioner or trial assistant to the chief  
6 judge in the Municipal Court of Chicago, or performed judicial  
7 duties as an assistant to the judge of the Probate Court of  
8 Cook County. A judge shall be entitled to credit for all or as  
9 much as the judge may desire of such service, not exceeding 8  
10 years, upon payment of the participant's contribution covering  
11 such service at the contribution rates in effect on July 1,  
12 1969, together with interest at 4% per annum compounded  
13 annually, from the dates the service was rendered to the date  
14 of payment, provided credit for such service had not been  
15 granted in any public pension fund or retirement system in the  
16 State. The required contributions shall be based upon the rate  
17 of salary in effect for the judge on the date he or she entered  
18 the system or on January 1, 1964, whichever is later.

19 (b) Service rendered after January 1, 1964, as a holdover  
20 magistrate or master in chancery of the Circuit Court. A judge  
21 shall be entitled to credit for any period of such service, not  
22 exceeding a total of 8 years, together with the period of  
23 service taken into account in paragraph (a). Service credit  
24 under this paragraph is subject to the same contribution  
25 requirements and other limitations that are prescribed for  
26 service credit under paragraph (a).

1 (c) Any period that a participant served as a member of the  
2 General Assembly, subject to the following conditions:

3 (1) He or she has been a participant in this system for at  
4 least 4 years and has contributed to the system for service  
5 rendered as a member of the General Assembly subsequent to  
6 November 1, 1941, at the contribution rates in effect for a  
7 judge on the date of becoming a participant, including  
8 interest at 3% per annum compounded annually from the date  
9 such service was rendered to the date of payment, based on the  
10 salary in effect during such period of service; and

11 (2) The participant is not entitled to credit for such  
12 service in any other public retirement system in the State.

13 (d) Any period a participant served as a judge or  
14 commissioner of the Court of Claims of this State after  
15 November 1, 1941, provided he or she contributes to the system  
16 at the contribution rates in effect on the date of becoming a  
17 participant, based on salary received during such service,  
18 including interest at 3% per annum compounded annually from  
19 the date such service was rendered to the date of payment.

20 (e) Any period that a participant served as State's  
21 Attorney or Public Defender of any county of this State,  
22 subject to the following conditions: (1) such service was not  
23 credited under any public pension fund or retirement system;  
24 (2) the maximum service to be credited in this system shall be  
25 8 years; (3) the participant must have at least 6 years of  
26 service as a judge and as a participant of this system; and (4)

1 the participant has made contributions to the system for such  
2 service at the contribution rates in effect on the date of  
3 becoming a participant in this system based upon the salary of  
4 the judge on such date, including interest at 4% per annum  
5 compounded annually from such date to the date of payment.

6 A judge who terminated service before January 26, 1988 and  
7 whose retirement annuity began after January 1, 1988 may  
8 establish credit for service as a Public Defender in  
9 accordance with the other provisions of this subsection by  
10 making application and paying the required contributions to  
11 the Board not later than 30 days after August 23, 1989. In such  
12 cases, the Board shall recalculate the retirement annuity,  
13 effective on the first day of the next calendar month  
14 beginning at least 30 days after the application is received.

15 (f) Any period as a participating policeman, employee or  
16 teacher under Article 5, 14 or 16 of this Code, subject to the  
17 following conditions: (1) the credits accrued under Article 5,  
18 14 or 16 have been transferred to this system; and (2) the  
19 participant has contributed to the system an amount equal to  
20 (A) contributions at the rate in effect for participants at  
21 the date of membership in this system based upon the salary of  
22 the judge on such date, (B) the employer's share of the normal  
23 cost under this system for each year that credit is being  
24 established, based on the salary in effect at the date of  
25 membership in this system, and (C) interest at 6% per annum,  
26 compounded annually, from the date of membership to the date

1 of payment; less (D) the amount transferred on behalf of the  
2 participant from Article 5, 14 or 16.

3 (g) Any period that a participant served as the  
4 Administrative Director of the Circuit Court of Cook County,  
5 as Executive Director of the Home Rule Commission, as  
6 assistant corporation counsel in the Chicago Law Department,  
7 or as an employee of the Cook County Treasurer, subject to the  
8 following conditions: (1) the maximum amount of such service  
9 which may be credited is 10 years; (2) in order to qualify for  
10 such credit in this system, a judge must have at least 6 years  
11 of service as a judge and participant of this system; (3) the  
12 last 6 years of service credited in this system shall be as a  
13 judge and a participant in this system; (4) credits accrued to  
14 the participant under any other public pension fund or public  
15 retirement system in the State, if any, by reason of the  
16 service to be established under this paragraph (g) has been  
17 transferred to this system; and (5) the participant has  
18 contributed to this system the amount, if any, by which the  
19 amount transferred pursuant to subdivision (4) of this  
20 paragraph, if any, is less than the amount which the  
21 participant would have contributed to the system during the  
22 period of time being counted as service under this paragraph  
23 had the participant been a judge participating in this system  
24 during that time, based on the rate of contribution in effect  
25 and the salary earned by the participant on the date he or she  
26 became a participant, with interest accruing on such

1 deficiency at a rate of 5% per annum from the date he or she  
2 became a participant through the date on which such deficiency  
3 is paid.

4 (h) Any period that a participant served as a full-time  
5 attorney employed by the Chicago Transit Authority created by  
6 the Metropolitan Transit Authority Act (repealed), subject to  
7 the following conditions: (1) any credit received for such  
8 service in the pension fund established under Section 22-101  
9 has been terminated; (2) the maximum amount of such service to  
10 be credited in this system shall be 10 years; (3) the  
11 participant must have at least 6 years of service as a judge  
12 and as a participant of this system; and (4) the participant  
13 has made contributions to the system for such service at the  
14 contribution rates in effect on the date of becoming a  
15 participant in this system based upon the salary of the judge  
16 on such date, including interest at 5% per annum compounded  
17 annually from such date to the date of payment.

18 (i) Any period during which a participant received  
19 temporary total disability benefit payments, as provided in  
20 Section 18-126.1.

21 Service during a fraction of a month shall be considered a  
22 month of service, but no more than one month of service shall  
23 be credited for all service during any calendar month.

24 (Source: P.A. 86-272; 86-273; 86-1028; 87-1265.)

25 (40 ILCS 5/22-101) (from Ch. 108 1/2, par. 22-101)

1           Sec. 22-101. Retirement Plan for Chicago Transit Authority  
2 Employees.

3           (a) There shall be ~~established and~~ maintained by the  
4 Metropolitan Mobility Authority created by the Metropolitan  
5 Mobility Authority Act ~~the Authority created by the~~  
6 ~~"Metropolitan Transit Authority Act", approved April 12, 1945,~~  
7 ~~as amended,~~ (referred to in this Section as the "Authority") a  
8 financially sound pension and retirement system adequate to  
9 provide for all payments when due under such established  
10 system or as modified from time to time by ordinance of the  
11 Authority Chicago Transit Board or collective bargaining  
12 agreement. For this purpose, the Metropolitan Mobility  
13 Authority Board must make contributions to the established  
14 system as required under this Section and may make any  
15 additional contributions provided for by Board ordinance or  
16 collective bargaining agreement. The participating employees  
17 shall make such periodic payments to the established system as  
18 required under this Section and may make any additional  
19 contributions provided for by Board ordinance or collective  
20 bargaining agreement.

21           Provisions shall be made by the Board for all officers,  
22 except those who first become members on or after January 1,  
23 2012, and employees of the Authority appointed pursuant to the  
24 ~~"Metropolitan Transit Authority Act"~~ (repealed) to become,  
25 subject to reasonable rules and regulations, participants of  
26 the pension or retirement system with uniform rights,



1 privileges, obligations and status as to the class in which  
2 such officers and employees belong. The terms, conditions and  
3 provisions of any pension or retirement system or of any  
4 amendment or modification thereof affecting employees who are  
5 members of any labor organization may be established, amended  
6 or modified by agreement with such labor organization,  
7 provided the terms, conditions and provisions must be  
8 consistent with this Act, the annual funding levels for the  
9 retirement system established by law must be met and the  
10 benefits paid to future participants in the system may not  
11 exceed the benefit ceilings set for future participants under  
12 this Act and the contribution levels required by the Authority  
13 and its employees may not be less than the contribution levels  
14 established under this Act.

15 (b) The Board of Trustees shall consist of 11 members  
16 appointed as follows: (i) 6 ~~5~~ trustees shall be appointed by  
17 the Metropolitan Mobility Authority Board ~~Chicago Transit~~  
18 ~~Board~~; (ii) 3 trustees shall be appointed by an organization  
19 representing the highest number of Chicago Transit Authority  
20 participants; (iii) one trustee shall be appointed by an  
21 organization representing the second-highest number of Chicago  
22 Transit Authority participants; and (iv) one trustee shall be  
23 appointed by the recognized coalition representatives of  
24 participants who are not represented by an organization with  
25 the highest or second-highest number of Chicago Transit  
26 Authority participants; ~~and (v) one trustee shall be selected~~

1 ~~by the Regional Transportation Authority Board of Directors,~~  
2 and the trustee shall be a professional fiduciary who has  
3 experience in the area of collectively bargained pension  
4 plans. Those trustees serving on the effective date of this  
5 amendatory Act of the 103rd General Assembly appointed by the  
6 Chicago Transit Board and the Regional Transportation  
7 Authority Board of Directors shall continue serving until  
8 their terms end or they are replaced by the Metropolitan  
9 Mobility Authority Board. Trustees shall serve until a  
10 successor has been appointed and qualified, or until  
11 resignation, death, incapacity, or disqualification.

12 Any person appointed as a trustee of the board shall  
13 qualify by taking an oath of office that he or she will  
14 diligently and honestly administer the affairs of the system  
15 and will not knowingly violate or willfully permit the  
16 violation of any of the provisions of law applicable to the  
17 Plan, including Sections 1-109, 1-109.1, 1-109.2, 1-110,  
18 1-111, 1-114, and 1-115 of the Illinois Pension Code.

19 Each trustee shall cast individual votes, and a majority  
20 vote shall be final and binding upon all interested parties,  
21 provided that the Board of Trustees may require a  
22 supermajority vote with respect to the investment of the  
23 assets of the Retirement Plan, and may set forth that  
24 requirement in the Retirement Plan documents, by-laws, or  
25 rules of the Board of Trustees. Each trustee shall have the  
26 rights, privileges, authority, and obligations as are usual

1 and customary for such fiduciaries.

2 The Board of Trustees may cause amounts on deposit in the  
3 Retirement Plan to be invested in those investments that are  
4 permitted investments for the investment of moneys held under  
5 any one or more of the pension or retirement systems of the  
6 State, any unit of local government or school district, or any  
7 agency or instrumentality thereof. The Board, by a vote of at  
8 least two-thirds of the trustees, may transfer investment  
9 management to the Illinois State Board of Investment, which is  
10 hereby authorized to manage these investments when so  
11 requested by the Board of Trustees.

12 Notwithstanding any other provision of this Article or any  
13 law to the contrary, any person who first became ~~becomes~~ a  
14 member of the Chicago Transit Board on or after January 1, 2012  
15 shall not be eligible to participate in this Retirement Plan.

16 (c) All individuals who were previously participants in  
17 the Retirement Plan for Chicago Transit Authority Employees  
18 shall remain participants, and shall receive the same benefits  
19 established by the Retirement Plan for Chicago Transit  
20 Authority Employees, except as provided in this amendatory Act  
21 or by subsequent legislative enactment or amendment to the  
22 Retirement Plan. For Authority employees hired on or after the  
23 effective date of this amendatory Act of the 95th General  
24 Assembly, the Retirement Plan for Chicago Transit Authority  
25 Employees shall be the exclusive retirement plan and such  
26 employees shall not be eligible for any supplemental plan,

1     except for a deferred compensation plan funded only by  
2     employee contributions.

3             For all Authority employees who are first hired on or  
4     after the effective date of this amendatory Act of the 95th  
5     General Assembly and are participants in the Retirement Plan  
6     for Chicago Transit Authority Employees, the following terms,  
7     conditions and provisions with respect to retirement shall be  
8     applicable:

9             (1) Such participant shall be eligible for an  
10     unreduced retirement allowance for life upon the  
11     attainment of age 64 with 25 years of continuous service.

12             (2) Such participant shall be eligible for a reduced  
13     retirement allowance for life upon the attainment of age  
14     55 with 10 years of continuous service.

15             (3) For the purpose of determining the retirement  
16     allowance to be paid to a retiring employee, the term  
17     "Continuous Service" as used in the Retirement Plan for  
18     Chicago Transit Authority Employees shall also be deemed  
19     to include all pension credit for service with any  
20     retirement system established under Article 8 or Article  
21     11 of this Code, provided that the employee forfeits and  
22     relinquishes all pension credit under Article 8 or Article  
23     11 of this Code, and the contribution required under this  
24     subsection is made by the employee. The Retirement Plan's  
25     actuary shall determine the contribution paid by the  
26     employee as an amount equal to the normal cost of the

1 benefit accrued, had the service been rendered as an  
2 employee, plus interest per annum from the time such  
3 service was rendered until the date the payment is made.

4 (d) From the effective date of this amendatory Act through  
5 December 31, 2008, all participating employees shall  
6 contribute to the Retirement Plan in an amount not less than 6%  
7 of compensation, and the Authority shall contribute to the  
8 Retirement Plan in an amount not less than 12% of  
9 compensation.

10 (e)(1) Beginning January 1, 2009 the Authority shall make  
11 contributions to the Retirement Plan in an amount equal to  
12 twelve percent (12%) of compensation and participating  
13 employees shall make contributions to the Retirement Plan in  
14 an amount equal to six percent (6%) of compensation. These  
15 contributions may be paid by the Authority and participating  
16 employees on a payroll or other periodic basis, but shall in  
17 any case be paid to the Retirement Plan at least monthly.

18 (2) For the period ending December 31, 2040, the amount  
19 paid by the Authority in any year with respect to debt service  
20 on bonds issued for the purposes of funding a contribution to  
21 the Retirement Plan under Section 12c of the Metropolitan  
22 Transit Authority Act (repealed), other than debt service paid  
23 with the proceeds of bonds or notes issued by the Authority for  
24 any year after calendar year 2008, shall be treated as a credit  
25 against the amount of required contribution to the Retirement  
26 Plan by the Authority under subsection (e)(1) for the

1 following year up to an amount not to exceed 6% of compensation  
2 paid by the Authority in that following year.

3 (3) By September 15 of each year beginning in 2009 and  
4 ending on December 31, 2039, on the basis of a report prepared  
5 by an enrolled actuary retained by the Plan, the Board of  
6 Trustees of the Retirement Plan shall determine the estimated  
7 funded ratio of the total assets of the Retirement Plan to its  
8 total actuarially determined liabilities. A report containing  
9 that determination and the actuarial assumptions on which it  
10 is based shall be filed with the Authority, the  
11 representatives of its participating employees, the Auditor  
12 General of the State of Illinois, and the Metropolitan  
13 Mobility ~~Regional Transportation~~ Authority. If the funded  
14 ratio is projected to decline below 60% in any year before  
15 2040, the Board of Trustees shall also determine the increased  
16 contribution required each year as a level percentage of  
17 payroll over the years remaining until 2040 using the  
18 projected unit credit actuarial cost method so the funded  
19 ratio does not decline below 60% and include that  
20 determination in its report. If the actual funded ratio  
21 declines below 60% in any year prior to 2040, the Board of  
22 Trustees shall also determine the increased contribution  
23 required each year as a level percentage of payroll during the  
24 years after the then current year using the projected unit  
25 credit actuarial cost method so the funded ratio is projected  
26 to reach at least 60% no later than 10 years after the then

1 current year and include that determination in its report.  
2 Within 60 days after receiving the report, the Auditor General  
3 shall review the determination and the assumptions on which it  
4 is based, and if he finds that the determination and the  
5 assumptions on which it is based are unreasonable in the  
6 aggregate, he shall issue a new determination of the funded  
7 ratio, the assumptions on which it is based and the increased  
8 contribution required each year as a level percentage of  
9 payroll over the years remaining until 2040 using the  
10 projected unit credit actuarial cost method so the funded  
11 ratio does not decline below 60%, or, in the event of an actual  
12 decline below 60%, so the funded ratio is projected to reach  
13 60% by no later than 10 years after the then current year. If  
14 the Board of Trustees or the Auditor General determine that an  
15 increased contribution is required to meet the funded ratio  
16 required by the subsection, effective January 1 following the  
17 determination or 30 days after such determination, whichever  
18 is later, one-third of the increased contribution shall be  
19 paid by participating employees and two-thirds by the  
20 Authority, in addition to the contributions required by this  
21 subsection (1).

22 (4) For the period beginning 2040, the minimum  
23 contribution to the Retirement Plan for each fiscal year shall  
24 be an amount determined by the Board of Trustees of the  
25 Retirement Plan to be sufficient to bring the total assets of  
26 the Retirement Plan up to 90% of its total actuarial

1 liabilities by the end of 2059. Participating employees shall  
2 be responsible for one-third of the required contribution and  
3 the Authority shall be responsible for two-thirds of the  
4 required contribution. In making these determinations, the  
5 Board of Trustees shall calculate the required contribution  
6 each year as a level percentage of payroll over the years  
7 remaining to and including fiscal year 2059 using the  
8 projected unit credit actuarial cost method. A report  
9 containing that determination and the actuarial assumptions on  
10 which it is based shall be filed by September 15 of each year  
11 with the Authority, the representatives of its participating  
12 employees, the Auditor General of the State of Illinois and  
13 the Metropolitan Mobility ~~Regional Transportation~~ Authority.  
14 If the funded ratio is projected to fail to reach 90% by  
15 December 31, 2059, the Board of Trustees shall also determine  
16 the increased contribution required each year as a level  
17 percentage of payroll over the years remaining until December  
18 31, 2059 using the projected unit credit actuarial cost method  
19 so the funded ratio will meet 90% by December 31, 2059 and  
20 include that determination in its report. Within 60 days after  
21 receiving the report, the Auditor General shall review the  
22 determination and the assumptions on which it is based and if  
23 he finds that the determination and the assumptions on which  
24 it is based are unreasonable in the aggregate, he shall issue a  
25 new determination of the funded ratio, the assumptions on  
26 which it is based and the increased contribution required each



1 year as a level percentage of payroll over the years remaining  
2 until December 31, 2059 using the projected unit credit  
3 actuarial cost method so the funded ratio reaches no less than  
4 90% by December 31, 2059. If the Board of Trustees or the  
5 Auditor General determine that an increased contribution is  
6 required to meet the funded ratio required by this subsection,  
7 effective January 1 following the determination or 30 days  
8 after such determination, whichever is later, one-third of the  
9 increased contribution shall be paid by participating  
10 employees and two-thirds by the Authority, in addition to the  
11 contributions required by subsection (e) (1).

12 (5) Beginning in 2060, the minimum contribution for each  
13 year shall be the amount needed to maintain the total assets of  
14 the Retirement Plan at 90% of the total actuarial liabilities  
15 of the Plan, and the contribution shall be funded two-thirds  
16 by the Authority and one-third by the participating employees  
17 in accordance with this subsection.

18 (f) The Authority shall take the steps necessary to comply  
19 with Section 414(h) (2) of the Internal Revenue Code of 1986,  
20 as amended, to permit the pick-up of employee contributions  
21 under subsections (d) and (e) on a tax-deferred basis.

22 (g) The Board of Trustees shall certify to the Governor,  
23 the General Assembly, the Auditor General, the Board of the  
24 Metropolitan Mobility ~~Regional Transportation~~ Authority, and  
25 the Authority at least 90 days prior to the end of each fiscal  
26 year the amount of the required contributions to the

1 retirement system for the next retirement system fiscal year  
2 under this Section. The certification shall include a copy of  
3 the actuarial recommendations upon which it is based. In  
4 addition, copies of the certification shall be sent to the  
5 Commission on Government Forecasting and Accountability and  
6 the Mayor of Chicago.

7 (h) (1) As to an employee who first becomes entitled to a  
8 retirement allowance commencing on or after November 30, 1989,  
9 the retirement allowance shall be the amount determined in  
10 accordance with the following formula:

11 (A) One percent (1%) of his "Average Annual  
12 Compensation in the highest four (4) completed Plan Years"  
13 for each full year of continuous service from the date of  
14 original employment to the effective date of the Plan;  
15 plus

16 (B) One and seventy-five hundredths percent (1.75%) of  
17 his "Average Annual Compensation in the highest four (4)  
18 completed Plan Years" for each year (including fractions  
19 thereof to completed calendar months) of continuous  
20 service as provided for in the Retirement Plan for Chicago  
21 Transit Authority Employees.

22 Provided, however that:

23 (2) As to an employee who first becomes entitled to a  
24 retirement allowance commencing on or after January 1, 1993,  
25 the retirement allowance shall be the amount determined in  
26 accordance with the following formula:

1           (A) One percent (1%) of his "Average Annual  
2           Compensation in the highest four (4) completed Plan Years"  
3           for each full year of continuous service from the date of  
4           original employment to the effective date of the Plan;  
5           plus

6           (B) One and eighty hundredths percent (1.80%) of his  
7           "Average Annual Compensation in the highest four (4)  
8           completed Plan Years" for each year (including fractions  
9           thereof to completed calendar months) of continuous  
10          service as provided for in the Retirement Plan for Chicago  
11          Transit Authority Employees.

12          Provided, however that:

13          (3) As to an employee who first becomes entitled to a  
14          retirement allowance commencing on or after January 1, 1994,  
15          the retirement allowance shall be the amount determined in  
16          accordance with the following formula:

17               (A) One percent (1%) of his "Average Annual  
18               Compensation in the highest four (4) completed Plan Years"  
19               for each full year of continuous service from the date of  
20               original employment to the effective date of the Plan;  
21               plus

22               (B) One and eighty-five hundredths percent (1.85%) of  
23               his "Average Annual Compensation in the highest four (4)  
24               completed Plan Years" for each year (including fractions  
25               thereof to completed calendar months) of continuous  
26               service as provided for in the Retirement Plan for Chicago

1 Transit Authority Employees.

2 Provided, however that:

3 (4) As to an employee who first becomes entitled to a  
4 retirement allowance commencing on or after January 1, 2000,  
5 the retirement allowance shall be the amount determined in  
6 accordance with the following formula:

7 (A) One percent (1%) of his "Average Annual  
8 Compensation in the highest four (4) completed Plan Years"  
9 for each full year of continuous service from the date of  
10 original employment to the effective date of the Plan;  
11 plus

12 (B) Two percent (2%) of his "Average Annual  
13 Compensation in the highest four (4) completed Plan Years"  
14 for each year (including fractions thereof to completed  
15 calendar months) of continuous service as provided for in  
16 the Retirement Plan for Chicago Transit Authority  
17 Employees.

18 Provided, however that:

19 (5) As to an employee who first becomes entitled to a  
20 retirement allowance commencing on or after January 1, 2001,  
21 the retirement allowance shall be the amount determined in  
22 accordance with the following formula:

23 (A) One percent (1%) of his "Average Annual  
24 Compensation in the highest four (4) completed Plan Years"  
25 for each full year of continuous service from the date of  
26 original employment to the effective date of the Plan;

1 plus

2 (B) Two and fifteen hundredths percent (2.15%) of his  
3 "Average Annual Compensation in the highest four (4)  
4 completed Plan Years" for each year (including fractions  
5 thereof to completed calendar months) of continuous  
6 service as provided for in the Retirement Plan for Chicago  
7 Transit Authority Employees.

8 The changes made by this amendatory Act of the 95th  
9 General Assembly, to the extent that they affect the rights or  
10 privileges of Authority employees that are currently the  
11 subject of collective bargaining, have been agreed to between  
12 the authorized representatives of these employees and of the  
13 Authority prior to enactment of this amendatory Act, as  
14 evidenced by a Memorandum of Understanding between these  
15 representatives that will be filed with the Secretary of State  
16 Index Department and designated as "95-GA-C05". The General  
17 Assembly finds and declares that those changes are consistent  
18 with 49 U.S.C. 5333(b) (also known as Section 13(c) of the  
19 Federal Transit Act) because of this agreement between  
20 authorized representatives of these employees and of the  
21 Authority, and that any future amendments to the provisions of  
22 this amendatory Act of the 95th General Assembly, to the  
23 extent those amendments would affect the rights and privileges  
24 of Authority employees that are currently the subject of  
25 collective bargaining, would be consistent with 49 U.S.C.  
26 5333(b) if and only if those amendments were agreed to between

1 these authorized representatives prior to enactment.

2 (i) Early retirement incentive plan; funded ratio.

3 (1) Beginning on the effective date of this Section,  
4 no early retirement incentive shall be offered to  
5 participants of the Plan unless the Funded Ratio of the  
6 Plan is at least 80% or more.

7 (2) For the purposes of this Section, the Funded Ratio  
8 shall be the Adjusted Assets divided by the Actuarial  
9 Accrued Liability developed in accordance with Statement  
10 #25 promulgated by the Government Accounting Standards  
11 Board and the actuarial assumptions described in the Plan.  
12 The Adjusted Assets shall be calculated based on the  
13 methodology described in the Plan.

14 (j) Nothing in this amendatory Act of the 95th General  
15 Assembly shall impair the rights or privileges of Authority  
16 employees under any other law.

17 (k) Any individual who, on or after August 19, 2011 (the  
18 effective date of Public Act 97-442), first becomes a  
19 participant of the Retirement Plan shall not be paid any of the  
20 benefits provided under this Code if he or she is convicted of  
21 a felony relating to, arising out of, or in connection with his  
22 or her service as a participant.

23 This subsection (k) shall not operate to impair any  
24 contract or vested right acquired before August 19, 2011 (the  
25 effective date of Public Act 97-442) under any law or laws  
26 continued in this Code, and it shall not preclude the right to

1 refund.

2 (Source: P.A. 97-442, eff. 8-19-11; 97-609, eff. 1-1-12;  
3 97-813, eff. 7-13-12.)

4 (40 ILCS 5/22-101B)

5 Sec. 22-101B. Health Care Benefits.

6 (a) The Metropolitan Mobility ~~Chicago Transit~~ Authority  
7 (hereinafter referred to in this Section as the "Authority")  
8 shall take all actions lawfully available to it to separate  
9 the funding of health care benefits for retirees and their  
10 dependents and survivors from the funding for its retirement  
11 system. ~~The Authority shall endeavor to achieve this~~  
12 ~~separation as soon as possible, and in any event no later than~~  
13 ~~July 1, 2009.~~

14 (b) Effective 90 days after the effective date of this  
15 amendatory Act of the 95th General Assembly, a Retiree Health  
16 Care Trust is established for the purpose of providing health  
17 care benefits to eligible retirees and their dependents and  
18 survivors in accordance with the terms and conditions set  
19 forth in this Section 22-101B. The Retiree Health Care Trust  
20 shall be solely responsible for providing health care benefits  
21 to eligible retirees and their dependents and survivors upon  
22 the exhaustion of the account established by the Retirement  
23 Plan for Chicago Transit Authority Employees pursuant to  
24 Section 401(h) of the Internal Revenue Code of 1986, but no  
25 earlier than January 1, 2009 and no later than July 1, 2009.

1           (1) The Board of Trustees shall consist of 7 members  
2 appointed as follows: (i) 4 ~~3~~ trustees shall be appointed  
3 by the Metropolitan Mobility Authority Board Chicago  
4 ~~Transit Board~~; (ii) one trustee shall be appointed by an  
5 organization representing the highest number of former  
6 Chicago Transit Authority participants; (iii) one trustee  
7 shall be appointed by an organization representing the  
8 second-highest number of former Chicago Transit Authority  
9 participants; and (iv) one trustee shall be appointed by  
10 the recognized coalition representatives of participants  
11 who are not represented by an organization with the  
12 highest or second-highest number of former Chicago Transit  
13 Authority participants; ~~and (v) one trustee shall be~~  
14 ~~selected by the Regional Transportation Authority Board of~~  
15 ~~Directors~~, and the trustee shall be a professional  
16 fiduciary who has experience in the area of collectively  
17 bargained retiree health plans. Those trustees serving on  
18 the effective date of this amendatory Act of the 103rd  
19 General Assembly appointed by the Chicago Transit Board  
20 and the Regional Transportation Authority Board of  
21 Directors shall continue serving until their terms end or  
22 they are replaced by the Metropolitan Mobility Authority  
23 Board. Trustees shall serve until a successor has been  
24 appointed and qualified, or until resignation, death,  
25 incapacity, or disqualification.

26           Any person appointed as a trustee of the board shall



1           qualify by taking an oath of office that he or she will  
2           diligently and honestly administer the affairs of the  
3           system, and will not knowingly violate or willfully permit  
4           the violation of any of the provisions of law applicable  
5           to the Plan, including Sections 1-109, 1-109.1, 1-109.2,  
6           1-110, 1-111, 1-114, and 1-115 of Article 1 of the  
7           Illinois Pension Code.

8           Each trustee shall cast individual votes, and a  
9           majority vote shall be final and binding upon all  
10          interested parties, provided that the Board of Trustees  
11          may require a supermajority vote with respect to the  
12          investment of the assets of the Retiree Health Care Trust,  
13          and may set forth that requirement in the trust agreement  
14          or by-laws of the Board of Trustees. Each trustee shall  
15          have the rights, privileges, authority and obligations as  
16          are usual and customary for such fiduciaries.

17          (2) The Board of Trustees shall establish and  
18          administer a health care benefit program for eligible  
19          retirees and their dependents and survivors. Any health  
20          care benefit program established by the Board of Trustees  
21          for eligible retirees and their dependents and survivors  
22          effective on or after July 1, 2009 shall not contain any  
23          plan which provides for more than 90% coverage for  
24          in-network services or 70% coverage for out-of-network  
25          services after any deductible has been paid, except that  
26          coverage through a health maintenance organization ("HMO")

1           may be provided at 100%.

2           (2.5) The Board of Trustees may also establish and  
3           administer a health reimbursement arrangement for retirees  
4           and for former employees of the Authority or the  
5           Retirement Plan, and their survivors, who have contributed  
6           to the Retiree Health Care Trust but do not satisfy the  
7           years of service requirement of subdivision (b)(4) and the  
8           terms of the retiree health care plan; or for those who do  
9           satisfy the requirements of subdivision (b)(4) and the  
10          terms of the retiree health care plan but who decline  
11          coverage under the plan prior to retirement. Any such  
12          health reimbursement arrangement may provide that: the  
13          retirees or former employees of the Authority or the  
14          Retirement Plan, and their survivors, must have reached  
15          age 65 to be eligible to participate in the health  
16          reimbursement arrangement; contributions by the retirees  
17          or former employees of the Authority or the Retirement  
18          Plan to the Retiree Health Care Trust shall be considered  
19          assets of the Retiree Health Care Trust only;  
20          contributions shall not accrue interest for the benefit of  
21          the retiree or former employee of the Authority or the  
22          Retirement Plan or survivor; benefits shall be payable in  
23          accordance with the Internal Revenue Code of 1986; the  
24          amounts paid to or on account of the retiree or former  
25          employee of the Authority or the Retirement Plan or  
26          survivor shall not exceed the total amount which the

1 retiree or former employee of the Authority or the  
2 Retirement Plan contributed to the Retiree Health Care  
3 Trust; the Retiree Health Care Trust may charge a  
4 reasonable administrative fee for processing the benefits.  
5 The Board of Trustees of the Retiree Health Care Trust may  
6 establish such rules, limitations and requirements as the  
7 Board of Trustees deems appropriate.

8 (3) The Retiree Health Care Trust shall be  
9 administered by the Board of Trustees according to the  
10 following requirements:

11 (i) The Board of Trustees may cause amounts on  
12 deposit in the Retiree Health Care Trust to be  
13 invested in those investments that are permitted  
14 investments for the investment of moneys held under  
15 any one or more of the pension or retirement systems of  
16 the State, any unit of local government or school  
17 district, or any agency or instrumentality thereof.  
18 The Board, by a vote of at least two-thirds of the  
19 trustees, may transfer investment management to the  
20 Illinois State Board of Investment, which is hereby  
21 authorized to manage these investments when so  
22 requested by the Board of Trustees.

23 (ii) The Board of Trustees shall establish and  
24 maintain an appropriate funding reserve level which  
25 shall not be less than the amount of incurred and  
26 unreported claims plus 12 months of expected claims

1 and administrative expenses.

2 (iii) The Board of Trustees shall make an annual  
3 assessment of the funding levels of the Retiree Health  
4 Care Trust and shall submit a report to the Auditor  
5 General at least 90 days prior to the end of the fiscal  
6 year. The report shall provide the following:

7 (A) the actuarial present value of projected  
8 benefits expected to be paid to current and future  
9 retirees and their dependents and survivors;

10 (B) the actuarial present value of projected  
11 contributions and trust income plus assets;

12 (C) the reserve required by subsection  
13 (b) (3) (ii); and

14 (D) an assessment of whether the actuarial  
15 present value of projected benefits expected to be  
16 paid to current and future retirees and their  
17 dependents and survivors exceeds or is less than  
18 the actuarial present value of projected  
19 contributions and trust income plus assets in  
20 excess of the reserve required by subsection  
21 (b) (3) (ii).

22 If the actuarial present value of projected  
23 benefits expected to be paid to current and future  
24 retirees and their dependents and survivors exceeds  
25 the actuarial present value of projected contributions  
26 and trust income plus assets in excess of the reserve

1 required by subsection (b)(3)(ii), then the report  
2 shall provide a plan, to be implemented over a period  
3 of not more than 10 years from each valuation date,  
4 which would make the actuarial present value of  
5 projected contributions and trust income plus assets  
6 equal to or exceed the actuarial present value of  
7 projected benefits expected to be paid to current and  
8 future retirees and their dependents and survivors.  
9 The plan may consist of increases in employee,  
10 retiree, dependent, or survivor contribution levels,  
11 decreases in benefit levels, or other plan changes or  
12 any combination thereof. If the actuarial present  
13 value of projected benefits expected to be paid to  
14 current and future retirees and their dependents and  
15 survivors is less than the actuarial present value of  
16 projected contributions and trust income plus assets  
17 in excess of the reserve required by subsection  
18 (b)(3)(ii), then the report may provide a plan of  
19 decreases in employee, retiree, dependent, or survivor  
20 contribution levels, increases in benefit levels, or  
21 other plan changes, or any combination thereof, to the  
22 extent of the surplus.

23 (iv) The Auditor General shall review the report  
24 and plan provided in subsection (b)(3)(iii) and issue  
25 a determination within 90 days after receiving the  
26 report and plan, with a copy of such determination

1 provided to the General Assembly and the Metropolitan  
2 Mobility ~~Regional Transportation~~ Authority, as  
3 follows:

4 (A) In the event of a projected shortfall, if  
5 the Auditor General determines that the  
6 assumptions stated in the report are not  
7 unreasonable in the aggregate and that the plan of  
8 increases in employee, retiree, dependent, or  
9 survivor contribution levels, decreases in benefit  
10 levels, or other plan changes, or any combination  
11 thereof, to be implemented over a period of not  
12 more than 10 years from each valuation date, is  
13 reasonably projected to make the actuarial present  
14 value of projected contributions and trust income  
15 plus assets equal to or in excess of the actuarial  
16 present value of projected benefits expected to be  
17 paid to current and future retirees and their  
18 dependents and survivors, then the Board of  
19 Trustees shall implement the plan. If the Auditor  
20 General determines that the assumptions stated in  
21 the report are unreasonable in the aggregate, or  
22 that the plan of increases in employee, retiree,  
23 dependent, or survivor contribution levels,  
24 decreases in benefit levels, or other plan changes  
25 to be implemented over a period of not more than 10  
26 years from each valuation date, is not reasonably

1 projected to make the actuarial present value of  
2 projected contributions and trust income plus  
3 assets equal to or in excess of the actuarial  
4 present value of projected benefits expected to be  
5 paid to current and future retirees and their  
6 dependents and survivors, then the Board of  
7 Trustees shall not implement the plan, the Auditor  
8 General shall explain the basis for such  
9 determination to the Board of Trustees, and the  
10 Auditor General may make recommendations as to an  
11 alternative report and plan.

12 (B) In the event of a projected surplus, if  
13 the Auditor General determines that the  
14 assumptions stated in the report are not  
15 unreasonable in the aggregate and that the plan of  
16 decreases in employee, retiree, dependent, or  
17 survivor contribution levels, increases in benefit  
18 levels, or both, is not unreasonable in the  
19 aggregate, then the Board of Trustees shall  
20 implement the plan. If the Auditor General  
21 determines that the assumptions stated in the  
22 report are unreasonable in the aggregate, or that  
23 the plan of decreases in employee, retiree,  
24 dependent, or survivor contribution levels,  
25 increases in benefit levels, or both, is  
26 unreasonable in the aggregate, then the Board of

1 Trustees shall not implement the plan, the Auditor  
2 General shall explain the basis for such  
3 determination to the Board of Trustees, and the  
4 Auditor General may make recommendations as to an  
5 alternative report and plan.

6 (C) The Board of Trustees shall submit an  
7 alternative report and plan within 45 days after  
8 receiving a rejection determination by the Auditor  
9 General. A determination by the Auditor General on  
10 any alternative report and plan submitted by the  
11 Board of Trustees shall be made within 90 days  
12 after receiving the alternative report and plan,  
13 and shall be accepted or rejected according to the  
14 requirements of this subsection (b) (3) (iv). The  
15 Board of Trustees shall continue to submit  
16 alternative reports and plans to the Auditor  
17 General, as necessary, until a favorable  
18 determination is made by the Auditor General.

19 (4) For any retiree who first retires effective on or  
20 after January 18, 2008, to be eligible for retiree health  
21 care benefits upon retirement, the retiree must be at  
22 least 55 years of age, retire with 10 or more years of  
23 continuous service and satisfy the preconditions  
24 established by Public Act 95-708 in addition to any rules  
25 or regulations promulgated by the Board of Trustees.  
26 Notwithstanding the foregoing, any retiree hired on or



1 before September 5, 2001 who retires with 25 years or more  
2 of continuous service shall be eligible for retiree health  
3 care benefits upon retirement in accordance with any rules  
4 or regulations adopted by the Board of Trustees; provided  
5 he or she retires prior to the full execution of the  
6 successor collective bargaining agreement to the  
7 collective bargaining agreement that became effective  
8 January 1, 2007 between the Authority and the  
9 organizations representing the highest and second-highest  
10 number of former Chicago Transit Authority participants.  
11 This paragraph (4) shall not apply to a disability  
12 allowance.

13 (5) Effective January 1, 2009, the aggregate amount of  
14 retiree, dependent and survivor contributions to the cost  
15 of their health care benefits shall not exceed more than  
16 45% of the total cost of such benefits. The Board of  
17 Trustees shall have the discretion to provide different  
18 contribution levels for retirees, dependents and survivors  
19 based on their years of service, level of coverage or  
20 Medicare eligibility, provided that the total contribution  
21 from all retirees, dependents, and survivors shall be not  
22 more than 45% of the total cost of such benefits. The term  
23 "total cost of such benefits" for purposes of this  
24 subsection shall be the total amount expended by the  
25 retiree health benefit program in the prior plan year, as  
26 calculated and certified in writing by the Retiree Health

1 Care Trust's enrolled actuary to be appointed and paid for  
2 by the Board of Trustees.

3 (6) Effective January 1, 2022, all employees of the  
4 Authority shall contribute to the Retiree Health Care  
5 Trust in an amount not less than 1% of compensation.

6 (7) No earlier than January 1, 2009 and no later than  
7 July 1, 2009 as the Retiree Health Care Trust becomes  
8 solely responsible for providing health care benefits to  
9 eligible retirees and their dependents and survivors in  
10 accordance with subsection (b) of this Section 22-101B,  
11 the Authority shall not have any obligation to provide  
12 health care to current or future retirees and their  
13 dependents or survivors. Employees, retirees, dependents,  
14 and survivors who are required to make contributions to  
15 the Retiree Health Care Trust shall make contributions at  
16 the level set by the Board of Trustees pursuant to the  
17 requirements of this Section 22-101B.

18 (Source: P.A. 102-415, eff. 1-1-22.)

19 (40 ILCS 5/22-103)

20 Sec. 22-103. Metropolitan Mobility ~~Regional Transportation~~  
21 Authority and related pension plans.

22 (a) As used in this Section:

23 "Affected pension plan" means a defined-benefit pension  
24 plan supported in whole or in part by employer contributions  
25 and maintained by the Metropolitan Mobility Authority ~~Regional~~

1 ~~Transportation Authority, the Suburban Bus Division, or the~~  
2 ~~Commuter Rail Division, or any combination thereof,~~ under the  
3 general authority of the Metropolitan Mobility Regional  
4 ~~Transportation~~ Authority Act, including but not limited to any  
5 such plan that has been established under or is subject to a  
6 collective bargaining agreement or is limited to employees  
7 covered by a collective bargaining agreement. "Affected  
8 pension plan" does not include any pension fund or retirement  
9 system subject to Section 22-101 of this Section.

10 "Authority" means the Metropolitan Mobility Regional  
11 ~~Transportation~~ Authority created under the Metropolitan  
12 Mobility Regional Transportation Authority Act.

13 "Contributing employer" means an employer that is required  
14 to make contributions to an affected pension plan under the  
15 terms of that plan.

16 "Funding ratio" means the ratio of an affected pension  
17 plan's assets to the present value of its actuarial  
18 liabilities, as determined at its latest actuarial valuation  
19 in accordance with applicable actuarial assumptions and  
20 recommendations.

21 "Under-funded pension plan" or "under-funded" means an  
22 affected pension plan that, at the time of its last actuarial  
23 valuation, has a funding ratio of less than 90%.

24 (b) The contributing employers of each affected pension  
25 plan have a general duty to make the required employer  
26 contributions to the affected pension plan in a timely manner

1 in accordance with the terms of the plan. A contributing  
2 employer must make contributions to the affected pension plan  
3 as required under this subsection and, if applicable,  
4 subsection (c); a contributing employer may make any  
5 additional contributions provided for by the board of the  
6 employer or collective bargaining agreement.

7 (c) In the case of an affected pension plan that is  
8 under-funded on January 1, 2009 or becomes under-funded at any  
9 time after that date, the contributing employers shall  
10 contribute to the affected pension plan, in addition to all  
11 amounts otherwise required, amounts sufficient to bring the  
12 funding ratio of the affected pension plan up to 90% in  
13 accordance with an amortization schedule adopted jointly by  
14 the contributing employers and the trustee of the affected  
15 pension plan. The amortization schedule may extend for any  
16 period up to a maximum of 50 years and shall provide for  
17 additional employer contributions in substantially equal  
18 annual amounts over the selected period. If the contributing  
19 employers and the trustee of the affected pension plan do not  
20 agree on an appropriate period for the amortization schedule  
21 within 6 months of the date of determination that the plan is  
22 under-funded, then the amortization schedule shall be based on  
23 a period of 50 years.

24 In the case of an affected pension plan that has more than  
25 one contributing employer, each contributing employer's share  
26 of the total additional employer contributions required under

1 this subsection shall be determined: (i) in proportion to the  
2 amounts, if any, by which the respective contributing  
3 employers have failed to meet their contribution obligations  
4 under the terms of the affected pension plan; or (ii) if all of  
5 the contributing employers have met their contribution  
6 obligations under the terms of the affected pension plan, then  
7 in the same proportion as they are required to contribute  
8 under the terms of that plan. In the case of an affected  
9 pension plan that has only one contributing employer, that  
10 contributing employer is responsible for all of the additional  
11 employer contributions required under this subsection.

12 If an under-funded pension plan is determined to have  
13 achieved a funding ratio of at least 90% during the period when  
14 an amortization schedule is in force under this Section, the  
15 contributing employers and the trustee of the affected pension  
16 plan, acting jointly, may cancel the amortization schedule and  
17 the contributing employers may cease making additional  
18 contributions under this subsection for as long as the  
19 affected pension plan retains a funding ratio of at least 90%.

20 (d) Beginning January 1, 2009, if the Authority fails to  
21 pay to an affected pension fund within 30 days after it is due  
22 (i) any employer contribution that it is required to make as a  
23 contributing employer, (ii) any additional employer  
24 contribution that it is required to pay under subsection (c),  
25 or (iii) any payment that it is required to make under  
26 subsection (d) of Section 3.03 of the Metropolitan Mobility

1 Authority Act as a result of Section 4.02a or 4.02b of the  
2 Regional Transportation Authority Act (repealed), the trustee  
3 of the affected pension fund shall promptly so notify the  
4 Commission on Government Forecasting and Accountability, the  
5 Mayor of Chicago, the Governor, and the General Assembly.

6 (e) For purposes of determining employer contributions,  
7 assets, and actuarial liabilities under this subsection,  
8 contributions, assets, and liabilities relating to health care  
9 benefits shall not be included.

10 (f) This amendatory Act of the 94th General Assembly does  
11 not affect or impair the right of any contributing employer or  
12 its employees to collectively bargain the amount or level of  
13 employee contributions to an affected pension plan, to the  
14 extent that the plan includes employees subject to collective  
15 bargaining.

16 (g) Any individual who, on or after August 19, 2011 (the  
17 effective date of Public Act 97-442), first becomes a  
18 participant of an affected pension plan shall not be paid any  
19 of the benefits provided under this Code if he or she is  
20 convicted of a felony relating to, arising out of, or in  
21 connection with his or her service as a participant.

22 This subsection shall not operate to impair any contract  
23 or vested right acquired before August 19, 2011 (the effective  
24 date of Public Act 97-442) under any law or laws continued in  
25 this Code, and it shall not preclude the right to refund.

26 (h) Notwithstanding any other provision of this Article or

1 any law to the contrary, a person who, on or after January 1,  
2 2012 (the effective date of Public Act 97-609), first becomes  
3 a director on the Suburban Bus Board, the Commuter Rail Board,  
4 ~~or~~ the Board of Directors of the Regional Transportation  
5 Authority, or the Board of Directors of the Metropolitan  
6 Mobility Authority shall not be eligible to participate in an  
7 affected pension plan.

8 (Source: P.A. 97-442, eff. 8-19-11; 97-609, eff. 1-1-12;  
9 97-813, eff. 7-13-12.)

10 (40 ILCS 5/22-105)

11 Sec. 22-105. Application to Metropolitan Mobility ~~Regional~~  
12 ~~Transportation~~ Authority Board members. This Code does not  
13 apply to any individual who first becomes a member of the  
14 Regional Transportation Authority Board on or after the  
15 effective date of this amendatory Act of the 98th General  
16 Assembly with respect to service on that Board or the  
17 Metropolitan Mobility Authority Board on or after the  
18 effective date of this amendatory Act of the 103rd General  
19 Assembly with respect to service on that Board.

20 (Source: P.A. 98-108, eff. 7-23-13.)

21 Section 8.28. The Illinois Municipal Budget Law is amended  
22 by changing Section 2 as follows:

23 (50 ILCS 330/2) (from Ch. 85, par. 802)

1           Sec. 2. The following terms, unless the context otherwise  
2 indicates, have the following meaning:

3           (1) "Municipality" means and includes all municipal  
4 corporations and political subdivisions of this State, or any  
5 such unit or body hereafter created by authority of law,  
6 except the following: (a) The State of Illinois; (b) counties;  
7 (c) cities, villages and incorporated towns; (d) sanitary  
8 districts created under "An Act to create sanitary districts  
9 and to remove obstructions in the Des Plaines and Illinois  
10 Rivers", approved May 29, 1889, as amended; (e) forest  
11 preserve districts having a population of 500,000 or more,  
12 created under "An Act to provide for the creation and  
13 management of forest preserve districts and repealing certain  
14 Acts therein named", approved June 27, 1913, as amended; (f)  
15 school districts; (g) the Chicago Park District created under  
16 "An Act in relation to the creation, maintenance, operation  
17 and improvement of the Chicago Park District", approved, June  
18 10, 1933, as amended; (h) park districts created under "The  
19 Park District Code", approved July 8, 1947, as amended; (i)  
20 the Metropolitan Mobility ~~Regional Transportation~~ Authority  
21 created under the Metropolitan Mobility ~~"Regional~~  
22 ~~Transportation~~ Authority Act", ~~enacted by the 78th General~~  
23 ~~Assembly~~; and (j) the Illinois Sports Facilities Authority.

24           (2) "Governing body" means the corporate authorities,  
25 body, or other officer of the municipality authorized by law  
26 to raise revenue, appropriate funds, or levy taxes for the



1 operation and maintenance thereof.

2 (3) "Department" means the Department of Commerce and  
3 Economic Opportunity.

4 (Source: P.A. 94-793, eff. 5-19-06.)

5 Section 8.29. The Counties Code is amended by changing  
6 Section 6-34000 as follows:

7 (55 ILCS 5/6-34000)

8 Sec. 6-34000. Report on funds received under the  
9 Metropolitan Mobility ~~Regional Transportation~~ Authority Act.  
10 If the Board of the Metropolitan Mobility ~~Regional~~  
11 ~~Transportation~~ Authority adopts an ordinance under Section  
12 6.02 ~~4.03~~ of the Metropolitan Mobility ~~Regional Transportation~~  
13 Authority Act imposing a retailers' occupation tax and a  
14 service occupation tax at the rate of 0.75% in the counties of  
15 DuPage, Kane, Lake, McHenry, and Will, then the County Boards  
16 of DuPage, Kane, Lake, McHenry, and Will counties shall each  
17 report to the General Assembly and the Commission on  
18 Government Forecasting and Accountability by March 1 of the  
19 year following the adoption of the ordinance and March 1 of  
20 each year thereafter. That report shall include the total  
21 amounts received by the County under subsection (cc) of  
22 Section 6.02 ~~(n)~~ of ~~Section 4.03~~ of the Metropolitan Mobility  
23 ~~Regional Transportation~~ Authority Act and the expenditures and  
24 obligations of the County using those funds during the

1 previous calendar year.

2 (Source: P.A. 95-906, eff. 8-26-08.)

3 Section 8.30. The Illinois Municipal Code is amended by  
4 changing Sections 11-1-11, 11-74.4-3 and 11-122.2-1 and  
5 changing the heading of Division 122.2 of Article 11 as  
6 follows:

7 (65 ILCS 5/11-1-11) (from Ch. 24, par. 11-1-11)

8 Sec. 11-1-11. Agreement with another entity to enforce  
9 traffic ordinances. The corporate authorities of a  
10 municipality with a population greater than 1,000,000 may  
11 enter into an agreement with the Metropolitan Mobility ~~Chicago~~  
12 ~~Transit~~ Authority, created under the Metropolitan Mobility  
13 ~~Metropolitan Transit~~ Authority Act, whereby ~~Chicago Transit~~  
14 Authority supervisory employees are empowered to enforce  
15 certain traffic ordinances enacted by the municipality.

16 (Source: P.A. 87-597.)

17 (65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)

18 Sec. 11-74.4-3. Definitions. The following terms, wherever  
19 used or referred to in this Division 74.4 shall have the  
20 following respective meanings, unless in any case a different  
21 meaning clearly appears from the context.

22 (a) For any redevelopment project area that has been  
23 designated pursuant to this Section by an ordinance adopted

1 prior to November 1, 1999 (the effective date of Public Act  
2 91-478), "blighted area" shall have the meaning set forth in  
3 this Section prior to that date.

4 On and after November 1, 1999, "blighted area" means any  
5 improved or vacant area within the boundaries of a  
6 redevelopment project area located within the territorial  
7 limits of the municipality where:

8 (1) If improved, industrial, commercial, and  
9 residential buildings or improvements are detrimental to  
10 the public safety, health, or welfare because of a  
11 combination of 5 or more of the following factors, each of  
12 which is (i) present, with that presence documented, to a  
13 meaningful extent so that a municipality may reasonably  
14 find that the factor is clearly present within the intent  
15 of the Act and (ii) reasonably distributed throughout the  
16 improved part of the redevelopment project area:

17 (A) Dilapidation. An advanced state of disrepair  
18 or neglect of necessary repairs to the primary  
19 structural components of buildings or improvements in  
20 such a combination that a documented building  
21 condition analysis determines that major repair is  
22 required or the defects are so serious and so  
23 extensive that the buildings must be removed.

24 (B) Obsolescence. The condition or process of  
25 falling into disuse. Structures have become ill-suited  
26 for the original use.

1 (C) Deterioration. With respect to buildings,  
2 defects including, but not limited to, major defects  
3 in the secondary building components such as doors,  
4 windows, porches, gutters and downspouts, and fascia.  
5 With respect to surface improvements, that the  
6 condition of roadways, alleys, curbs, gutters,  
7 sidewalks, off-street parking, and surface storage  
8 areas evidence deterioration, including, but not  
9 limited to, surface cracking, crumbling, potholes,  
10 depressions, loose paving material, and weeds  
11 protruding through paved surfaces.

12 (D) Presence of structures below minimum code  
13 standards. All structures that do not meet the  
14 standards of zoning, subdivision, building, fire, and  
15 other governmental codes applicable to property, but  
16 not including housing and property maintenance codes.

17 (E) Illegal use of individual structures. The use  
18 of structures in violation of applicable federal,  
19 State, or local laws, exclusive of those applicable to  
20 the presence of structures below minimum code  
21 standards.

22 (F) Excessive vacancies. The presence of buildings  
23 that are unoccupied or under-utilized and that  
24 represent an adverse influence on the area because of  
25 the frequency, extent, or duration of the vacancies.

26 (G) Lack of ventilation, light, or sanitary

1 facilities. The absence of adequate ventilation for  
2 light or air circulation in spaces or rooms without  
3 windows, or that require the removal of dust, odor,  
4 gas, smoke, or other noxious airborne materials.  
5 Inadequate natural light and ventilation means the  
6 absence of skylights or windows for interior spaces or  
7 rooms and improper window sizes and amounts by room  
8 area to window area ratios. Inadequate sanitary  
9 facilities refers to the absence or inadequacy of  
10 garbage storage and enclosure, bathroom facilities,  
11 hot water and kitchens, and structural inadequacies  
12 preventing ingress and egress to and from all rooms  
13 and units within a building.

14 (H) Inadequate utilities. Underground and overhead  
15 utilities such as storm sewers and storm drainage,  
16 sanitary sewers, water lines, and gas, telephone, and  
17 electrical services that are shown to be inadequate.  
18 Inadequate utilities are those that are: (i) of  
19 insufficient capacity to serve the uses in the  
20 redevelopment project area, (ii) deteriorated,  
21 antiquated, obsolete, or in disrepair, or (iii)  
22 lacking within the redevelopment project area.

23 (I) Excessive land coverage and overcrowding of  
24 structures and community facilities. The  
25 over-intensive use of property and the crowding of  
26 buildings and accessory facilities onto a site.

1 Examples of problem conditions warranting the  
2 designation of an area as one exhibiting excessive  
3 land coverage are: (i) the presence of buildings  
4 either improperly situated on parcels or located on  
5 parcels of inadequate size and shape in relation to  
6 present-day standards of development for health and  
7 safety and (ii) the presence of multiple buildings on  
8 a single parcel. For there to be a finding of excessive  
9 land coverage, these parcels must exhibit one or more  
10 of the following conditions: insufficient provision  
11 for light and air within or around buildings,  
12 increased threat of spread of fire due to the close  
13 proximity of buildings, lack of adequate or proper  
14 access to a public right-of-way, lack of reasonably  
15 required off-street parking, or inadequate provision  
16 for loading and service.

17 (J) Deleterious land use or layout. The existence  
18 of incompatible land-use relationships, buildings  
19 occupied by inappropriate mixed-uses, or uses  
20 considered to be noxious, offensive, or unsuitable for  
21 the surrounding area.

22 (K) Environmental clean-up. The proposed  
23 redevelopment project area has incurred Illinois  
24 Environmental Protection Agency or United States  
25 Environmental Protection Agency remediation costs for,  
26 or a study conducted by an independent consultant

1 recognized as having expertise in environmental  
2 remediation has determined a need for, the clean-up of  
3 hazardous waste, hazardous substances, or underground  
4 storage tanks required by State or federal law,  
5 provided that the remediation costs constitute a  
6 material impediment to the development or  
7 redevelopment of the redevelopment project area.

8 (L) Lack of community planning. The proposed  
9 redevelopment project area was developed prior to or  
10 without the benefit or guidance of a community plan.  
11 This means that the development occurred prior to the  
12 adoption by the municipality of a comprehensive or  
13 other community plan or that the plan was not followed  
14 at the time of the area's development. This factor  
15 must be documented by evidence of adverse or  
16 incompatible land-use relationships, inadequate street  
17 layout, improper subdivision, parcels of inadequate  
18 shape and size to meet contemporary development  
19 standards, or other evidence demonstrating an absence  
20 of effective community planning.

21 (M) The total equalized assessed value of the  
22 proposed redevelopment project area has declined for 3  
23 of the last 5 calendar years prior to the year in which  
24 the redevelopment project area is designated or is  
25 increasing at an annual rate that is less than the  
26 balance of the municipality for 3 of the last 5

1 calendar years for which information is available or  
2 is increasing at an annual rate that is less than the  
3 Consumer Price Index for All Urban Consumers published  
4 by the United States Department of Labor or successor  
5 agency for 3 of the last 5 calendar years prior to the  
6 year in which the redevelopment project area is  
7 designated.

8 (2) If vacant, the sound growth of the redevelopment  
9 project area is impaired by a combination of 2 or more of  
10 the following factors, each of which is (i) present, with  
11 that presence documented, to a meaningful extent so that a  
12 municipality may reasonably find that the factor is  
13 clearly present within the intent of the Act and (ii)  
14 reasonably distributed throughout the vacant part of the  
15 redevelopment project area to which it pertains:

16 (A) Obsolete platting of vacant land that results  
17 in parcels of limited or narrow size or configurations  
18 of parcels of irregular size or shape that would be  
19 difficult to develop on a planned basis and in a manner  
20 compatible with contemporary standards and  
21 requirements, or platting that failed to create  
22 rights-of-ways for streets or alleys or that created  
23 inadequate right-of-way widths for streets, alleys, or  
24 other public rights-of-way or that omitted easements  
25 for public utilities.

26 (B) Diversity of ownership of parcels of vacant



1 land sufficient in number to retard or impede the  
2 ability to assemble the land for development.

3 (C) Tax and special assessment delinquencies exist  
4 or the property has been the subject of tax sales under  
5 the Property Tax Code within the last 5 years.

6 (D) Deterioration of structures or site  
7 improvements in neighboring areas adjacent to the  
8 vacant land.

9 (E) The area has incurred Illinois Environmental  
10 Protection Agency or United States Environmental  
11 Protection Agency remediation costs for, or a study  
12 conducted by an independent consultant recognized as  
13 having expertise in environmental remediation has  
14 determined a need for, the clean-up of hazardous  
15 waste, hazardous substances, or underground storage  
16 tanks required by State or federal law, provided that  
17 the remediation costs constitute a material impediment  
18 to the development or redevelopment of the  
19 redevelopment project area.

20 (F) The total equalized assessed value of the  
21 proposed redevelopment project area has declined for 3  
22 of the last 5 calendar years prior to the year in which  
23 the redevelopment project area is designated or is  
24 increasing at an annual rate that is less than the  
25 balance of the municipality for 3 of the last 5  
26 calendar years for which information is available or

1 is increasing at an annual rate that is less than the  
2 Consumer Price Index for All Urban Consumers published  
3 by the United States Department of Labor or successor  
4 agency for 3 of the last 5 calendar years prior to the  
5 year in which the redevelopment project area is  
6 designated.

7 (3) If vacant, the sound growth of the redevelopment  
8 project area is impaired by one of the following factors  
9 that (i) is present, with that presence documented, to a  
10 meaningful extent so that a municipality may reasonably  
11 find that the factor is clearly present within the intent  
12 of the Act and (ii) is reasonably distributed throughout  
13 the vacant part of the redevelopment project area to which  
14 it pertains:

15 (A) The area consists of one or more unused  
16 quarries, mines, or strip mine ponds.

17 (B) The area consists of unused rail yards, rail  
18 tracks, or railroad rights-of-way.

19 (C) The area, prior to its designation, is subject  
20 to (i) chronic flooding that adversely impacts on real  
21 property in the area as certified by a registered  
22 professional engineer or appropriate regulatory agency  
23 or (ii) surface water that discharges from all or a  
24 part of the area and contributes to flooding within  
25 the same watershed, but only if the redevelopment  
26 project provides for facilities or improvements to

1 contribute to the alleviation of all or part of the  
2 flooding.

3 (D) The area consists of an unused or illegal  
4 disposal site containing earth, stone, building  
5 debris, or similar materials that were removed from  
6 construction, demolition, excavation, or dredge sites.

7 (E) Prior to November 1, 1999, the area is not less  
8 than 50 nor more than 100 acres and 75% of which is  
9 vacant (notwithstanding that the area has been used  
10 for commercial agricultural purposes within 5 years  
11 prior to the designation of the redevelopment project  
12 area), and the area meets at least one of the factors  
13 itemized in paragraph (1) of this subsection, the area  
14 has been designated as a town or village center by  
15 ordinance or comprehensive plan adopted prior to  
16 January 1, 1982, and the area has not been developed  
17 for that designated purpose.

18 (F) The area qualified as a blighted improved area  
19 immediately prior to becoming vacant, unless there has  
20 been substantial private investment in the immediately  
21 surrounding area.

22 (b) For any redevelopment project area that has been  
23 designated pursuant to this Section by an ordinance adopted  
24 prior to November 1, 1999 (the effective date of Public Act  
25 91-478), "conservation area" shall have the meaning set forth  
26 in this Section prior to that date.

1           On and after November 1, 1999, "conservation area" means  
2 any improved area within the boundaries of a redevelopment  
3 project area located within the territorial limits of the  
4 municipality in which 50% or more of the structures in the area  
5 have an age of 35 years or more. Such an area is not yet a  
6 blighted area but because of a combination of 3 or more of the  
7 following factors is detrimental to the public safety, health,  
8 morals or welfare and such an area may become a blighted area:

9           (1) Dilapidation. An advanced state of disrepair or  
10 neglect of necessary repairs to the primary structural  
11 components of buildings or improvements in such a  
12 combination that a documented building condition analysis  
13 determines that major repair is required or the defects  
14 are so serious and so extensive that the buildings must be  
15 removed.

16           (2) Obsolescence. The condition or process of falling  
17 into disuse. Structures have become ill-suited for the  
18 original use.

19           (3) Deterioration. With respect to buildings, defects  
20 including, but not limited to, major defects in the  
21 secondary building components such as doors, windows,  
22 porches, gutters and downspouts, and fascia. With respect  
23 to surface improvements, that the condition of roadways,  
24 alleys, curbs, gutters, sidewalks, off-street parking, and  
25 surface storage areas evidence deterioration, including,  
26 but not limited to, surface cracking, crumbling, potholes,

1           depressions, loose paving material, and weeds protruding  
2           through paved surfaces.

3           (4) Presence of structures below minimum code  
4           standards. All structures that do not meet the standards  
5           of zoning, subdivision, building, fire, and other  
6           governmental codes applicable to property, but not  
7           including housing and property maintenance codes.

8           (5) Illegal use of individual structures. The use of  
9           structures in violation of applicable federal, State, or  
10          local laws, exclusive of those applicable to the presence  
11          of structures below minimum code standards.

12          (6) Excessive vacancies. The presence of buildings  
13          that are unoccupied or under-utilized and that represent  
14          an adverse influence on the area because of the frequency,  
15          extent, or duration of the vacancies.

16          (7) Lack of ventilation, light, or sanitary  
17          facilities. The absence of adequate ventilation for light  
18          or air circulation in spaces or rooms without windows, or  
19          that require the removal of dust, odor, gas, smoke, or  
20          other noxious airborne materials. Inadequate natural light  
21          and ventilation means the absence or inadequacy of  
22          skylights or windows for interior spaces or rooms and  
23          improper window sizes and amounts by room area to window  
24          area ratios. Inadequate sanitary facilities refers to the  
25          absence or inadequacy of garbage storage and enclosure,  
26          bathroom facilities, hot water and kitchens, and

1 structural inadequacies preventing ingress and egress to  
2 and from all rooms and units within a building.

3 (8) Inadequate utilities. Underground and overhead  
4 utilities such as storm sewers and storm drainage,  
5 sanitary sewers, water lines, and gas, telephone, and  
6 electrical services that are shown to be inadequate.  
7 Inadequate utilities are those that are: (i) of  
8 insufficient capacity to serve the uses in the  
9 redevelopment project area, (ii) deteriorated, antiquated,  
10 obsolete, or in disrepair, or (iii) lacking within the  
11 redevelopment project area.

12 (9) Excessive land coverage and overcrowding of  
13 structures and community facilities. The over-intensive  
14 use of property and the crowding of buildings and  
15 accessory facilities onto a site. Examples of problem  
16 conditions warranting the designation of an area as one  
17 exhibiting excessive land coverage are: the presence of  
18 buildings either improperly situated on parcels or located  
19 on parcels of inadequate size and shape in relation to  
20 present-day standards of development for health and safety  
21 and the presence of multiple buildings on a single parcel.  
22 For there to be a finding of excessive land coverage,  
23 these parcels must exhibit one or more of the following  
24 conditions: insufficient provision for light and air  
25 within or around buildings, increased threat of spread of  
26 fire due to the close proximity of buildings, lack of

1 adequate or proper access to a public right-of-way, lack  
2 of reasonably required off-street parking, or inadequate  
3 provision for loading and service.

4 (10) Deleterious land use or layout. The existence of  
5 incompatible land-use relationships, buildings occupied by  
6 inappropriate mixed-uses, or uses considered to be  
7 noxious, offensive, or unsuitable for the surrounding  
8 area.

9 (11) Lack of community planning. The proposed  
10 redevelopment project area was developed prior to or  
11 without the benefit or guidance of a community plan. This  
12 means that the development occurred prior to the adoption  
13 by the municipality of a comprehensive or other community  
14 plan or that the plan was not followed at the time of the  
15 area's development. This factor must be documented by  
16 evidence of adverse or incompatible land-use  
17 relationships, inadequate street layout, improper  
18 subdivision, parcels of inadequate shape and size to meet  
19 contemporary development standards, or other evidence  
20 demonstrating an absence of effective community planning.

21 (12) The area has incurred Illinois Environmental  
22 Protection Agency or United States Environmental  
23 Protection Agency remediation costs for, or a study  
24 conducted by an independent consultant recognized as  
25 having expertise in environmental remediation has  
26 determined a need for, the clean-up of hazardous waste,

1 hazardous substances, or underground storage tanks  
2 required by State or federal law, provided that the  
3 remediation costs constitute a material impediment to the  
4 development or redevelopment of the redevelopment project  
5 area.

6 (13) The total equalized assessed value of the  
7 proposed redevelopment project area has declined for 3 of  
8 the last 5 calendar years for which information is  
9 available or is increasing at an annual rate that is less  
10 than the balance of the municipality for 3 of the last 5  
11 calendar years for which information is available or is  
12 increasing at an annual rate that is less than the  
13 Consumer Price Index for All Urban Consumers published by  
14 the United States Department of Labor or successor agency  
15 for 3 of the last 5 calendar years for which information is  
16 available.

17 (c) "Industrial park" means an area in a blighted or  
18 conservation area suitable for use by any manufacturing,  
19 industrial, research or transportation enterprise, of  
20 facilities to include but not be limited to factories, mills,  
21 processing plants, assembly plants, packing plants,  
22 fabricating plants, industrial distribution centers,  
23 warehouses, repair overhaul or service facilities, freight  
24 terminals, research facilities, test facilities or railroad  
25 facilities.

26 (d) "Industrial park conservation area" means an area



1 within the boundaries of a redevelopment project area located  
2 within the territorial limits of a municipality that is a  
3 labor surplus municipality or within 1 1/2 miles of the  
4 territorial limits of a municipality that is a labor surplus  
5 municipality if the area is annexed to the municipality; which  
6 area is zoned as industrial no later than at the time the  
7 municipality by ordinance designates the redevelopment project  
8 area, and which area includes both vacant land suitable for  
9 use as an industrial park and a blighted area or conservation  
10 area contiguous to such vacant land.

11 (e) "Labor surplus municipality" means a municipality in  
12 which, at any time during the 6 months before the municipality  
13 by ordinance designates an industrial park conservation area,  
14 the unemployment rate was over 6% and was also 100% or more of  
15 the national average unemployment rate for that same time as  
16 published in the United States Department of Labor Bureau of  
17 Labor Statistics publication entitled "The Employment  
18 Situation" or its successor publication. For the purpose of  
19 this subsection, if unemployment rate statistics for the  
20 municipality are not available, the unemployment rate in the  
21 municipality shall be deemed to be the same as the  
22 unemployment rate in the principal county in which the  
23 municipality is located.

24 (f) "Municipality" shall mean a city, village,  
25 incorporated town, or a township that is located in the  
26 unincorporated portion of a county with 3 million or more

1 inhabitants, if the county adopted an ordinance that approved  
2 the township's redevelopment plan.

3 (g) "Initial Sales Tax Amounts" means the amount of taxes  
4 paid under the Retailers' Occupation Tax Act, Use Tax Act,  
5 Service Use Tax Act, the Service Occupation Tax Act, the  
6 Municipal Retailers' Occupation Tax Act, and the Municipal  
7 Service Occupation Tax Act by retailers and servicemen on  
8 transactions at places located in a State Sales Tax Boundary  
9 during the calendar year 1985.

10 (g-1) "Revised Initial Sales Tax Amounts" means the amount  
11 of taxes paid under the Retailers' Occupation Tax Act, Use Tax  
12 Act, Service Use Tax Act, the Service Occupation Tax Act, the  
13 Municipal Retailers' Occupation Tax Act, and the Municipal  
14 Service Occupation Tax Act by retailers and servicemen on  
15 transactions at places located within the State Sales Tax  
16 Boundary revised pursuant to Section 11-74.4-8a(9) of this  
17 Act.

18 (h) "Municipal Sales Tax Increment" means an amount equal  
19 to the increase in the aggregate amount of taxes paid to a  
20 municipality from the Local Government Tax Fund arising from  
21 sales by retailers and servicemen within the redevelopment  
22 project area or State Sales Tax Boundary, as the case may be,  
23 for as long as the redevelopment project area or State Sales  
24 Tax Boundary, as the case may be, exist over and above the  
25 aggregate amount of taxes as certified by the Illinois  
26 Department of Revenue and paid under the Municipal Retailers'

1 Occupation Tax Act and the Municipal Service Occupation Tax  
2 Act by retailers and servicemen, on transactions at places of  
3 business located in the redevelopment project area or State  
4 Sales Tax Boundary, as the case may be, during the base year  
5 which shall be the calendar year immediately prior to the year  
6 in which the municipality adopted tax increment allocation  
7 financing. For purposes of computing the aggregate amount of  
8 such taxes for base years occurring prior to 1985, the  
9 Department of Revenue shall determine the Initial Sales Tax  
10 Amounts for such taxes and deduct therefrom an amount equal to  
11 4% of the aggregate amount of taxes per year for each year the  
12 base year is prior to 1985, but not to exceed a total deduction  
13 of 12%. The amount so determined shall be known as the  
14 "Adjusted Initial Sales Tax Amounts". For purposes of  
15 determining the Municipal Sales Tax Increment, the Department  
16 of Revenue shall for each period subtract from the amount paid  
17 to the municipality from the Local Government Tax Fund arising  
18 from sales by retailers and servicemen on transactions located  
19 in the redevelopment project area or the State Sales Tax  
20 Boundary, as the case may be, the certified Initial Sales Tax  
21 Amounts, the Adjusted Initial Sales Tax Amounts or the Revised  
22 Initial Sales Tax Amounts for the Municipal Retailers'  
23 Occupation Tax Act and the Municipal Service Occupation Tax  
24 Act. For the State Fiscal Year 1989, this calculation shall be  
25 made by utilizing the calendar year 1987 to determine the tax  
26 amounts received. For the State Fiscal Year 1990, this

1 calculation shall be made by utilizing the period from January  
2 1, 1988, until September 30, 1988, to determine the tax  
3 amounts received from retailers and servicemen pursuant to the  
4 Municipal Retailers' Occupation Tax and the Municipal Service  
5 Occupation Tax Act, which shall have deducted therefrom  
6 nine-twelfths of the certified Initial Sales Tax Amounts, the  
7 Adjusted Initial Sales Tax Amounts or the Revised Initial  
8 Sales Tax Amounts as appropriate. For the State Fiscal Year  
9 1991, this calculation shall be made by utilizing the period  
10 from October 1, 1988, to June 30, 1989, to determine the tax  
11 amounts received from retailers and servicemen pursuant to the  
12 Municipal Retailers' Occupation Tax and the Municipal Service  
13 Occupation Tax Act which shall have deducted therefrom  
14 nine-twelfths of the certified Initial Sales Tax Amounts,  
15 Adjusted Initial Sales Tax Amounts or the Revised Initial  
16 Sales Tax Amounts as appropriate. For every State Fiscal Year  
17 thereafter, the applicable period shall be the 12 months  
18 beginning July 1 and ending June 30 to determine the tax  
19 amounts received which shall have deducted therefrom the  
20 certified Initial Sales Tax Amounts, the Adjusted Initial  
21 Sales Tax Amounts or the Revised Initial Sales Tax Amounts, as  
22 the case may be.

23 (i) "Net State Sales Tax Increment" means the sum of the  
24 following: (a) 80% of the first \$100,000 of State Sales Tax  
25 Increment annually generated within a State Sales Tax  
26 Boundary; (b) 60% of the amount in excess of \$100,000 but not

1 exceeding \$500,000 of State Sales Tax Increment annually  
2 generated within a State Sales Tax Boundary; and (c) 40% of all  
3 amounts in excess of \$500,000 of State Sales Tax Increment  
4 annually generated within a State Sales Tax Boundary. If,  
5 however, a municipality established a tax increment financing  
6 district in a county with a population in excess of 3,000,000  
7 before January 1, 1986, and the municipality entered into a  
8 contract or issued bonds after January 1, 1986, but before  
9 December 31, 1986, to finance redevelopment project costs  
10 within a State Sales Tax Boundary, then the Net State Sales Tax  
11 Increment means, for the fiscal years beginning July 1, 1990,  
12 and July 1, 1991, 100% of the State Sales Tax Increment  
13 annually generated within a State Sales Tax Boundary; and  
14 notwithstanding any other provision of this Act, for those  
15 fiscal years the Department of Revenue shall distribute to  
16 those municipalities 100% of their Net State Sales Tax  
17 Increment before any distribution to any other municipality  
18 and regardless of whether or not those other municipalities  
19 will receive 100% of their Net State Sales Tax Increment. For  
20 Fiscal Year 1999, and every year thereafter until the year  
21 2007, for any municipality that has not entered into a  
22 contract or has not issued bonds prior to June 1, 1988 to  
23 finance redevelopment project costs within a State Sales Tax  
24 Boundary, the Net State Sales Tax Increment shall be  
25 calculated as follows: By multiplying the Net State Sales Tax  
26 Increment by 90% in the State Fiscal Year 1999; 80% in the

1 State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60%  
2 in the State Fiscal Year 2002; 50% in the State Fiscal Year  
3 2003; 40% in the State Fiscal Year 2004; 30% in the State  
4 Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in  
5 the State Fiscal Year 2007. No payment shall be made for State  
6 Fiscal Year 2008 and thereafter.

7 Municipalities that issued bonds in connection with a  
8 redevelopment project in a redevelopment project area within  
9 the State Sales Tax Boundary prior to July 29, 1991, or that  
10 entered into contracts in connection with a redevelopment  
11 project in a redevelopment project area before June 1, 1988,  
12 shall continue to receive their proportional share of the  
13 Illinois Tax Increment Fund distribution until the date on  
14 which the redevelopment project is completed or terminated.  
15 If, however, a municipality that issued bonds in connection  
16 with a redevelopment project in a redevelopment project area  
17 within the State Sales Tax Boundary prior to July 29, 1991  
18 retires the bonds prior to June 30, 2007 or a municipality that  
19 entered into contracts in connection with a redevelopment  
20 project in a redevelopment project area before June 1, 1988  
21 completes the contracts prior to June 30, 2007, then so long as  
22 the redevelopment project is not completed or is not  
23 terminated, the Net State Sales Tax Increment shall be  
24 calculated, beginning on the date on which the bonds are  
25 retired or the contracts are completed, as follows: By  
26 multiplying the Net State Sales Tax Increment by 60% in the

1 State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40%  
2 in the State Fiscal Year 2004; 30% in the State Fiscal Year  
3 2005; 20% in the State Fiscal Year 2006; and 10% in the State  
4 Fiscal Year 2007. No payment shall be made for State Fiscal  
5 Year 2008 and thereafter. Refunding of any bonds issued prior  
6 to July 29, 1991, shall not alter the Net State Sales Tax  
7 Increment.

8 (j) "State Utility Tax Increment Amount" means an amount  
9 equal to the aggregate increase in State electric and gas tax  
10 charges imposed on owners and tenants, other than residential  
11 customers, of properties located within the redevelopment  
12 project area under Section 9-222 of the Public Utilities Act,  
13 over and above the aggregate of such charges as certified by  
14 the Department of Revenue and paid by owners and tenants,  
15 other than residential customers, of properties within the  
16 redevelopment project area during the base year, which shall  
17 be the calendar year immediately prior to the year of the  
18 adoption of the ordinance authorizing tax increment allocation  
19 financing.

20 (k) "Net State Utility Tax Increment" means the sum of the  
21 following: (a) 80% of the first \$100,000 of State Utility Tax  
22 Increment annually generated by a redevelopment project area;  
23 (b) 60% of the amount in excess of \$100,000 but not exceeding  
24 \$500,000 of the State Utility Tax Increment annually generated  
25 by a redevelopment project area; and (c) 40% of all amounts in  
26 excess of \$500,000 of State Utility Tax Increment annually

1 generated by a redevelopment project area. For the State  
2 Fiscal Year 1999, and every year thereafter until the year  
3 2007, for any municipality that has not entered into a  
4 contract or has not issued bonds prior to June 1, 1988 to  
5 finance redevelopment project costs within a redevelopment  
6 project area, the Net State Utility Tax Increment shall be  
7 calculated as follows: By multiplying the Net State Utility  
8 Tax Increment by 90% in the State Fiscal Year 1999; 80% in the  
9 State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60%  
10 in the State Fiscal Year 2002; 50% in the State Fiscal Year  
11 2003; 40% in the State Fiscal Year 2004; 30% in the State  
12 Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in  
13 the State Fiscal Year 2007. No payment shall be made for the  
14 State Fiscal Year 2008 and thereafter.

15 Municipalities that issue bonds in connection with the  
16 redevelopment project during the period from June 1, 1988  
17 until 3 years after the effective date of this Amendatory Act  
18 of 1988 shall receive the Net State Utility Tax Increment,  
19 subject to appropriation, for 15 State Fiscal Years after the  
20 issuance of such bonds. For the 16th through the 20th State  
21 Fiscal Years after issuance of the bonds, the Net State  
22 Utility Tax Increment shall be calculated as follows: By  
23 multiplying the Net State Utility Tax Increment by 90% in year  
24 16; 80% in year 17; 70% in year 18; 60% in year 19; and 50% in  
25 year 20. Refunding of any bonds issued prior to June 1, 1988,  
26 shall not alter the revised Net State Utility Tax Increment



1 payments set forth above.

2 (l) "Obligations" mean bonds, loans, debentures, notes,  
3 special certificates or other evidence of indebtedness issued  
4 by the municipality to carry out a redevelopment project or to  
5 refund outstanding obligations.

6 (m) "Payment in lieu of taxes" means those estimated tax  
7 revenues from real property in a redevelopment project area  
8 derived from real property that has been acquired by a  
9 municipality which according to the redevelopment project or  
10 plan is to be used for a private use which taxing districts  
11 would have received had a municipality not acquired the real  
12 property and adopted tax increment allocation financing and  
13 which would result from levies made after the time of the  
14 adoption of tax increment allocation financing to the time the  
15 current equalized value of real property in the redevelopment  
16 project area exceeds the total initial equalized value of real  
17 property in said area.

18 (n) "Redevelopment plan" means the comprehensive program  
19 of the municipality for development or redevelopment intended  
20 by the payment of redevelopment project costs to reduce or  
21 eliminate those conditions the existence of which qualified  
22 the redevelopment project area as a "blighted area" or  
23 "conservation area" or combination thereof or "industrial park  
24 conservation area," and thereby to enhance the tax bases of  
25 the taxing districts which extend into the redevelopment  
26 project area, provided that, with respect to redevelopment

1 project areas described in subsections (p-1) and (p-2),  
2 "redevelopment plan" means the comprehensive program of the  
3 affected municipality for the development of qualifying  
4 transit facilities. On and after November 1, 1999 (the  
5 effective date of Public Act 91-478), no redevelopment plan  
6 may be approved or amended that includes the development of  
7 vacant land (i) with a golf course and related clubhouse and  
8 other facilities or (ii) designated by federal, State, county,  
9 or municipal government as public land for outdoor  
10 recreational activities or for nature preserves and used for  
11 that purpose within 5 years prior to the adoption of the  
12 redevelopment plan. For the purpose of this subsection,  
13 "recreational activities" is limited to mean camping and  
14 hunting. Each redevelopment plan shall set forth in writing  
15 the program to be undertaken to accomplish the objectives and  
16 shall include but not be limited to:

17 (A) an itemized list of estimated redevelopment  
18 project costs;

19 (B) evidence indicating that the redevelopment project  
20 area on the whole has not been subject to growth and  
21 development through investment by private enterprise,  
22 provided that such evidence shall not be required for any  
23 redevelopment project area located within a transit  
24 facility improvement area established pursuant to Section  
25 11-74.4-3.3;

26 (C) an assessment of any financial impact of the

1 redevelopment project area on or any increased demand for  
2 services from any taxing district affected by the plan and  
3 any program to address such financial impact or increased  
4 demand;

5 (D) the sources of funds to pay costs;

6 (E) the nature and term of the obligations to be  
7 issued;

8 (F) the most recent equalized assessed valuation of  
9 the redevelopment project area;

10 (G) an estimate as to the equalized assessed valuation  
11 after redevelopment and the general land uses to apply in  
12 the redevelopment project area;

13 (H) a commitment to fair employment practices and an  
14 affirmative action plan;

15 (I) if it concerns an industrial park conservation  
16 area, the plan shall also include a general description of  
17 any proposed developer, user and tenant of any property, a  
18 description of the type, structure and general character  
19 of the facilities to be developed, a description of the  
20 type, class and number of new employees to be employed in  
21 the operation of the facilities to be developed; and

22 (J) if property is to be annexed to the municipality,  
23 the plan shall include the terms of the annexation  
24 agreement.

25 The provisions of items (B) and (C) of this subsection (n)  
26 shall not apply to a municipality that before March 14, 1994

1 (the effective date of Public Act 88-537) had fixed, either by  
2 its corporate authorities or by a commission designated under  
3 subsection (k) of Section 11-74.4-4, a time and place for a  
4 public hearing as required by subsection (a) of Section  
5 11-74.4-5. No redevelopment plan shall be adopted unless a  
6 municipality complies with all of the following requirements:

7 (1) The municipality finds that the redevelopment  
8 project area on the whole has not been subject to growth  
9 and development through investment by private enterprise  
10 and would not reasonably be anticipated to be developed  
11 without the adoption of the redevelopment plan, provided,  
12 however, that such a finding shall not be required with  
13 respect to any redevelopment project area located within a  
14 transit facility improvement area established pursuant to  
15 Section 11-74.4-3.3.

16 (2) The municipality finds that the redevelopment plan  
17 and project conform to the comprehensive plan for the  
18 development of the municipality as a whole, or, for  
19 municipalities with a population of 100,000 or more,  
20 regardless of when the redevelopment plan and project was  
21 adopted, the redevelopment plan and project either: (i)  
22 conforms to the strategic economic development or  
23 redevelopment plan issued by the designated planning  
24 authority of the municipality, or (ii) includes land uses  
25 that have been approved by the planning commission of the  
26 municipality.

1           (3) The redevelopment plan establishes the estimated  
2           dates of completion of the redevelopment project and  
3           retirement of obligations issued to finance redevelopment  
4           project costs. Those dates may not be later than the dates  
5           set forth under Section 11-74.4-3.5.

6           A municipality may by municipal ordinance amend an  
7           existing redevelopment plan to conform to this paragraph  
8           (3) as amended by Public Act 91-478, which municipal  
9           ordinance may be adopted without further hearing or notice  
10          and without complying with the procedures provided in this  
11          Act pertaining to an amendment to or the initial approval  
12          of a redevelopment plan and project and designation of a  
13          redevelopment project area.

14          (3.5) The municipality finds, in the case of an  
15          industrial park conservation area, also that the  
16          municipality is a labor surplus municipality and that the  
17          implementation of the redevelopment plan will reduce  
18          unemployment, create new jobs and by the provision of new  
19          facilities enhance the tax base of the taxing districts  
20          that extend into the redevelopment project area.

21          (4) If any incremental revenues are being utilized  
22          under Section 8(a)(1) or 8(a)(2) of this Act in  
23          redevelopment project areas approved by ordinance after  
24          January 1, 1986, the municipality finds: (a) that the  
25          redevelopment project area would not reasonably be  
26          developed without the use of such incremental revenues,

1 and (b) that such incremental revenues will be exclusively  
2 utilized for the development of the redevelopment project  
3 area.

4 (5) If: (a) the redevelopment plan will not result in  
5 displacement of residents from 10 or more inhabited  
6 residential units, and the municipality certifies in the  
7 plan that such displacement will not result from the plan;  
8 or (b) the redevelopment plan is for a redevelopment  
9 project area or a qualifying transit facility located  
10 within a transit facility improvement area established  
11 pursuant to Section 11-74.4-3.3, and the applicable  
12 project is subject to the process for evaluation of  
13 environmental effects under the National Environmental  
14 Policy Act of 1969, 42 U.S.C. 4321 et seq., then a housing  
15 impact study need not be performed. If, however, the  
16 redevelopment plan would result in the displacement of  
17 residents from 10 or more inhabited residential units, or  
18 if the redevelopment project area contains 75 or more  
19 inhabited residential units and no certification is made,  
20 then the municipality shall prepare, as part of the  
21 separate feasibility report required by subsection (a) of  
22 Section 11-74.4-5, a housing impact study.

23 Part I of the housing impact study shall include (i)  
24 data as to whether the residential units are single family  
25 or multi-family units, (ii) the number and type of rooms  
26 within the units, if that information is available, (iii)

1           whether the units are inhabited or uninhabited, as  
2           determined not less than 45 days before the date that the  
3           ordinance or resolution required by subsection (a) of  
4           Section 11-74.4-5 is passed, and (iv) data as to the  
5           racial and ethnic composition of the residents in the  
6           inhabited residential units. The data requirement as to  
7           the racial and ethnic composition of the residents in the  
8           inhabited residential units shall be deemed to be fully  
9           satisfied by data from the most recent federal census.

10           Part II of the housing impact study shall identify the  
11           inhabited residential units in the proposed redevelopment  
12           project area that are to be or may be removed. If inhabited  
13           residential units are to be removed, then the housing  
14           impact study shall identify (i) the number and location of  
15           those units that will or may be removed, (ii) the  
16           municipality's plans for relocation assistance for those  
17           residents in the proposed redevelopment project area whose  
18           residences are to be removed, (iii) the availability of  
19           replacement housing for those residents whose residences  
20           are to be removed, and shall identify the type, location,  
21           and cost of the housing, and (iv) the type and extent of  
22           relocation assistance to be provided.

23           (6) On and after November 1, 1999, the housing impact  
24           study required by paragraph (5) shall be incorporated in  
25           the redevelopment plan for the redevelopment project area.

26           (7) On and after November 1, 1999, no redevelopment

1 plan shall be adopted, nor an existing plan amended, nor  
2 shall residential housing that is occupied by households  
3 of low-income and very low-income persons in currently  
4 existing redevelopment project areas be removed after  
5 November 1, 1999 unless the redevelopment plan provides,  
6 with respect to inhabited housing units that are to be  
7 removed for households of low-income and very low-income  
8 persons, affordable housing and relocation assistance not  
9 less than that which would be provided under the federal  
10 Uniform Relocation Assistance and Real Property  
11 Acquisition Policies Act of 1970 and the regulations under  
12 that Act, including the eligibility criteria. Affordable  
13 housing may be either existing or newly constructed  
14 housing. For purposes of this paragraph (7), "low-income  
15 households", "very low-income households", and "affordable  
16 housing" have the meanings set forth in the Illinois  
17 Affordable Housing Act. The municipality shall make a good  
18 faith effort to ensure that this affordable housing is  
19 located in or near the redevelopment project area within  
20 the municipality.

21 (8) On and after November 1, 1999, if, after the  
22 adoption of the redevelopment plan for the redevelopment  
23 project area, any municipality desires to amend its  
24 redevelopment plan to remove more inhabited residential  
25 units than specified in its original redevelopment plan,  
26 that change shall be made in accordance with the



1 procedures in subsection (c) of Section 11-74.4-5.

2 (9) For redevelopment project areas designated prior  
3 to November 1, 1999, the redevelopment plan may be amended  
4 without further joint review board meeting or hearing,  
5 provided that the municipality shall give notice of any  
6 such changes by mail to each affected taxing district and  
7 registrant on the interested party registry, to authorize  
8 the municipality to expend tax increment revenues for  
9 redevelopment project costs defined by paragraphs (5) and  
10 (7.5), subparagraphs (E) and (F) of paragraph (11), and  
11 paragraph (11.5) of subsection (q) of Section 11-74.4-3,  
12 so long as the changes do not increase the total estimated  
13 redevelopment project costs set out in the redevelopment  
14 plan by more than 5% after adjustment for inflation from  
15 the date the plan was adopted.

16 (o) "Redevelopment project" means any public and private  
17 development project in furtherance of the objectives of a  
18 redevelopment plan. On and after November 1, 1999 (the  
19 effective date of Public Act 91-478), no redevelopment plan  
20 may be approved or amended that includes the development of  
21 vacant land (i) with a golf course and related clubhouse and  
22 other facilities or (ii) designated by federal, State, county,  
23 or municipal government as public land for outdoor  
24 recreational activities or for nature preserves and used for  
25 that purpose within 5 years prior to the adoption of the  
26 redevelopment plan. For the purpose of this subsection,

1 "recreational activities" is limited to mean camping and  
2 hunting.

3 (p) "Redevelopment project area" means an area designated  
4 by the municipality, which is not less in the aggregate than 1  
5 1/2 acres and in respect to which the municipality has made a  
6 finding that there exist conditions which cause the area to be  
7 classified as an industrial park conservation area or a  
8 blighted area or a conservation area, or a combination of both  
9 blighted areas and conservation areas.

10 (p-1) Notwithstanding any provision of this Act to the  
11 contrary, on and after August 25, 2009 (the effective date of  
12 Public Act 96-680), a redevelopment project area may include  
13 areas within a one-half mile radius of an existing or proposed  
14 Metropolitan Mobility ~~Regional Transportation~~ Authority  
15 Suburban Transit Access Route (STAR Line) station without a  
16 finding that the area is classified as an industrial park  
17 conservation area, a blighted area, a conservation area, or a  
18 combination thereof, but only if the municipality receives  
19 unanimous consent from the joint review board created to  
20 review the proposed redevelopment project area.

21 (p-2) Notwithstanding any provision of this Act to the  
22 contrary, on and after the effective date of this amendatory  
23 Act of the 99th General Assembly, a redevelopment project area  
24 may include areas within a transit facility improvement area  
25 that has been established pursuant to Section 11-74.4-3.3  
26 without a finding that the area is classified as an industrial

1 park conservation area, a blighted area, a conservation area,  
2 or any combination thereof.

3 (q) "Redevelopment project costs", except for  
4 redevelopment project areas created pursuant to subsection  
5 (p-1) or (p-2), means and includes the sum total of all  
6 reasonable or necessary costs incurred or estimated to be  
7 incurred, and any such costs incidental to a redevelopment  
8 plan and a redevelopment project. Such costs include, without  
9 limitation, the following:

10 (1) Costs of studies, surveys, development of plans,  
11 and specifications, implementation and administration of  
12 the redevelopment plan including but not limited to staff  
13 and professional service costs for architectural,  
14 engineering, legal, financial, planning or other services,  
15 provided however that no charges for professional services  
16 may be based on a percentage of the tax increment  
17 collected; except that on and after November 1, 1999 (the  
18 effective date of Public Act 91-478), no contracts for  
19 professional services, excluding architectural and  
20 engineering services, may be entered into if the terms of  
21 the contract extend beyond a period of 3 years. In  
22 addition, "redevelopment project costs" shall not include  
23 lobbying expenses. After consultation with the  
24 municipality, each tax increment consultant or advisor to  
25 a municipality that plans to designate or has designated a  
26 redevelopment project area shall inform the municipality

1 in writing of any contracts that the consultant or advisor  
2 has entered into with entities or individuals that have  
3 received, or are receiving, payments financed by tax  
4 increment revenues produced by the redevelopment project  
5 area with respect to which the consultant or advisor has  
6 performed, or will be performing, service for the  
7 municipality. This requirement shall be satisfied by the  
8 consultant or advisor before the commencement of services  
9 for the municipality and thereafter whenever any other  
10 contracts with those individuals or entities are executed  
11 by the consultant or advisor;

12 (1.5) After July 1, 1999, annual administrative costs  
13 shall not include general overhead or administrative costs  
14 of the municipality that would still have been incurred by  
15 the municipality if the municipality had not designated a  
16 redevelopment project area or approved a redevelopment  
17 plan;

18 (1.6) The cost of marketing sites within the  
19 redevelopment project area to prospective businesses,  
20 developers, and investors;

21 (2) Property assembly costs, including but not limited  
22 to acquisition of land and other property, real or  
23 personal, or rights or interests therein, demolition of  
24 buildings, site preparation, site improvements that serve  
25 as an engineered barrier addressing ground level or below  
26 ground environmental contamination, including, but not

1 limited to parking lots and other concrete or asphalt  
2 barriers, and the clearing and grading of land;

3 (3) Costs of rehabilitation, reconstruction or repair  
4 or remodeling of existing public or private buildings,  
5 fixtures, and leasehold improvements; and the cost of  
6 replacing an existing public building if pursuant to the  
7 implementation of a redevelopment project the existing  
8 public building is to be demolished to use the site for  
9 private investment or devoted to a different use requiring  
10 private investment; including any direct or indirect costs  
11 relating to Green Globes or LEED certified construction  
12 elements or construction elements with an equivalent  
13 certification;

14 (4) Costs of the construction of public works or  
15 improvements, including any direct or indirect costs  
16 relating to Green Globes or LEED certified construction  
17 elements or construction elements with an equivalent  
18 certification, except that on and after November 1, 1999,  
19 redevelopment project costs shall not include the cost of  
20 constructing a new municipal public building principally  
21 used to provide offices, storage space, or conference  
22 facilities or vehicle storage, maintenance, or repair for  
23 administrative, public safety, or public works personnel  
24 and that is not intended to replace an existing public  
25 building as provided under paragraph (3) of subsection (q)  
26 of Section 11-74.4-3 unless either (i) the construction of

1 the new municipal building implements a redevelopment  
2 project that was included in a redevelopment plan that was  
3 adopted by the municipality prior to November 1, 1999,  
4 (ii) the municipality makes a reasonable determination in  
5 the redevelopment plan, supported by information that  
6 provides the basis for that determination, that the new  
7 municipal building is required to meet an increase in the  
8 need for public safety purposes anticipated to result from  
9 the implementation of the redevelopment plan, or (iii) the  
10 new municipal public building is for the storage,  
11 maintenance, or repair of transit vehicles and is located  
12 in a transit facility improvement area that has been  
13 established pursuant to Section 11-74.4-3.3;

14 (5) Costs of job training and retraining projects,  
15 including the cost of "welfare to work" programs  
16 implemented by businesses located within the redevelopment  
17 project area;

18 (6) Financing costs, including but not limited to all  
19 necessary and incidental expenses related to the issuance  
20 of obligations and which may include payment of interest  
21 on any obligations issued hereunder including interest  
22 accruing during the estimated period of construction of  
23 any redevelopment project for which such obligations are  
24 issued and for not exceeding 36 months thereafter and  
25 including reasonable reserves related thereto;

26 (7) To the extent the municipality by written

1 agreement accepts and approves the same, all or a portion  
2 of a taxing district's capital costs resulting from the  
3 redevelopment project necessarily incurred or to be  
4 incurred within a taxing district in furtherance of the  
5 objectives of the redevelopment plan and project;

6 (7.5) For redevelopment project areas designated (or  
7 redevelopment project areas amended to add or increase the  
8 number of tax-increment-financing assisted housing units)  
9 on or after November 1, 1999, an elementary, secondary, or  
10 unit school district's increased costs attributable to  
11 assisted housing units located within the redevelopment  
12 project area for which the developer or redeveloper  
13 receives financial assistance through an agreement with  
14 the municipality or because the municipality incurs the  
15 cost of necessary infrastructure improvements within the  
16 boundaries of the assisted housing sites necessary for the  
17 completion of that housing as authorized by this Act, and  
18 which costs shall be paid by the municipality from the  
19 Special Tax Allocation Fund when the tax increment revenue  
20 is received as a result of the assisted housing units and  
21 shall be calculated annually as follows:

22 (A) for foundation districts, excluding any school  
23 district in a municipality with a population in excess  
24 of 1,000,000, by multiplying the district's increase  
25 in attendance resulting from the net increase in new  
26 students enrolled in that school district who reside

1 in housing units within the redevelopment project area  
2 that have received financial assistance through an  
3 agreement with the municipality or because the  
4 municipality incurs the cost of necessary  
5 infrastructure improvements within the boundaries of  
6 the housing sites necessary for the completion of that  
7 housing as authorized by this Act since the  
8 designation of the redevelopment project area by the  
9 most recently available per capita tuition cost as  
10 defined in Section 10-20.12a of the School Code less  
11 any increase in general State aid as defined in  
12 Section 18-8.05 of the School Code or evidence-based  
13 funding as defined in Section 18-8.15 of the School  
14 Code attributable to these added new students subject  
15 to the following annual limitations:

16 (i) for unit school districts with a district  
17 average 1995-96 Per Capita Tuition Charge of less  
18 than \$5,900, no more than 25% of the total amount  
19 of property tax increment revenue produced by  
20 those housing units that have received tax  
21 increment finance assistance under this Act;

22 (ii) for elementary school districts with a  
23 district average 1995-96 Per Capita Tuition Charge  
24 of less than \$5,900, no more than 17% of the total  
25 amount of property tax increment revenue produced  
26 by those housing units that have received tax



1 increment finance assistance under this Act; and

2 (iii) for secondary school districts with a  
3 district average 1995-96 Per Capita Tuition Charge  
4 of less than \$5,900, no more than 8% of the total  
5 amount of property tax increment revenue produced  
6 by those housing units that have received tax  
7 increment finance assistance under this Act.

8 (B) For alternate method districts, flat grant  
9 districts, and foundation districts with a district  
10 average 1995-96 Per Capita Tuition Charge equal to or  
11 more than \$5,900, excluding any school district with a  
12 population in excess of 1,000,000, by multiplying the  
13 district's increase in attendance resulting from the  
14 net increase in new students enrolled in that school  
15 district who reside in housing units within the  
16 redevelopment project area that have received  
17 financial assistance through an agreement with the  
18 municipality or because the municipality incurs the  
19 cost of necessary infrastructure improvements within  
20 the boundaries of the housing sites necessary for the  
21 completion of that housing as authorized by this Act  
22 since the designation of the redevelopment project  
23 area by the most recently available per capita tuition  
24 cost as defined in Section 10-20.12a of the School  
25 Code less any increase in general state aid as defined  
26 in Section 18-8.05 of the School Code or

1 evidence-based funding as defined in Section 18-8.15  
2 of the School Code attributable to these added new  
3 students subject to the following annual limitations:

4 (i) for unit school districts, no more than  
5 40% of the total amount of property tax increment  
6 revenue produced by those housing units that have  
7 received tax increment finance assistance under  
8 this Act;

9 (ii) for elementary school districts, no more  
10 than 27% of the total amount of property tax  
11 increment revenue produced by those housing units  
12 that have received tax increment finance  
13 assistance under this Act; and

14 (iii) for secondary school districts, no more  
15 than 13% of the total amount of property tax  
16 increment revenue produced by those housing units  
17 that have received tax increment finance  
18 assistance under this Act.

19 (C) For any school district in a municipality with  
20 a population in excess of 1,000,000, the following  
21 restrictions shall apply to the reimbursement of  
22 increased costs under this paragraph (7.5):

23 (i) no increased costs shall be reimbursed  
24 unless the school district certifies that each of  
25 the schools affected by the assisted housing  
26 project is at or over its student capacity;

1 (ii) the amount reimbursable shall be reduced  
2 by the value of any land donated to the school  
3 district by the municipality or developer, and by  
4 the value of any physical improvements made to the  
5 schools by the municipality or developer; and

6 (iii) the amount reimbursed may not affect  
7 amounts otherwise obligated by the terms of any  
8 bonds, notes, or other funding instruments, or the  
9 terms of any redevelopment agreement.

10 Any school district seeking payment under this  
11 paragraph (7.5) shall, after July 1 and before  
12 September 30 of each year, provide the municipality  
13 with reasonable evidence to support its claim for  
14 reimbursement before the municipality shall be  
15 required to approve or make the payment to the school  
16 district. If the school district fails to provide the  
17 information during this period in any year, it shall  
18 forfeit any claim to reimbursement for that year.  
19 School districts may adopt a resolution waiving the  
20 right to all or a portion of the reimbursement  
21 otherwise required by this paragraph (7.5). By  
22 acceptance of this reimbursement the school district  
23 waives the right to directly or indirectly set aside,  
24 modify, or contest in any manner the establishment of  
25 the redevelopment project area or projects;

26 (7.7) For redevelopment project areas designated (or

1 redevelopment project areas amended to add or increase the  
2 number of tax-increment-financing assisted housing units)  
3 on or after January 1, 2005 (the effective date of Public  
4 Act 93-961), a public library district's increased costs  
5 attributable to assisted housing units located within the  
6 redevelopment project area for which the developer or  
7 redeveloper receives financial assistance through an  
8 agreement with the municipality or because the  
9 municipality incurs the cost of necessary infrastructure  
10 improvements within the boundaries of the assisted housing  
11 sites necessary for the completion of that housing as  
12 authorized by this Act shall be paid to the library  
13 district by the municipality from the Special Tax  
14 Allocation Fund when the tax increment revenue is received  
15 as a result of the assisted housing units. This paragraph  
16 (7.7) applies only if (i) the library district is located  
17 in a county that is subject to the Property Tax Extension  
18 Limitation Law or (ii) the library district is not located  
19 in a county that is subject to the Property Tax Extension  
20 Limitation Law but the district is prohibited by any other  
21 law from increasing its tax levy rate without a prior  
22 voter referendum.

23 The amount paid to a library district under this  
24 paragraph (7.7) shall be calculated by multiplying (i) the  
25 net increase in the number of persons eligible to obtain a  
26 library card in that district who reside in housing units

1 within the redevelopment project area that have received  
2 financial assistance through an agreement with the  
3 municipality or because the municipality incurs the cost  
4 of necessary infrastructure improvements within the  
5 boundaries of the housing sites necessary for the  
6 completion of that housing as authorized by this Act since  
7 the designation of the redevelopment project area by (ii)  
8 the per-patron cost of providing library services so long  
9 as it does not exceed \$120. The per-patron cost shall be  
10 the Total Operating Expenditures Per Capita for the  
11 library in the previous fiscal year. The municipality may  
12 deduct from the amount that it must pay to a library  
13 district under this paragraph any amount that it has  
14 voluntarily paid to the library district from the tax  
15 increment revenue. The amount paid to a library district  
16 under this paragraph (7.7) shall be no more than 2% of the  
17 amount produced by the assisted housing units and  
18 deposited into the Special Tax Allocation Fund.

19 A library district is not eligible for any payment  
20 under this paragraph (7.7) unless the library district has  
21 experienced an increase in the number of patrons from the  
22 municipality that created the tax-increment-financing  
23 district since the designation of the redevelopment  
24 project area.

25 Any library district seeking payment under this  
26 paragraph (7.7) shall, after July 1 and before September

1           30 of each year, provide the municipality with convincing  
2 evidence to support its claim for reimbursement before the  
3 municipality shall be required to approve or make the  
4 payment to the library district. If the library district  
5 fails to provide the information during this period in any  
6 year, it shall forfeit any claim to reimbursement for that  
7 year. Library districts may adopt a resolution waiving the  
8 right to all or a portion of the reimbursement otherwise  
9 required by this paragraph (7.7). By acceptance of such  
10 reimbursement, the library district shall forfeit any  
11 right to directly or indirectly set aside, modify, or  
12 contest in any manner whatsoever the establishment of the  
13 redevelopment project area or projects;

14           (8) Relocation costs to the extent that a municipality  
15 determines that relocation costs shall be paid or is  
16 required to make payment of relocation costs by federal or  
17 State law or in order to satisfy subparagraph (7) of  
18 subsection (n);

19           (9) Payment in lieu of taxes;

20           (10) Costs of job training, retraining, advanced  
21 vocational education or career education, including but  
22 not limited to courses in occupational, semi-technical or  
23 technical fields leading directly to employment, incurred  
24 by one or more taxing districts, provided that such costs  
25 (i) are related to the establishment and maintenance of  
26 additional job training, advanced vocational education or

1 career education programs for persons employed or to be  
2 employed by employers located in a redevelopment project  
3 area; and (ii) when incurred by a taxing district or  
4 taxing districts other than the municipality, are set  
5 forth in a written agreement by or among the municipality  
6 and the taxing district or taxing districts, which  
7 agreement describes the program to be undertaken,  
8 including but not limited to the number of employees to be  
9 trained, a description of the training and services to be  
10 provided, the number and type of positions available or to  
11 be available, itemized costs of the program and sources of  
12 funds to pay for the same, and the term of the agreement.  
13 Such costs include, specifically, the payment by community  
14 college districts of costs pursuant to Sections 3-37,  
15 3-38, 3-40 and 3-40.1 of the Public Community College Act  
16 and by school districts of costs pursuant to Sections  
17 10-22.20a and 10-23.3a of the School Code;

18 (11) Interest cost incurred by a redeveloper related  
19 to the construction, renovation or rehabilitation of a  
20 redevelopment project provided that:

21 (A) such costs are to be paid directly from the  
22 special tax allocation fund established pursuant to  
23 this Act;

24 (B) such payments in any one year may not exceed  
25 30% of the annual interest costs incurred by the  
26 redeveloper with regard to the redevelopment project

1 during that year;

2 (C) if there are not sufficient funds available in  
3 the special tax allocation fund to make the payment  
4 pursuant to this paragraph (11) then the amounts so  
5 due shall accrue and be payable when sufficient funds  
6 are available in the special tax allocation fund;

7 (D) the total of such interest payments paid  
8 pursuant to this Act may not exceed 30% of the total  
9 (i) cost paid or incurred by the redeveloper for the  
10 redevelopment project plus (ii) redevelopment project  
11 costs excluding any property assembly costs and any  
12 relocation costs incurred by a municipality pursuant  
13 to this Act;

14 (E) the cost limits set forth in subparagraphs (B)  
15 and (D) of paragraph (11) shall be modified for the  
16 financing of rehabilitated or new housing units for  
17 low-income households and very low-income households,  
18 as defined in Section 3 of the Illinois Affordable  
19 Housing Act. The percentage of 75% shall be  
20 substituted for 30% in subparagraphs (B) and (D) of  
21 paragraph (11); and

22 (F) instead of the eligible costs provided by  
23 subparagraphs (B) and (D) of paragraph (11), as  
24 modified by this subparagraph, and notwithstanding any  
25 other provisions of this Act to the contrary, the  
26 municipality may pay from tax increment revenues up to



1 50% of the cost of construction of new housing units to  
2 be occupied by low-income households and very  
3 low-income households as defined in Section 3 of the  
4 Illinois Affordable Housing Act. The cost of  
5 construction of those units may be derived from the  
6 proceeds of bonds issued by the municipality under  
7 this Act or other constitutional or statutory  
8 authority or from other sources of municipal revenue  
9 that may be reimbursed from tax increment revenues or  
10 the proceeds of bonds issued to finance the  
11 construction of that housing.

12 The eligible costs provided under this  
13 subparagraph (F) of paragraph (11) shall be an  
14 eligible cost for the construction, renovation, and  
15 rehabilitation of all low and very low-income housing  
16 units, as defined in Section 3 of the Illinois  
17 Affordable Housing Act, within the redevelopment  
18 project area. If the low and very low-income units are  
19 part of a residential redevelopment project that  
20 includes units not affordable to low and very  
21 low-income households, only the low and very  
22 low-income units shall be eligible for benefits under  
23 this subparagraph (F) of paragraph (11). The standards  
24 for maintaining the occupancy by low-income households  
25 and very low-income households, as defined in Section  
26 3 of the Illinois Affordable Housing Act, of those

1 units constructed with eligible costs made available  
2 under the provisions of this subparagraph (F) of  
3 paragraph (11) shall be established by guidelines  
4 adopted by the municipality. The responsibility for  
5 annually documenting the initial occupancy of the  
6 units by low-income households and very low-income  
7 households, as defined in Section 3 of the Illinois  
8 Affordable Housing Act, shall be that of the then  
9 current owner of the property. For ownership units,  
10 the guidelines will provide, at a minimum, for a  
11 reasonable recapture of funds, or other appropriate  
12 methods designed to preserve the original  
13 affordability of the ownership units. For rental  
14 units, the guidelines will provide, at a minimum, for  
15 the affordability of rent to low and very low-income  
16 households. As units become available, they shall be  
17 rented to income-eligible tenants. The municipality  
18 may modify these guidelines from time to time; the  
19 guidelines, however, shall be in effect for as long as  
20 tax increment revenue is being used to pay for costs  
21 associated with the units or for the retirement of  
22 bonds issued to finance the units or for the life of  
23 the redevelopment project area, whichever is later;

24 (11.5) If the redevelopment project area is located  
25 within a municipality with a population of more than  
26 100,000, the cost of day care services for children of

1 employees from low-income families working for businesses  
2 located within the redevelopment project area and all or a  
3 portion of the cost of operation of day care centers  
4 established by redevelopment project area businesses to  
5 serve employees from low-income families working in  
6 businesses located in the redevelopment project area. For  
7 the purposes of this paragraph, "low-income families"  
8 means families whose annual income does not exceed 80% of  
9 the municipal, county, or regional median income, adjusted  
10 for family size, as the annual income and municipal,  
11 county, or regional median income are determined from time  
12 to time by the United States Department of Housing and  
13 Urban Development.

14 (12) Costs relating to the development of urban  
15 agricultural areas under Division 15.2 of the Illinois  
16 Municipal Code.

17 Unless explicitly stated herein the cost of construction  
18 of new privately-owned buildings shall not be an eligible  
19 redevelopment project cost.

20 After November 1, 1999 (the effective date of Public Act  
21 91-478), none of the redevelopment project costs enumerated in  
22 this subsection shall be eligible redevelopment project costs  
23 if those costs would provide direct financial support to a  
24 retail entity initiating operations in the redevelopment  
25 project area while terminating operations at another Illinois  
26 location within 10 miles of the redevelopment project area but

1 outside the boundaries of the redevelopment project area  
2 municipality. For purposes of this paragraph, termination  
3 means a closing of a retail operation that is directly related  
4 to the opening of the same operation or like retail entity  
5 owned or operated by more than 50% of the original ownership in  
6 a redevelopment project area, but it does not mean closing an  
7 operation for reasons beyond the control of the retail entity,  
8 as documented by the retail entity, subject to a reasonable  
9 finding by the municipality that the current location  
10 contained inadequate space, had become economically obsolete,  
11 or was no longer a viable location for the retailer or  
12 serviceman.

13 No cost shall be a redevelopment project cost in a  
14 redevelopment project area if used to demolish, remove, or  
15 substantially modify a historic resource, after August 26,  
16 2008 (the effective date of Public Act 95-934), unless no  
17 prudent and feasible alternative exists. "Historic resource"  
18 for the purpose of this paragraph means (i) a place or  
19 structure that is included or eligible for inclusion on the  
20 National Register of Historic Places or (ii) a contributing  
21 structure in a district on the National Register of Historic  
22 Places. This paragraph does not apply to a place or structure  
23 for which demolition, removal, or modification is subject to  
24 review by the preservation agency of a Certified Local  
25 Government designated as such by the National Park Service of  
26 the United States Department of the Interior.

1           If a special service area has been established pursuant to  
2 the Special Service Area Tax Act or Special Service Area Tax  
3 Law, then any tax increment revenues derived from the tax  
4 imposed pursuant to the Special Service Area Tax Act or  
5 Special Service Area Tax Law may be used within the  
6 redevelopment project area for the purposes permitted by that  
7 Act or Law as well as the purposes permitted by this Act.

8           (q-1) For redevelopment project areas created pursuant to  
9 subsection (p-1), redevelopment project costs are limited to  
10 those costs in paragraph (q) that are related to the existing  
11 or proposed Metropolitan Mobility ~~Regional Transportation~~  
12 Authority Suburban Transit Access Route (STAR Line) station.

13           (q-2) For a transit facility improvement area established  
14 prior to, on, or after the effective date of this amendatory  
15 Act of the 102nd General Assembly: (i) "redevelopment project  
16 costs" means those costs described in subsection (q) that are  
17 related to the construction, reconstruction, rehabilitation,  
18 remodeling, or repair of any existing or proposed transit  
19 facility, whether that facility is located within or outside  
20 the boundaries of a redevelopment project area established  
21 within that transit facility improvement area (and, to the  
22 extent a redevelopment project cost is described in subsection  
23 (q) as incurred or estimated to be incurred with respect to a  
24 redevelopment project area, then it shall apply with respect  
25 to such transit facility improvement area); and (ii) the  
26 provisions of Section 11-74.4-8 regarding tax increment

1 allocation financing for a redevelopment project area located  
2 in a transit facility improvement area shall apply only to the  
3 lots, blocks, tracts and parcels of real property that are  
4 located within the boundaries of that redevelopment project  
5 area and not to the lots, blocks, tracts, and parcels of real  
6 property that are located outside the boundaries of that  
7 redevelopment project area.

8 (r) "State Sales Tax Boundary" means the redevelopment  
9 project area or the amended redevelopment project area  
10 boundaries which are determined pursuant to subsection (9) of  
11 Section 11-74.4-8a of this Act. The Department of Revenue  
12 shall certify pursuant to subsection (9) of Section 11-74.4-8a  
13 the appropriate boundaries eligible for the determination of  
14 State Sales Tax Increment.

15 (s) "State Sales Tax Increment" means an amount equal to  
16 the increase in the aggregate amount of taxes paid by  
17 retailers and servicemen, other than retailers and servicemen  
18 subject to the Public Utilities Act, on transactions at places  
19 of business located within a State Sales Tax Boundary pursuant  
20 to the Retailers' Occupation Tax Act, the Use Tax Act, the  
21 Service Use Tax Act, and the Service Occupation Tax Act,  
22 except such portion of such increase that is paid into the  
23 State and Local Sales Tax Reform Fund, the Local Government  
24 Distributive Fund, the Local Government Tax Fund and the  
25 County and Mass Transit District Fund, for as long as State  
26 participation exists, over and above the Initial Sales Tax

1 Amounts, Adjusted Initial Sales Tax Amounts or the Revised  
2 Initial Sales Tax Amounts for such taxes as certified by the  
3 Department of Revenue and paid under those Acts by retailers  
4 and servicemen on transactions at places of business located  
5 within the State Sales Tax Boundary during the base year which  
6 shall be the calendar year immediately prior to the year in  
7 which the municipality adopted tax increment allocation  
8 financing, less 3.0% of such amounts generated under the  
9 Retailers' Occupation Tax Act, Use Tax Act and Service Use Tax  
10 Act and the Service Occupation Tax Act, which sum shall be  
11 appropriated to the Department of Revenue to cover its costs  
12 of administering and enforcing this Section. For purposes of  
13 computing the aggregate amount of such taxes for base years  
14 occurring prior to 1985, the Department of Revenue shall  
15 compute the Initial Sales Tax Amount for such taxes and deduct  
16 therefrom an amount equal to 4% of the aggregate amount of  
17 taxes per year for each year the base year is prior to 1985,  
18 but not to exceed a total deduction of 12%. The amount so  
19 determined shall be known as the "Adjusted Initial Sales Tax  
20 Amount". For purposes of determining the State Sales Tax  
21 Increment the Department of Revenue shall for each period  
22 subtract from the tax amounts received from retailers and  
23 servicemen on transactions located in the State Sales Tax  
24 Boundary, the certified Initial Sales Tax Amounts, Adjusted  
25 Initial Sales Tax Amounts or Revised Initial Sales Tax Amounts  
26 for the Retailers' Occupation Tax Act, the Use Tax Act, the

1 Service Use Tax Act and the Service Occupation Tax Act. For the  
2 State Fiscal Year 1989 this calculation shall be made by  
3 utilizing the calendar year 1987 to determine the tax amounts  
4 received. For the State Fiscal Year 1990, this calculation  
5 shall be made by utilizing the period from January 1, 1988,  
6 until September 30, 1988, to determine the tax amounts  
7 received from retailers and servicemen, which shall have  
8 deducted therefrom nine-twelfths of the certified Initial  
9 Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the  
10 Revised Initial Sales Tax Amounts as appropriate. For the  
11 State Fiscal Year 1991, this calculation shall be made by  
12 utilizing the period from October 1, 1988, until June 30,  
13 1989, to determine the tax amounts received from retailers and  
14 servicemen, which shall have deducted therefrom nine-twelfths  
15 of the certified Initial State Sales Tax Amounts, Adjusted  
16 Initial Sales Tax Amounts or the Revised Initial Sales Tax  
17 Amounts as appropriate. For every State Fiscal Year  
18 thereafter, the applicable period shall be the 12 months  
19 beginning July 1 and ending on June 30, to determine the tax  
20 amounts received which shall have deducted therefrom the  
21 certified Initial Sales Tax Amounts, Adjusted Initial Sales  
22 Tax Amounts or the Revised Initial Sales Tax Amounts.  
23 Municipalities intending to receive a distribution of State  
24 Sales Tax Increment must report a list of retailers to the  
25 Department of Revenue by October 31, 1988 and by July 31, of  
26 each year thereafter.



1           (t) "Taxing districts" means counties, townships, cities  
2 and incorporated towns and villages, school, road, park,  
3 sanitary, mosquito abatement, forest preserve, public health,  
4 fire protection, river conservancy, tuberculosis sanitarium  
5 and any other municipal corporations or districts with the  
6 power to levy taxes.

7           (u) "Taxing districts' capital costs" means those costs of  
8 taxing districts for capital improvements that are found by  
9 the municipal corporate authorities to be necessary and  
10 directly result from the redevelopment project.

11           (v) As used in subsection (a) of Section 11-74.4-3 of this  
12 Act, "vacant land" means any parcel or combination of parcels  
13 of real property without industrial, commercial, and  
14 residential buildings which has not been used for commercial  
15 agricultural purposes within 5 years prior to the designation  
16 of the redevelopment project area, unless the parcel is  
17 included in an industrial park conservation area or the parcel  
18 has been subdivided; provided that if the parcel was part of a  
19 larger tract that has been divided into 3 or more smaller  
20 tracts that were accepted for recording during the period from  
21 1950 to 1990, then the parcel shall be deemed to have been  
22 subdivided, and all proceedings and actions of the  
23 municipality taken in that connection with respect to any  
24 previously approved or designated redevelopment project area  
25 or amended redevelopment project area are hereby validated and  
26 hereby declared to be legally sufficient for all purposes of

1 this Act. For purposes of this Section and only for land  
2 subject to the subdivision requirements of the Plat Act, land  
3 is subdivided when the original plat of the proposed  
4 Redevelopment Project Area or relevant portion thereof has  
5 been properly certified, acknowledged, approved, and recorded  
6 or filed in accordance with the Plat Act and a preliminary  
7 plat, if any, for any subsequent phases of the proposed  
8 Redevelopment Project Area or relevant portion thereof has  
9 been properly approved and filed in accordance with the  
10 applicable ordinance of the municipality.

11 (w) "Annual Total Increment" means the sum of each  
12 municipality's annual Net Sales Tax Increment and each  
13 municipality's annual Net Utility Tax Increment. The ratio of  
14 the Annual Total Increment of each municipality to the Annual  
15 Total Increment for all municipalities, as most recently  
16 calculated by the Department, shall determine the proportional  
17 shares of the Illinois Tax Increment Fund to be distributed to  
18 each municipality.

19 (x) "LEED certified" means any certification level of  
20 construction elements by a qualified Leadership in Energy and  
21 Environmental Design Accredited Professional as determined by  
22 the U.S. Green Building Council.

23 (y) "Green Globes certified" means any certification level  
24 of construction elements by a qualified Green Globes  
25 Professional as determined by the Green Building Initiative.

26 (Source: P.A. 102-627, eff. 8-27-21.)

1 (65 ILCS 5/Art. 11 Div. 122.2 heading)

2 DIVISION 122.2. METROPOLITAN MOBILITY ~~REGIONAL TRANSPORTATION~~  
3 AUTHORITY

4 (65 ILCS 5/11-122.2-1) (from Ch. 24, par. 11-122.2-1)

5 Sec. 11-122.2-1. In addition to all its other powers,  
6 every municipality shall, in all its dealings with the  
7 Metropolitan Mobility ~~Regional Transportation~~ Authority  
8 established by the Metropolitan Mobility ~~"Regional~~  
9 ~~Transportation~~ Authority Act", ~~enacted by the 78th General~~  
10 ~~Assembly~~, have the following powers:

11 (a) to cooperate with the Metropolitan Mobility ~~Regional~~  
12 ~~Transportation~~ Authority in the exercise by the Metropolitan  
13 Mobility ~~Regional Transportation~~ Authority of all the powers  
14 granted it by the Act;

15 (b) to receive funds from the Metropolitan Mobility  
16 ~~Regional Transportation~~ Authority upon such terms and  
17 conditions as shall be set forth in an agreement between the  
18 municipality and Metropolitan Mobility Authority ~~the Suburban~~  
19 ~~Bus Board or the Commuter Rail Board~~, which contract or  
20 agreement may be for such number of years or duration as they  
21 may agree, all as provided in the Metropolitan Mobility  
22 ~~"Regional Transportation~~ Authority Act";

23 (c) (blank); ~~to receive financial grants from a Service~~  
24 ~~Board, as defined in the "Regional Transportation Authority~~

1 ~~Act", upon such terms and conditions as shall be set forth in a~~  
2 ~~Purchase of Service Agreement or other grant contract between~~  
3 ~~the municipality and the Service Board, which contract or~~  
4 ~~agreement may be for such number of years or duration as the~~  
5 ~~Service Board and the municipality may agree, all as provided~~  
6 ~~in the "Regional Transportation Authority Act",~~

7 (d) to acquire from the Metropolitan Mobility Authority  
8 any public transportation facility ~~Regional Transportation~~  
9 ~~Authority or a Service Board any Public Transportation~~  
10 ~~Facility~~, as defined in the Metropolitan Mobility ~~"Regional~~  
11 ~~Transportation Authority Act"~~, by purchase contract, gift,  
12 grant, exchange for other property or rights in property,  
13 lease (or sublease) or installment or conditional purchase  
14 contracts, which contracts or leases may provide for  
15 consideration to be paid in annual installments during a  
16 period not exceeding 40 years; such property may be acquired  
17 subject to such conditions, restrictions, liens or security or  
18 other interests of other parties as the municipality may deem  
19 appropriate and in each case the municipality may acquire a  
20 joint, leasehold, easement, license or other partial interest  
21 in such property;

22 (e) to sell, sell by installment contract, lease (or  
23 sublease) as lessor, or transfer to, or grant to or provide for  
24 the use by the Metropolitan Mobility Authority any public  
25 transportation facility ~~Regional Transportation Authority or a~~  
26 ~~Service Board any Public Transportation Facility~~, as defined

1 in the Metropolitan Mobility ~~"Regional Transportation~~  
2 Authority Act," upon such terms and for such consideration, or  
3 for no consideration, as the municipality may deem proper;

4 (f) to cooperate with the Metropolitan Mobility ~~Regional~~  
5 ~~Transportation~~ Authority ~~or a Service Board~~ for the protection  
6 of employees and users of public transportation facilities  
7 against crime and also to protect such facilities; such  
8 cooperation may include, without limitation, agreements for  
9 the coordination of police or security forces;

10 (g) to file such reports with and transfer such records,  
11 papers or documents to the Metropolitan Mobility Authority  
12 ~~Regional Transportation Authority or a Service Board~~ as may be  
13 agreed upon with, or required by, the Metropolitan Mobility  
14 ~~Regional Transportation~~ Authority ~~or a Service Board~~.

15 In exercising any of the powers granted in this Section  
16 the municipality shall not be subject to the provisions of  
17 this Code or any Act making public bidding or notice a  
18 requirement for any purchase or sale by a municipality.  
19 Notwithstanding any provision of this Code to the contrary,  
20 every municipality may enter into purchase of service  
21 agreements, grant agreements ~~Purchase of Service Agreements,~~  
22 ~~grant contracts,~~ other contracts, agreements or leases, as  
23 provided in this Section, and may incur obligations and  
24 expenses thereunder without making a previous appropriation  
25 therefor.

26 (Source: P.A. 83-886.)

1 Section 8.31. The Regional Planning Act is amended by  
2 changing Section 10 as follows:

3 (70 ILCS 1707/10)

4 Sec. 10. Definitions.

5 "Board" means the Board of the Chicago Metropolitan Agency  
6 for Planning.

7 "CMAP" means the Chicago Metropolitan Agency for Planning.

8 "Chief elected county official" means the Board Chairman  
9 in DuPage, Kane, Kendall, Lake, and McHenry Counties and the  
10 County Executive in Will County.

11 "Fiscal year" means the fiscal year of the State.

12 "IDOT" means the Illinois Department of Transportation.

13 "MPO" means the metropolitan planning organization  
14 designated under 23 U.S.C. 134.

15 "Members" means the members of the Board.

16 "Person" means an individual, partnership, firm, public or  
17 private corporation, State agency, transportation agency, or  
18 unit of local government.

19 "Policy Committee" means the decision-making body of the  
20 MPO.

21 "Region" or "northeastern Illinois region" means Cook,  
22 DuPage, Kane, Kendall, Lake, McHenry, and Will Counties.

23 "State agency" means "agency" as defined in Section 1-20  
24 of the Illinois Administrative Procedure Act.

1 "Transportation agency" means the Metropolitan Mobility  
2 ~~Regional Transportation Authority and its Service Boards~~; the  
3 Illinois State Toll Highway Authority; the Illinois Department  
4 of Transportation; and the transportation functions of units  
5 of local government.

6 "Unit of local government" means a unit of local  
7 government, as defined in Section 1 of Article VII of the  
8 Illinois Constitution, that is located within the jurisdiction  
9 and area of operation of the Board.

10 "USDOT" means the United States Department of  
11 Transportation.

12 (Source: P.A. 94-510, eff. 8-9-05; 95-677, eff. 10-11-07.)

13 (70 ILCS 3605/Act rep.)

14 Section 8.32. The Metropolitan Transit Authority Act is  
15 repealed.

16 Section 8.33. The Local Mass Transit District Act is  
17 amended by changing Sections 3.1, 5.05, and 8.5 as follows:

18 (70 ILCS 3610/3.1) (from Ch. 111 2/3, par. 353.1)

19 Sec. 3.1. Also in the manner provided in this Act as  
20 amended, a "Local Mass Transit District" may be created with  
21 boundary to enclose a unit area of contiguous land, to be known  
22 as the "participating area". Such a "participating area" may  
23 be organized as a district under this Act without regard to

1 boundaries of counties or other political subdivisions or  
2 municipal corporations.

3 (a) Any 500 or more legal voters who are residents within  
4 such "participating area" may file a petition in the circuit  
5 court of the county where the proposed district or a major part  
6 thereof is located, asking that the question of creating such  
7 district be submitted under this Act by referendum to the  
8 voters residing within the proposed district. By their power  
9 of attorney signed by them and filed in the cause the  
10 petitioners may authorize a committee of their number named by  
11 the petitioners, to conduct and pursue the cause for them to a  
12 conclusion. Such petition shall define the boundaries of the  
13 proposed district, shall indicate distances to nearest mass  
14 transportation lines in each direction, naming them, shall  
15 have attached a fair map of the proposed district, and shall  
16 suggest a name for the proposed district.

17 (b) The circuit clerk shall present to the circuit judge  
18 any petition so filed in the court. The judge shall enter an  
19 order of record to set a date, hour and place for judicial  
20 hearing on the petition. That order shall include instructions  
21 to the circuit clerk to give notice by newspaper publication  
22 to be made and completed at least 20 days before the hearing is  
23 to be held, in 2 or more newspapers published or circulating  
24 generally among the people residing within the proposed  
25 district. The circuit clerk shall prepare that notice and  
26 cause such publication notice to be given as directed.



1           (c) After proof of such newspaper publication of notice  
2 has been made and filed in the cause and shown to the court in  
3 full accord with the prior order, the circuit judge shall hear  
4 all persons who attend and so request, as to location and  
5 boundary and name for the proposed district. After the hearing  
6 on such petition is completed, the circuit court by an order of  
7 record, shall determine and establish the location, name and  
8 boundary for such proposed district, and shall order the  
9 proposition submitted at an election in accordance with the  
10 general election law to the voters resident within such  
11 proposed district. The circuit clerk shall certify the  
12 proposition to the proper election officials who shall submit  
13 the proposition in accordance with the general election law.

14           (d) The county clerk shall canvass the ballots and other  
15 returns from such referendum, and prepare a full certification  
16 of the result and shall file same in the cause pending in the  
17 circuit court. When the vote is in favor of the creation of  
18 such district as determined by the court order, a true map of  
19 such district shall be filed with such report in the circuit  
20 court.

21           (e) When the vote is in favor of creation of such district,  
22 the circuit court by an order of record shall confirm the  
23 result of election. If the district is wholly contained within  
24 a single county the presiding officer of the county board with  
25 the advice and consent of the county board shall appoint 5  
26 trustees, not more than 3 of whom shall be affiliated with the

1 same political party, to govern the district and serve one  
2 each for 1, 2, 3, 4 and 5 years respectively; upon the  
3 expiration of the term of a trustee who is in office on the  
4 effective date of this amendatory Act of 1989, the successor  
5 shall, at the time of the appointment, and thereafter at all  
6 times while serving as trustee, be a resident of the Mass  
7 Transit District for which such person is appointed as  
8 trustee. If a trustee removes his residence to a place outside  
9 of the District, a trustee shall be appointed in the same  
10 manner as herein provided to take the place of the trustee who  
11 so removed his residence. If however the district is located  
12 in more than one county, the number of trustees who are  
13 residents of a county shall be in proportion, as nearly as  
14 practicable, to the number of residents of the district who  
15 reside in that county in relation to the total population of  
16 the district.

17 Upon the expiration of the term of a trustee who is in  
18 office on the effective date of this amendatory Act of 1975,  
19 the successor shall be a resident of whichever county is  
20 entitled to such representation in order to bring about the  
21 proportional representation required herein, and he shall be  
22 appointed by the county board of that county, or in the case of  
23 a home rule county as defined by Article VII, Section 6 of the  
24 Constitution of 1970, the chief executive officer of that  
25 county, with the advice and consent of the county board in  
26 accordance with the provisions previously enumerated.

1 Successors shall serve 5 year overlapping terms.

2       Thereafter, each trustee shall be succeeded by a resident  
3 of the same county who shall be appointed by the same  
4 appointing authority; however, the provisions of the preceding  
5 paragraph shall apply to the appointment of the successor to  
6 each trustee who is in office at the time of the publication of  
7 each decennial Federal census of population.

8       (f) Upon the creation of such district, the circuit clerk  
9 shall prepare and certify a copy of the final court order  
10 confirming the referendum creating the district, and a  
11 duplicate of the map of such district, from the record of the  
12 circuit court, and shall file the same with the county clerk  
13 for recording in his office as "Certificate of Incorporation"  
14 for the district. The county clerk shall cause a duplicate of  
15 such "Certificate of Incorporation" to be filed in the office  
16 of the Secretary of State of Illinois.

17       (g) The Board of Trustees of such "Local Mass Transit  
18 District" shall have and exercise all the powers and shall  
19 perform all the duties of any Board of Trustees of any district  
20 created under this Act, as now or hereafter amended.

21       (h) The circuit court shall require the petitioners to  
22 post a surety bond for the payment of all costs and expenses of  
23 such proceeding and such referendum. When a district is  
24 created, the circuit court shall order the district to pay or  
25 reimburse others for all such costs and expenses. The surety  
26 bond shall not be released until complete receipts for all

1 such costs and expenses have been filed in the cause and fully  
2 audited by the circuit and county clerks.

3 (i) If the District is wholly contained within a single  
4 county, the County Board of such county may, by resolution,  
5 provide that, effective upon the next appointment of a  
6 Trustee, after the effective date of this amendatory Act of  
7 1989, that the Board of Trustees of such Mass Transit District  
8 shall be comprised of 7 Trustees, with no more than 4 members  
9 of the same political party. This Subsection shall not apply  
10 to any Mass Transit District in the State which receives  
11 funding in whole or in part from the Metropolitan Mobility  
12 Authority ~~Regional Transportation Authority or any of its~~  
13 ~~service boards.~~

14 (Source: P.A. 86-472.)

15 (70 ILCS 3610/5.05) (from Ch. 111 2/3, par. 355.05)

16 Sec. 5.05. In addition to all its other powers, each  
17 District shall, in all its dealings with the Metropolitan  
18 Mobility ~~Regional Transportation~~ Authority established by the  
19 Metropolitan Mobility ~~"Regional Transportation Authority Act"~~  
20 ~~enacted by the 78th General Assembly,~~ have the following  
21 powers:

22 (a) to cooperate with the Metropolitan Mobility ~~Regional~~  
23 ~~Transportation~~ Authority in the exercise by the Metropolitan  
24 Mobility ~~Regional Transportation~~ Authority of all the powers  
25 granted it by such Act;

1 (b) to receive funds from the Metropolitan Mobility  
2 ~~Regional Transportation~~ Authority upon such terms and  
3 conditions as shall be set forth in an agreement between the  
4 District and the Metropolitan Mobility ~~Regional Transportation~~  
5 Authority, which contract or agreement may be for such number  
6 of years or duration as the Authority and the District may  
7 agree, all as provided in the Metropolitan Mobility "~~Regional~~  
8 ~~Transportation~~ Authority Act";

9 (c) (blank); ~~to receive financial grants from a Service~~  
10 ~~Board, as defined in the "Regional Transportation Authority~~  
11 ~~Act", upon such terms and conditions as shall be set forth in a~~  
12 ~~Purchase of Service Agreement or other grant contract between~~  
13 ~~the District and the Service Board, which contract or~~  
14 ~~agreement may be for such number of years or duration as the~~  
15 ~~Service Board and the District may agree, all as provided in~~  
16 ~~the "Regional Transportation Authority Act";~~

17 (d) to acquire from the Metropolitan Mobility Authority  
18 any public transportation facility ~~Regional Transportation~~  
19 ~~Authority or Service Board any Public Transportation Facility,~~  
20 as defined in the Metropolitan Mobility "~~Regional~~  
21 ~~Transportation~~ Authority Act", by purchase contract, gift,  
22 grant, exchange for other property or rights in property,  
23 lease (or sublease) or installment or conditional purchase  
24 contracts, which contracts or leases may provide for  
25 consideration to be paid in annual installments during a  
26 period not exceeding 40 years; such property may be acquired

1 subject to such conditions, restrictions, liens or security or  
2 other interests of other parties as the District may deem  
3 appropriate and in each case the District may acquire a joint,  
4 leasehold, easement, license or other partial interest in such  
5 property;

6 (e) to sell, sell by installment contract, lease (or  
7 sublease) as lessor, or transfer to, or grant to or provide for  
8 the use by the Metropolitan Mobility Authority any public  
9 transportation facility ~~Regional Transportation Authority or a~~  
10 ~~Service Board any Public Transportation Facility~~, as defined  
11 in the Metropolitan Mobility ~~"Regional Transportation~~  
12 ~~Authority Act,"~~ upon such terms and for such consideration, as  
13 the District may deem proper;

14 (f) to cooperate with the Metropolitan Mobility Authority  
15 ~~Regional Transportation Authority or a Service Board~~ for the  
16 protection of employees of the District and users of public  
17 transportation facilities against crime and also to protect  
18 such facilities, but neither the District, the member of its  
19 Board nor its officers or employees shall be held liable for  
20 failure to provide a security or police force, or, if a  
21 security or police force is provided, for failure to provide  
22 adequate police protection or security, failure to prevent the  
23 commission of crimes by fellow passengers or other third  
24 persons or for the failure to apprehend criminals; and

25 (g) to file such reports with and transfer such records,  
26 papers or documents to the Metropolitan Mobility Authority

1 ~~Regional Transportation Authority or a Service Board~~ as may be  
2 agreed upon with, or required by, the Metropolitan Mobility  
3 Authority ~~Regional Transportation Authority or a Service~~  
4 ~~Board.~~

5 In exercising any of the powers granted in this Section,  
6 the District shall not be subject to the provisions of any Act  
7 making public bidding or notice a requirement of any purchase  
8 or sale by a District.

9 (Source: P.A. 84-939.)

10 (70 ILCS 3610/8.5) (from Ch. 111 2/3, par. 358.5)

11 Sec. 8.5. In addition to any other method provided for  
12 annexation under this Act, any territory, except property  
13 classified as farmland, which (1) lies within the corporate  
14 limits of a municipality as defined in this Act, (2) is  
15 contiguous to a local mass transit district organized under  
16 this Act, and (3) is not a part of another local mass transit  
17 district, may be annexed by the contiguous local mass transit  
18 district, by ordinance, after a public hearing has been held  
19 thereon by the board of trustees of the district at a location  
20 within the territory sought to be annexed, or within 1 mile of  
21 any part of the territory sought to be annexed. The annexing  
22 district shall cause to be published three times in a  
23 newspaper having general circulation within the area  
24 considered for annexation, at least 30 days prior to the  
25 public hearing thereon, a notice that the local mass transit

1 district is considering the annexation of the territory  
2 specified. The notice shall also state the date, time and  
3 place of the public hearing. The annexing district shall cause  
4 to be delivered to each owner of a parcel of land which is 5 or  
5 more acres, which land is proposed to be annexed in whole or in  
6 part, a written notice containing the information required to  
7 be included in the published notice. The notice shall be  
8 delivered by first class mail so that said notice arrives 30  
9 days in advance of the public hearing. The board of trustees of  
10 the district shall give due consideration to all testimony.  
11 For the purposes of this Section "property classified as  
12 farmland" shall mean property classified as farmland for  
13 assessment purposes pursuant to the Property Tax Code. This  
14 Section shall not apply to any mass transit district in the  
15 State which receives funding in whole or in part from the  
16 Metropolitan Mobility Authority ~~Regional Transportation~~  
17 ~~Authority or any of its service boards.~~

18 (Source: P.A. 88-670, eff. 12-2-94.)

19 (70 ILCS 3615/Act rep.)

20 Section 8.34. The Regional Transportation Authority Act is  
21 repealed.

22 Section 8.35. The Water Commission Act of 1985 is amended  
23 by changing Section 4 as follows:



1 (70 ILCS 3720/4) (from Ch. 111 2/3, par. 254)

2 Sec. 4. Taxes.

3 (a) The board of commissioners of any county water  
4 commission may, by ordinance, impose throughout the territory  
5 of the commission any or all of the taxes provided in this  
6 Section for its corporate purposes. However, no county water  
7 commission may impose any such tax unless the commission  
8 certifies the proposition of imposing the tax to the proper  
9 election officials, who shall submit the proposition to the  
10 voters residing in the territory at an election in accordance  
11 with the general election law, and the proposition has been  
12 approved by a majority of those voting on the proposition.

13 The proposition shall be in the form provided in Section 5  
14 or shall be substantially in the following form:

15 -----

16	Shall the (insert corporate	
17	name of county water commission)	YES
18	impose (state type of tax or	-----
19	taxes to be imposed) at the	NO
20	rate of 1/4%?	

21 -----

22 Taxes imposed under this Section and civil penalties  
23 imposed incident thereto shall be collected and enforced by  
24 the State Department of Revenue. The Department shall have the  
25 power to administer and enforce the taxes and to determine all  
26 rights for refunds for erroneous payments of the taxes.

1 (b) The board of commissioners may impose a County Water  
2 Commission Retailers' Occupation Tax upon all persons engaged  
3 in the business of selling tangible personal property at  
4 retail in the territory of the commission at a rate of 1/4% of  
5 the gross receipts from the sales made in the course of such  
6 business within the territory. Beginning January 1, 2021, this  
7 tax is not imposed on sales of aviation fuel for so long as the  
8 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.  
9 47133 are binding on the District.

10 The tax imposed under this paragraph and all civil  
11 penalties that may be assessed as an incident thereof shall be  
12 collected and enforced by the State Department of Revenue. The  
13 Department shall have full power to administer and enforce  
14 this paragraph; to collect all taxes and penalties due  
15 hereunder; to dispose of taxes and penalties so collected in  
16 the manner hereinafter provided; and to determine all rights  
17 to credit memoranda arising on account of the erroneous  
18 payment of tax or penalty hereunder. In the administration of,  
19 and compliance with, this paragraph, the Department and  
20 persons who are subject to this paragraph shall have the same  
21 rights, remedies, privileges, immunities, powers and duties,  
22 and be subject to the same conditions, restrictions,  
23 limitations, penalties, exclusions, exemptions and definitions  
24 of terms, and employ the same modes of procedure, as are  
25 prescribed in Sections 1, 1a, 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2  
26 through 2-65 (in respect to all provisions therein other than

1 the State rate of tax except that tangible personal property  
2 taxed at the 1% rate under the Retailers' Occupation Tax Act  
3 shall not be subject to tax hereunder), 2c, 3 (except as to the  
4 disposition of taxes and penalties collected, and except that  
5 the retailer's discount is not allowed for taxes paid on  
6 aviation fuel sold on or after December 1, 2019 and through  
7 December 31, 2020), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i,  
8 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12, and 13 of  
9 the Retailers' Occupation Tax Act and Section 3-7 of the  
10 Uniform Penalty and Interest Act, as fully as if those  
11 provisions were set forth herein.

12 Persons subject to any tax imposed under the authority  
13 granted in this paragraph may reimburse themselves for their  
14 seller's tax liability hereunder by separately stating the tax  
15 as an additional charge, which charge may be stated in  
16 combination, in a single amount, with State taxes that sellers  
17 are required to collect under the Use Tax Act and under  
18 subsection (e) of Section 6.02 ~~4.03~~ of the Metropolitan  
19 Mobility ~~Regional Transportation~~ Authority Act, in accordance  
20 with such bracket schedules as the Department may prescribe.

21 Whenever the Department determines that a refund should be  
22 made under this paragraph to a claimant instead of issuing a  
23 credit memorandum, the Department shall notify the State  
24 Comptroller, who shall cause the warrant to be drawn for the  
25 amount specified, and to the person named, in the notification  
26 from the Department. The refund shall be paid by the State

1 Treasurer out of a county water commission tax fund  
2 established under subsection (g) of this Section.

3 For the purpose of determining whether a tax authorized  
4 under this paragraph is applicable, a retail sale by a  
5 producer of coal or other mineral mined in Illinois is a sale  
6 at retail at the place where the coal or other mineral mined in  
7 Illinois is extracted from the earth. This paragraph does not  
8 apply to coal or other mineral when it is delivered or shipped  
9 by the seller to the purchaser at a point outside Illinois so  
10 that the sale is exempt under the Federal Constitution as a  
11 sale in interstate or foreign commerce.

12 If a tax is imposed under this subsection (b), a tax shall  
13 also be imposed under subsections (c) and (d) of this Section.

14 No tax shall be imposed or collected under this subsection  
15 on the sale of a motor vehicle in this State to a resident of  
16 another state if that motor vehicle will not be titled in this  
17 State.

18 Nothing in this paragraph shall be construed to authorize  
19 a county water commission to impose a tax upon the privilege of  
20 engaging in any business which under the Constitution of the  
21 United States may not be made the subject of taxation by this  
22 State.

23 (c) If a tax has been imposed under subsection (b), a  
24 County Water Commission Service Occupation Tax shall also be  
25 imposed upon all persons engaged, in the territory of the  
26 commission, in the business of making sales of service, who,

1 as an incident to making the sales of service, transfer  
2 tangible personal property within the territory. The tax rate  
3 shall be 1/4% of the selling price of tangible personal  
4 property so transferred within the territory. Beginning  
5 January 1, 2021, this tax is not imposed on sales of aviation  
6 fuel for so long as the revenue use requirements of 49 U.S.C.  
7 47107(b) and 49 U.S.C. 47133 are binding on the District.

8 The tax imposed under this paragraph and all civil  
9 penalties that may be assessed as an incident thereof shall be  
10 collected and enforced by the State Department of Revenue. The  
11 Department shall have full power to administer and enforce  
12 this paragraph; to collect all taxes and penalties due  
13 hereunder; to dispose of taxes and penalties so collected in  
14 the manner hereinafter provided; and to determine all rights  
15 to credit memoranda arising on account of the erroneous  
16 payment of tax or penalty hereunder. In the administration of,  
17 and compliance with, this paragraph, the Department and  
18 persons who are subject to this paragraph shall have the same  
19 rights, remedies, privileges, immunities, powers and duties,  
20 and be subject to the same conditions, restrictions,  
21 limitations, penalties, exclusions, exemptions and definitions  
22 of terms, and employ the same modes of procedure, as are  
23 prescribed in Sections 1a-1, 2 (except that the reference to  
24 State in the definition of supplier maintaining a place of  
25 business in this State shall mean the territory of the  
26 commission), 2a, 3 through 3-50 (in respect to all provisions

1 therein other than the State rate of tax except that tangible  
2 personal property taxed at the 1% rate under the Service  
3 Occupation Tax Act shall not be subject to tax hereunder), 4  
4 (except that the reference to the State shall be to the  
5 territory of the commission), 5, 7, 8 (except that the  
6 jurisdiction to which the tax shall be a debt to the extent  
7 indicated in that Section 8 shall be the commission), 9  
8 (except as to the disposition of taxes and penalties collected  
9 and except that the returned merchandise credit for this tax  
10 may not be taken against any State tax, and except that the  
11 retailer's discount is not allowed for taxes paid on aviation  
12 fuel sold on or after December 1, 2019 and through December 31,  
13 2020), 10, 11, 12 (except the reference therein to Section 2b  
14 of the Retailers' Occupation Tax Act), 13 (except that any  
15 reference to the State shall mean the territory of the  
16 commission), the first paragraph of Section 15, 15.5, 16, 17,  
17 18, 19, and 20 of the Service Occupation Tax Act as fully as if  
18 those provisions were set forth herein.

19 Persons subject to any tax imposed under the authority  
20 granted in this paragraph may reimburse themselves for their  
21 serviceman's tax liability hereunder by separately stating the  
22 tax as an additional charge, which charge may be stated in  
23 combination, in a single amount, with State tax that  
24 servicemen are authorized to collect under the Service Use Tax  
25 Act, and any tax for which servicemen may be liable under  
26 subsection (m) of Section 6.02 ~~(f) of Section 4.03~~ of the

1 Metropolitan Mobility ~~Regional Transportation~~ Authority Act,  
2 in accordance with such bracket schedules as the Department  
3 may prescribe.

4 Whenever the Department determines that a refund should be  
5 made under this paragraph to a claimant instead of issuing a  
6 credit memorandum, the Department shall notify the State  
7 Comptroller, who shall cause the warrant to be drawn for the  
8 amount specified, and to the person named, in the notification  
9 from the Department. The refund shall be paid by the State  
10 Treasurer out of a county water commission tax fund  
11 established under subsection (g) of this Section.

12 Nothing in this paragraph shall be construed to authorize  
13 a county water commission to impose a tax upon the privilege of  
14 engaging in any business which under the Constitution of the  
15 United States may not be made the subject of taxation by the  
16 State.

17 (d) If a tax has been imposed under subsection (b), a tax  
18 shall also be imposed upon the privilege of using, in the  
19 territory of the commission, any item of tangible personal  
20 property that is purchased outside the territory at retail  
21 from a retailer, and that is titled or registered with an  
22 agency of this State's government, at a rate of 1/4% of the  
23 selling price of the tangible personal property within the  
24 territory, as "selling price" is defined in the Use Tax Act.  
25 The tax shall be collected from persons whose Illinois address  
26 for titling or registration purposes is given as being in the

1 territory. The tax shall be collected by the Department of  
2 Revenue for a county water commission. The tax must be paid to  
3 the State, or an exemption determination must be obtained from  
4 the Department of Revenue, before the title or certificate of  
5 registration for the property may be issued. The tax or proof  
6 of exemption may be transmitted to the Department by way of the  
7 State agency with which, or the State officer with whom, the  
8 tangible personal property must be titled or registered if the  
9 Department and the State agency or State officer determine  
10 that this procedure will expedite the processing of  
11 applications for title or registration.

12 The Department shall have full power to administer and  
13 enforce this paragraph; to collect all taxes, penalties, and  
14 interest due hereunder; to dispose of taxes, penalties, and  
15 interest so collected in the manner hereinafter provided; and  
16 to determine all rights to credit memoranda or refunds arising  
17 on account of the erroneous payment of tax, penalty, or  
18 interest hereunder. In the administration of and compliance  
19 with this paragraph, the Department and persons who are  
20 subject to this paragraph shall have the same rights,  
21 remedies, privileges, immunities, powers, and duties, and be  
22 subject to the same conditions, restrictions, limitations,  
23 penalties, exclusions, exemptions, and definitions of terms  
24 and employ the same modes of procedure, as are prescribed in  
25 Sections 2 (except the definition of "retailer maintaining a  
26 place of business in this State"), 3 through 3-80 (except



1 provisions pertaining to the State rate of tax, and except  
2 provisions concerning collection or refunding of the tax by  
3 retailers), 4, 11, 12, 12a, 14, 15, 19 (except the portions  
4 pertaining to claims by retailers and except the last  
5 paragraph concerning refunds), 20, 21, and 22 of the Use Tax  
6 Act and Section 3-7 of the Uniform Penalty and Interest Act  
7 that are not inconsistent with this paragraph, as fully as if  
8 those provisions were set forth herein.

9 Whenever the Department determines that a refund should be  
10 made under this paragraph to a claimant instead of issuing a  
11 credit memorandum, the Department shall notify the State  
12 Comptroller, who shall cause the order to be drawn for the  
13 amount specified, and to the person named, in the notification  
14 from the Department. The refund shall be paid by the State  
15 Treasurer out of a county water commission tax fund  
16 established under subsection (g) of this Section.

17 (e) A certificate of registration issued by the State  
18 Department of Revenue to a retailer under the Retailers'  
19 Occupation Tax Act or under the Service Occupation Tax Act  
20 shall permit the registrant to engage in a business that is  
21 taxed under the tax imposed under subsection (b), (c), or (d)  
22 of this Section and no additional registration shall be  
23 required under the tax. A certificate issued under the Use Tax  
24 Act or the Service Use Tax Act shall be applicable with regard  
25 to any tax imposed under subsection (c) of this Section.

26 (f) Any ordinance imposing or discontinuing any tax under

1 this Section shall be adopted and a certified copy thereof  
2 filed with the Department on or before June 1, whereupon the  
3 Department of Revenue shall proceed to administer and enforce  
4 this Section on behalf of the county water commission as of  
5 September 1 next following the adoption and filing. Beginning  
6 January 1, 1992, an ordinance or resolution imposing or  
7 discontinuing the tax hereunder shall be adopted and a  
8 certified copy thereof filed with the Department on or before  
9 the first day of July, whereupon the Department shall proceed  
10 to administer and enforce this Section as of the first day of  
11 October next following such adoption and filing. Beginning  
12 January 1, 1993, an ordinance or resolution imposing or  
13 discontinuing the tax hereunder shall be adopted and a  
14 certified copy thereof filed with the Department on or before  
15 the first day of October, whereupon the Department shall  
16 proceed to administer and enforce this Section as of the first  
17 day of January next following such adoption and filing.

18 (g) The State Department of Revenue shall, upon collecting  
19 any taxes as provided in this Section, pay the taxes over to  
20 the State Treasurer as trustee for the commission. The taxes  
21 shall be held in a trust fund outside the State treasury  
22 ~~Treasury~~.

23 As soon as possible after the first day of each month,  
24 beginning January 1, 2011, upon certification of the  
25 Department of Revenue, the Comptroller shall order  
26 transferred, and the Treasurer shall transfer, to the STAR

1 Bonds Revenue Fund the local sales tax increment, as defined  
2 in the Innovation Development and Economy Act, collected under  
3 this Section during the second preceding calendar month for  
4 sales within a STAR bond district.

5 After the monthly transfer to the STAR Bonds Revenue Fund,  
6 on or before the 25th day of each calendar month, the State  
7 Department of Revenue shall prepare and certify to the  
8 Comptroller of the State of Illinois the amount to be paid to  
9 the commission, which shall be the amount (not including  
10 credit memoranda) collected under this Section during the  
11 second preceding calendar month by the Department plus an  
12 amount the Department determines is necessary to offset any  
13 amounts that were erroneously paid to a different taxing body,  
14 and not including any amount equal to the amount of refunds  
15 made during the second preceding calendar month by the  
16 Department on behalf of the commission, and not including any  
17 amount that the Department determines is necessary to offset  
18 any amounts that were payable to a different taxing body but  
19 were erroneously paid to the commission, and less any amounts  
20 that are transferred to the STAR Bonds Revenue Fund, less 1.5%  
21 of the remainder, which shall be transferred into the Tax  
22 Compliance and Administration Fund. The Department, at the  
23 time of each monthly disbursement to the commission, shall  
24 prepare and certify to the State Comptroller the amount to be  
25 transferred into the Tax Compliance and Administration Fund  
26 under this subsection. Within 10 days after receipt by the

1 Comptroller of the certification of the amount to be paid to  
2 the commission and the Tax Compliance and Administration Fund,  
3 the Comptroller shall cause an order to be drawn for the  
4 payment for the amount in accordance with the direction in the  
5 certification.

6 (h) Beginning June 1, 2016, any tax imposed pursuant to  
7 this Section may no longer be imposed or collected, unless a  
8 continuation of the tax is approved by the voters at a  
9 referendum as set forth in this Section.

10 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;  
11 100-863, eff. 8-14-18; 100-1171, eff. 1-4-19; 101-10, eff.  
12 6-5-19; 101-81, eff. 7-12-19; 101-604, eff. 12-13-19.)

13 Section 8.36. The School Code is amended by changing  
14 Sections 29-5 and 34-4 as follows:

15 (105 ILCS 5/29-5) (from Ch. 122, par. 29-5)

16 Sec. 29-5. Reimbursement by State for transportation. Any  
17 school district, maintaining a school, transporting resident  
18 pupils to another school district's vocational program,  
19 offered through a joint agreement approved by the State Board  
20 of Education, as provided in Section 10-22.22 or transporting  
21 its resident pupils to a school which meets the standards for  
22 recognition as established by the State Board of Education  
23 which provides transportation meeting the standards of safety,  
24 comfort, convenience, efficiency and operation prescribed by

1 the State Board of Education for resident pupils in  
2 kindergarten or any of grades 1 through 12 who: (a) reside at  
3 least 1 1/2 miles as measured by the customary route of travel,  
4 from the school attended; or (b) reside in areas where  
5 conditions are such that walking constitutes a hazard to the  
6 safety of the child when determined under Section 29-3; and  
7 (c) are transported to the school attended from pick-up points  
8 at the beginning of the school day and back again at the close  
9 of the school day or transported to and from their assigned  
10 attendance centers during the school day, shall be reimbursed  
11 by the State as hereinafter provided in this Section.

12 The State will pay the prorated allowable cost of  
13 transporting eligible pupils less the real equalized assessed  
14 valuation as computed under paragraph (3) of subsection (d) of  
15 Section 18-8.15 in a dual school district maintaining  
16 secondary grades 9 to 12 inclusive times a qualifying rate of  
17 .05%; in elementary school districts maintaining grades K to 8  
18 times a qualifying rate of .06%; and in unit districts  
19 maintaining grades K to 12, including partial elementary unit  
20 districts formed pursuant to Article 11E, times a qualifying  
21 rate of .07%. To be eligible to receive reimbursement in  
22 excess of 4/5 of the cost to transport eligible pupils, a  
23 school district or partial elementary unit district formed  
24 pursuant to Article 11E shall have a Transportation Fund tax  
25 rate of at least .12%. The Transportation Fund tax rate for a  
26 partial elementary unit district formed pursuant Article 11E

1 shall be the combined elementary and high school rates  
2 pursuant to paragraph (4) of subsection (a) of Section  
3 18-8.15. If a school district or partial elementary unit  
4 district formed pursuant to Article 11E does not have a .12%  
5 Transportation Fund tax rate, the amount of its claim in  
6 excess of 4/5 of the cost of transporting pupils shall be  
7 reduced by the sum arrived at by subtracting the  
8 Transportation Fund tax rate from .12% and multiplying that  
9 amount by the district's real equalized assessed valuation as  
10 computed under paragraph (3) of subsection (d) of Section  
11 18-8.15, provided that in no case shall said reduction result  
12 in reimbursement of less than 4/5 of the cost to transport  
13 eligible pupils.

14 The minimum amount to be received by a district is \$16  
15 times the number of eligible pupils transported.

16 When calculating the reimbursement for transportation  
17 costs, the State Board of Education may not deduct the number  
18 of pupils enrolled in early education programs from the number  
19 of pupils eligible for reimbursement if the pupils enrolled in  
20 the early education programs are transported at the same time  
21 as other eligible pupils.

22 Any such district transporting resident pupils during the  
23 school day to an area vocational school or another school  
24 district's vocational program more than 1 1/2 miles from the  
25 school attended, as provided in Sections 10-22.20a and  
26 10-22.22, shall be reimbursed by the State for 4/5 of the cost

1 of transporting eligible pupils.

2 School day means that period of time during which the  
3 pupil is required to be in attendance for instructional  
4 purposes.

5 If a pupil is at a location within the school district  
6 other than his residence for child care purposes at the time  
7 for transportation to school, that location may be considered  
8 for purposes of determining the 1 1/2 miles from the school  
9 attended.

10 Claims for reimbursement that include children who attend  
11 any school other than a public school shall show the number of  
12 such children transported.

13 Claims for reimbursement under this Section shall not be  
14 paid for the transportation of pupils for whom transportation  
15 costs are claimed for payment under other Sections of this  
16 Act.

17 The allowable direct cost of transporting pupils for  
18 regular, vocational, and special education pupil  
19 transportation shall be limited to the sum of the cost of  
20 physical examinations required for employment as a school bus  
21 driver; the salaries of full-time or part-time drivers and  
22 school bus maintenance personnel; employee benefits excluding  
23 Illinois municipal retirement payments, social security  
24 payments, unemployment insurance payments and workers'  
25 compensation insurance premiums; expenditures to independent  
26 carriers who operate school buses; payments to other school

1 districts for pupil transportation services; pre-approved  
2 contractual expenditures for computerized bus scheduling;  
3 expenditures for housing assistance and homeless prevention  
4 under Sections 1-17 and 1-18 of the Education for Homeless  
5 Children Act that are not in excess of the school district's  
6 actual costs for providing transportation services and are not  
7 otherwise claimed in another State or federal grant that  
8 permits those costs to a parent, a legal guardian, any other  
9 person who enrolled a pupil, or a homeless assistance agency  
10 that is part of the federal McKinney-Vento Homeless Assistance  
11 Act's continuum of care for the area in which the district is  
12 located; the cost of gasoline, oil, tires, and other supplies  
13 necessary for the operation of school buses; the cost of  
14 converting buses' gasoline engines to more fuel efficient  
15 engines or to engines which use alternative energy sources;  
16 the cost of travel to meetings and workshops conducted by the  
17 regional superintendent or the State Superintendent of  
18 Education pursuant to the standards established by the  
19 Secretary of State under Section 6-106 of the Illinois Vehicle  
20 Code to improve the driving skills of school bus drivers; the  
21 cost of maintenance of school buses including parts and  
22 materials used; expenditures for leasing transportation  
23 vehicles, except interest and service charges; the cost of  
24 insurance and licenses for transportation vehicles;  
25 expenditures for the rental of transportation equipment; plus  
26 a depreciation allowance of 20% for 5 years for school buses



1 and vehicles approved for transporting pupils to and from  
2 school and a depreciation allowance of 10% for 10 years for  
3 other transportation equipment so used. Each school year, if a  
4 school district has made expenditures to the Metropolitan  
5 Mobility Authority ~~Regional Transportation Authority or any of~~  
6 ~~its service boards~~, a mass transit district, or an urban  
7 transportation district under an intergovernmental agreement  
8 with the district to provide for the transportation of pupils  
9 and if the public transit carrier received direct payment for  
10 services or passes from a school district within its service  
11 area during the 2000-2001 school year, then the allowable  
12 direct cost of transporting pupils for regular, vocational,  
13 and special education pupil transportation shall also include  
14 the expenditures that the district has made to the public  
15 transit carrier. In addition to the above allowable costs,  
16 school districts shall also claim all transportation  
17 supervisory salary costs, including Illinois municipal  
18 retirement payments, and all transportation related building  
19 and building maintenance costs without limitation.

20 Special education allowable costs shall also include  
21 expenditures for the salaries of attendants or aides for that  
22 portion of the time they assist special education pupils while  
23 in transit and expenditures for parents and public carriers  
24 for transporting special education pupils when pre-approved by  
25 the State Superintendent of Education.

26 Indirect costs shall be included in the reimbursement

1 claim for districts which own and operate their own school  
2 buses. Such indirect costs shall include administrative costs,  
3 or any costs attributable to transporting pupils from their  
4 attendance centers to another school building for  
5 instructional purposes. No school district which owns and  
6 operates its own school buses may claim reimbursement for  
7 indirect costs which exceed 5% of the total allowable direct  
8 costs for pupil transportation.

9 The State Board of Education shall prescribe uniform  
10 regulations for determining the above standards and shall  
11 prescribe forms of cost accounting and standards of  
12 determining reasonable depreciation. Such depreciation shall  
13 include the cost of equipping school buses with the safety  
14 features required by law or by the rules, regulations and  
15 standards promulgated by the State Board of Education, and the  
16 Department of Transportation for the safety and construction  
17 of school buses provided, however, any equipment cost  
18 reimbursed by the Department of Transportation for equipping  
19 school buses with such safety equipment shall be deducted from  
20 the allowable cost in the computation of reimbursement under  
21 this Section in the same percentage as the cost of the  
22 equipment is depreciated.

23 On or before August 15, annually, the chief school  
24 administrator for the district shall certify to the State  
25 Superintendent of Education the district's claim for  
26 reimbursement for the school year ending on June 30 next

1 preceding. The State Superintendent of Education shall check  
2 and approve the claims and prepare the vouchers showing the  
3 amounts due for district reimbursement claims. Each fiscal  
4 year, the State Superintendent of Education shall prepare and  
5 transmit the first 3 vouchers to the Comptroller on the 30th  
6 day of September, December and March, respectively, and the  
7 final voucher, no later than June 20.

8 If the amount appropriated for transportation  
9 reimbursement is insufficient to fund total claims for any  
10 fiscal year, the State Board of Education shall reduce each  
11 school district's allowable costs and flat grant amount  
12 proportionately to make total adjusted claims equal the total  
13 amount appropriated.

14 For purposes of calculating claims for reimbursement under  
15 this Section for any school year beginning July 1, 2016, the  
16 equalized assessed valuation for a school district or partial  
17 elementary unit district formed pursuant to Article 11E used  
18 to compute reimbursement shall be the real equalized assessed  
19 valuation as computed under paragraph (3) of subsection (d) of  
20 Section 18-8.15.

21 All reimbursements received from the State shall be  
22 deposited into the district's transportation fund or into the  
23 fund from which the allowable expenditures were made.

24 Notwithstanding any other provision of law, any school  
25 district receiving a payment under this Section or under  
26 Section 14-7.02, 14-7.02b, or 14-13.01 of this Code may

1 classify all or a portion of the funds that it receives in a  
2 particular fiscal year or from State aid pursuant to Section  
3 18-8.15 of this Code as funds received in connection with any  
4 funding program for which it is entitled to receive funds from  
5 the State in that fiscal year (including, without limitation,  
6 any funding program referenced in this Section), regardless of  
7 the source or timing of the receipt. The district may not  
8 classify more funds as funds received in connection with the  
9 funding program than the district is entitled to receive in  
10 that fiscal year for that program. Any classification by a  
11 district must be made by a resolution of its board of  
12 education. The resolution must identify the amount of any  
13 payments or general State aid to be classified under this  
14 paragraph and must specify the funding program to which the  
15 funds are to be treated as received in connection therewith.  
16 This resolution is controlling as to the classification of  
17 funds referenced therein. A certified copy of the resolution  
18 must be sent to the State Superintendent of Education. The  
19 resolution shall still take effect even though a copy of the  
20 resolution has not been sent to the State Superintendent of  
21 Education in a timely manner. No classification under this  
22 paragraph by a district shall affect the total amount or  
23 timing of money the district is entitled to receive under this  
24 Code. No classification under this paragraph by a district  
25 shall in any way relieve the district from or affect any  
26 requirements that otherwise would apply with respect to that

1 funding program, including any accounting of funds by source,  
2 reporting expenditures by original source and purpose,  
3 reporting requirements, or requirements of providing services.

4 Any school district with a population of not more than  
5 500,000 must deposit all funds received under this Article  
6 into the transportation fund and use those funds for the  
7 provision of transportation services.

8 (Source: P.A. 102-539, eff. 8-20-21; 102-813, eff. 5-13-22.)

9 (105 ILCS 5/34-4) (from Ch. 122, par. 34-4)

10 Sec. 34-4. Eligibility. To be eligible for election or  
11 appointment to the Board, a person shall be a citizen of the  
12 United States, shall be a registered voter as provided in the  
13 Election Code, shall have been, for a period of one year  
14 immediately before election or appointment, a resident of the  
15 city, district, and subdistrict that the member represents,  
16 and shall not be a child sex offender as defined in Section  
17 11-9.3 of the Criminal Code of 2012. A person is ineligible for  
18 election or appointment to the Board if that person is not in  
19 compliance with the provisions of Section 10-9 as referenced  
20 in Section 34-3. For the 2024 general election, all persons  
21 eligible for election to the Board shall be nominated by a  
22 petition signed by at least 1,000 but not more than 3,000 of  
23 the voters residing within the electoral district on a  
24 petition in order to be placed on the ballot. For the 2026  
25 general election and general elections thereafter, persons

1 eligible for election to the Board shall be nominated by a  
2 petition signed by at least 500 but no more than 1,500 voters  
3 residing within the subdistrict on a petition in order to be  
4 placed on the ballot, except that persons eligible for  
5 election to the Board at large shall be nominated by a petition  
6 signed by no less than 2,500 voters residing within the city.  
7 Any registered voter may sign a nominating petition,  
8 irrespective of any partisan petition the voter signs or may  
9 sign. For the 2024 general election only, the petition  
10 circulation period shall begin on March 26, 2024, and the  
11 filing period shall be from June 17, 2024 to June 24, 2024.  
12 Permanent removal from the city by any member of the Board  
13 during the member's term of office constitutes a resignation  
14 therefrom and creates a vacancy in the Board. Board members  
15 shall serve without any compensation; however, members of the  
16 Board shall be reimbursed for expenses incurred while in the  
17 performance of their duties upon submission of proper receipts  
18 or upon submission of a signed voucher in the case of an  
19 expense allowance evidencing the amount of such reimbursement  
20 or allowance to the President of the Board for verification  
21 and approval. Board members shall not hold other public office  
22 under the Federal, State or any local government other than  
23 that of Director of the Metropolitan Mobility Regional  
24 ~~Transportation~~ Authority, member of the economic development  
25 commission of a city having a population exceeding 500,000,  
26 notary public or member of the National Guard, and by

1 accepting any such office while members of the Board, or by not  
2 resigning any such office held at the time of being elected or  
3 appointed to the Board within 30 days after such election or  
4 appointment, shall be deemed to have vacated their membership  
5 in the Board.

6 (Source: P.A. 102-177, eff. 6-1-22; 102-691, eff. 12-17-21;  
7 103-584, eff. 3-18-24.)

8 Section 8.37. The Public Utilities Act is amended by  
9 changing Section 4-302 as follows:

10 (220 ILCS 5/4-302) (from Ch. 111 2/3, par. 4-302)

11 Sec. 4-302. The Commission shall cooperate with the  
12 Metropolitan Mobility ~~Regional Transportation~~ Authority  
13 created pursuant to the Metropolitan Mobility ~~"Regional~~  
14 ~~Transportation~~ Authority Act", ~~enacted by the 78th General~~  
15 ~~Assembly,~~ in the exercise of the powers of the Authority as  
16 provided in that Act.

17 Transportation agencies ~~Agencies~~ which have any purchase  
18 of service agreement with the Authority ~~a Service Board~~ as  
19 provided in the Metropolitan Mobility ~~"Regional Transportation~~  
20 ~~Authority Act"~~ shall not be subject to this Act as to any  
21 public transportation which is the subject of such agreement.  
22 Any service and business exempted from this Act pursuant to  
23 this Section shall not be considered "intrastate public  
24 utility business" as defined in Section 3-120 of this Act.

1           No contract between any transportation agency  
2 ~~Transportation Agency~~ and the Authority ~~or a Service Board~~ or  
3 acquisition by the Authority ~~or a Service Board~~ of any  
4 property, including property of a transportation agency  
5 ~~Transportation Agency~~ pursuant to and as defined in the  
6 Metropolitan Mobility Regional Transportation Authority Act,  
7 shall, except as provided in such Act, be subject to the  
8 supervision, regulation or approval of the Commission.

9           If the Metropolitan Mobility Authority determines ~~In the~~  
10 ~~event a Service Board shall determine~~ that any Public  
11 Transportation service provided by any transportation agency  
12 ~~Transportation Agency~~ with which that Authority ~~Service Board~~  
13 has a purchase of service agreement ~~Purchase of Service~~  
14 ~~Agreement~~ is not necessary for the public interest and shall  
15 for that reason decline to enter into any Purchase of Service  
16 Agreement for such particular service, all pursuant to and as  
17 defined in such Metropolitan Mobility Regional Transportation  
18 Authority Act, then the discontinuation of such service by  
19 such transportation agency ~~Transportation Agency~~ shall not be  
20 subject to the supervision, regulation or approval of the  
21 Commission.

22           (Source: P.A. 84-617; 84-1025.)

23           Section 8.38. The Telecommunication Devices for the Deaf  
24 Act is amended by changing Section 2 as follows:



1 (410 ILCS 55/2) (from Ch. 111 1/2, par. 4202)

2 Sec. 2. As used in this Act, unless the context otherwise  
3 requires:

4 (a) "Telecommunication device for the deaf" means a  
5 teletypewriter or other instrument for telecommunication in  
6 which speaking or hearing is not required for communication.

7 (b) "Public Safety Agency" means any unit of local  
8 government or special purpose district within the State which  
9 has authority to provide firefighting, police, or other  
10 emergency services.

11 (c) "Department" means the Department of Human Services.

12 (d) "Major public transportation site" means any airport  
13 or railroad station in the State providing commercial rail or  
14 airline service to the general public, that serves and is  
15 located within 20 miles of a municipality with a population of  
16 25,000 or more, except for any facility under the jurisdiction  
17 of the Metropolitan Mobility Authority ~~Commuter Rail Division~~  
18 ~~created by the Regional Transportation Authority Act or the~~  
19 ~~Chicago Transit Authority created by the Metropolitan Transit~~  
20 ~~Authority Act.~~

21 (e) "General traveling public" are individuals making use  
22 of the commercial rail and airline services which are provided  
23 at major public transportation sites.

24 (Source: P.A. 89-507, eff. 7-1-97.)

25 Section 8.39. The Illinois Highway Code is amended by

1 changing Sections 5-701.8, 6-411.5, and 7-202.14 as follows:

2 (605 ILCS 5/5-701.8) (from Ch. 121, par. 5-701.8)

3 Sec. 5-701.8. Any county board may also turn over a  
4 portion of the motor fuel tax funds allotted to it to:

5 (a) a local Mass Transit District if the county created  
6 such District pursuant to the "Local Mass Transit District  
7 Act", approved July 21, 1959, as now or hereafter amended;

8 (b) a local Transit Commission if such commission is  
9 created pursuant to Section 14-101 of The Public Utilities  
10 Act; or

11 (c) the Metropolitan Mobility ~~Chicago Transit~~ Authority  
12 established pursuant to the Metropolitan Mobility  
13 ~~"Metropolitan Transit Authority Act", approved April 12, 1945,~~  
14 ~~as now or hereafter amended.~~

15 (Source: P.A. 85-1209.)

16 (605 ILCS 5/6-411.5)

17 Sec. 6-411.5. Contracts for public transportation. The  
18 highway commissioner of each road district within the  
19 territory of the Metropolitan Mobility ~~Regional Transportation~~  
20 Authority shall have authority, with the approval of the  
21 township board of trustees, to contract with the Metropolitan  
22 Mobility ~~Regional Transportation~~ Authority ~~or a Service Board,~~  
23 ~~as defined in the Regional Transportation Authority Act,~~ for  
24 the purchase of public transportation services within the

1 district, upon such terms and conditions as may be mutually  
2 agreed upon. The expenditure of road funds, collected under a  
3 road district tax, to purchase public transportation services  
4 constitutes a road purpose under this Code.

5 (Source: P.A. 89-347, eff. 1-1-96.)

6 (605 ILCS 5/7-202.14) (from Ch. 121, par. 7-202.14)

7 Sec. 7-202.14. Any municipality may by ordinance of the  
8 corporate authorities turn over a portion of its allotment to:

9 (a) a local Mass Transit District if the municipality  
10 created such a District pursuant to the "Local Mass Transit  
11 District Act", approved July 21, 1959, as now or hereafter  
12 amended;

13 (b) a local Transit Commission if the municipality  
14 established such commission pursuant to Section 14-101 of The  
15 Public Utilities Act; or

16 (c) the Metropolitan Mobility ~~Chicago Transit~~ Authority  
17 established pursuant to the Metropolitan Mobility  
18 ~~"Metropolitan Transit Authority Act", approved April 12, 1945,~~  
19 ~~as now or hereafter amended.~~

20 (Source: P.A. 85-1209.)

21 Section 8.40. The Toll Highway Act is amended by changing  
22 Sections 3 and 19 as follows:

23 (605 ILCS 10/3) (from Ch. 121, par. 100-3)

1           Sec. 3. There is hereby created an Authority to be known as  
2 The Illinois State Toll Highway Authority, which is hereby  
3 constituted an instrumentality and an administrative agency of  
4 the State of Illinois. The said Authority shall consist of the  
5 following 11 directors: ~~7~~ the Governor, ~~and~~ the Secretary of  
6 ~~the Department of~~ Transportation, and the Chair of the  
7 Metropolitan Mobility Authority as nonvoting directors ex  
8 ~~officio,~~ and 9 voting directors appointed by the Governor with  
9 the advice and consent of the Senate, ~~7~~ from the State at large,  
10 which said directors and their successors are hereby  
11 authorized to carry out the provisions of this Act, and to  
12 exercise the powers herein conferred. Of the 9 directors  
13 appointed by the Governor, no more than 5 shall be members of  
14 the same political party.

15           Notwithstanding any provision of law to the contrary, the  
16 term of office of each director of the Authority serving on the  
17 effective date of this amendatory Act of the 100th General  
18 Assembly, other than the Governor and the Secretary of the  
19 Department of Transportation, is abolished and a vacancy in  
20 each office is created on the effective date of this  
21 amendatory Act of the 100th General Assembly. The Governor  
22 shall appoint directors to the Authority for the vacancies  
23 created under this amendatory Act of the 100th General  
24 Assembly by February 28, 2019. Directors whose terms are  
25 abolished under this amendatory Act of the 100th General  
26 Assembly shall be eligible for reappointment.

1           Vacancies shall be filled for the unexpired term in the  
2 same manner as original appointments. All appointments shall  
3 be in writing and filed with the Secretary of State as a public  
4 record. It is the intention of this section that the  
5 Governor's appointments shall be made with due consideration  
6 to the location of proposed toll highway routes so that  
7 maximum geographic representation from the areas served by  
8 said toll highway routes may be accomplished insofar as  
9 practicable. The said Authority shall have the power to  
10 contract and be contracted with, to acquire, hold and convey  
11 personal and real property or any interest therein including  
12 rights-of-way ~~rights-of-way~~, franchises and easements; to have  
13 and use a common seal, and to alter the same at will; to make  
14 and establish resolutions, by-laws, rules, rates and  
15 regulations, and to alter or repeal the same as the Authority  
16 shall deem necessary and expedient for the construction,  
17 operation, relocation, regulation and maintenance of a system  
18 of toll highways within and through the State of Illinois.

19           Appointment of the additional directors provided for by  
20 this amendatory Act of 1980 shall be made within 30 days after  
21 the effective date of this amendatory Act of 1980.

22           (Source: P.A. 100-1180, eff. 2-28-19.)

23           (605 ILCS 10/19) (from Ch. 121, par. 100-19)

24           Sec. 19. Toll rates. The Authority shall fix and revise  
25 from time to time, tolls or charges or rates for the privilege

1 of using each of the toll highways constructed pursuant to  
2 this Act. Such tolls shall be so fixed and adjusted at rates  
3 calculated to provide the lowest reasonable toll rates that  
4 will provide funds sufficient with other revenues of the  
5 Authority to pay, (a) the cost of the construction of a toll  
6 highway authorized by joint resolution of the General Assembly  
7 pursuant to Section 14.1 and the reconstruction, major repairs  
8 or improvements of toll highways, (b) the cost of maintaining,  
9 repairing, regulating and operating the toll highways  
10 including only the necessary expenses of the Authority, and  
11 (c) the principal of all bonds, interest thereon and all  
12 sinking fund requirements and other requirements provided by  
13 resolutions authorizing the issuance of the bonds as they  
14 shall become due. In fixing the toll rates pursuant to this  
15 Section 19 and Section 10(c) of this Act, the Authority shall  
16 take into account the effect of the provisions of this Section  
17 19 permitting the use of the toll highway system without  
18 payment of the covenants of the Authority contained in the  
19 resolutions and trust indentures authorizing the issuance of  
20 bonds of the Authority. No such provision permitting the use  
21 of the toll highway system without payment of tolls after the  
22 date of this amendatory Act of the 95th General Assembly shall  
23 be applied in a manner that impairs the rights of bondholders  
24 pursuant to any resolution or trust indentures authorizing the  
25 issuance of bonds of the Authority. The use and disposition of  
26 any sinking or reserve fund shall be subject to such

1 regulation as may be provided in the resolution or trust  
2 indenture authorizing the issuance of the bonds. Subject to  
3 the provisions of any resolution or trust indenture  
4 authorizing the issuance of bonds any moneys in any such  
5 sinking fund in excess of an amount equal to one year's  
6 interest on the bonds then outstanding secured by such sinking  
7 fund may be applied to the purchase or redemption of bonds. All  
8 such bonds so redeemed or purchased shall forthwith be  
9 cancelled and shall not again be issued. No person shall be  
10 permitted to use any toll highway without paying the toll  
11 established under this Section except when on official Toll  
12 Highway Authority business which includes police and other  
13 emergency vehicles. However, any law enforcement agency  
14 vehicle, fire department vehicle, public or private ambulance  
15 service vehicle engaged in the performance of an emergency  
16 service or duty that necessitates the use of the toll highway  
17 system, or other emergency vehicle that is plainly marked  
18 shall not be required to pay a toll to use a toll highway. A  
19 law enforcement, fire protection, or emergency services  
20 officer driving a law enforcement, fire protection, emergency  
21 services agency vehicle, or public or private ambulance  
22 service vehicle engaging in the performance of emergency  
23 services or duties that is not plainly marked must present an  
24 Official Permit Card which the law enforcement, fire  
25 protection, or emergency services officer receives from his or  
26 her law enforcement, fire protection, emergency services

1 agency, or public or private ambulance service in order to use  
2 a toll highway without paying the toll. A law enforcement,  
3 fire protection, emergency services agency, or public or  
4 private ambulance service engaging in the performance of  
5 emergency services or duties must apply to the Authority to  
6 receive a permit, and the Authority shall adopt rules for the  
7 issuance of a permit, that allows public or private ambulance  
8 service vehicles engaged in the performance of emergency  
9 services or duties that necessitate the use of the toll  
10 highway system and all law enforcement, fire protection, or  
11 emergency services agency vehicles of the law enforcement,  
12 fire protection, or emergency services agency to use any toll  
13 highway without paying the toll established under this  
14 Section. The Authority shall maintain in its office a list of  
15 all persons that are authorized to use any toll highway  
16 without charge when on official business of the Authority and  
17 such list shall be open to the public for inspection. In  
18 recognition of the unique role of public transportation in  
19 providing effective transportation in the Authority's service  
20 region, and to give effect to the exemption set forth in  
21 subsection (b) of Section 4.06 ~~2.06~~ of the Metropolitan  
22 Mobility Regional Transportation Authority Act, the following  
23 vehicles may use any toll highway without paying the toll: (1)  
24 a vehicle owned or operated by the ~~Suburban Bus Division of the~~  
25 Metropolitan Mobility Regional Transportation Authority that  
26 is being used to transport passengers for hire; and (2) any



1 revenue vehicle that is owned or operated by a Mass Transit  
2 District created under Section 3 of the Local Mass Transit  
3 District Act and running regular scheduled service.

4 Among other matters, this amendatory Act of 1990 is  
5 intended to clarify and confirm the prior intent of the  
6 General Assembly to allow toll revenues from the toll highway  
7 system to be used to pay a portion of the cost of the  
8 construction of the North-South Toll Highway authorized by  
9 Senate Joint Resolution 122 of the 83rd General Assembly in  
10 1984.

11 (Source: P.A. 100-739, eff. 1-1-19.)

12 Section 8.41. The Illinois Aeronautics Act is amended by  
13 changing Section 49.1 as follows:

14 (620 ILCS 5/49.1) (from Ch. 15 1/2, par. 22.49a)

15 Sec. 49.1. Creation of hazards. No person may create or  
16 construct any airport hazard which obstructs a restricted  
17 landing area or residential airport that (1) serves 20 or more  
18 based aircraft, and (2) is located within the "metropolitan  
19 region" as that term is defined in the Metropolitan Mobility  
20 ~~Regional Transportation~~ Authority Act. For the purpose of this  
21 Section, "based aircraft" are aircraft that are regularly  
22 hangared or tied-down at the restricted landing area or  
23 residential airport, or that use it as their primary base of  
24 operation. As used in this Section 49.1, "restricted landing

1 area" or "residential airport" shall have the meaning set  
2 forth in regulations of the Department in effect on the  
3 effective date of this amendatory Act of 1989, but shall not  
4 include amendments of the regulations adopted by the  
5 Department thereafter.

6 (Source: P.A. 86-963.)

7 Section 8.42. The Illinois Vehicle Code is amended by  
8 changing Sections 1-209.3, 8-102, 11-709.2, and 18c-7402 as  
9 follows:

10 (625 ILCS 5/1-209.3)

11 Sec. 1-209.3. Transit bus. A bus engaged in public  
12 transportation as defined by the Metropolitan Mobility  
13 ~~Regional Transportation~~ Authority Act and authorized by the  
14 Department to be used on specifically designated roadway  
15 shoulders.

16 (Source: P.A. 97-292, eff. 8-11-11.)

17 (625 ILCS 5/8-102) (from Ch. 95 1/2, par. 8-102)

18 Sec. 8-102. Alternate methods of giving proof.

19 (a) Except as provided in subsection (b), proof of  
20 financial responsibility, when required under Section 8-101 or  
21 8-101.1, may be given by filing with the Secretary of State one  
22 of the following:

23 1. A bond as provided in Section 8-103;

1           2. An insurance policy or other proof of insurance in  
2 a form to be prescribed by the Secretary as provided in  
3 Section 8-108;

4           3. A certificate of self-insurance issued by the  
5 Director;

6           4. A certificate of self-insurance issued to the  
7 Metropolitan Mobility ~~Regional Transportation~~ Authority by  
8 the Director naming municipal or non-municipal public  
9 carriers included therein;

10          5. A certificate of coverage issued by an  
11 intergovernmental risk management association evidencing  
12 coverages which meet or exceed the amounts required under  
13 this Code.

14          (b) Beginning January 1, 2020, in lieu of filing the  
15 documents required by subsection (a), each owner of a vehicle  
16 required to obtain minimum liability insurance under Section  
17 8-101 or 8-101.1 shall attest that the vehicle is insured in at  
18 least the minimum required amount.

19           (1) The Secretary shall create a form on which the  
20 vehicle owner shall attest that the vehicle is insured in  
21 at least the minimum required amount. The attestation form  
22 shall be submitted with each registration application.

23           (2) The attestation form shall be valid for the full  
24 registration period; however, if at any time the Secretary  
25 has reason to believe that the owner does not have the  
26 minimum required amount of insurance for a vehicle, the

1 Secretary may require the owner to file with the Secretary  
2 documentation as set forth in subsection (a) of this  
3 Section.

4 (3) If the owner fails to provide the required  
5 documentation within 7 calendar days after the request is  
6 made, the Secretary may suspend the vehicle registration.  
7 The registration shall remain suspended until such time as  
8 the required documentation is provided to and reviewed by  
9 the Secretary.

10 (4) The owner of a vehicle that is self-insured shall  
11 attest that the funds available to pay liability claims  
12 related to the operation of the vehicle are equivalent to  
13 or greater than the minimum liability insurance  
14 requirements under Section 8-101 or 8-101.1.

15 (c) The Secretary of State may adopt rules to implement  
16 this Section.

17 (Source: P.A. 100-986, eff. 1-1-21.)

18 (625 ILCS 5/11-709.2)

19 Sec. 11-709.2. Bus on shoulder program.

20 (a) The use of specifically designated shoulders of  
21 roadways by transit buses may be authorized by the Department  
22 in cooperation with the Metropolitan Mobility Regional  
23 ~~Transportation~~ Authority and the ~~Suburban Bus Division of the~~  
24 ~~Regional Transportation Authority~~. The Department shall  
25 prescribe by rule which transit buses are authorized to

1 operate on shoulders, as well as times and locations. The  
2 Department may erect signage to indicate times and locations  
3 of designated shoulder usage.

4 (b) (Blank).

5 (c) (Blank).

6 (Source: P.A. 98-756, eff. 7-16-14; 98-871, eff. 8-11-14;  
7 99-78, eff. 7-20-15.)

8 (625 ILCS 5/18c-7402) (from Ch. 95 1/2, par. 18c-7402)

9 Sec. 18c-7402. Safety requirements for railroad  
10 operations.

11 (1) Obstruction of crossings.

12 (a) Obstruction of emergency vehicles. Every railroad  
13 shall be operated in such a manner as to minimize  
14 obstruction of emergency vehicles at crossings. Where such  
15 obstruction occurs and the train crew is aware of the  
16 obstruction, the train crew shall immediately take any  
17 action, consistent with safe operating procedure,  
18 necessary to remove the obstruction. In the Chicago and  
19 St. Louis switching districts, every railroad dispatcher  
20 or other person responsible for the movement of railroad  
21 equipment in a specific area who receives notification  
22 that railroad equipment is obstructing the movement of an  
23 emergency vehicle at any crossing within such area shall  
24 immediately notify the train crew through use of existing  
25 communication facilities. Upon notification, the train

1 crew shall take immediate action in accordance with this  
2 paragraph.

3 (b) Obstruction of highway at-grade ~~at-grade~~ crossing  
4 prohibited. It is unlawful for a rail carrier to permit  
5 any train, railroad car or engine to obstruct public  
6 travel at a railroad-highway grade crossing for a period  
7 in excess of 10 minutes, except where such train or  
8 railroad car is continuously moving or cannot be moved by  
9 reason of circumstances over which the rail carrier has no  
10 reasonable control.

11 In a county with a population of greater than  
12 1,000,000, as determined by the most recent federal  
13 census, during the hours of 7:00 a.m. through 9:00 a.m.  
14 and 4:00 p.m. through 6:00 p.m. it is unlawful for a rail  
15 carrier to permit any single train or railroad car to  
16 obstruct public travel at a railroad-highway grade  
17 crossing in excess of a total of 10 minutes during a  
18 30-minute ~~30-minute~~ period, except where the train or  
19 railroad car cannot be moved by reason or circumstances  
20 over which the rail carrier has no reasonable control.  
21 Under no circumstances will a moving train be stopped for  
22 the purposes of issuing a citation related to this  
23 Section.

24 However, no employee acting under the rules or orders  
25 of the rail carrier or its supervisory personnel may be  
26 prosecuted for a violation of this subsection (b).

1           (c) Punishment for obstruction of grade crossing. Any  
2 rail carrier violating paragraph (b) of this subsection  
3 shall be guilty of a petty offense and fined not less than  
4 \$200 nor more than \$500 if the duration of the obstruction  
5 is in excess of 10 minutes but no longer than 15 minutes.  
6 If the duration of the obstruction exceeds 15 minutes the  
7 violation shall be a business offense and the following  
8 fines shall be imposed: if the duration of the obstruction  
9 is in excess of 15 minutes but no longer than 20 minutes,  
10 the fine shall be \$500; if the duration of the obstruction  
11 is in excess of 20 minutes but no longer than 25 minutes,  
12 the fine shall be \$700; if the duration of the obstruction  
13 is in excess of 25 minutes, but no longer than 30 minutes,  
14 the fine shall be \$900; if the duration of the obstruction  
15 is in excess of 30 minutes but no longer than 35 minutes,  
16 the fine shall be \$1,000; if the duration of the  
17 obstruction is in excess of 35 minutes, the fine shall be  
18 \$1,000 plus an additional \$500 for each 5 minutes of  
19 obstruction in excess of 25 minutes of obstruction.

20           (2) Other operational requirements.

21           (a) Bell and whistle-crossings. Every rail carrier  
22 shall cause a bell, and a whistle or horn to be placed and  
23 kept on each locomotive, and shall cause the same to be  
24 rung or sounded by the engineer or fireman, at the  
25 distance of at least 1,320 feet, from the place where the  
26 railroad crosses or intersects any public highway, and

1 shall be kept ringing or sounding until the highway is  
2 reached; provided that at crossings where the Commission  
3 shall by order direct, only after a hearing has been held  
4 to determine the public is reasonably and sufficiently  
5 protected, the rail carrier may be excused from giving  
6 warning provided by this paragraph.

7 (a-5) The requirements of paragraph (a) of this  
8 subsection (2) regarding ringing a bell and sounding a  
9 whistle or horn do not apply at a railroad crossing that  
10 has a permanently installed automated audible warning  
11 device authorized by the Commission under Section  
12 18c-7402.1 that sounds automatically when an approaching  
13 train is at least 1,320 feet from the crossing and that  
14 keeps sounding until the lead locomotive has crossed the  
15 highway. The engineer or fireman may ring the bell or  
16 sound the whistle or horn at a railroad crossing that has a  
17 permanently installed audible warning device.

18 (b) Speed limits. Each rail carrier shall operate its  
19 trains in compliance with speed limits set by the  
20 Commission. The Commission may set train speed limits only  
21 where such limits are necessitated by extraordinary  
22 circumstances affecting the public safety, and shall  
23 maintain such train speed limits in effect only for such  
24 time as the extraordinary circumstances prevail.

25 The Commission and the Department of Transportation  
26 shall conduct a study of the relation between train speeds



1 and railroad-highway grade crossing safety. The Commission  
2 shall report the findings of the study to the General  
3 Assembly no later than January 5, 1997.

4 (c) Special speed limit; pilot project. The Commission  
5 and the Board of the Metropolitan Mobility Authority  
6 ~~Commuter Rail Division of the Regional Transportation~~  
7 ~~Authority~~ shall conduct a pilot project in the Village of  
8 Fox River Grove, the site of the fatal school bus crash at  
9 a railroad crossing on October 25, 1995, in order to  
10 improve railroad crossing safety. For this project, the  
11 Commission is directed to set the maximum train speed  
12 limit for Metropolitan Mobility ~~Regional Transportation~~  
13 Authority trains at 50 miles per hour at intersections on  
14 that portion of the intrastate rail line located in the  
15 Village of Fox River Grove. If the Metropolitan Mobility  
16 ~~Regional Transportation~~ Authority deliberately fails to  
17 comply with this maximum speed limit, then any entity,  
18 governmental or otherwise, that provides capital or  
19 operational funds to the Metropolitan Mobility ~~Regional~~  
20 ~~Transportation~~ Authority shall appropriately reduce or  
21 eliminate that funding. The Commission shall report to the  
22 Governor and the General Assembly on the results of this  
23 pilot project in January 1999, January 2000, and January  
24 2001. The Commission shall also submit a final report on  
25 the pilot project to the Governor and the General Assembly  
26 in January 2001. The provisions of this subsection (c),

1 other than this sentence, are inoperative after February  
2 1, 2001.

3 (d) Freight train crew size. No rail carrier shall  
4 operate or cause to operate a train or light engine used in  
5 connection with the movement of freight unless it has an  
6 operating crew consisting of at least 2 individuals. The  
7 minimum freight train crew size indicated in this  
8 subsection (d) shall remain in effect until a federal law  
9 or rule encompassing the subject matter has been adopted.  
10 The Commission, with respect to freight train crew member  
11 size under this subsection (d), has the power to conduct  
12 evidentiary hearings, make findings, and issue and enforce  
13 orders, including sanctions under Section 18c-1704 of this  
14 Chapter. As used in this subsection (d), "train or light  
15 engine" does not include trains operated by a hostler  
16 service or utility employees.

17 (3) Report and investigation of rail accidents.

18 (a) Reports. Every rail carrier shall report to the  
19 Commission, by the speediest means possible, whether  
20 telephone, telegraph, or otherwise, every accident  
21 involving its equipment, track, or other property which  
22 resulted in loss of life to any person. In addition, such  
23 carriers shall file a written report with the Commission.  
24 Reports submitted under this paragraph shall be strictly  
25 confidential, shall be specifically prohibited from  
26 disclosure, and shall not be admissible in any

1 administrative or judicial proceeding relating to the  
2 accidents reported.

3 (b) Investigations. The Commission may investigate all  
4 railroad accidents reported to it or of which it acquires  
5 knowledge independent of reports made by rail carriers,  
6 and shall have the power, consistent with standards and  
7 procedures established under the Federal Railroad Safety  
8 Act, as amended, to enter such temporary orders as will  
9 minimize the risk of future accidents pending notice,  
10 hearing, and final action by the Commission.

11 (Source: P.A. 101-294, eff. 1-1-20; 102-982, eff. 7-1-23.)

12 Section 8.43. The Criminal Code of 2012 is amended by  
13 changing Section 21-5 as follows:

14 (720 ILCS 5/21-5) (from Ch. 38, par. 21-5)

15 Sec. 21-5. Criminal trespass to State supported land.

16 (a) A person commits criminal trespass to State supported  
17 land when he or she enters upon land supported in whole or in  
18 part with State funds, or federal funds administered or  
19 granted through State agencies or any building on the land,  
20 after receiving, prior to the entry, notice from the State or  
21 its representative that the entry is forbidden, or remains  
22 upon the land or in the building after receiving notice from  
23 the State or its representative to depart, and who thereby  
24 interferes with another person's lawful use or enjoyment of

1 the building or land.

2 A person has received notice from the State within the  
3 meaning of this subsection if he or she has been notified  
4 personally, either orally or in writing, or if a printed or  
5 written notice forbidding entry to him or her or a group of  
6 which he or she is a part, has been conspicuously posted or  
7 exhibited at the main entrance to the land or the forbidden  
8 part thereof.

9 (a-5) A person commits criminal trespass to State  
10 supported land when he or she enters upon a right-of-way ~~right~~  
11 ~~of way~~, including facilities and improvements thereon, owned,  
12 leased, or otherwise used by a public body or district  
13 organized under ~~the Metropolitan Transit Authority Act~~, the  
14 Local Mass Transit District Act, or the Metropolitan Mobility  
15 ~~Regional Transportation~~ Authority Act, after receiving, prior  
16 to the entry, notice from the public body or district, or its  
17 representative, that the entry is forbidden, or the person  
18 remains upon the right-of-way ~~right of way~~ after receiving  
19 notice from the public body or district, or its  
20 representative, to depart, and in either of these instances  
21 intends to compromise public safety by causing a delay in  
22 transit service lasting more than 15 minutes or destroying  
23 property.

24 A person has received notice from the public body or  
25 district within the meaning of this subsection if he or she has  
26 been notified personally, either orally or in writing, or if a

1 printed or written notice forbidding entry to him or her has  
2 been conspicuously posted or exhibited at any point of  
3 entrance to the right-of-way ~~right of way~~ or the forbidden  
4 part of the right-of-way ~~right of way~~.

5 As used in this subsection (a-5), "right-of-way ~~right of~~  
6 ~~way~~" has the meaning ascribed to it in Section 18c-7502 of the  
7 Illinois Vehicle Code.

8 (b) A person commits criminal trespass to State supported  
9 land when he or she enters upon land supported in whole or in  
10 part with State funds, or federal funds administered or  
11 granted through State agencies or any building on the land by  
12 presenting false documents or falsely representing his or her  
13 identity orally to the State or its representative in order to  
14 obtain permission from the State or its representative to  
15 enter the building or land; or remains upon the land or in the  
16 building by presenting false documents or falsely representing  
17 his or her identity orally to the State or its representative  
18 in order to remain upon the land or in the building, and who  
19 thereby interferes with another person's lawful use or  
20 enjoyment of the building or land.

21 This subsection does not apply to a peace officer or other  
22 official of a unit of government who enters upon land  
23 supported in whole or in part with State funds, or federal  
24 funds administered or granted through State agencies or any  
25 building on the land in the performance of his or her official  
26 duties.

1 (c) Sentence. Criminal trespass to State supported land is  
2 a Class A misdemeanor, except a violation of subsection (a-5)  
3 of this Section is a Class A misdemeanor for a first violation  
4 and a Class 4 felony for a second or subsequent violation.  
5 (Source: P.A. 97-1108, eff. 1-1-13; 98-748, eff. 1-1-15.)

6 Section 8.44. The Eminent Domain Act is amended by  
7 changing Section 15-5-15 and adding Section 15-5-49 as  
8 follows:

9 (735 ILCS 30/15-5-15)

10 Sec. 15-5-15. Eminent domain powers in ILCS Chapters 70  
11 through 75. The following provisions of law may include  
12 express grants of the power to acquire property by  
13 condemnation or eminent domain:

14 (70 ILCS 5/8.02 and 5/9); Airport Authorities Act; airport  
15 authorities; for public airport facilities.

16 (70 ILCS 5/8.05 and 5/9); Airport Authorities Act; airport  
17 authorities; for removal of airport hazards.

18 (70 ILCS 5/8.06 and 5/9); Airport Authorities Act; airport  
19 authorities; for reduction of the height of objects or  
20 structures.

21 (70 ILCS 10/4); Interstate Airport Authorities Act; interstate  
22 airport authorities; for general purposes.

23 (70 ILCS 15/3); Kankakee River Valley Area Airport Authority

1 Act; Kankakee River Valley Area Airport Authority; for  
2 acquisition of land for airports.

3 (70 ILCS 200/2-20); Civic Center Code; civic center  
4 authorities; for grounds, centers, buildings, and parking.

5 (70 ILCS 200/5-35); Civic Center Code; Aledo Civic Center  
6 Authority; for grounds, centers, buildings, and parking.

7 (70 ILCS 200/10-15); Civic Center Code; Aurora Metropolitan  
8 Exposition, Auditorium and Office Building Authority; for  
9 grounds, centers, buildings, and parking.

10 (70 ILCS 200/15-40); Civic Center Code; Benton Civic Center  
11 Authority; for grounds, centers, buildings, and parking.

12 (70 ILCS 200/20-15); Civic Center Code; Bloomington Civic  
13 Center Authority; for grounds, centers, buildings, and  
14 parking.

15 (70 ILCS 200/35-35); Civic Center Code; Brownstown Park  
16 District Civic Center Authority; for grounds, centers,  
17 buildings, and parking.

18 (70 ILCS 200/40-35); Civic Center Code; Carbondale Civic  
19 Center Authority; for grounds, centers, buildings, and  
20 parking.

21 (70 ILCS 200/55-60); Civic Center Code; Chicago South Civic  
22 Center Authority; for grounds, centers, buildings, and  
23 parking.

24 (70 ILCS 200/60-30); Civic Center Code; Collinsville  
25 Metropolitan Exposition, Auditorium and Office Building  
26 Authority; for grounds, centers, buildings, and parking.

1 (70 ILCS 200/70-35); Civic Center Code; Crystal Lake Civic  
2 Center Authority; for grounds, centers, buildings, and  
3 parking.

4 (70 ILCS 200/75-20); Civic Center Code; Decatur Metropolitan  
5 Exposition, Auditorium and Office Building Authority; for  
6 grounds, centers, buildings, and parking.

7 (70 ILCS 200/80-15); Civic Center Code; DuPage County  
8 Metropolitan Exposition, Auditorium and Office Building  
9 Authority; for grounds, centers, buildings, and parking.

10 (70 ILCS 200/85-35); Civic Center Code; Elgin Metropolitan  
11 Exposition, Auditorium and Office Building Authority; for  
12 grounds, centers, buildings, and parking.

13 (70 ILCS 200/95-25); Civic Center Code; Herrin Metropolitan  
14 Exposition, Auditorium and Office Building Authority; for  
15 grounds, centers, buildings, and parking.

16 (70 ILCS 200/110-35); Civic Center Code; Illinois Valley Civic  
17 Center Authority; for grounds, centers, buildings, and  
18 parking.

19 (70 ILCS 200/115-35); Civic Center Code; Jasper County Civic  
20 Center Authority; for grounds, centers, buildings, and  
21 parking.

22 (70 ILCS 200/120-25); Civic Center Code; Jefferson County  
23 Metropolitan Exposition, Auditorium and Office Building  
24 Authority; for grounds, centers, buildings, and parking.

25 (70 ILCS 200/125-15); Civic Center Code; Jo Daviess County  
26 Civic Center Authority; for grounds, centers, buildings,



1 and parking.

2 (70 ILCS 200/130-30); Civic Center Code; Katherine Dunham  
3 Metropolitan Exposition, Auditorium and Office Building  
4 Authority; for grounds, centers, buildings, and parking.

5 (70 ILCS 200/145-35); Civic Center Code; Marengo Civic Center  
6 Authority; for grounds, centers, buildings, and parking.

7 (70 ILCS 200/150-35); Civic Center Code; Mason County Civic  
8 Center Authority; for grounds, centers, buildings, and  
9 parking.

10 (70 ILCS 200/155-15); Civic Center Code; Matteson Metropolitan  
11 Civic Center Authority; for grounds, centers, buildings,  
12 and parking.

13 (70 ILCS 200/160-35); Civic Center Code; Maywood Civic Center  
14 Authority; for grounds, centers, buildings, and parking.

15 (70 ILCS 200/165-35); Civic Center Code; Melrose Park  
16 Metropolitan Exposition Auditorium and Office Building  
17 Authority; for grounds, centers, buildings, and parking.

18 (70 ILCS 200/170-20); Civic Center Code; certain Metropolitan  
19 Exposition, Auditorium and Office Building Authorities;  
20 for general purposes.

21 (70 ILCS 200/180-35); Civic Center Code; Normal Civic Center  
22 Authority; for grounds, centers, buildings, and parking.

23 (70 ILCS 200/185-15); Civic Center Code; Oak Park Civic Center  
24 Authority; for grounds, centers, buildings, and parking.

25 (70 ILCS 200/195-35); Civic Center Code; Ottawa Civic Center  
26 Authority; for grounds, centers, buildings, and parking.

1 (70 ILCS 200/200-15); Civic Center Code; Pekin Civic Center  
2 Authority; for grounds, centers, buildings, and parking.

3 (70 ILCS 200/205-15); Civic Center Code; Peoria Civic Center  
4 Authority; for grounds, centers, buildings, and parking.

5 (70 ILCS 200/210-35); Civic Center Code; Pontiac Civic Center  
6 Authority; for grounds, centers, buildings, and parking.

7 (70 ILCS 200/215-15); Civic Center Code; Illinois Quad City  
8 Civic Center Authority; for grounds, centers, buildings,  
9 and parking.

10 (70 ILCS 200/220-30); Civic Center Code; Quincy Metropolitan  
11 Exposition, Auditorium and Office Building Authority; for  
12 grounds, centers, buildings, and parking.

13 (70 ILCS 200/225-35); Civic Center Code; Randolph County Civic  
14 Center Authority; for grounds, centers, buildings, and  
15 parking.

16 (70 ILCS 200/230-35); Civic Center Code; River Forest  
17 Metropolitan Exposition, Auditorium and Office Building  
18 Authority; for grounds, centers, buildings, and parking.

19 (70 ILCS 200/235-40); Civic Center Code; Riverside Civic  
20 Center Authority; for grounds, centers, buildings, and  
21 parking.

22 (70 ILCS 200/245-35); Civic Center Code; Salem Civic Center  
23 Authority; for grounds, centers, buildings, and parking.

24 (70 ILCS 200/255-20); Civic Center Code; Springfield  
25 Metropolitan Exposition and Auditorium Authority; for  
26 grounds, centers, and parking.

1 (70 ILCS 200/260-35); Civic Center Code; Sterling Metropolitan  
2 Exposition, Auditorium and Office Building Authority; for  
3 grounds, centers, buildings, and parking.

4 (70 ILCS 200/265-20); Civic Center Code; Vermilion County  
5 Metropolitan Exposition, Auditorium and Office Building  
6 Authority; for grounds, centers, buildings, and parking.

7 (70 ILCS 200/270-35); Civic Center Code; Waukegan Civic Center  
8 Authority; for grounds, centers, buildings, and parking.

9 (70 ILCS 200/275-35); Civic Center Code; West Frankfort Civic  
10 Center Authority; for grounds, centers, buildings, and  
11 parking.

12 (70 ILCS 200/280-20); Civic Center Code; Will County  
13 Metropolitan Exposition and Auditorium Authority; for  
14 grounds, centers, and parking.

15 (70 ILCS 210/5); Metropolitan Pier and Exposition Authority  
16 Act; Metropolitan Pier and Exposition Authority; for  
17 general purposes, including quick-take power.

18 (70 ILCS 405/22.04); Soil and Water Conservation Districts  
19 Act; soil and water conservation districts; for general  
20 purposes.

21 (70 ILCS 410/10 and 410/12); Conservation District Act;  
22 conservation districts; for open space, wildland, scenic  
23 roadway, pathway, outdoor recreation, or other  
24 conservation benefits.

25 (70 ILCS 503/25); Chanute-Rantoul National Aviation Center  
26 Redevelopment Commission Act; Chanute-Rantoul National

1 Aviation Center Redevelopment Commission; for general  
2 purposes.

3 (70 ILCS 507/15); Fort Sheridan Redevelopment Commission Act;  
4 Fort Sheridan Redevelopment Commission; for general  
5 purposes or to carry out comprehensive or redevelopment  
6 plans.

7 (70 ILCS 520/8); Southwestern Illinois Development Authority  
8 Act; Southwestern Illinois Development Authority; for  
9 general purposes, including quick-take power.

10 (70 ILCS 605/4-17 and 605/5-7); Illinois Drainage Code;  
11 drainage districts; for general purposes.

12 (70 ILCS 615/5 and 615/6); Chicago Drainage District Act;  
13 corporate authorities; for construction and maintenance of  
14 works.

15 (70 ILCS 705/10); Fire Protection District Act; fire  
16 protection districts; for general purposes.

17 (70 ILCS 750/20); Flood Prevention District Act; flood  
18 prevention districts; for general purposes.

19 (70 ILCS 805/6); Downstate Forest Preserve District Act;  
20 certain forest preserve districts; for general purposes.

21 (70 ILCS 805/18.8); Downstate Forest Preserve District Act;  
22 certain forest preserve districts; for recreational and  
23 cultural facilities.

24 (70 ILCS 810/8); Cook County Forest Preserve District Act;  
25 Forest Preserve District of Cook County; for general  
26 purposes.

1 (70 ILCS 810/38); Cook County Forest Preserve District Act;  
2 Forest Preserve District of Cook County; for recreational  
3 facilities.

4 (70 ILCS 910/15 and 910/16); Hospital District Law; hospital  
5 districts; for hospitals or hospital facilities.

6 (70 ILCS 915/3); Illinois Medical District Act; Illinois  
7 Medical District Commission; for general purposes.

8 (70 ILCS 915/4.5); Illinois Medical District Act; Illinois  
9 Medical District Commission; quick-take power for the  
10 Illinois State Police Forensic Science Laboratory  
11 (obsolete).

12 (70 ILCS 920/5); Tuberculosis Sanitarium District Act;  
13 tuberculosis sanitarium districts; for tuberculosis  
14 sanitariums.

15 (70 ILCS 925/20); Mid-Illinois Medical District Act;  
16 Mid-Illinois Medical District; for general purposes.

17 (70 ILCS 930/20); Mid-America Medical District Act;  
18 Mid-America Medical District Commission; for general  
19 purposes.

20 (70 ILCS 935/20); Roseland Community Medical District Act;  
21 medical district; for general purposes.

22 (70 ILCS 1005/7); Mosquito Abatement District Act; mosquito  
23 abatement districts; for general purposes.

24 (70 ILCS 1105/8); Museum District Act; museum districts; for  
25 general purposes.

26 (70 ILCS 1205/7-1); Park District Code; park districts; for

1 streets and other purposes.

2 (70 ILCS 1205/8-1); Park District Code; park districts; for  
3 parks.

4 (70 ILCS 1205/9-2 and 1205/9-4); Park District Code; park  
5 districts; for airports and landing fields.

6 (70 ILCS 1205/11-2 and 1205/11-3); Park District Code; park  
7 districts; for State land abutting public water and  
8 certain access rights.

9 (70 ILCS 1205/11.1-3); Park District Code; park districts; for  
10 harbors.

11 (70 ILCS 1225/2); Park Commissioners Land Condemnation Act;  
12 park districts; for street widening.

13 (70 ILCS 1230/1 and 1230/1-a); Park Commissioners Water  
14 Control Act; park districts; for parks, boulevards,  
15 driveways, parkways, viaducts, bridges, or tunnels.

16 (70 ILCS 1250/2); Park Commissioners Street Control (1889)  
17 Act; park districts; for boulevards or driveways.

18 (70 ILCS 1290/1); Park District Aquarium and Museum Act;  
19 municipalities or park districts; for aquariums or  
20 museums.

21 (70 ILCS 1305/2); Park District Airport Zoning Act; park  
22 districts; for restriction of the height of structures.

23 (70 ILCS 1310/5); Park District Elevated Highway Act; park  
24 districts; for elevated highways.

25 (70 ILCS 1505/15); Chicago Park District Act; Chicago Park  
26 District; for parks and other purposes.

1 (70 ILCS 1505/25.1); Chicago Park District Act; Chicago Park  
2 District; for parking lots or garages.

3 (70 ILCS 1505/26.3); Chicago Park District Act; Chicago Park  
4 District; for harbors.

5 (70 ILCS 1570/5); Lincoln Park Commissioners Land Condemnation  
6 Act; Lincoln Park Commissioners; for land and interests in  
7 land, including riparian rights.

8 (70 ILCS 1801/30); Alexander-Cairo Port District Act;  
9 Alexander-Cairo Port District; for general purposes.

10 (70 ILCS 1805/8); Havana Regional Port District Act; Havana  
11 Regional Port District; for general purposes.

12 (70 ILCS 1810/7); Illinois International Port District Act;  
13 Illinois International Port District; for general  
14 purposes.

15 (70 ILCS 1815/13); Illinois Valley Regional Port District Act;  
16 Illinois Valley Regional Port District; for general  
17 purposes.

18 (70 ILCS 1820/4); Jackson-Union Counties Regional Port  
19 District Act; Jackson-Union Counties Regional Port  
20 District; for removal of airport hazards or reduction of  
21 the height of objects or structures.

22 (70 ILCS 1820/5); Jackson-Union Counties Regional Port  
23 District Act; Jackson-Union Counties Regional Port  
24 District; for general purposes.

25 (70 ILCS 1825/4.9); Joliet Regional Port District Act; Joliet  
26 Regional Port District; for removal of airport hazards.

1 (70 ILCS 1825/4.10); Joliet Regional Port District Act; Joliet  
2 Regional Port District; for reduction of the height of  
3 objects or structures.

4 (70 ILCS 1825/4.18); Joliet Regional Port District Act; Joliet  
5 Regional Port District; for removal of hazards from ports  
6 and terminals.

7 (70 ILCS 1825/5); Joliet Regional Port District Act; Joliet  
8 Regional Port District; for general purposes.

9 (70 ILCS 1830/7.1); Kaskaskia Regional Port District Act;  
10 Kaskaskia Regional Port District; for removal of hazards  
11 from ports and terminals.

12 (70 ILCS 1830/14); Kaskaskia Regional Port District Act;  
13 Kaskaskia Regional Port District; for general purposes.

14 (70 ILCS 1831/30); Massac-Metropolis Port District Act;  
15 Massac-Metropolis Port District; for general purposes.

16 (70 ILCS 1835/5.10); Mt. Carmel Regional Port District Act;  
17 Mt. Carmel Regional Port District; for removal of airport  
18 hazards.

19 (70 ILCS 1835/5.11); Mt. Carmel Regional Port District Act;  
20 Mt. Carmel Regional Port District; for reduction of the  
21 height of objects or structures.

22 (70 ILCS 1835/6); Mt. Carmel Regional Port District Act; Mt.  
23 Carmel Regional Port District; for general purposes.

24 (70 ILCS 1837/30); Ottawa Port District Act; Ottawa Port  
25 District; for general purposes.

26 (70 ILCS 1845/4.9); Seneca Regional Port District Act; Seneca



1 Regional Port District; for removal of airport hazards.

2 (70 ILCS 1845/4.10); Seneca Regional Port District Act; Seneca

3 Regional Port District; for reduction of the height of

4 objects or structures.

5 (70 ILCS 1845/5); Seneca Regional Port District Act; Seneca

6 Regional Port District; for general purposes.

7 (70 ILCS 1850/4); Shawneetown Regional Port District Act;

8 Shawneetown Regional Port District; for removal of airport

9 hazards or reduction of the height of objects or

10 structures.

11 (70 ILCS 1850/5); Shawneetown Regional Port District Act;

12 Shawneetown Regional Port District; for general purposes.

13 (70 ILCS 1855/4); Southwest Regional Port District Act;

14 Southwest Regional Port District; for removal of airport

15 hazards or reduction of the height of objects or

16 structures.

17 (70 ILCS 1855/5); Southwest Regional Port District Act;

18 Southwest Regional Port District; for general purposes.

19 (70 ILCS 1860/4); Tri-City Regional Port District Act;

20 Tri-City Regional Port District; for removal of airport

21 hazards.

22 (70 ILCS 1860/5); Tri-City Regional Port District Act;

23 Tri-City Regional Port District; for the development of

24 facilities.

25 (70 ILCS 1863/11); Upper Mississippi River International Port

26 District Act; Upper Mississippi River International Port

1 District; for general purposes.

2 (70 ILCS 1865/4.9); Waukegan Port District Act; Waukegan Port  
3 District; for removal of airport hazards.

4 (70 ILCS 1865/4.10); Waukegan Port District Act; Waukegan Port  
5 District; for restricting the height of objects or  
6 structures.

7 (70 ILCS 1865/5); Waukegan Port District Act; Waukegan Port  
8 District; for the development of facilities.

9 (70 ILCS 1870/8); White County Port District Act; White County  
10 Port District; for the development of facilities.

11 (70 ILCS 1905/16); Railroad Terminal Authority Act; Railroad  
12 Terminal Authority (Chicago); for general purposes.

13 (70 ILCS 1915/25); Grand Avenue Railroad Relocation Authority  
14 Act; Grand Avenue Railroad Relocation Authority; for  
15 general purposes, including quick-take power (now  
16 obsolete).

17 (70 ILCS 1935/25); Elmwood Park Grade Separation Authority  
18 Act; Elmwood Park Grade Separation Authority; for general  
19 purposes.

20 (70 ILCS 2105/9b); River Conservancy Districts Act; river  
21 conservancy districts; for general purposes.

22 (70 ILCS 2105/10a); River Conservancy Districts Act; river  
23 conservancy districts; for corporate purposes.

24 (70 ILCS 2205/15); Sanitary District Act of 1907; sanitary  
25 districts; for corporate purposes.

26 (70 ILCS 2205/18); Sanitary District Act of 1907; sanitary

1 districts; for improvements and works.  
2 (70 ILCS 2205/19); Sanitary District Act of 1907; sanitary  
3 districts; for access to property.  
4 (70 ILCS 2305/8); North Shore Water Reclamation District Act;  
5 North Shore Water Reclamation District; for corporate  
6 purposes.  
7 (70 ILCS 2305/15); North Shore Water Reclamation District Act;  
8 North Shore Water Reclamation District; for improvements.  
9 (70 ILCS 2405/7.9); Sanitary District Act of 1917; Sanitary  
10 District of Decatur; for carrying out agreements to sell,  
11 convey, or disburse treated wastewater to a private  
12 entity.  
13 (70 ILCS 2405/8); Sanitary District Act of 1917; sanitary  
14 districts; for corporate purposes.  
15 (70 ILCS 2405/15); Sanitary District Act of 1917; sanitary  
16 districts; for improvements.  
17 (70 ILCS 2405/16.9 and 2405/16.10); Sanitary District Act of  
18 1917; sanitary districts; for waterworks.  
19 (70 ILCS 2405/17.2); Sanitary District Act of 1917; sanitary  
20 districts; for public sewer and water utility treatment  
21 works.  
22 (70 ILCS 2405/18); Sanitary District Act of 1917; sanitary  
23 districts; for dams or other structures to regulate water  
24 flow.  
25 (70 ILCS 2605/8); Metropolitan Water Reclamation District Act;  
26 Metropolitan Water Reclamation District; for corporate

1 purposes.

2 (70 ILCS 2605/16); Metropolitan Water Reclamation District  
3 Act; Metropolitan Water Reclamation District; quick-take  
4 power for improvements.

5 (70 ILCS 2605/17); Metropolitan Water Reclamation District  
6 Act; Metropolitan Water Reclamation District; for bridges.

7 (70 ILCS 2605/35); Metropolitan Water Reclamation District  
8 Act; Metropolitan Water Reclamation District; for widening  
9 and deepening a navigable stream.

10 (70 ILCS 2805/10); Sanitary District Act of 1936; sanitary  
11 districts; for corporate purposes.

12 (70 ILCS 2805/24); Sanitary District Act of 1936; sanitary  
13 districts; for improvements.

14 (70 ILCS 2805/26i and 2805/26j); Sanitary District Act of  
15 1936; sanitary districts; for drainage systems.

16 (70 ILCS 2805/27); Sanitary District Act of 1936; sanitary  
17 districts; for dams or other structures to regulate water  
18 flow.

19 (70 ILCS 2805/32k); Sanitary District Act of 1936; sanitary  
20 districts; for water supply.

21 (70 ILCS 2805/32l); Sanitary District Act of 1936; sanitary  
22 districts; for waterworks.

23 (70 ILCS 2905/2-7); Metro-East Sanitary District Act of 1974;  
24 Metro-East Sanitary District; for corporate purposes.

25 (70 ILCS 2905/2-8); Metro-East Sanitary District Act of 1974;  
26 Metro-East Sanitary District; for access to property.

1 (70 ILCS 3010/10); Sanitary District Revenue Bond Act;  
2 sanitary districts; for sewerage systems.

3 (70 ILCS 3205/12); Illinois Sports Facilities Authority Act;  
4 Illinois Sports Facilities Authority; quick-take power for  
5 its corporate purposes (obsolete).

6 (70 ILCS 3405/16); Surface Water Protection District Act;  
7 surface water protection districts; for corporate  
8 purposes.

9 ~~(70 ILCS 3605/7); Metropolitan Transit Authority Act; Chicago~~  
10 ~~Transit Authority; for transportation systems.~~

11 ~~(70 ILCS 3605/8); Metropolitan Transit Authority Act; Chicago~~  
12 ~~Transit Authority; for general purposes.~~

13 ~~(70 ILCS 3605/10); Metropolitan Transit Authority Act; Chicago~~  
14 ~~Transit Authority; for general purposes, including~~  
15 ~~railroad property.~~

16 (70 ILCS 3610/3 and 3610/5); Local Mass Transit District Act;  
17 local mass transit districts; for general purposes.

18 ~~(70 ILCS 3615/2.13); Regional Transportation Authority Act;~~  
19 ~~Regional Transportation Authority; for general purposes.~~

20 (70 ILCS 3705/8 and 3705/12); Public Water District Act;  
21 public water districts; for waterworks.

22 (70 ILCS 3705/23a); Public Water District Act; public water  
23 districts; for sewerage properties.

24 (70 ILCS 3705/23e); Public Water District Act; public water  
25 districts; for combined waterworks and sewerage systems.

26 (70 ILCS 3715/6); Water Authorities Act; water authorities;

1 for facilities to ensure adequate water supply.  
2 (70 ILCS 3715/27); Water Authorities Act; water authorities;  
3 for access to property.  
4 (75 ILCS 5/4-7); Illinois Local Library Act; boards of library  
5 trustees; for library buildings.  
6 (75 ILCS 16/30-55.80); Public Library District Act of 1991;  
7 public library districts; for general purposes.  
8 (75 ILCS 65/1 and 65/3); Libraries in Parks Act; corporate  
9 authorities of city or park district, or board of park  
10 commissioners; for free public library buildings.  
11 (Source: Incorporates 98-564, eff. 8-27-13; P.A. 98-756, eff.  
12 7-16-14; 99-669, eff. 7-29-16.)

13 (735 ILCS 30/15-5-49 new)  
14 Sec. 15-5-49. Eminent domain powers in new Acts. The  
15 following provisions of law may include express grants of the  
16 power to acquire property by condemnation or eminent domain:

17 Metropolitan Mobility Authority Act; Metropolitan Mobility  
18 Authority; for general purposes.

19 Section 8.45. The Local Governmental and Governmental  
20 Employees Tort Immunity Act is amended by changing Section  
21 2-101 as follows:

22 (745 ILCS 10/2-101) (from Ch. 85, par. 2-101)

1           Sec. 2-101. Nothing in this Act affects the right to  
2 obtain relief other than damages against a local public entity  
3 or public employee. Nothing in this Act affects the liability,  
4 if any, of a local public entity or public employee, based on:

5           a contract;

6           b operation as a common carrier; and this Act does not  
7 apply to any entity organized under or subject to the  
8 Metropolitan Mobility ~~"Metropolitan Transit Authority Act",~~  
9 ~~approved April 12, 1945, as amended;~~

10          c The "Workers' Compensation Act", approved July 9, 1951,  
11 as heretofore or hereafter amended;

12          d The "Workers' Occupational Diseases Act", approved July  
13 9, 1951, as heretofore or hereafter amended;

14          e Section 1-4-7 of the "Illinois Municipal Code", approved  
15 May 29, 1961, as heretofore or hereafter amended.

16          f The "Illinois Uniform Conviction Information Act",  
17 enacted by the 85th General Assembly, as heretofore or  
18 hereafter amended.

19          (Source: P.A. 85-922.)

20           Section 8.46. The Illinois Wage Payment and Collection Act  
21 is amended by changing Section 9 as follows:

22           (820 ILCS 115/9) (from Ch. 48, par. 39m-9)

23           Sec. 9. Except as hereinafter provided, deductions by  
24 employers from wages or final compensation are prohibited

1 unless such deductions are (1) required by law; (2) to the  
2 benefit of the employee; (3) in response to a valid wage  
3 assignment or wage deduction order; (4) made with the express  
4 written consent of the employee, given freely at the time the  
5 deduction is made; (5) made by a municipality with a  
6 population of 500,000 or more, a county with a population of  
7 3,000,000 or more, a community college district in a city with  
8 a population of 500,000 or more, a housing authority in a  
9 municipality with a population of 500,000 or more, the Chicago  
10 Park District, the Metropolitan Mobility ~~Metropolitan Transit~~  
11 Authority, the Chicago Board of Education, the Cook County  
12 Forest Preserve District, or the Metropolitan Water  
13 Reclamation District to pay a debt owed by the employee to a  
14 municipality with a population of 500,000 or more, a county  
15 with a population of 3,000,000 or more, the Cook County Forest  
16 Preserve, the Chicago Park District, the Metropolitan Water  
17 Reclamation District, ~~the Chicago Transit Authority,~~ the  
18 Chicago Board of Education, or a housing authority of a  
19 municipality with a population of 500,000 or more; provided,  
20 however, that the amount deducted from any one salary or wage  
21 payment shall not exceed 25% of the net amount of the payment;  
22 or (6) made by a housing authority in a municipality with a  
23 population of 500,000 or more or a municipality with a  
24 population of 500,000 or more to pay a debt owed by the  
25 employee to a housing authority in a municipality with a  
26 population of 500,000 or more; provided, however, that the



1 amount deducted from any one salary or wage payment shall not  
2 exceed 25% of the net amount of the payment. Before the  
3 municipality with a population of 500,000 or more, the  
4 community college district in a city with a population of  
5 500,000 or more, the Chicago Park District, the Metropolitan  
6 Mobility ~~Metropolitan Transit~~ Authority, a housing authority  
7 in a municipality with a population of 500,000 or more, the  
8 Chicago Board of Education, the county with a population of  
9 3,000,000 or more, the Cook County Forest Preserve District,  
10 or the Metropolitan Water Reclamation District deducts any  
11 amount from any salary or wage of an employee to pay a debt  
12 owed to a municipality with a population of 500,000 or more, a  
13 county with a population of 3,000,000 or more, the Cook County  
14 Forest Preserve District, the Chicago Park District, the  
15 Metropolitan Water Reclamation District, ~~the Chicago Transit~~  
16 ~~Authority,~~ the Chicago Board of Education, or a housing  
17 authority of a municipality with a population of 500,000 or  
18 more under this Section, the municipality, the county, the  
19 Cook County Forest Preserve District, the Chicago Park  
20 District, the Metropolitan Water Reclamation District, ~~the~~  
21 ~~Chicago Transit Authority,~~ the Chicago Board of Education, or  
22 a housing authority of a municipality with a population of  
23 500,000 or more shall certify that (i) the employee has been  
24 afforded an opportunity for a hearing to dispute the debt that  
25 is due and owing the municipality, the county, the Cook County  
26 Forest Preserve District, the Chicago Park District, the

1 Metropolitan Water Reclamation District, ~~the Chicago Transit~~  
2 ~~Authority,~~ the Chicago Board of Education, or a housing  
3 authority of a municipality with a population of 500,000 or  
4 more and (ii) the employee has received notice of a wage  
5 deduction order and has been afforded an opportunity for a  
6 hearing to object to the order. Before a housing authority in a  
7 municipality with a population of 500,000 or more or a  
8 municipality with a population of 500,000 or more, a county  
9 with a population of 3,000,000 or more, the Cook County Forest  
10 Preserve District, the Chicago Park District, the Metropolitan  
11 Water Reclamation District, ~~the Chicago Transit Authority,~~ the  
12 Chicago Board of Education, or a housing authority of a  
13 municipality with a population of 500,000 or more deducts any  
14 amount from any salary or wage of an employee to pay a debt  
15 owed to a housing authority in a municipality with a  
16 population of 500,000 or more under this Section, the housing  
17 authority shall certify that (i) the employee has been  
18 afforded an opportunity for a hearing to dispute the debt that  
19 is due and owing the housing authority and (ii) the employee  
20 has received notice of a wage deduction order and has been  
21 afforded an opportunity for a hearing to object to the order.  
22 For purposes of this Section, "net amount" means that part of  
23 the salary or wage payment remaining after the deduction of  
24 any amounts required by law to be deducted and "debt due and  
25 owing" means (i) a specified sum of money owed to the  
26 municipality, county, the Cook County Forest Preserve

1 District, the Chicago Park District, the Metropolitan Water  
2 Reclamation District, ~~the Chicago Transit Authority,~~ the  
3 Chicago Board of Education, or housing authority for services,  
4 work, or goods, after the period granted for payment has  
5 expired, or (ii) a specified sum of money owed to the  
6 municipality, county, the Cook County Forest Preserve  
7 District, the Chicago Park District, the Metropolitan Water  
8 Reclamation District, ~~the Chicago Transit Authority,~~ the  
9 Chicago Board of Education or housing authority pursuant to a  
10 court order or order of an administrative hearing officer  
11 after the exhaustion of, or the failure to exhaust, judicial  
12 review; (7) the result of an excess payment made due to, but  
13 not limited to, a typographical or mathematical error made by  
14 a municipality with a population of less than 500,000 or to  
15 collect a debt owed to a municipality with a population of less  
16 than 500,000 after notice to the employee and an opportunity  
17 to be heard; provided, however, that the amount deducted from  
18 any one salary or wage payment shall not exceed 15% of the net  
19 amount of the payment. Before the municipality deducts any  
20 amount from any salary or wage of an employee to pay a debt  
21 owed to the municipality, the municipality shall certify that  
22 (i) the employee has been afforded an opportunity for a  
23 hearing, conducted by the municipality, to dispute the debt  
24 that is due and owing the municipality, and (ii) the employee  
25 has received notice of a wage deduction order and has been  
26 afforded an opportunity for a hearing, conducted by the

1 municipality, to object to the order. For purposes of this  
2 Section, "net amount" means that part of the salary or wage  
3 payment remaining after the deduction of any amounts required  
4 by law to be deducted and "debt due and owing" means (i) a  
5 specified sum of money owed to the municipality for services,  
6 work, or goods, after the period granted for payment has  
7 expired, or (ii) a specified sum of money owed to the  
8 municipality pursuant to a court order or order of an  
9 administrative hearing officer after the exhaustion of, or the  
10 failure to exhaust, judicial review. Where the legitimacy of  
11 any deduction from wages is in dispute, the amount in question  
12 may be withheld if the employer notifies the Department of  
13 Labor on the date the payment is due in writing of the amount  
14 that is being withheld and stating the reasons for which the  
15 payment is withheld. Upon such notification the Department of  
16 Labor shall conduct an investigation and render a judgment as  
17 promptly as possible, and shall complete such investigation  
18 within 30 days of receipt of the notification by the employer  
19 that wages have been withheld. The employer shall pay the  
20 wages due upon order of the Department of Labor within 15  
21 calendar days of issuance of a judgment on the dispute.

22 The Department shall establish rules to protect the  
23 interests of both parties in cases of disputed deductions from  
24 wages. Such rules shall include reasonable limitations on the  
25 amount of deductions beyond those required by law which may be  
26 made during any pay period by any employer.

1           In case of a dispute over wages, the employer shall pay,  
2 without condition and within the time set by this Act, all  
3 wages or parts thereof, conceded by him to be due, leaving to  
4 the employee all remedies to which he may otherwise be  
5 entitled as to any balance claimed. The acceptance by an  
6 employee of a disputed paycheck shall not constitute a release  
7 as to the balance of his claim and any release or restrictive  
8 endorsement required by an employer as a condition to payment  
9 shall be a violation of this Act and shall be void.

10       (Source: P.A. 97-120, eff. 1-1-12.)

11           Section 8.47. The Transportation Benefits Program Act is  
12 amended by changing Sections 5, 10, and 15 as follows:

13           (820 ILCS 63/5)

14           Sec. 5. Definitions. As used in this Act:

15           "Covered employee" means any person who performs an  
16 average of at least 35 hours of work per week for compensation  
17 on a full-time basis.

18           "Covered employer" means any individual, partnership,  
19 association, corporation, limited liability company,  
20 government, non-profit organization, or business trust that  
21 directly or indirectly, or through an agent or any other  
22 person, employs or exercises control over wages, hours, or  
23 working conditions of an employee, and that:

24           (1) is located in: Cook County; Warren Township in

1 Lake County; Grant Township in Lake County; Frankfort  
2 Township in Will County; Wheatland Township in Will  
3 County; Addison Township; Bloomingdale Township; York  
4 Township; Milton Township; Winfield Township; Downers  
5 Grove Township; Lisle Township; Naperville Township;  
6 Dundee Township; Elgin Township; St. Charles Township;  
7 Geneva Township; Batavia Township; Aurora Township; Zion  
8 Township; Benton Township; Waukegan Township; Avon  
9 Township; Libertyville Township; Shields Township; Vernon  
10 Township; West Deerfield Township; Deerfield Township;  
11 McHenry Township; Nunda Township; Algonquin Township;  
12 DuPage Township; Homer Township; Lockport Township;  
13 Plainfield Township; New Lenox Township; Joliet Township;  
14 or Troy Township; and

15 (2) employs 50 or more covered employees in a  
16 geographic area specified in paragraph (1) at an address  
17 that is located within one mile of fixed-route transit  
18 service.

19 "Public transit" means any transportation system within  
20 the authority and jurisdiction of the Metropolitan Mobility  
21 ~~Regional Transportation~~ Authority.

22 "Transit pass" means any pass, token, fare card, voucher,  
23 or similar item entitling a person to transportation on public  
24 transit.

25 (Source: P.A. 103-291, eff. 1-1-24.)

1 (820 ILCS 63/10)

2 Sec. 10. Transportation benefits program. All covered  
3 employers shall provide a pre-tax commuter benefit to covered  
4 employees. The pre-tax commuter benefit shall allow employees  
5 to use pre-tax dollars for the purchase of a transit pass, via  
6 payroll deduction, such that the costs for such purchases may  
7 be excluded from the employee's taxable wages and compensation  
8 up to the maximum amount permitted by federal tax law,  
9 consistent with 26 U.S.C. 132(f) and the rules and regulations  
10 promulgated thereunder. A covered employer may comply with  
11 this Section by participating in a program offered by the  
12 Metropolitan Mobility ~~Chicago Transit~~ Authority ~~or the~~  
13 ~~Regional Transportation Authority~~.

14 This benefit must be offered to all employees starting on  
15 the employees' first full pay period after 120 days of  
16 employment. All transit agencies shall market the existence of  
17 this program and this Act to their riders in order to inform  
18 affected employees and their employers.

19 (Source: P.A. 103-291, eff. 1-1-24.)

20 (820 ILCS 63/15)

21 Sec. 15. Regional Transit Authority map. The Metropolitan  
22 Mobility ~~Regional Transportation~~ Authority shall make publicly  
23 available a searchable map of addresses that are located  
24 within one mile of fixed-route transit service.

25 (Source: P.A. 103-291, eff. 1-1-24.)

1           Section 8.48. No acceleration or delay. Where this Act  
2 makes changes in a statute that is represented in this Act by  
3 text that is not yet or no longer in effect (for example, a  
4 Section represented by multiple versions), the use of that  
5 text does not accelerate or delay the taking effect of (i) the  
6 changes made by this Act or (ii) provisions derived from any  
7 other Public Act.



1	INDEX	
2	Statutes amended in order of appearance	
3	New Act	
4	5 ILCS 120/2	from Ch. 102, par. 42
5	5 ILCS 140/7.5	
6	5 ILCS 225/2	from Ch. 111 2/3, par. 602
7	5 ILCS 315/5	from Ch. 48, par. 1605
8	5 ILCS 315/15	from Ch. 48, par. 1615
9	5 ILCS 375/2.5	
10	5 ILCS 430/1-5	
11	5 ILCS 430/20-5	
12	5 ILCS 430/20-10	
13	5 ILCS 430/Art. 75 heading	
14	5 ILCS 430/75-5	
15	5 ILCS 430/75-10	
16	20 ILCS 105/4.15	
17	20 ILCS 2310/2310-55.5	
18	20 ILCS 2605/2605-340 rep.	
19	20 ILCS 2705/2705-203	
20	20 ILCS 2705/2705-300	was 20 ILCS 2705/49.18
21	20 ILCS 2705/2705-305	
22	20 ILCS 2705/2705-310	
23	20 ILCS 2705/2705-315	was 20 ILCS 2705/49.19b
24	20 ILCS 2705/2705-440	was 20 ILCS 2705/49.25h
25	20 ILCS 2705/2705-594 new	

1	20 ILCS 3501/820-50	
2	30 ILCS 5/3-1	from Ch. 15, par. 303-1
3	30 ILCS 5/3-2.3 rep.	
4	30 ILCS 105/5.277	from Ch. 127, par. 141.277
5	30 ILCS 105/5.918	
6	30 ILCS 105/5.1015 new	
7	30 ILCS 105/5.1016 new	
8	30 ILCS 105/6z-17	from Ch. 127, par. 142z-17
9	30 ILCS 105/6z-20	from Ch. 127, par. 142z-20
10	30 ILCS 105/6z-27	
11	30 ILCS 105/6z-109	
12	30 ILCS 105/8.3	
13	30 ILCS 105/8.25g	
14	30 ILCS 230/2a	from Ch. 127, par. 172
15	30 ILCS 415/2	from Ch. 127, par. 702
16	30 ILCS 740/2-2.02	from Ch. 111 2/3, par. 662.02
17	30 ILCS 740/3-1.02	from Ch. 111 2/3, par. 683
18	30 ILCS 740/4-1.7	from Ch. 111 2/3, par. 699.7
19	30 ILCS 805/8.47	
20	35 ILCS 105/2b	from Ch. 120, par. 439.2b
21	35 ILCS 105/22	from Ch. 120, par. 439.22
22	35 ILCS 110/20	from Ch. 120, par. 439.50
23	35 ILCS 115/20	from Ch. 120, par. 439.120
24	35 ILCS 120/6	from Ch. 120, par. 445
25	35 ILCS 165/10	
26	35 ILCS 171/2	

1	35 ILCS 200/15-100	
2	35 ILCS 505/8b	
3	35 ILCS 815/1	from Ch. 121 1/2, par. 911
4	40 ILCS 5/8-230.1	from Ch. 108 1/2, par. 8-230.1
5	40 ILCS 5/11-221.1	from Ch. 108 1/2, par. 11-221.1
6	40 ILCS 5/18-112	from Ch. 108 1/2, par. 18-112
7	40 ILCS 5/22-101	from Ch. 108 1/2, par. 22-101
8	40 ILCS 5/22-101B	
9	40 ILCS 5/22-103	
10	40 ILCS 5/22-105	
11	50 ILCS 330/2	from Ch. 85, par. 802
12	55 ILCS 5/6-34000	
13	65 ILCS 5/11-1-11	from Ch. 24, par. 11-1-11
14	65 ILCS 5/11-74.4-3	from Ch. 24, par. 11-74.4-3
15	65 ILCS 5/Art. 11 Div.	
16	122.2 heading	
17	65 ILCS 5/11-122.2-1	from Ch. 24, par. 11-122.2-1
18	70 ILCS 1707/10	
19	70 ILCS 3605/Act rep.	
20	70 ILCS 3610/3.1	from Ch. 111 2/3, par. 353.1
21	70 ILCS 3610/5.05	from Ch. 111 2/3, par. 355.05
22	70 ILCS 3610/8.5	from Ch. 111 2/3, par. 358.5
23	70 ILCS 3615/Act rep.	
24	70 ILCS 3720/4	from Ch. 111 2/3, par. 254
25	105 ILCS 5/29-5	from Ch. 122, par. 29-5
26	105 ILCS 5/34-4	from Ch. 122, par. 34-4

1	220 ILCS 5/4-302	from Ch. 111 2/3, par. 4-302
2	410 ILCS 55/2	from Ch. 111 1/2, par. 4202
3	605 ILCS 5/5-701.8	from Ch. 121, par. 5-701.8
4	605 ILCS 5/6-411.5	
5	605 ILCS 5/7-202.14	from Ch. 121, par. 7-202.14
6	605 ILCS 10/3	from Ch. 121, par. 100-3
7	605 ILCS 10/19	from Ch. 121, par. 100-19
8	620 ILCS 5/49.1	from Ch. 15 1/2, par. 22.49a
9	625 ILCS 5/1-209.3	
10	625 ILCS 5/8-102	from Ch. 95 1/2, par. 8-102
11	625 ILCS 5/11-709.2	
12	625 ILCS 5/18c-7402	from Ch. 95 1/2, par. 18c-7402
13	720 ILCS 5/21-5	from Ch. 38, par. 21-5
14	735 ILCS 30/15-5-15	
15	735 ILCS 30/15-5-49 new	
16	745 ILCS 10/2-101	from Ch. 85, par. 2-101
17	820 ILCS 115/9	from Ch. 48, par. 39m-9
18	820 ILCS 63/5	
19	820 ILCS 63/10	
20	820 ILCS 63/15	