

**104TH GENERAL ASSEMBLY****State of Illinois****2025 and 2026****SB2486**

Introduced 2/7/2025, by Sen. Ram Villivalam

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 and repeals those Acts. Includes provisions about the operation of the Metropolitan Mobility Authority. Creates the Equitable Transit-Supportive Development Act. Establishes the Office of Transit-Oriented Development. 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. Creates the Zero-Emission Vehicle Act. Provides that all on-road vehicles purchased or leased by a governmental unit on or after January 1, 2029 must be a manufactured zero-emission vehicle, repowered zero-emission vehicle, manufactured near zero-emission vehicle, or repowered near zero-emission vehicle. Provides that on and after January 1, 2034, all on-road vehicles purchased or leased by a governmental unit must be a manufactured zero-emission vehicle or repowered zero-emission vehicle. Provides that, by January 1, 2049, all on-road vehicles operated by a governmental unit must be a manufactured or repowered zero-emission vehicle. Sets forth provisions implementing the Act, including requiring the Department of Central Management Services to adopt certain rules. Amends various Acts, Laws, and Codes to make conforming changes for the new Acts and to make other changes. Provides that some provisions are effective immediately.

LRB104 09316 LNS 19374 b

1 AN ACT concerning transportation.

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

4 Article I. METROPOLITAN MOBILITY AUTHORITY

5 Section 1.01. Short title; references to Act.

6 (a) Short title. Articles I through VI of this Act may be
7 cited as the Metropolitan Mobility Authority Act. References
8 to "this Act" in Articles I through VI of this Act mean
9 Articles I through VI of this Act.

10 (b) References to Act. This Act, including both the new
11 and amendatory provisions, may be referred to as Clean and
12 Equitable Transportation Act.

13 Section 1.02. Legislative findings and purpose.

14 (a) The General Assembly finds:

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

21 (2) There is an urgent need to reform and continue a
22 unit of local government to ensure the proper management

1 and operation of public transportation, to receive and
2 distribute State or federal operating assistance, and to
3 raise and distribute revenues for local operating
4 assistance. System generated revenues are not adequate for
5 such service and a public need exists to provide for, aid,
6 and assist public transportation in the metropolitan
7 region, consisting of Cook, DuPage, Kane, Lake, McHenry,
8 and Will counties.

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

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

1 (5) Public transportation in the metropolitan region
2 is being threatened by grave financial conditions. With
3 existing methods of financing, coordination, structure,
4 and management, the public transportation system is not
5 providing adequate service to ensure the public health,
6 safety, and welfare.

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

22 (7) Additional commitments to the public
23 transportation needs of persons with disabilities, the
24 economically disadvantaged, and the elderly are necessary.

25 (8) To solve these problems, it is necessary to
26 provide for the creation of a regional transportation

1 authority with the powers necessary to ensure adequate
2 public transportation and a board of directors that has
3 the diverse experience, expertise, and background to
4 effectively oversee the public transportation system.

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

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

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

26 (b) It is the purpose of this Act to provide for, aid, and

1 assist public transportation in the metropolitan region
2 without impairing the overall quality of existing public
3 transportation by providing for the creation of a single
4 authority responsive to the people and elected officials of
5 the area and with the power and competence to operate the
6 regional transportation system, develop, implement, and
7 enforce plans that promote adequate, efficient, equitable, and
8 coordinated public transportation, provide responsible
9 financial stewardship of the public transportation system in
10 the metropolitan region, and facilitate the delivery of public
11 transportation that is attractive and safe to passengers and
12 employees, comprehensive and coordinated among its various
13 elements, economic and efficient, and coordinated among local,
14 regional, and State programs, plans, and projects.

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

16 "Authority" means the Metropolitan Mobility Authority, the
17 successor to the Regional Transportation Authority and the
18 Chicago Transit Authority.

19 "Board" means the Board of Directors of the Metropolitan
20 Mobility Authority.

21 "Consolidated entities" means the Chicago Transit
22 Authority, the Commuter Rail Division and the Suburban Bus
23 Division of the Regional Transportation Authority, the
24 Regional Transportation Authority, and all of their
25 subsidiaries and affiliates.

1 "Construct or acquire" means to plan, design, construct,
2 reconstruct, improve, modify, extend, landscape, expand, or
3 acquire.

4 "Fare capping" means the action of no longer charging a
5 rider for any additional fares for the duration of a daily,
6 weekly, monthly, or 30-day pass once the rider has purchased
7 enough regular one-way fares to reach the cost of the
8 applicable pass.

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

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

15 "Operate" means operate, maintain, administer, repair,
16 promote, and any other acts necessary or proper with regard to
17 such matters.

18 "Operating Division" means the Suburban Bus, Commuter
19 Rail, and Chicago Transit Operating Divisions and any public
20 transportation operating division formed by the Authority
21 after the effective date of this Act.

22 "Public transportation" means the transportation or
23 conveyance of persons within the metropolitan region by means
24 available to the general public, including groups of the
25 general public with special needs. "Public transportation"
26 does not include transportation by automobiles not used for

1 conveyance of the general public as passengers.

2 "Public transportation facility" means the equipment or
3 property, real or personal, or rights therein, useful or
4 necessary for providing, maintaining or administering public
5 transportation within the metropolitan region or otherwise
6 useful for carrying out or meeting the purposes or powers of
7 the Authority. Except as otherwise provided by this Act,
8 "public transportation facility" does not include a road,
9 street, highway, bridge, toll highway, or toll bridge for
10 general public use.

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

16 "Service Boards" means the boards of the Commuter Rail
17 Division, the Suburban Bus Division, and the Chicago Transit
18 Authority of the former Regional Transportation Authority.

19 "Service Standards" means quantitative and qualitative
20 attributes of public transit service as well as its
21 appropriate level of service to be provided across the
22 metropolitan region.

23 "Transportation agency" means any individual, firm,
24 partnership, corporation, association, body politic, municipal
25 corporation, public authority, unit of local government, or
26 other person, other than the Authority and the Operating

1 Divisions, that provides public transportation in the
2 metropolitan region.

3 Article II. CREATION AND ORGANIZATION

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

9 Section 2.02. Territory and annexation.

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

21 (b) No area may be annexed to the Authority except upon the
22 approval of a majority of the electors of such area voting on
23 the proposition so to annex, which proposition may be

1 presented at any regular election as provided by the county
2 board or boards of the county or counties in which the area in
3 question is located. Such county board or boards shall cause
4 certification of such proposition to be given in accordance
5 with the general election law to the proper election officers,
6 who shall submit the proposition at an election in accordance
7 with the general election law.

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

1 such areas served outside the metropolitan region.

2 Section 2.04. Board of Directors.

3 (a) The corporate authorities and governing body of the
4 Authority shall be a Board consisting of voting Directors and
5 nonvoting Directors appointed as follows:

6 (1) 3 Directors appointed by the Governor with the
7 advice and consent of the Senate;

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

12 (3) 5 Directors appointed by the President of the Cook
13 County Board of Commissioners with the advice and consent
14 of the members of the Cook County Board of Commissioners;

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

19 (5) the following nonvoting Directors:

20 (A) the Secretary of Transportation or the
21 Secretary's designee;

22 (B) the Chair of the Board of Directors of the
23 Illinois State Toll Highway Authority or the Chair's
24 designee;

25 (C) a representative of organized labor, appointed

1 by the Governor;

2 (D) a representative from the business community
3 in the metropolitan region, appointed by the voting
4 members of the Board;

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

10 (F) the Chair of the Citizens Advisory Board
11 established by Section 2.12.

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

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

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

1 Section 2.05. Director qualifications.

2 (a) Except as otherwise provided by this Act, a Director
3 may not, while serving as a Director, be an officer, a member
4 of the board of directors, a trustee, or an employee of a
5 transportation agency or be an employee of the State of
6 Illinois or any department or agency of the State.

7 (b) Each appointment made under this Section shall be
8 certified by the appointing authority to the Board, which
9 shall maintain the certifications as part of the official
10 records of the Authority.

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

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

23 Section 2.07. Board Chair and other officers.

24 (a) The Chair of the Board shall be appointed by the other

1 Directors for a term of 5 years. The Chair shall not be
2 appointed from among the other Directors. The Chair shall be a
3 resident of the metropolitan region. The Chair may be replaced
4 at any time by the Directors.

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

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

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

24 Section 2.08. Terms and vacancies.

25 (a) Each Director shall hold office for a term of 5 years

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

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

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

23 (2) Directors appointed by the President of the Cook
24 County Board of Commissioners and the board chairs of
25 Will, Kane, DuPage, McHenry, and Lake counties shall serve
26 an initial term of 5 years and their successors shall

1 serve 5-year terms until the Director's successor has been
2 appointed and qualified.

3 Section 2.09. Compensation. Each Director, including the
4 Chair of the Authority, shall be compensated at the rate of
5 \$25,000 per year, but nonvoting Directors employed by a public
6 agency are not entitled to such compensation. Each Director
7 shall be reimbursed for actual expenses incurred in the
8 performance of the Director's duties. Officers of the
9 Authority shall not be required to comply with the
10 requirements of the Public Funds Statement Publication Act.

11 Section 2.10. Meetings.

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

22 (b) A majority of the whole number of members of the
23 Authority then in office shall constitute a quorum for the
24 transaction of any business or the exercise of any power of the

1 Authority. Unless otherwise stated by this Act, actions of the
2 Authority shall require the affirmative vote of a majority of
3 the voting members of the Authority present and voting at the
4 meeting at which the action is taken.

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

14 Section 2.11. Director liability.

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

19 (b) If any claim or action is instituted against a
20 Director of the Authority based on an injury allegedly arising
21 out of an act or omission of the Director occurring within the
22 scope of the Director's performance of duties on behalf of the
23 Authority, the Authority shall indemnify the Director for all
24 legal expenses and court costs incurred in defending against
25 the claim or action and shall indemnify the Director for any

1 amount paid pursuant to any judgment on, or any good faith
2 settlement of, such claim, except for that portion of a
3 judgment awarded for willful or wanton misconduct.

4 (c) The Authority may purchase insurance to cover the
5 costs of any legal expenses, judgments, or settlements under
6 this Section.

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

1 Authority Directors pursuant to Section 5.02.

2 Article III. TRANSITION

3 Section 3.01. Transition Committee.

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

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

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

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

24 (3) leading the search for a Chief Executive Officer

1 of the Authority who has experience managing large public
2 transportation systems, which may include systems outside
3 of North America, or who has similar relevant experience
4 in managing other complex organizations;

5 (4) overseeing the transfer of personnel and staff
6 responsibilities from the consolidated entities to the
7 Authority to implement the provisions of this Act most
8 effectively; and

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

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

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

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

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

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

26 (5) The transfer of all functions and responsibilities

1 to the Authority as contemplated by this Act shall be
2 completed by no later than 4 years after the effective
3 date of this Act.

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

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

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

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

23 (4) All fines, penalties, and forfeitures incurred or
24 imposed for the violation of any ordinance of a
25 consolidated entity shall be enforced or collected by the

1 Authority.

2 (5) All lawful ordinances, regulations, and rules of
3 the consolidated entities consistent with the provisions
4 of this Act shall continue in full force and effect as
5 ordinances, regulations, and rules of the Authority until
6 amended or repealed by the Authority.

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

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

22 (8) The separate existence of the consolidated
23 entities shall cease and the term of office of each
24 director and officer of those entities shall terminate,
25 except that the directors of the Regional Transportation
26 Authority on the effective date of this Act shall serve as

1 temporary Directors of the Authority until their
2 successors are appointed pursuant to Section 5.01. The
3 Authority and the appointing authorities shall begin the
4 process under Section 5.01 to select successors to the
5 temporary Directors no later than 30 days after the
6 effective date of this Act.

7 Section 3.03. Transfer of employees and collective
8 bargaining rights.

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

15 (b) On the effective date of this Act, all persons
16 employed by the consolidated entities shall become employees
17 of the Authority.

18 (c) The Authority shall assume and observe all applicable
19 collective bargaining and other agreements between the
20 consolidated entities and their employees in effect on the
21 effective date of this Act.

22 (d) The Authority shall assume all pension obligations of
23 the consolidated entities and the employees of the
24 consolidated entities who are members or beneficiaries of any
25 existing pension or retirement system and shall continue to

1 have the rights, privileges, obligations, and status with
2 respect to such system or systems as prescribed by law.
3 Employees shall be given sick leave, vacation, insurance, and
4 pension credits in accordance with the records or labor
5 agreements of the consolidated entities provided to an
6 employee under an ordinance adopted or a contract executed by
7 a consolidated entity. The Authority shall determine the
8 number of employees necessary to provide public transportation
9 services on a consolidated basis and to carry out the
10 functions of the Authority and shall determine fair and
11 equitable arrangements for the employees of the Authority who
12 are affected by actions provided for by this Act.

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

1 agreed upon by the labor organization and the Authority shall
2 act as chair of the board. The determination of the majority of
3 the board of arbitration thus established shall be final and
4 binding on all matters in dispute. If, after a period of 10
5 days from the date of the appointment of the 2 arbitrators
6 representing the Authority and the labor organization, the
7 third arbitrator has not been selected, then either arbitrator
8 may request the American Arbitration Association to furnish
9 from the current listing of the membership of the National
10 Academy of Arbitrators the names of 7 members of the National
11 Academy. The arbitrators appointed by the Authority and the
12 labor organization shall determine, promptly after the receipt
13 of the list, by that order alternatively eliminate one name
14 until only one name remains. The remaining person on the list
15 shall be the third arbitrator. Each party shall pay an equal
16 proportionate share of the impartial arbitrator's fees and
17 expenses.

18

Article IV. POWERS

19 Section 4.01. Responsibility for public transportation. As
20 the provider of public transportation in the metropolitan
21 region, the Authority may:

22 (1) adopt plans that implement the public policy of
23 the State to provide adequate, efficient, equitable, and
24 coordinated public transportation throughout the

1 metropolitan region;

2 (2) develop Service Standards and performance measures
3 to inform the public about the extent to which the
4 provision of public transportation in the metropolitan
5 region meets those goals, objectives, and standards;

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

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

13 (5) coordinate the provision of public transportation
14 and the investment in public transportation facilities to
15 enhance the integration of public transportation
16 throughout the metropolitan region;

17 (6) operate or otherwise provide for public
18 transportation services throughout the metropolitan
19 region;

20 (7) plan, procure, and operate an integrated fare
21 collection system;

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

23 (9) provide design and construction oversight of
24 capital projects;

25 (10) procure goods and services necessary to fulfill
26 its responsibilities;

1 (11) develop or participate in residential and
2 commercial development on and in the vicinity of public
3 transportation stations and routes to facilitate
4 transit-supportive land uses, increase public
5 transportation ridership, generate revenue, and improve
6 access to jobs and other opportunities in the metropolitan
7 region by public transportation; and

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

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

14 (1) to sue and be sued;

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

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

20 (4) to borrow money and to issue its negotiable bonds
21 or notes;

22 (5) to hold, sell, sell by installment contract, lease
23 as lessor, transfer, or dispose of such real or personal
24 property as it deems appropriate in the exercise of its
25 powers or to provide for the use thereof by any

1 transportation agency and to mortgage, pledge, or
2 otherwise grant security interests in any such property;

3 (6) to enter at reasonable times upon such lands,
4 waters, or premises as in the judgment of the Authority
5 may be necessary, convenient, or desirable for the purpose
6 of making surveys, soundings, borings, and examinations to
7 accomplish any purpose authorized by this Act after having
8 given reasonable notice of such proposed entry to the
9 owners and occupants of such lands, waters or premises,
10 the Authority being liable only for actual damage caused
11 by such activity;

12 (7) to procure the goods and services necessary to
13 perform its responsibilities;

14 (8) to make and execute all contracts and other
15 instruments necessary or convenient to the exercise of its
16 powers;

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

24 (10) to provide for the insurance of any property,
25 directors, officers, employees, or operations of the
26 Authority against any risk or hazard, and to self-insure

1 or participate in joint self-insurance pools or entities
2 to insure against any risk or hazard;

3 (11) to appear before the Illinois Commerce Commission
4 in all proceedings concerning the Authority or any
5 transportation agency;

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

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

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

21 Section 4.03. Purchase of transit services.

22 (a) The Authority may provide public transportation by
23 purchasing public transportation services from transportation
24 agencies through purchase of service agreements or grants.

25 (b) The Authority may make grants to or enter into

1 purchase of service agreements with a transportation agency
2 for operating and other expenses, developing or planning
3 public transportation, or for constructing or acquiring public
4 transportation facilities, all upon such terms and conditions
5 as the Authority shall prescribe.

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

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

1 upon political reasons or factors is prohibited.

2 (e) The Authority is not subject to the Public Utilities
3 Act. Transportation agencies that have any purchase of service
4 or grant agreement with the Authority are not subject to that
5 Act as to any public transportation that is the subject of a
6 purchase of service or grant agreement.

7 (f) A contract or agreement entered into by a
8 transportation agency with the Authority and discontinuation
9 of the contract or agreement by the Authority are not subject
10 to approval of or regulation by the Illinois Commerce
11 Commission.

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

23 Section 4.04. Paratransit services.

24 (a) As used in this Section, "ADA paratransit services"
25 means those comparable or specialized transportation services

1 provided to individuals with disabilities who are unable to
2 use fixed-route transportation systems and who are determined
3 to be eligible, for some or all of their trips, for such
4 services under the Americans with Disabilities Act of 1990 and
5 its implementing regulations.

6 (b) The Authority is responsible for the funding,
7 financial review, and oversight of all ADA paratransit
8 services that are provided by the Authority or by any
9 transportation agency.

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

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

25 (2) provide for consistent policies throughout the
26 metropolitan region for scheduling of ADA paratransit

1 service trips to and from destinations, with consideration
2 of scheduling of return trips on a will-call, open-ended
3 basis upon request of the rider, if practicable;

4 (3) provide that service contracts and rates with
5 private carriers and taxicabs for ADA paratransit service,
6 entered into or set after the approval by the Federal
7 Transit Administration, are procured by means of an open
8 procurement process;

9 (4) provide for fares, fare collection, and billing
10 procedures for ADA paratransit services throughout the
11 metropolitan region;

12 (5) provide for performance standards for all ADA
13 paratransit service transportation carriers, with
14 consideration of door-to-door service;

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

21 (7) provide for a system of dispatch of ADA
22 paratransit services transportation carriers throughout
23 the metropolitan region with consideration of county-based
24 dispatch systems already in place;

25 (8) provide for a process of determining eligibility
26 for ADA paratransit services that complies with the

1 Americans with Disabilities Act of 1990 and its
2 implementing regulations;

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

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

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

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

24 (f) In conjunction with its adoption of its Strategic
25 Plan, the Authority shall develop and submit to the General
26 Assembly and the Governor a funding plan for ADA paratransit

1 services. The funding plan shall, at a minimum, contain an
2 analysis of the current costs of providing ADA paratransit
3 services, projections of the long-term costs of providing ADA
4 paratransit services, identification of and recommendations
5 for possible cost efficiencies in providing ADA paratransit
6 services, and identification of and recommendations for
7 possible funding sources for providing ADA paratransit
8 services. The Department of Transportation, the Department of
9 Healthcare and Family Services, and other State and local
10 public agencies, as appropriate, shall cooperate with the
11 Authority in the preparation of the funding plan.

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

17 Section 4.05. Fares and nature of service.

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

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

3 (c) Whenever the Authority provides any public
4 transportation pursuant to grants to transportation agencies
5 for operating expenses, other than with regard to experimental
6 programs, or pursuant to any purchase of service agreement,
7 the purchase of service or grant agreements shall provide for
8 the level and nature of fares or charges to be made for such
9 services and the nature and standards of public transportation
10 to be so provided.

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

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

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

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

4 (g) The Authority must develop and make available for use
5 by riders a universal fare instrument that may be used
6 interchangeably on all public transportation funded by the
7 Authority.

8 Section 4.06. Use of streets and roads.

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

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

1 except for regular police supervision of vehicular traffic.

2 Section 4.07. Bus rapid transit and related technologies.
3 To improve public transportation service in the metropolitan
4 region, the Authority shall accelerate the implementation of
5 bus rapid transit services using the expressway, tollway, and
6 other roadway systems in the metropolitan region. The
7 Department of Transportation and the Illinois State Toll
8 Highway Authority shall collaborate with the Authority in the
9 implementation of bus rapid transit services. The Authority,
10 in cooperation with the Department of Transportation and the
11 Illinois State Toll Highway Authority, shall evaluate and
12 refine approaches to bus rapid transit operations and shall
13 investigate technology options that facilitate the shared use
14 of the bus rapid transit lanes and provide revenue for
15 financing construction and operation of public transportation
16 facilities. The Authority shall also research, evaluate, and,
17 where appropriate, implement vehicle, infrastructure,
18 intelligent transportation systems, and other technologies to
19 improve the quality and safety of public transportation on
20 roadway systems in the metropolitan region.

21 Section 4.08. Coordination with the Department of
22 Transportation.

23 (a) The Authority shall promptly review the Department of
24 Transportation's plans under Section 2705-354 of the

1 Department of Transportation Law of the Civil Administrative
2 Code of Illinois and provide the Department with
3 recommendations for any needed modifications to enhance the
4 operation and safety of public transportation on the highway.
5 The Department shall review the recommendations and respond to
6 the Authority's comments as set forth in that Section.

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

13 Section 4.09. Eminent domain.

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

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

14 (c) The Authority may exercise the right of eminent domain
15 to acquire public property with the approval of the Board. In a
16 proceeding for the taking of public property by the Authority
17 through the exercise of the power of eminent domain, the venue
18 shall be in the circuit court of the county in which the
19 property is located. The right of eminent domain may be
20 exercised over property used for public park purposes, for
21 State forest purposes, or for forest preserve purposes with
22 the approval of the Board, after public hearing and a written
23 study done for the Authority, that such taking is necessary to
24 accomplish the purposes of this Act, that no feasible
25 alternatives to such taking exist, and that the advantages to
26 the public from such taking exceed the disadvantages to the

1 public of doing so. In a proceeding for the exercise of the
2 right of eminent domain for the taking by the Authority of
3 property used for public park, State forest, or forest
4 preserve purposes, the court shall not order the taking of
5 such property unless it has reviewed and concurred in the
6 findings required of the Authority by this paragraph. Property
7 dedicated as a nature preserve pursuant to the Illinois
8 Natural Areas Preservation Act may not be acquired by eminent
9 domain by the Authority.

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

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

24 Section 4.10. Acquisitions.

25 (a) The Authority may acquire any public transportation

1 facility for its use or for use by a transportation agency and
2 may acquire any such facilities from a transportation agency,
3 including, without limitation, reserve funds, employees'
4 pension or retirement funds, special funds, franchises,
5 licenses, patents, permits and papers, documents, and records
6 of the transportation agency.

7 (b) In connection with an acquisition under subsection (a)
8 from a transportation agency, the Authority may assume
9 obligations of the transportation agency with regard to such
10 facilities or property or public transportation operations of
11 such agency.

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

1 of the seller, lessor, donor, or other transferor of or of the
2 trustee with regard to such property.

3 (d) In connection with the acquisition of public
4 transportation equipment, including, but not limited to,
5 rolling stock, vehicles, locomotives, buses, or rapid transit
6 equipment, the Authority may also execute agreements
7 concerning such equipment leases, equipment trust
8 certificates, conditional purchase agreements, and other
9 security agreements and may make such agreements and covenants
10 as required in the form customarily used in such cases
11 appropriate to effect such acquisition.

12 (e) Obligations of the Authority incurred pursuant to this
13 Section shall not be considered bonds or notes within the
14 meaning of Section 6.05.

15 Section 4.11. Public bidding.

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

23 (b) The Board shall adopt rules to ensure that the
24 construction, demolition, rehabilitation, renovation, and
25 building maintenance projects by the Authority for services or

1 public transportation facilities involving a cost of more than
2 \$40,000 or such other amount set by the Board by ordinance
3 shall be after public notice and with public bidding. The
4 ordinance may provide for exceptions to such requirements for
5 acquisition of repair parts, accessories, equipment, or
6 services previously furnished or contracted for; for the
7 immediate delivery of supplies, material, or equipment or
8 performance of service when it is determined by the
9 concurrence of a majority of the then Directors that an
10 emergency requires immediate delivery or supply thereof; for
11 goods or services that are economically procurable from only
12 one source; for contracts for the maintenance or servicing of
13 equipment which are made with the manufacturers or authorized
14 service agent of that equipment where the maintenance or
15 servicing can best be performed by the manufacturer or
16 authorized service agent or such a contract would be otherwise
17 advantageous to the Authority, except that the exceptions in
18 this clause shall not apply to contracts for plumbing,
19 heating, piping, refrigeration, and automatic temperature
20 control systems, ventilating, and distribution systems for
21 conditioned air, and electrical wiring; for goods or services
22 procured from another governmental agency; for purchases and
23 contracts for the use or purchase of data processing equipment
24 and data processing systems software; for the acquisition of
25 professional or utility services; and for the acquisition of
26 public transportation equipment, including, but not limited

1 to, rolling stock, locomotives, and buses if: (i) it is
2 determined by the Directors that a negotiated acquisition
3 offers opportunities with respect to the cost or financing of
4 the equipment, its delivery, or the performance of a portion
5 of the work within the State or the use of goods produced or
6 services provided within the State; (ii) a notice of intention
7 to negotiate for the acquisition of such public transportation
8 equipment is published in a newspaper of general circulation
9 within the metropolitan region inviting proposals from
10 qualified vendors; and (iii) any contract with respect to such
11 acquisition is authorized by the Directors.

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

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

18 (1) The Authority may authorize the use of competitive
19 selection and the prequalification of responsible bidders
20 consistent with all applicable laws.

21 (2) 2-phase design-build selection procedures shall
22 consist of the following:

23 (A) The Authority shall develop, through licensed
24 architects or licensed engineers, a scope of work
25 statement for inclusion in the solicitation for phase
26 I proposals that defines the project and provides

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

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

1 licensed design professional independent from the
2 Authority's licensed architect or engineer and a
3 licensed design professional must be named in the
4 phase I proposals submitted to the Authority.

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

26 (D) A design-build solicitation issued under the

1 procedures in this subsection shall state the maximum
2 number of offerors that are to be selected to submit
3 competitive phase II proposals. The maximum number
4 specified in the solicitation shall not exceed 5
5 unless the Authority with respect to an individual
6 solicitation determines that a specified number
7 greater than 5 is in the best interest of the Authority
8 and is consistent with the purposes and objectives of
9 the 2-phase design-build selection process.

10 (E) All designs submitted as part of the 2-phase
11 selection process and not selected shall be
12 proprietary to the preparers.

13 Section 4.12. Limitations on Authority powers.

14 (a) The Authority may not:

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

23 (2) obtain by eminent domain any interest in a
24 right-of-way or any other real property of a railroad that
25 is not a public body in excess of the interest to be used

1 for public transportation as provided in this Act; or

2 (3) prohibit the operation of public transportation by
3 a private carrier that does not receive a grant or
4 purchase of service agreement from the Authority.

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

1 agreeing in a purchase of service agreement or otherwise to
2 make different arrangements for such relocations or the costs
3 thereof.

4 Section 4.13. Appointment of officers and employees.

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

10 (b) The Executive Director must be an individual of proven
11 transportation and management skills and may not be a member
12 of the Board, except as provided in subsection (d) of Section
13 2.07.

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

24 (d) The Authority may employ its own professional
25 management personnel to provide professional and technical

1 expertise concerning its purposes and powers and to assist it
2 in assessing the performance of the Authority and the
3 transportation agencies in the metropolitan region.

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

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

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

1 Section 4.14. Policy with respect to protective
2 arrangements, collective bargaining, and labor relations.

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

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

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

22 (d) As used in this Section, "actions of the Authority"
23 includes the Authority's acquisition and operation of public
24 transportation facilities, the execution of purchase of
25 service and grant agreements made under this Act and the
26 coordination, reorganization, combining, leasing, merging of

1 operations, or the expansion or curtailment of public
2 transportation services or facilities by the Authority.
3 "Actions of the Authority" does not include a failure or
4 refusal to enter into a purchase of service or grant
5 agreement.

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

21 Section 4.16. Employee pensions. The Authority may
22 establish and maintain systems of pensions and retirement
23 benefits for officers and employees of the Authority as may be
24 designated or described by ordinance of the Authority; may fix

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

23 Section 4.17. Labor contracts.

24 (a) The Authority shall deal with and enter into written
25 contracts with employees of the Authority through accredited

1 representatives of the employees authorized to act for the
2 employees concerning wages, salaries, hours, working
3 conditions, and pension or retirement provisions. However,
4 nothing in this Act shall be construed to permit hours of labor
5 in excess of those prohibited by law or to permit working
6 conditions prohibited by law.

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

1 employees, through their representatives for collective
2 bargaining purposes, shall take whatever action may be
3 necessary to have pension trust funds presently under the
4 joint control of such transportation agency and the
5 participating employees through their representatives
6 transferred to the trust funds to be established, maintained,
7 and administered jointly by the Authority and the
8 participating employees through their representatives.

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

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

12 Section 4.18. Labor relations procedures.

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

1 be selected by the American Arbitration Association from a
2 current listing of arbitrators of the National Academy of
3 Arbitrators.

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

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

1 name until only one name remains. The remaining person on the
2 list shall be the third arbitrator. Each party shall pay
3 one-half of the expenses of such arbitration.

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

16 Section 4.19. Workforce development.

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

21 (b) The Authority may participate in and provide funding
22 support for programs that prepare participants for careers in
23 public transportation.

24 Section 4.20. Disadvantaged business enterprise

1 contracting and equal employment opportunity programs.

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

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

26 (c) Each year, no later than October 1, and starting no

1 later than the first October 1 after the establishment of its
2 disadvantaged business enterprise contracting programs, the
3 Authority shall submit a report with respect to such program
4 to the General Assembly.

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

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

12 Section 4.21. Research and development. The Authority
13 shall:

14 (1) study public transportation problems and
15 developments; encourage experimentation in developing new
16 public transportation technology, financing methods, and
17 management procedures;

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

23 (3) conduct, sponsor, and participate in other studies
24 and experiments, which may include fare demonstration
25 programs and transportation technology pilot programs, in

1 conjunction with public agencies, including the United
2 States Department of Transportation, the Illinois
3 Department of Transportation, the Illinois State Toll
4 Highway Authority, and the Chicago Metropolitan Agency for
5 Planning, useful to achieving the purposes of this Act.

6 Section 4.22. Protection of the environment.

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

18 (b) In recognition of the fact that the transportation
19 sector accounts for approximately a third of the greenhouse
20 gases generated in the State and that public transportation
21 moves people with fewer such emissions, the Authority shall
22 work cooperatively with the Department of Transportation, the
23 Illinois State Toll Highway Authority, the Chicago
24 Metropolitan Agency for Planning, and other units of
25 government to assist them in using investments in public

1 transportation facilities and operations as a tool to help
2 them meet their greenhouse gas emissions reduction goals. To
3 the maximum extent allowed by law, the Authority is eligible
4 to receive funding and other assistance from local, state, and
5 federal sources so the Authority can assist in using improved
6 and expanded public transportation in the metropolitan region
7 to reduce greenhouse gas emissions and other pollution
8 generated by the transportation sector.

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

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

23 Section 4.24. Clean, green, or alternative fuel vehicles.
24 Any vehicles purchased from funds made available to the

1 Authority from the Transportation Bond, Series B Fund, or the
2 Multi-modal Transportation Bond Fund must incorporate
3 technologies advancing energy commonly known as clean or green
4 energy and alternative fuel technologies, to the extent
5 practical.

6 Section 4.25. Zero-emission buses.

7 (a) As used in this Section:

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

- 9 (1) designed to carry more than 10 passengers and is
10 used to carry passengers for compensation;
11 (2) a zero-emission vehicle; and
12 (3) not a taxi.

13 "Zero-emission vehicle" means a fuel cell or electric
14 vehicle that:

- 15 (1) is a motor vehicle;
16 (2) is made by a commercial manufacturer;
17 (3) is manufactured primarily for use on public
18 streets, roads, and highways;
19 (4) has a maximum speed capability of at least 55
20 miles per hour;
21 (5) is powered entirely by electricity or powered by
22 combining hydrogen and oxygen, which runs the motor;
23 (6) has an operating range of at least one hundred
24 miles; and
25 (7) produces only water vapor and heat as byproducts.

1 (b) On or after July 1, 2027, the Authority may not enter
2 into a new contract to purchase a bus that is not a
3 zero-emission bus for the purpose of the Authority's bus
4 fleet.

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

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

10 (ii) the lack of necessary charging, fueling, or
11 storage facilities or funding to procure charging,
12 fueling, or storage facilities; or

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

17 Section 4.26. City-Suburban Mobility Innovations Program.

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

1 government for the following purposes:

2 (1) providing transit services, other than traditional
3 fixed-route services, that enhance local mobility,
4 including, but not limited to, demand-responsive transit
5 services, ridesharing, van pooling, micromobility and
6 mobility hubs, and first-mile and last-mile services;

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

11 (3) offering workforce development and training that
12 provides a pathway for careers in public transportation in
13 the metropolitan region; and

14 (4) testing new technologies, features, and
15 enhancements to the transit system to determine their
16 value and readiness for broader adoption.

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

20 (c) Any grantee that receives funds under this Section
21 must (i) implement such programs within one year of receipt of
22 such funds and (ii) within 2 years following commencement of
23 any program using such funds, determine whether it is
24 desirable to continue the program, and upon such a
25 determination, either incorporate such program into its annual
26 operating budget and capital program or discontinue such

1 program. No additional funds under this Section may be
2 distributed to a grantee for any individual program beyond 2
3 years unless the Board waives this limitation. Any such waiver
4 will be with regard to an individual program and with regard to
5 a one-year period, and any further waivers for such individual
6 program require a subsequent vote of the Board.

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

10 Section 4.27. Transit-Supportive Development Incentive
11 Program.

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

22 (b) The Authority may establish a Transit-Supportive
23 Development Incentive Program and authorize the deposit of
24 Authority moneys into a Transit-Supportive Development
25 Incentive Fund. Amounts on deposit in the fund and interest

1 and other earnings on those amounts may be used by the
2 Authority, with the approval of its Directors and after a
3 competitive application and scoring process that includes an
4 opportunity for public participation, for operating or capital
5 grants or loans to Service Boards, transportation agencies, or
6 units of local government for the following purposes:

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

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

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

21 (c) The Authority shall develop and publish scoring
22 criteria that it will use in making awards from the
23 Transit-Supportive Development Incentive Fund. Such scoring
24 criteria shall prioritize high-density development in and in
25 the near vicinity of public transportation stations and routes
26 and shall prioritize projects that (i) are likely to increase

1 per capita public transportation ridership, (ii) serve
2 disadvantaged and transit populations, and (iii) are located
3 in jurisdictions that have land use and other policies that
4 encourage the level of residential density and concentration
5 of businesses in walkable districts accessible by public
6 transportation required to support financially viable public
7 transportation service with substantial ridership.

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

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

24 Section 4.28. Coordination with planning agencies. The
25 Authority shall cooperate with the various public agencies

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

12 Section 4.29. Planning activities.

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

20 (b) In preparing a subregional or corridor plan, the
21 Authority may examine travel markets, demographic shifts,
22 changes in passenger behavior, preferences, or attitudes, and
23 other pertinent factors to identify changes in operating
24 practices or capital investment in the subregion or corridor
25 that could increase ridership, reduce costs, improve

1 coordination, or enhance transit-oriented development.

2 (c) The Authority shall have principal responsibility for
3 initiating any alternatives analysis and preliminary
4 environmental assessment required by federal or State law for
5 any new public transportation service or facility in the
6 metropolitan region in addition to conducting public and
7 stakeholder engagement activities to inform planning
8 decisions.

9 Section 4.30. Protection against crime; transit ambassador
10 program.

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

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

24 (c) The Authority shall establish minimum standards for
25 selection and training of members of a police force employed

1 by the Authority. Training shall be accomplished at schools
2 certified by the Illinois Law Enforcement Training Standards
3 Board established pursuant to the Illinois Police Training
4 Act. Such training is subject to the rules and standards
5 adopted pursuant to Section 7 of that Act. The Authority may
6 participate in any training program conducted under that Act.

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

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

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

25 (g) The Authority may perform fare inspections and issue
26 fare violation tickets using personnel other than law

1 enforcement, including transit ambassadors.

2 (h) Neither the Authority nor any of their Directors,
3 officers, or employees may be held liable for failure to
4 provide a security or police force or, if a security or police
5 force is provided, for failure to provide adequate police
6 protection or security, failure to prevent the commission of
7 crimes by fellow passengers or other third persons, or for the
8 failure to apprehend criminals.

9 Section 4.31. Traffic law enforcement.

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

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

23 (c) The Authority may establish by rule an enforcement
24 program that covers jurisdictions in the metropolitan region
25 that lack laws that protect the quality and safety of public

1 transportation operations or that, in the Authority's sole
2 discretion, fail to adequately enforce such laws.

3 (d) An enforcement program established under this Section
4 shall contain the following elements:

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

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

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

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

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

23 (6) a process through which vehicle lessors may
24 transfer responsibility for a violation to lessees of
25 their vehicles;

26 (7) use of Internet tools, such as remote hearings and

1 allowance of online submission of documents contesting an
2 alleged violation, to provide alleged violators an
3 adequate opportunity to contest their alleged violation;
4 and

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

8 (e) The Authority shall:

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

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

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

24 Section 4.32. Suspension of riding privileges and
25 confiscation of fare media.

1 (a) As used in this Section, "demographic information"
2 includes, but is not limited to, age, race, ethnicity, gender,
3 and housing status, as that term is defined under Section 10 of
4 the Bill of Rights for the Homeless Act.

5 (b) Suspension of riding privileges and confiscation of
6 fare media are limited to:

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

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

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

21 (c) Written notice shall be provided to an individual
22 regarding the suspension of the individual's riding privileges
23 or confiscation of fare media. The notice shall be provided in
24 person at the time of the alleged violation, except that, if
25 providing notice in person at the time of the alleged
26 violation is not practicable, then the Authority shall make a

1 reasonable effort to provide notice to the individual by
2 personal service, by mailing a copy of the notice by certified
3 mail, return receipt requested, by first-class mail to the
4 person's current address, or by emailing a copy of the notice
5 to an email address on file, if available. If the person is
6 known to be detained in jail, service shall be made as provided
7 under Section 2-203.2 of the Code of Civil Procedure. The
8 written notice shall be sufficient to inform the individual
9 about the following:

10 (1) the nature of the suspension of riding privileges
11 or confiscation of fare media;

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

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

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

25 (e) Notwithstanding any other provision of this Section, a
26 person may not be denied the ability to contest or appeal a

1 suspension of riding privileges or confiscation of fare media
2 or to attend an in-person or virtual hearing to determine
3 whether a suspension or confiscation was warranted because the
4 person was detained in a jail.

5 (f) The Authority shall create an administrative
6 suspension hearing process as follows:

7 (1) the Authority shall designate an official to
8 oversee the administrative process to decide whether a
9 suspension is warranted and the length of the suspension;

10 (2) the accused and related parties, including legal
11 counsel, may attend this hearing in person, by telephone,
12 or virtually;

13 (3) the Authority shall present the suspension-related
14 evidence and outline the evidence that supports the need
15 for the suspension;

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

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

22 (6) the value of unexpended credit or unexpired passes
23 shall be reimbursed upon suspension of riding privileges
24 or confiscation of fare media;

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

1 this hearing in person, by telephone, or virtually; and

2 (8) the alleged victims of the violation and related
3 parties, including witnesses who were present, may present
4 and make an oral or written presentation and offer
5 documents, including affidavits, in response to the
6 Authority's evidence.

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

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

1 Section 4.33. Domestic Violence and Sexual Assault
2 Transportation Assistance Program.

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

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

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

25 (d) The creation of the Program shall include an

1 appointment of a domestic violence or sexual assault program
2 service provider or a representative of the service provider's
3 choosing to the Authority's Citizen Advisory Board.

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

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

21 Section 4.34. Safety.

22 (a) The Authority shall establish, enforce, and facilitate
23 achievement and maintenance of standards of safety with
24 respect to public transportation provided by the Authority or
25 by transportation agencies pursuant to purchase of service or

1 grant agreements.

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

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

26 (d) Neither the Authority nor its directors, officers, or

1 employees may not be held liable in any civil action for any
2 injury to any person or property for any acts or omissions or
3 failure to act under this Section or pursuant to 49 CFR Part
4 659.

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

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

17 Section 4.36. Prompt payment. Purchases made pursuant to
18 this Act shall be made in compliance with the Local Government
19 Prompt Payment Act.

20 Article V. ACCOUNTABILITY

21 Section 5.01. Director selection process. The following
22 requirements apply to the appointing authorities for Directors

1 of the Board and members of the Citizens Advisory Board:

2 (1) Those responsible for appointing Directors shall
3 strive to assemble a set of Board members that, to the
4 greatest extent possible, reflects the ethnic, cultural,
5 economic, and geographic diversity of the metropolitan
6 region.

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

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

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

1 posting shall give the public instructions for how
2 they may comment on those individuals identified by
3 the appointing authority and give them at least 21
4 days to submit such comments.

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

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

19 Section 5.02. System usage requirements.

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

23 (b) The Board may adopt rules governing system usage by
24 Directors consistent with the intention of this Act that the
25 Directors overseeing the public transportation system of the

1 metropolitan region should have substantial ridership
2 experience on that system.

3 (c) The Board may adopt public transportation system usage
4 requirements for the executives and staff of the Authority
5 that are no less demanding than public transportation system
6 ridership requirements applicable to Directors. System
7 ridership requirements may be included in performance-based
8 compensation systems established under Section 5.04.

9 (d) The Authority may incorporate public transportation
10 system usage requirements into its agreements with
11 transportation agencies and goods and services providers.

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

15 Section 5.03. Director attendance requirement.

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

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

22 Section 5.04. Employment agreements; performance-based
23 compensation.

24 (a) By no later than one year after the effective date of

1 this Act, after consideration of best practices for executive
2 compensation, the Authority shall enter into written
3 employment agreements with at least the 5 most senior staff
4 executives or officers of the Authority.

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

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

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

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

25 (f) The Authority may incorporate performance-based
26 compensation system requirements into its agreements with

1 transportation agencies and goods and services providers.

2 Section 5.05. Revolving door prohibition. A Director,
3 Citizen Advisory Board member, former Director, or former
4 Citizen Advisory Board member shall, during the Director's or
5 member's, or former Director's or former member's, term, and
6 for a period of one year immediately after the end of the
7 Director's or member's, or former Director's or former
8 member's, term, engage in business dealings with, knowingly
9 accept employment from, or receive compensation or fees for
10 services from the Authority. This prohibition does not apply
11 to any business dealings engaged in by the Director or member
12 in the course of the Director's or member's official duties or
13 responsibilities as a Director or member.

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

19 Section 5.07. Strategic Plan.

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

23 (b) To the maximum extent feasible, the Authority shall

1 adopt its Strategic Plan on a similar schedule as the regional
2 comprehensive plan adopted by the Chicago Metropolitan Agency
3 for Planning.

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

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

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

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

26 (g) The Strategic Plan shall describe the specific actions

1 to be taken by the Authority to provide adequate, efficient,
2 equitable, and coordinated public transportation.

3 (h) The Strategic Plan shall identify goals and objectives
4 with respect to:

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

7 (2) coordination of public transportation services and
8 the investment in public transportation facilities to
9 enhance the integration of public transportation
10 throughout the metropolitan region;

11 (3) coordination of fare and transfer policies to
12 promote transfers by riders among public transportation
13 modes;

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

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

1 (6) the financial viability of the public
2 transportation system, including both operating and
3 capital programs;

4 (7) improving roadway operations within the
5 metropolitan region and enhancing transit options to
6 improve mobility;

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

14 (9) policies, practices, and incentives that will
15 better integrate public transportation with other active
16 modes of transportation; and

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

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

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

3 (2) projects to be funded from the City-Suburban
4 Mobility Innovations Fund;

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

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

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

12 (6) other criteria that advance the goals and
13 objectives of the Strategic Plan.

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

20 (k) The Strategic Plan shall extend on the plans adopted
21 pursuant to Sections 5.09, 5.10, 5.11, and 5.12 and describe
22 the expected financial condition of public transportation in
23 the metropolitan region prospectively over a 10-year period,
24 which may include information about the cash position and all
25 known obligations of the Authority, including operating
26 expenditures, debt service, contributions for payment of

1 pension and other post-employment benefits, the expected
2 revenues from fares, tax receipts, grants from the federal,
3 State, and local governments for operating and capital
4 purposes and issuance of debt, the availability of working
5 capital, and the additional resources, if any, needed to
6 achieve the goals and objectives described in the Strategic
7 Plan. The Strategic Plan shall outline the Authority's plan
8 for dealing with any projected shortfall in financial
9 resources necessary to keep public transportation facilities
10 in a state of good repair and to deliver public transportation
11 services that meet Service Standards adopted pursuant to
12 Section 5.11.

13 (l) The Executive Director of the Authority shall review
14 the Strategic Plan on an ongoing basis and make
15 recommendations to the Board with respect to any update or
16 amendment of the Strategic Plan.

17 Section 5.08. Prioritization process for transit capital
18 projects.

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

25 (b) The Authority shall use the prioritization process

1 when developing its Five-Year Capital Program pursuant to
2 Section 5.09 and for its other capital planning processes.

3 (c) The prioritization process must consider, at a
4 minimum:

5 (1) increasing access to key destinations such as
6 jobs, retail, healthcare, and recreation;

7 (2) reliability improvement;

8 (3) capacity needs;

9 (4) safety:

10 (5) state of good repair;

11 (6) racial equity and mobility justice;

12 (7) environmental protection;

13 (8) the Service Standards; and

14 (9) economic development.

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

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

25 (f) No project shall be included in the Five-Year Capital
26 Program, or amendments to that Program, without being

1 evaluated under the selection process described in this
2 Section.

3 Section 5.09. Five-Year Capital Program.

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

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

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

24 (d) Before adopting a Five-Year Capital Program, the
25 Authority shall consult with the Chicago Metropolitan Agency

1 for Planning regarding the consistency of the Five-Year
2 Capital Program with the Regional Comprehensive Plan adopted
3 pursuant to the Regional Planning Act.

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

6 Section 5.10. Annual Capital Improvement Plan.

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

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

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

20 (3) a certification that, as of September 30 of the
21 preceding calendar year or any later date, the balance of
22 all federal capital grant funds and all other funds to be
23 used as matching funds therefore which were committed to
24 or possessed by the Authority but which had not been
25 obligated was less than \$500,000,000, or a greater amount

1 as authorized in writing by the Governor. As used in this
2 paragraph, "obligated" means committed to be paid by the
3 Authority under a contract with a nongovernmental entity
4 in connection with the performance of a project or
5 committed under a force account plan approved by the
6 federal government;

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

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

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

25 (7) the source of funding for each project in the
26 Plan. For any project for which full funding has not yet

1 been secured and that is not subject to a federal full
2 funding contract, the Authority must identify alternative,
3 dedicated funding sources available to complete the
4 project. The Governor may waive this requirement on a
5 project-by-project basis.

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

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

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

1 Projects issued under Section 6.05.

2 (e) With respect to capital improvements, only those
3 capital improvements which are in a Plan approved by the
4 Governor shall be financed with the proceeds of bonds or notes
5 issued for Strategic Capital Improvement Projects.

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

15 Section 5.11. Service Standards.

16 (a) The Authority shall adopt Service Standards in
17 conjunction with its Strategic Plan and Five-Year Capital
18 Program.

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

25 (c) The Service Standards shall include a framework that

1 describes the appropriate characteristics for each type of
2 service or mode. These characteristics include, but are not
3 limited to, mode, frequency, time span, vehicle type, stop
4 spacing, vehicle and stop amenities, network connectivity,
5 route directness, route deviation, and coverage of service.

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

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

25 (f) A local government or group of local governments may
26 petition the Authority to increase the level of transit

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

1 could be provided through the mechanism described in this
2 subsection.

3 (g) The Service Standards shall be adjusted as appropriate
4 to accommodate the addition of modes of public transportation
5 not currently being provided by the Authority, which may
6 include, but is not limited to: streetcar; light rail;
7 full-scale bus rapid transit; a transition from commuter rail
8 to regional rail or a combination of commuter and regional
9 rail; and electrified versions of current combustion engine
10 vehicle systems.

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

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

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

- 24 (1) travel times and on-time performance;
25 (2) ridership data;
26 (3) equipment failure rates;

- 1 (4) employee and customer safety;
- 2 (5) crowding;
- 3 (6) cleanliness of vehicles and stations;
- 4 (7) service productivity; and
- 5 (8) customer satisfaction.

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

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

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

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

23 (b) The Annual Budget and Two-Year Financial Plan shall
24 contain a statement of the funds estimated to be on hand for
25 the Authority at the beginning of the fiscal year, the funds

1 estimated to be received from all sources for such year, the
2 estimated expenses and obligations of the Authority for all
3 purposes, including expenses for contributions to be made with
4 respect to pension and other employee benefits, and the funds
5 estimated to be on hand at the end of such year.

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

16 (d) Before the proposed Annual Budget and Two-Year
17 Financial Plan is adopted, the Authority shall hold at least
18 one public hearing on the Annual Budget and Two-Year Financial
19 Plan in the metropolitan region and shall meet with the county
20 board or its designee of each of the several counties in the
21 metropolitan region. After conducting the hearings and holding
22 the meetings and after making changes in the proposed Annual
23 Budget and Two-Year Financial Plan as the Board deems
24 appropriate, the Board shall adopt its annual appropriation
25 and Annual Budget and Two-Year Financial Plan ordinance. The
26 ordinance shall appropriate such sums of money as are deemed

1 necessary to defray all necessary expenses and obligations of
2 the Authority, specifying purposes and the objects or programs
3 for which appropriations are made and the amount appropriated
4 for each object or program. Additional appropriations,
5 transfers between items, and other changes in such ordinance
6 may be made from time to time by the Board.

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

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

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

22 (1) staffing levels, including numbers of budgeted
23 positions, current positions employed, hired staff,
24 attrition, staff in training, and absenteeism rates;

25 (2) scheduled service and delivered service, including
26 percentage of scheduled service delivered by day, service

1 by mode of transportation, service by route and rail line,
2 total number of revenue miles driven, excess wait times by
3 day, by mode of transportation, by bus route, and by stop;
4 and

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

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

19 (i) All transportation agencies, comprehensive planning
20 agencies, including the Chicago Metropolitan Agency for
21 Planning and transportation planning agencies in the
22 metropolitan region, shall furnish to the Authority such
23 information pertaining to public transportation or relevant
24 plans therefore as it may from time to time require. The
25 Executive Director, or the Executive Director's designee,
26 shall, for the purpose of securing any such information

1 necessary or appropriate to carry out any of the powers and
2 responsibilities of the Authority under this Act, have access
3 to, and the right to examine, all books, documents, papers, or
4 records of any transportation agency receiving funds from the
5 Authority, and such transportation agency shall comply with
6 any request by the Executive Director, or the Executive
7 Director's designee, within 30 days or an extended time
8 provided by the Executive Director.

9 Section 5.13. Authority Inspector General.

10 (a) The Authority and the transportation agencies are
11 subject to the jurisdiction of the Governor's Executive
12 Inspector General.

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

22 (c) The Board shall provide sufficient staff and resources
23 so the Authority Inspector General can fulfill its functions
24 and responsibilities.

25 (d) All employees, agents, and contractors of the

1 Authority and the transportation agencies shall cooperate with
2 reviews, audits, and investigations conducted by the Authority
3 Inspector General.

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

10 (f) The appointment of an Authority Inspector General
11 shall not in any way limit the powers of the Governor's
12 Executive Inspector General.

13 Section 5.14. Executive Inspector General.

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

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

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

1 Governor's Executive Inspector General.

2 Section 5.15. Performance audits.

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

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

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

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

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

23 (c) The Auditor General and the Authority shall coordinate
24 the timing of performance audits such that the findings will
25 be available to the Authority at the time when it begins

1 preparation of its Strategic Plan and Five-Year Capital
2 Program. The Authority shall reimburse the Auditor General for
3 the costs incurred in conducting the performance audits.

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

14 Section 5.17. Transparency and accountability portal.

15 (a) As used in this Section:

16 "CHI-TAP" means the Greater Chicago Mass Transit
17 Transparency and Accountability Portal.

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

20 "Recipients" means the Authority or transportation
21 agencies.

22 (b) The Authority shall maintain a website, known as the
23 Greater Chicago Mass Transit Transparency and Accountability
24 Portal, and shall be tasked with compiling and updating the

1 CHI-TAP database with information received by the Authority.

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

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

6 (A) name;

7 (B) division or department;

8 (C) employment position title;

9 (D) county of employment location;

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

12 (F) status of position including, but not limited
13 to, bargained-for positions, at-will positions, or not
14 bargained-for positions;

15 (G) employment status, including, but not limited
16 to, full-time permanent, full-time temporary,
17 part-time permanent and part-time temporary; and

18 (H) status as a military veteran.

19 (2) A database of all current Authority expenditures,
20 sorted by category.

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

24 (4) A database of publicly available accident-related
25 and safety-related information currently required to be
26 reported to the federal Secretary of Transportation under

1 49 U.S.C. 5335.

2 (d) The CHI-TAP shall include all information required to
3 be published by subsection (c) in a format the Authority can
4 compile and publish on the CHI-TAP. The Authority shall update
5 the CHI-TAP at least once every 30 days as additional
6 information becomes available.

7 Section 5.18. Financial statements and annual reports.

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

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

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

25 (d) The report shall be published on the Authority's

1 website. A sufficient number of copies of each annual report
 2 shall be printed for distribution to anyone, upon request, and
 3 a copy of the report shall be filed with the Governor, the
 4 State Comptroller, the Speaker and Minority Leader of the
 5 House of Representatives, the President and Minority Leader of
 6 the Senate, the Mayor of the City of Chicago, the President or
 7 Chair of the county board of each county in the metropolitan
 8 region, and each transportation agency which, during such
 9 year, had a purchase of service agreement with the Authority
 10 or which received financial grants or other financial
 11 assistance from the Authority.

12 Section 5.19. Opt out.

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

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

23 -----

24 Shall County terminate
 25 the powers of the Metropolitan YES

1 laws, federal or State, and all contracts with respect to
2 public transportation or public transportation facilities
3 in the county, which statutory or contractual obligations
4 extend beyond the termination date in the referendum if
5 the obligations shall not be deemed to include any
6 indebtedness of the Authority for borrowed money;

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

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

26 (e) Following an election to terminate the powers of the

1 Authority at a referendum held under subsection (a), the
2 county board shall notify the Authority of the results of the
3 referendum, including the termination date in the referendum,
4 which shall be the last day of a calendar month. Unless the
5 termination date is extended by mutual agreement between the
6 county and the Authority, the termination of the powers and
7 functions of the Authority in the county shall occur at
8 midnight on the termination date if the requirements of this
9 Section have been met.

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

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

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

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

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

14 Section 6.02. Taxes.

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

24 (b) The Board may impose a public transportation tax upon
25 all persons engaged in the metropolitan region in the business

1 of selling retail motor fuel for operation of motor vehicles
2 upon public highways. The tax shall be at a rate not to exceed
3 5% of the gross receipts from the sales of motor fuel in the
4 course of the business. The Board may provide details of the
5 tax. The provisions of any tax shall conform, as closely as may
6 be practicable, to the provisions of the Non-Home Rule
7 Municipal Retailers' Occupation Tax Act, including, without
8 limitation, conformity to penalties with respect to the tax
9 imposed and as to the powers of the Department of Revenue to
10 adopt and enforcing rules and regulations relating to the
11 administration and enforcement of the provisions of the tax
12 imposed, except that reference in that Act to any municipality
13 shall refer to the Authority and the tax shall be imposed only
14 with regard to receipts from sales of motor fuel in the
15 metropolitan region, at rates as limited by this Section.

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

22 (d) The Board may impose a motor vehicle parking tax upon
23 the privilege of parking motor vehicles at off-street parking
24 facilities in the metropolitan region at which a fee is
25 charged, may provide for reasonable classifications in and
26 exemptions to the tax for administration and enforcement

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

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

1 Kane, Lake, McHenry, and Will counties under this Section on
2 sales of aviation fuel shall be 0.25% unless the Authority in
3 DuPage, Kane, Lake, McHenry, and Will counties has an
4 airport-related purpose and the additional 0.50% of the 0.75%
5 tax on aviation fuel is expended for airport-related purposes.
6 If there is no airport-related purpose to which aviation fuel
7 tax revenue is dedicated, then aviation fuel is excluded from
8 the additional 0.50% of the 0.75% tax. The tax imposed under
9 this Section and all civil penalties that may be assessed as an
10 incident thereof shall be collected and enforced by the
11 Department of Revenue. The Department has full power to
12 administer and enforce this Section; to collect all taxes and
13 penalties so collected in the manner provided in this Section;
14 and to determine all rights to credit memoranda arising on
15 account of the erroneous payment of tax or penalty under this
16 Section. In the administration of and compliance with this
17 Section, the Department and persons who are subject to this
18 Section shall have the same rights, remedies, privileges,
19 immunities, powers, and duties, and be subject to the same
20 conditions, restrictions, limitations, penalties, exclusions,
21 exemptions, and definitions of terms, and employ the same
22 modes of procedure, as are prescribed in Sections 1, 1a, 1a-1,
23 1c, 1d, 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all
24 provisions therein other than the State rate of tax), 2c, 3
25 (except as to the disposition of taxes and penalties
26 collected, and except that the retailer's discount is not

1 allowed for taxes paid on aviation fuel that are subject to the
2 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
3 47133), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l,
4 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12, and 13 of the
5 Retailers' Occupation Tax Act and Section 3-7 of the Uniform
6 Penalty and Interest Act, as fully as if those provisions were
7 set forth in this Section.

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

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

22 (h) 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 warrant to be drawn for
26 the amount specified, and to the person named, in the

1 notification from the Department. The State Treasurer shall
2 pay the refund out of the Metropolitan Mobility Authority
3 Occupation and Use Tax Replacement Fund or the Local
4 Government Aviation Trust Fund, as appropriate.

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

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

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

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

25 (m) If a tax has been imposed under subsection (e), a
26 Metropolitan Mobility Authority Service Occupation Tax shall

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

1 tax revenue is dedicated, then aviation fuel is excluded from
2 the additional 0.5% of the 0.75% tax.

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

1 allowed for taxes paid on aviation fuel that are subject to the
2 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
3 47133), 10, 11, 12 (except the reference therein to Section 2b
4 of the Retailers' Occupation Tax Act), 13 (except that any
5 reference to the State means the Authority), the first
6 paragraph of Section 15, 16, 17, 18, 19, and 20 of the Service
7 Occupation Tax Act and Section 3-7 of the Uniform Penalty and
8 Interest Act, as fully as if those provisions were set forth in
9 this Section.

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

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

1 (q) Nothing in this Section shall be construed to
2 authorize the Authority to impose a tax upon the privilege of
3 engaging in any business that under the Constitution of the
4 United States may not be made the subject of taxation by the
5 State.

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

1 the Department and the State agency or State officer determine
2 that this procedure will expedite the processing of
3 applications for title or registration.

4 (s) The Department has full power to administer and
5 enforce this subsection; to collect all taxes, penalties, and
6 interest due hereunder; to dispose of taxes, penalties, and
7 interest collected in the manner hereinafter provided; and to
8 determine all rights to credit memoranda or refunds arising on
9 account of the erroneous payment of tax, penalty, or interest
10 hereunder. In the administration of and compliance with this
11 subsection, the Department and persons who are subject to this
12 subsection shall have the same rights, remedies, privileges,
13 immunities, powers, and duties, and be subject to the same
14 conditions, restrictions, limitations, penalties, exclusions,
15 exemptions, and definitions of terms and employ the same modes
16 of procedure, as are prescribed in Sections 2 (except the
17 definition of "retailer maintaining a place of business in
18 this State"), 3 through 3-80 (except provisions pertaining to
19 the State rate of tax, and except provisions concerning
20 collection or refunding of the tax by retailers), 4, 11, 12,
21 12a, 14, 15, 19 (except the portions pertaining to claims by
22 retailers and except the last paragraph concerning refunds),
23 20, 21, and 22 of the Use Tax Act, and are not inconsistent
24 with this subsection, as fully as if those provisions were set
25 forth herein.

26 (t) The Authority may impose a replacement vehicle tax of

1 \$50 on any passenger car, as defined in Section 1-157 of the
2 Illinois Vehicle Code, purchased within the metropolitan
3 region by or on behalf of an insurance company to replace a
4 passenger car of an insured person in settlement of a total
5 loss claim. The tax imposed may not become effective before
6 the first day of the month following the passage of the
7 ordinance imposing the tax and receipt of a certified copy of
8 the ordinance by the Department of Revenue. The Department of
9 Revenue shall collect the tax for the Authority in accordance
10 with Sections 3-2002 and 3-2003 of the Illinois Vehicle Code.

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

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

22 (w) After the monthly transfer to the STAR Bonds Revenue
23 Fund, on or before the 25th day of each calendar month, the
24 Department shall prepare and certify to the Comptroller the
25 disbursement of stated sums of money to the Authority. The
26 amount to be paid to the Authority shall be the amount

1 collected under this Section during the second preceding
2 calendar month by the Department, less any amount determined
3 by the Department to be necessary for the payment of refunds,
4 and less any amounts that are transferred to the STAR Bonds
5 Revenue Fund. Within 10 days after receipt by the Comptroller
6 of the disbursement certification to the Authority provided
7 for in this Section to be given to the Comptroller by the
8 Department, the Comptroller shall cause the orders to be drawn
9 for that amount in accordance with the directions contained in
10 the certification.

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

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

22 (z) The provisions of any tax imposed under subsection (c)
23 shall conform as closely as may be practicable to the
24 provisions of the Use Tax Act, including, without limitation,
25 conformity as to penalties with respect to the tax imposed and
26 as to the powers of the Department of Revenue to adopt and

1 enforce rules and regulations relating to the administration
2 and enforcement of the provisions of the tax imposed. The
3 taxes shall be imposed only on use within the metropolitan
4 region and at rates as provided in subsection (b).

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

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

26 (cc) Except as otherwise provided in this subsection, the

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

1 located in those areas described in items (i), (ii), and
2 (iii), and less 1.5% of the remainder, which shall be
3 transferred from the trust fund into the Tax Compliance and
4 Administration Fund. The Department, at the time of each
5 monthly disbursement to the Authority, shall prepare and
6 certify to the State Comptroller the amount to be transferred
7 into the Tax Compliance and Administration Fund under this
8 subsection. Within 10 days after receipt by the Comptroller of
9 the certification of the amounts, the Comptroller shall cause
10 an order to be drawn for the transfer of the amount certified
11 into the Tax Compliance and Administration Fund and the
12 payment of two-thirds of the amounts certified in item (i) of
13 this subsection to the Authority and one-third of the amounts
14 certified in item (i) of this subsection to the respective
15 counties other than Cook County and the amount certified in
16 items (ii) and (iii) of this subsection to the Authority.

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

1 this subsection in the preceding calendar year. The Department
2 of Revenue shall prepare and certify to the Comptroller for
3 disbursement the allocations made in accordance with this
4 subsection.

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

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

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

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

1 (m), and (r).

2 (ii) As used in this Section:

3 "Airport-related purposes" has the meaning given to that
4 term in Section 6z-20.2 of the State Finance Act.

5 "Motor fuel" has the meaning given to that term in Section
6 1.1 of the Motor Fuel Tax Law.

7 Section 6.03. Gross receipts tax-automobile rental.

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

1 subsection; to dispose of taxes and penalties so collected in
2 the manner provided in this subsection, and to determine all
3 rights to credit memoranda, arising on account of the
4 erroneous payment of tax or penalty under this subsection. In
5 the administration of, and compliance with, this subsection,
6 the Department and persons who are subject to this subsection
7 have the same rights, remedies, privileges, immunities,
8 powers, and duties, and are subject to the same conditions,
9 restrictions, limitations, penalties, and definitions of
10 terms, and employ the same modes of procedure, as are
11 prescribed in Sections 2 and 3 (in respect to all provisions
12 therein other than the State rate of tax; and with relation to
13 the provisions of the Retailers' Occupation Tax referred to
14 therein, except as to the disposition of taxes and penalties
15 collected, and except for the provision allowing retailers a
16 deduction from the tax cover certain costs, and except that
17 credit memoranda issued hereunder may not be used to discharge
18 any State tax liability) of the Automobile Renting Occupation
19 and Use Tax Act as fully as if provisions contained in those
20 Sections of said Act were set forth in this subsection.
21 Persons subject to any tax imposed pursuant to the authority
22 granted in this paragraph may reimburse themselves for their
23 tax liability under this subsection by separately stating such
24 tax as an additional charge, which charge may be stated in
25 combination, in a single amount, with State tax which sellers
26 are required to collect under the Automobile Renting

1 Occupation and Use Tax Act pursuant to such bracket schedules
2 as the Department may prescribe. Nothing in this subsection
3 shall be construed to authorize the Authority to impose a tax
4 upon the privilege of engaging in any business which under the
5 United States Constitution may not be made the subject of
6 taxation by this State.

7 (b) The Board may impose a tax upon the privilege of using,
8 in the metropolitan region, an automobile which is rented from
9 a renter outside Illinois, and that is titled or registered
10 with an agency of this State's government, at a rate not to
11 exceed 1% of the rental price of such automobile within Cook
12 County, and not to exceed 0.25% of the rental price within the
13 counties of DuPage, Kane, Lake, McHenry, and Will. Such tax
14 shall be collected from persons whose Illinois address for
15 titling or registration purposes is given as being in the
16 metropolitan region. Such tax shall be collected by the
17 Department of Revenue for the Authority. Such 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 State officer with whom the
23 tangible personal property must be titled or registered if the
24 Department and such agency or State officer determine that
25 this procedure will expedite the processing of applications
26 for title or registration. The Department has full power to

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

25 (c) Whenever the Department determines that a refund
26 should be made under this Section to a claimant instead of

1 issuing a credit memorandum, the Department shall notify the
2 State Comptroller, who shall cause the order to be drawn for
3 the amount specified, and to the person named, in such
4 notification from the Department. Such refund shall be paid by
5 the State Treasurer out of the Metropolitan Mobility Authority
6 Occupation and Use Tax Replacement Fund created under Section
7 6.02.

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

1 and not including an amount equal to the amount of refunds made
2 during the second preceding calendar month by the Department
3 on behalf of the Authority. Within 10 days after receipt by the
4 State Comptroller of the disbursement certification to the
5 Authority, the State Comptroller shall cause the orders to be
6 drawn in accordance with the directions contained in such
7 certification.

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

23 Section 6.04. Distribution of revenues.

24 (a) This Section applies only after the Department begins
25 administering and enforcing an increased tax under subsection

1 (bb) of Section 6.02 as authorized by this Act. After
2 providing for payment of its obligations with respect to bonds
3 and notes issued under the provisions of Section 6.05 and
4 obligations related to those bonds and notes and separately
5 accounting for the tax on aviation fuel deposited into the
6 Local Government Aviation Trust Fund, the Authority shall
7 disburse the remaining proceeds from taxes it has received
8 from the Department of Revenue under this Article VI and the
9 remaining proceeds it has received from the State under
10 subsection (a) of Section 6.08 among the Authority programs.

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

16 (c) The Authority shall allocate money received from the
17 State under subsection (a) of Section 6.08 among the Authority
18 programs.

19 (d) The Authority shall allocate funds provided by the
20 State of Illinois under subsection (cc) of Section 6.02 among
21 the Authority programs.

22 (e) With respect to those taxes collected in DuPage, Kane,
23 Lake, McHenry, and Will counties and paid directly to the
24 counties under Section 6.02, the county board of each county
25 shall use those amounts to fund operating and capital costs of
26 public safety and public transportation services or facilities

1 or to fund operating, capital, right-of-way, construction, and
2 maintenance costs of other transportation purposes, including
3 road, bridge, public safety, and transit purposes intended to
4 improve mobility or reduce congestion in the county. The
5 receipt of funding by such counties pursuant to this
6 subsection may not be used as the basis for reducing any funds
7 that such counties would otherwise have received from the
8 State of Illinois, any agency or instrumentality thereof, the
9 Authority, or the Operating Divisions.

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

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

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

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

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

1 (3) to provide funds for any transportation agency to
2 pay principal of or interest or redemption premium on any
3 bonds or notes, whether as such amounts become due or by
4 earlier redemption, issued prior to the effective date of
5 this Act by such transportation agency to construct or
6 acquire public transportation facilities or to provide
7 funds to purchase such bonds or notes;

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

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

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

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

1 (e) Proceeds of working cash notes may be used to pay
2 day-to-day operating expenses of the Authority, consisting of
3 wages, salaries, and fringe benefits, professional and
4 technical services, including legal, audit, engineering, and
5 other consulting services, office rental, furniture, fixtures
6 and equipment, insurance premiums, claims for self-insured
7 amounts under insurance policies, public utility obligations
8 for telephone, light, heat, and similar items, travel
9 expenses, office supplies, postage, dues, subscriptions,
10 public hearings and information expenses, fuel purchases, and
11 payments of grants and payments under purchase of service
12 agreements for operations of transportation agencies, prior to
13 the receipt by the Authority from time to time of funds for
14 paying such expenses.

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

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

26 (h) The Authority may issue and deliver its bonds or notes

1 in exchange for any public transportation facilities,
2 including funds and rights relating thereto, or in exchange
3 for outstanding bonds or notes of the Authority, including any
4 accrued interest or redemption premium thereon, without
5 advertising or submitting such notes or bonds for public
6 bidding.

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

22 (j) Bonds and notes issued under this Section may be
23 issued as serial or term obligations, shall be of such
24 denomination or denominations and form, including interest
25 coupons to be attached thereto, be executed in such manner,
26 shall be payable at such place or places and bear such date as

1 the Authority shall fix by the ordinance authorizing such bond
2 or note and shall mature at such time or times, within a period
3 not to exceed 40 years from the date of issue, and may be
4 redeemable prior to maturity with or without premium, at the
5 option of the Authority, upon such terms and conditions as the
6 Authority shall fix by the ordinance authorizing the issuance
7 of such bonds or notes.

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

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

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

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

1 Authorization Act.

2 (o) The Authority shall notify the Governor's Office of
3 Management and Budget and the State Comptroller at least 30
4 days before any bond sale and shall file with the Governor's
5 Office of Management and Budget and the State Comptroller a
6 certified copy of any ordinance authorizing the issuance of
7 bonds at or before the issuance of the bonds.

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

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

24 (r) In case any officer whose signature appears on any
25 bonds, notes, or coupons authorized pursuant to this Section
26 shall cease to be such officer before delivery of such bonds or

1 notes, such signature shall nevertheless be valid and
2 sufficient for all purposes, the same as if such officer had
3 remained in office until such delivery. Neither the Directors
4 of the Authority nor any person executing any bonds or notes
5 thereof shall be liable personally on any such bonds or notes
6 or coupons by reason of the issuance thereof.

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

1 or any other person irrespective of whether such other parties
2 have notice of such pledge, assignment, lien, or security
3 interest. The obligations of the Authority incurred pursuant
4 to this Section are superior to and have priority over any
5 other obligations of the Authority.

6 (t) The Authority may provide in the ordinance authorizing
7 the issuance of any bonds or notes issued pursuant to this
8 Section for the creation of, deposits in, and regulation and
9 disposition of sinking fund or reserve accounts relating to
10 such bonds or notes. The ordinance authorizing the issuance of
11 any bonds or notes pursuant to this Section may contain
12 provisions as part of the contract with the holders of the
13 bonds or notes, for the creation of a separate fund to provide
14 for the payment of principal and interest on such bonds or
15 notes and for the deposit in such fund from any or all the tax
16 receipts of the Authority and from any or all such other moneys
17 or revenues of the Authority from whatever source which may by
18 law be used for debt service purposes, all as provided in such
19 ordinance, of amounts to meet the debt service requirements on
20 such bonds or notes, including principal and interest, and any
21 sinking fund or reserve fund account requirements as may be
22 provided by such ordinance, and all expenses incident to or in
23 connection with such fund and accounts or the payment of such
24 bonds or notes. Such ordinance may also provide limitations on
25 the issuance of additional bonds or notes of the Authority.
26 Such bonds or notes of the Authority do not constitute a debt

1 of the State of Illinois. Nothing in this Act shall be
2 construed to enable the Authority to impose any ad valorem tax
3 on property.

4 (u) The ordinance of the Authority authorizing the
5 issuance of any bonds or notes may provide additional security
6 for such bonds or notes by providing for appointment of a
7 corporate trustee, which may be any trust company or bank
8 having the powers of a trust company within the State, with
9 respect to such bonds or notes. The ordinance shall prescribe
10 the rights, duties, and powers of the trustee to be exercised
11 for the benefit of the Authority and the protection of the
12 holders of such bonds or notes. The ordinance may provide for
13 the trustee to hold in trust, invest, and use amounts in funds
14 and accounts created as provided by the ordinance with respect
15 to the bonds or notes. The ordinance may provide for the
16 assignment and direct payment to the trustee of any or all
17 amounts produced from the sources provided in Sections 6.02
18 and 6.08 and provided in Section 6z-17 of the State Finance
19 Act. Upon receipt of notice of any such assignment, the
20 Department of Revenue and the Comptroller of the State of
21 Illinois shall thereafter, notwithstanding the provisions of
22 Sections 6.02 and 6.08 and Section 6z-17 of the State Finance
23 Act, provide for such assigned amounts to be paid directly to
24 the trustee instead of the Authority, all in accordance with
25 the terms of the ordinance making the assignment. The
26 ordinance shall provide that amounts so paid to the trustee

1 which are not required to be deposited, held, or invested in
2 funds and accounts created by the ordinance with respect to
3 bonds or notes or used for paying bonds or notes to be paid by
4 the trustee to the Authority.

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

22 (w) The State of Illinois pledges to and agrees with the
23 holders of the bonds and notes of the Authority issued
24 pursuant to this Section that the State will not limit or alter
25 the rights and powers vested in the Authority by this Act to
26 impair the terms of any contract made by the Authority with

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

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

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

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

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

1 the debt service requirements for that year on the refunded
2 bonds or notes.

3 (aa) The Authority, subject to the terms of any agreements
4 with noteholders or bondholders as may then exist, may, out of
5 any funds available therefore, purchase notes or bonds of the
6 Authority, which shall thereupon be canceled.

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

21 (i) in the first year after default, one-third of the
22 total amount of any payments of State funds to the
23 Authority;

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

1 (iii) in the third year after default and for each
2 year thereafter until the total invested amount is repaid,
3 the total amount of any payments of State funds to the
4 Authority.

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

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

1 other terms, restrictions, or limitations desirable or
2 necessary to give effect to subsection (cc).

3 (ee) The Authority shall notify the Governor's Office of
4 Management and Budget and the State Comptroller at least 30
5 days before establishing a line of credit and shall file with
6 the Governor's Office of Management and Budget and the State
7 Comptroller a certified copy of any ordinance authorizing the
8 establishment of a line of credit upon or before establishing
9 the line of credit.

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

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

1 notes, or certificates of all sinking, insurance, retirement,
2 compensation, pension, and trust funds, whether owned or
3 controlled by private or public persons or officers. However,
4 nothing in this Section may be construed as relieving any
5 person, firm, or corporation from any duty of exercising
6 reasonable care in selecting securities for purchase or
7 investment.

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

17 Section 6.08. Public Transportation Fund and the
18 Metropolitan Mobility Authority Occupation and Use Tax
19 Replacement Fund.

20 (a) As soon as possible after the first day of each month,
21 upon certification of the Department of Revenue, the
22 Comptroller shall order transferred and the Treasurer shall
23 transfer from the General Revenue Fund to the Public
24 Transportation Fund, a special fund in the State treasury, an

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

1 of the proceeds of any tax imposed by the Authority at the rate
2 of 0.75% in the Counties of DuPage, Kane, Lake, McHenry, and
3 Will, all pursuant to Section 6.02, and 25% of the net revenue
4 realized from any tax imposed by the Authority pursuant to
5 Section 6.03, and 25% of the amounts deposited into the
6 Metropolitan Mobility Authority Occupation and Use Tax
7 Replacement Fund created by Section 6.02 from the County and
8 Mass Transit District Fund as provided in Section 6z-20 of the
9 State Finance Act, and 25% of the amounts deposited into the
10 Metropolitan Mobility Authority Occupation and Use Tax
11 Replacement Fund from the State and Local Sales Tax Reform
12 Fund as provided in Section 6z-17 of the State Finance Act. As
13 used in this Section, net revenue realized for a month shall be
14 the revenue collected by the State pursuant to Sections 6.02
15 and 6.03 during the previous month from within the
16 metropolitan region, less the amount paid out during that same
17 month as refunds to taxpayers for overpayment of liability in
18 the metropolitan region under Sections 6.02 and 6.03.

19 (b) Notwithstanding any provision of law to the contrary,
20 those amounts required under subsection (a) 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 (c) Except as otherwise provided in subsection (c), on the
26 first day of each month, upon certification by the Department

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

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

1 the taxes indicated.

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

24 (f) Notwithstanding any provision of law to the contrary,
25 those amounts required under subsection (e) to be transferred
26 by the Treasurer into the Public Transportation Fund from the

1 General Revenue Fund shall be directly deposited into the
2 Public Transportation Fund as the revenues are realized from
3 the taxes indicated

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

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

1 Authority from the Public Transportation Fund shall be
2 expended by the Authority as provided in Section 6.04. The
3 Comptroller, as soon as possible after each deposit into the
4 Metropolitan Mobility Authority Occupation and Use Tax
5 Replacement Fund provided in this Section and Section 6z-17 of
6 the State Finance Act, shall order the Treasurer to pay to the
7 Authority out of the Metropolitan Mobility Authority
8 Occupation and Use Tax Replacement Fund the amount so
9 deposited. Such amounts paid to the Authority may be expended
10 by it for its purposes as provided in this Act. The provisions
11 directing the distributions from the Public Transportation
12 Fund and the Metropolitan Mobility Authority Occupation and
13 Use Tax Replacement Fund provided for in this Section shall
14 constitute an irrevocable and continuing appropriation of all
15 amounts as provided herein. The State Treasurer and State
16 Comptroller are authorized and directed to make distributions
17 as provided in this Section. However, no moneys deposited
18 under subsection (a) shall be paid from the Public
19 Transportation Fund to the Authority or its assignee for any
20 fiscal year until the Authority has certified to the Governor,
21 the Comptroller, and the Mayor of the City of Chicago that it
22 has adopted for that fiscal year an Annual Budget and Two-Year
23 Financial Plan meeting the requirements in Section 5.12.

24 (i) In recognition of the efforts of the Authority to
25 enhance the mass transportation facilities under its control,
26 the State shall provide financial assistance (hereinafter

1 "additional state assistance"). Additional state assistance
2 shall be calculated as provided in subsection (k), but may not
3 exceed \$55,000,000.

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

11 (k) The Authority shall annually certify to the State
12 Comptroller and State Treasurer, separately with respect to
13 each of paragraphs (2) and (3) of subsection (g) of Section
14 4.04 of the Regional Transportation Act (repealed), the
15 following amounts:

16 (1) The amount necessary and required, during the
17 State fiscal year with respect to which the certification
18 is made, to pay its obligations for debt service on all
19 outstanding bonds or notes issued by the Authority or
20 under paragraphs (2) and (3) of subsection (g) of Section
21 4.04 of the Regional Transportation Authority Act
22 (repealed).

23 (2) An estimate of the amount necessary and required
24 to pay its obligations for debt service for any bonds or
25 notes which the Authority anticipates it will issue under
26 paragraphs (2) and (3) of subsection (g) of Section 4.04

1 of the Regional Transportation Authority Act (repealed)
2 during that State fiscal year.

3 (3) Its debt service savings during the preceding
4 State fiscal year from refunding or advance refunding of
5 bonds or notes issued under paragraphs (2) and (3) of
6 subsection (g) of Section 4.04 of the Regional
7 Transportation Authority Act (repealed) during that State
8 fiscal year.

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

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

22 (m) Immediately upon the issuance of bonds for which an
23 estimated schedule of debt service payments was prepared, the
24 Authority shall file an amended certification with respect to
25 paragraph (2) of subsection (k) to specify the actual schedule
26 of debt service payments, including the date and amount of

1 each payment, for the remainder of the State fiscal year.

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

23 (1) The total transfers in any State fiscal year
24 relating to outstanding bonds and notes issued by the
25 Authority or under paragraph (2) of subsection (g) of
26 Section 4.04 of the Regional Transportation Authority Act

1 (repealed) may not exceed the lesser of the annual maximum
2 amount specified in subsection (e) or the sum of the
3 amounts certified under subsections (a) and (e), plus the
4 actual debt service certified under subsection (c), less
5 the amount certified under subsection (k), with respect to
6 those bonds and notes.

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

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

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

1 assistance, to a trustee or any other entity for the payment of
2 debt service on its bonds.

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

9 Section 6.09. Strategic Capital Improvement Program.

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

24 (b) Any contracts for architectural or engineering
25 services for projects approved pursuant to Section 5.10 shall

1 comply with the requirements set forth in the Local Government
2 Professional Services Selection Act.

3 Section 6.10. Rate protection contracts.

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

22 (b) Notwithstanding any provision in paragraph (2) of
23 Section 4.02 to the contrary, in connection with or incidental
24 to the issuance by the Authority of its bonds or notes under
25 the provisions of Section 6.05 or the exercise of its powers

1 under paragraph (2) of Section 4.02, the Authority, for its
2 own benefit or for the benefit of the holders of its
3 obligations or their trustee, may enter into rate protection
4 contracts. The Authority may enter into rate protection
5 contracts only pursuant to a determination by the Directors
6 that the terms of the contracts and any related agreements
7 reduce the risk of loss to the Authority, or protect, preserve
8 or enhance the value of its assets, or provide compensation to
9 the Authority for losses resulting from changes in interest
10 rates. The Authority's obligations under any rate protection
11 contract or credit enhancement or liquidity agreement shall
12 not be considered bonds or notes for purposes of this Act. For
13 purposes of this Section, a rate protection contract is a
14 contract determined by the Authority as necessary or
15 appropriate to permit it to manage payment, currency, or
16 interest rate risks or levels.

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

24 Section 6.12. Nature of funds. The funds described in this

1 Act and the Equitable Transit-Supportive Development Act
2 generated from transportation sources and deposited into those
3 funds are protected under Section 11 of Article IX of the
4 Illinois Constitution and the uses of the funds allowed under
5 these Acts are deemed transportation purposes under Section 11
6 of Article IX and may not, by transfer, offset, or otherwise,
7 be diverted by any local government, including, without
8 limitation, any home rule unit of government, to any purpose
9 other than public transportation purposes. This Section is
10 declarative of existing law.

11 Article X. OFFICE OF TRANSIT-ORIENTED DEVELOPMENT

12 Section 10.01. Short title; references to Act; intent.

13 (a) Short title. This Article X may be cited as the
14 Equitable Transit-Supportive Development Act. References to
15 "this Act" in this Article X mean this Article X.

16 (b) References to Act. This Act, including both the new
17 and amendatory provisions, may be referred to as Clean and
18 Equitable Transportation Act.

19 (c) Intent. It is the intent of the General Assembly in
20 enacting this Act to (1) strengthen connections among people,
21 places, and transit, (2) establish a virtuous cycle of
22 increasing residential units and employment near transit that
23 supports increased transit service, which then makes nearby
24 property more attractive for development, (3) support

1 increased housing opportunities and other infill development
2 in transit-served locations, (4) enhance the resilience of
3 Illinois' transit assets and leverage the value of transit to
4 property owners and tenants, and (5) increase transit
5 availability and ridership to achieve quality of life,
6 economic development, and sustainability objectives.

7 Section 10.02. Definitions. As used in this Act:

8 "Affordable housing" means long-term income-restricted
9 housing units for households whose adjusted income is at or
10 below 60% of the metropolitan area median income, adjusted for
11 household size, for the transit agency service area in which
12 the housing units are to be built.

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

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

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

1 Section 10.03. Establishment of the Office of
2 Transit-Oriented Development and Transit-Supportive
3 Development Fund.

4 (a) There is established the Office of Transit-Oriented
5 Development and the Transit-Supportive Development Fund, a
6 special fund that is created in the State treasury, and,
7 subject to appropriation and as directed by the Office, may be
8 expended as provided in this Act.

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

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

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

1 support these eligible uses:

2 (1) funding offered by the Office for predevelopment
3 work, including, but not limited to, site acquisition,
4 parcel assembly, environmental remediation, and utility
5 and supporting infrastructure installation, directly or
6 through grants and partnerships with other public or
7 private organizations;

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

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

23 (e) The Office and the State's metropolitan planning
24 organizations may partner to carry out this Act, including the
25 Office providing operating funding to metropolitan planning
26 organizations for personnel with expertise in

1 transit-supportive development in accordance with this Act.

2 Section 10.04. Transit support overlay districts.

3 (a) The metropolitan planning organization for each
4 municipality seeking eligibility for assistance by the Office
5 shall develop standards for a transit support overlay district
6 for that urban area, which may include, but are not limited to,
7 transit-supportive allowable uses and densities, restriction
8 of auto-oriented uses, removal of parking requirements, site
9 planning standards that support walkability, sidewalk network
10 connectivity and local funding commitments for sidewalks in
11 compliance with the requirements of the Americans with
12 Disabilities Act of 1990, as amended, and streetscape features
13 that encourage transit use.

14 (b) Assistance by the Office shall be exclusively for
15 projects in municipalities that have adopted the standards in
16 the transit support overlay district for that area or that
17 have adopted zoning and other changes that the Office
18 determines have benefits greater than or equal to such a
19 District.

20 Section 10.05. Standards and annual reporting. The Office
21 shall develop standards and procedures necessary to implement
22 this Act and shall annually publish a comprehensive annual
23 report that describes its transactions, holdings, and
24 financial position.

1 Section 10.06. Report to General Assembly. By no later
2 than 2 years after the effective date of this Act, the Office
3 shall submit to the General Assembly a comprehensive study of
4 State programs for affordable housing, economic development,
5 and other capital investments to determine how the criteria
6 for investment under those programs can be aligned to support
7 transit and transit-oriented development. The study shall also
8 identify opportunities to bundle or streamline access to other
9 State investments with the assistance provided by the Office.
10 The Illinois Housing Development Authority, Illinois Finance
11 Authority, Department of Commerce and Economic Opportunity,
12 Capital Development Board, and other relevant departments of
13 the State shall cooperate to provide any needed information to
14 complete the study and shall implement the recommendations of
15 the study.

16 Article XI. ZERO-EMISSION VEHICLES

17 Section 11.01. Short title; references to Act. (a)
18 Short title. This Article XI may be cited as the Zero-Emission
19 Vehicle Act. References to "this Act" in this Article XI mean
20 this Article XI.

21 (b) References to Act. This Act, including both the new
22 and amendatory provisions, may be referred to as Clean and
23 Equitable Transportation Act.

1 Section 11.02. Purpose. The purpose of this Act is to
2 accelerate the adoption of on-road zero-emission vehicles and
3 to reduce emissions of air pollution, including, but not
4 limited to, nitrogen oxides (NO_x), particulate matter,
5 hazardous air pollutants, and greenhouse gases from vehicles
6 owned and operated by governmental units in Illinois.

7 Section 11.03. Definitions. In this Act:

8 "Displaced worker" means any employee whose most recent
9 separation from active service was due to lack of business, a
10 reduction in force, or other economic, nondisciplinary reason
11 related to the transition from fossil-fuel reliant vehicles to
12 zero-emission or near zero-emissions vehicles.

13 "Governmental unit" means the State, a State agency, a
14 unit of local government, or any other political subdivision
15 of the State, which exercises limited governmental powers or
16 powers in respect to limited governmental subjects, but does
17 not include school districts.

18 "Individual facing barriers to employment" means either of
19 the following:

20 (1) An individual with a barrier to employment as
21 defined by 29 U.S.C. 3102(24).

22 (2) An individual from a demographic group that
23 represents less than 30% of their relevant industry
24 workforce according to the United States Bureau of Labor

1 Statistics.

2 "Non-temporary job" means a job other than those
3 classified as "day and temporary labor" as defined in the Day
4 and Temporary Labor Services Act.

5 "Near zero-emission vehicle" means an on-road hybrid
6 electric vehicle that has the capability to charge the battery
7 from an off-vehicle conductive or inductive electric source
8 and achieves all-electric range.

9 "On-road vehicles" means vehicles intended for use on
10 roads. These vehicles include passenger cars and commercial
11 vehicles, including vans, trucks, road tractors, specially
12 constructed vehicles, buses, trailers, and semi-trailers.

13 "Repower" means to replace the internal combustion engine
14 in a vehicle with a zero-emission powertrain.

15 "Zero-emission powertrain" means a powertrain that
16 produces zero exhaust emissions of any criteria pollutant,
17 precursor pollutant, or greenhouse gas in any mode of
18 operation or condition.

19 "Zero-emission vehicles" means on-road vehicles powered
20 with a zero-emission powertrain.

21 Section 11.04. Purchase of zero-emission vehicles and near
22 zero-emission vehicles.

23 (a) Notwithstanding any other provision of law, all
24 on-road vehicles purchased or leased by a governmental unit on
25 or after January 1, 2029 must be a manufactured zero-emission

1 vehicle, repowered zero-emission vehicle, manufactured near
2 zero-emission vehicle, or repowered near zero-emission
3 vehicle. On and after January 1, 2034, all on-road vehicles
4 purchased or leased by a governmental unit must be a
5 manufactured zero-emission vehicle or repowered zero-emission
6 vehicle. By January 1, 2049, all on-road vehicles operated by
7 a governmental unit must be a manufactured or repowered
8 zero-emission vehicle.

9 (b) By January 1, 2027, the Department of Central
10 Management Services shall establish guidance for governmental
11 units transitioning fleets to zero-emission and near
12 zero-emission vehicles, including, but not limited to, (1) a
13 periodically updated list of available zero-emission and near
14 zero-emission vehicle models; and (2) a quarterly updated list
15 of available incentives, grants, rebates from the federal
16 government and State government, VW diesel settlement, and
17 utility company programs.

18 (c) Notwithstanding any other provision of this Section, a
19 governmental unit may purchase a new internal combustion
20 engine vehicle if no zero-emission vehicles nor near
21 zero-emission vehicle of the needed configuration is
22 commercially available. A governmental unit from may not be
23 penalized for not taking immediate delivery of ordered
24 zero-emission vehicles for one year due to a construction
25 delay beyond the control of the governmental unit. The
26 Department of Central Management Services shall adopt rules

1 regarding the scope of any exception under this subsection
2 (c).

3 (d) Beginning January 1, 2027, all contracts by
4 governmental units for the purchase of zero-emission vehicles
5 or near zero-emission vehicles with a base-buy value of
6 \$10,000,000 or more shall be awarded using a competitive
7 best-value procurement process and shall require bidders to
8 submit a United States Jobs Plan as part of their solicitation
9 responses.

10 (1) The United States Jobs Plan shall include the
11 following information:

12 (A) The number of full-time non-temporary jobs
13 proposed to be retained and created, including an
14 accounting of the positions classified as employees,
15 and positions classified as independent contractors.

16 (B) The number of jobs specifically reserved for
17 individuals facing barriers to employment and the
18 number reserved for displaced workers.

19 (C) The minimum wage levels by job classification
20 for non-supervisory workers.

21 (D) Proposed amounts to be paid for fringe
22 benefits by job classification and the proposed
23 amounts for worker training by job classification.

24 (E) Description of what manuals, trainings, and
25 other resources would be provided to ensure existing
26 purchasing government unit employees are trained on

1 the service, maintenance, and operation of the
2 purchased vehicles.

3 (F) If a federal authority specifically authorizes
4 use of a geographic preference or when State or local
5 funds are used to fund a contract, proposed local jobs
6 created in the State or within an existing facility in
7 the State that are related to the manufacturing of
8 zero-emission and near zero-emissions vehicles and
9 vehicles and related equipment.

10 (2) The United States Jobs Plan shall be scored as a
11 part of the overall application for the covered public
12 contract. The content of United States Jobs Plans shall be
13 incorporated as material terms of the final contract. The
14 United States Jobs Plan and compliance documents shall be
15 made available to the public and subject to full
16 disclosure under the Freedom of Information Act.

17 (3) Contracting entities shall be required to submit
18 annual United States Jobs Plan reports to contracting
19 public agencies demonstrating compliance with their United
20 States Jobs Plan commitments. The terms of the final
21 contract as well as all compliance reporting shall be made
22 available to the public online.

23 (c) This Section does not apply to a contract awarded
24 based on a solicitation issued before January 1, 2027.

1 Section 20.01. The Open Meetings Act is amended by
2 changing Section 2 as follows:

3 (5 ILCS 120/2) (from Ch. 102, par. 42)

4 Sec. 2. Open meetings.

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

8 (b) Construction of exceptions. The exceptions contained
9 in subsection (c) are in derogation of the requirement that
10 public bodies meet in the open, and therefore, the exceptions
11 are to be strictly construed, extending only to subjects
12 clearly within their scope. The exceptions authorize but do
13 not require the holding of a closed meeting to discuss a
14 subject included within an enumerated exception.

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

17 (1) The appointment, employment, compensation,
18 discipline, performance, or dismissal of specific
19 employees, specific individuals who serve as independent
20 contractors in a park, recreational, or educational
21 setting, or specific volunteers of the public body or
22 legal counsel for the public body, including hearing
23 testimony on a complaint lodged against an employee, a
24 specific individual who serves as an independent

1 contractor in a park, recreational, or educational
2 setting, or a volunteer of the public body or against
3 legal counsel for the public body to determine its
4 validity. However, a meeting to consider an increase in
5 compensation to a specific employee of a public body that
6 is subject to the Local Government Wage Increase
7 Transparency Act may not be closed and shall be open to the
8 public and posted and held in accordance with this Act.

9 (2) Collective negotiating matters between the public
10 body and its employees or their representatives, or
11 deliberations concerning salary schedules for one or more
12 classes of employees.

13 (3) The selection of a person to fill a public office,
14 as defined in this Act, including a vacancy in a public
15 office, when the public body is given power to appoint
16 under law or ordinance, or the discipline, performance or
17 removal of the occupant of a public office, when the
18 public body is given power to remove the occupant under
19 law or ordinance.

20 (4) Evidence or testimony presented in open hearing,
21 or in closed hearing where specifically authorized by law,
22 to a quasi-adjudicative body, as defined in this Act,
23 provided that the body prepares and makes available for
24 public inspection a written decision setting forth its
25 determinative reasoning.

26 (4.5) Evidence or testimony presented to a school

1 board regarding denial of admission to school events or
2 property pursuant to Section 24-24 of the School Code,
3 provided that the school board prepares and makes
4 available for public inspection a written decision setting
5 forth its determinative reasoning.

6 (5) The purchase or lease of real property for the use
7 of the public body, including meetings held for the
8 purpose of discussing whether a particular parcel should
9 be acquired.

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

12 (7) The sale or purchase of securities, investments,
13 or investment contracts. This exception shall not apply to
14 the investment of assets or income of funds deposited into
15 the Illinois Prepaid Tuition Trust Fund.

16 (8) Security procedures, school building safety and
17 security, and the use of personnel and equipment to
18 respond to an actual, a threatened, or a reasonably
19 potential danger to the safety of employees, students,
20 staff, the public, or public property.

21 (9) Student disciplinary cases.

22 (10) The placement of individual students in special
23 education programs and other matters relating to
24 individual students.

25 (11) Litigation, when an action against, affecting or
26 on behalf of the particular public body has been filed and

1 is pending before a court or administrative tribunal, or
2 when the public body finds that an action is probable or
3 imminent, in which case the basis for the finding shall be
4 recorded and entered into the minutes of the closed
5 meeting.

6 (12) The establishment of reserves or settlement of
7 claims as provided in the Local Governmental and
8 Governmental Employees Tort Immunity Act, if otherwise the
9 disposition of a claim or potential claim might be
10 prejudiced, or the review or discussion of claims, loss or
11 risk management information, records, data, advice or
12 communications from or with respect to any insurer of the
13 public body or any intergovernmental risk management
14 association or self insurance pool of which the public
15 body is a member.

16 (13) Conciliation of complaints of discrimination in
17 the sale or rental of housing, when closed meetings are
18 authorized by the law or ordinance prescribing fair
19 housing practices and creating a commission or
20 administrative agency for their enforcement.

21 (14) Informant sources, the hiring or assignment of
22 undercover personnel or equipment, or ongoing, prior or
23 future criminal investigations, when discussed by a public
24 body with criminal investigatory responsibilities.

25 (15) Professional ethics or performance when
26 considered by an advisory body appointed to advise a

1 licensing or regulatory agency on matters germane to the
2 advisory body's field of competence.

3 (16) Self evaluation, practices and procedures or
4 professional ethics, when meeting with a representative of
5 a statewide association of which the public body is a
6 member.

7 (17) The recruitment, credentialing, discipline or
8 formal peer review of physicians or other health care
9 professionals, or for the discussion of matters protected
10 under the federal Patient Safety and Quality Improvement
11 Act of 2005, and the regulations promulgated thereunder,
12 including 42 CFR ~~C.F.R.~~ Part 3 (73 FR 70732), or the
13 federal Health Insurance Portability and Accountability
14 Act of 1996, and the regulations promulgated thereunder,
15 including 45 CFR ~~C.F.R.~~ Parts 160, 162, and 164, by a
16 hospital, or other institution providing medical care,
17 that is operated by the public body.

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

20 (19) Review or discussion of applications received
21 under the Experimental Organ Transplantation Procedures
22 Act.

23 (20) The classification and discussion of matters
24 classified as confidential or continued confidential by
25 the State Government Suggestion Award Board.

26 (21) Discussion of minutes of meetings lawfully closed

1 under this Act, whether for purposes of approval by the
2 body of the minutes or semi-annual review of the minutes
3 as mandated by Section 2.06.

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

6 (23) The operation by a municipality of a municipal
7 utility or the operation of a municipal power agency or
8 municipal natural gas agency when the discussion involves
9 (i) contracts relating to the purchase, sale, or delivery
10 of electricity or natural gas or (ii) the results or
11 conclusions of load forecast studies.

12 (24) Meetings of a residential health care facility
13 resident sexual assault and death review team or the
14 Executive Council under the Abuse Prevention Review Team
15 Act.

16 (25) Meetings of an independent team of experts under
17 Brian's Law.

18 (26) Meetings of a mortality review team appointed
19 under the Department of Juvenile Justice Mortality Review
20 Team Act.

21 (27) (Blank).

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

26 (29) Meetings between internal or external auditors

1 and governmental audit committees, finance committees, and
2 their equivalents, when the discussion involves internal
3 control weaknesses, identification of potential fraud risk
4 areas, known or suspected frauds, and fraud interviews
5 conducted in accordance with generally accepted auditing
6 standards of the United States of America.

7 (30) (Blank).

8 (31) Meetings and deliberations for decisions of the
9 Concealed Carry Licensing Review Board under the Firearm
10 Concealed Carry Act.

11 (32) (Blank). ~~Meetings between the Regional~~
12 ~~Transportation Authority Board and its Service Boards when~~
13 ~~the discussion involves review by the Regional~~
14 ~~Transportation Authority Board of employment contracts~~
15 ~~under Section 28d of the Metropolitan Transit Authority~~
16 ~~Act and Sections 3A.18 and 3B.26 of the Regional~~
17 ~~Transportation Authority Act.~~

18 (33) Those meetings or portions of meetings of the
19 advisory committee and peer review subcommittee created
20 under Section 320 of the Illinois Controlled Substances
21 Act during which specific controlled substance prescriber,
22 dispenser, or patient information is discussed.

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

26 (35) Meetings of the group established to discuss

1 Medicaid capitation rates under Section 5-30.8 of the
2 Illinois Public Aid Code.

3 (36) Those deliberations or portions of deliberations
4 for decisions of the Illinois Gaming Board in which there
5 is discussed any of the following: (i) personal,
6 commercial, financial, or other information obtained from
7 any source that is privileged, proprietary, confidential,
8 or a trade secret; or (ii) information specifically
9 exempted from the disclosure by federal or State law.

10 (37) Deliberations for decisions of the Illinois Law
11 Enforcement Training Standards Board, the Certification
12 Review Panel, and the Illinois State Police Merit Board
13 regarding certification and decertification.

14 (38) Meetings of the Ad Hoc Statewide Domestic
15 Violence Fatality Review Committee of the Illinois
16 Criminal Justice Information Authority Board that occur in
17 closed executive session under subsection (d) of Section
18 35 of the Domestic Violence Fatality Review Act.

19 (39) Meetings of the regional review teams under
20 subsection (a) of Section 75 of the Domestic Violence
21 Fatality Review Act.

22 (40) Meetings of the Firearm Owner's Identification
23 Card Review Board under Section 10 of the Firearm Owners
24 Identification Card Act.

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

26 "Employee" means a person employed by a public body whose

1 relationship with the public body constitutes an
2 employer-employee relationship under the usual common law
3 rules, and who is not an independent contractor.

4 "Public office" means a position created by or under the
5 Constitution or laws of this State, the occupant of which is
6 charged with the exercise of some portion of the sovereign
7 power of this State. The term "public office" shall include
8 members of the public body, but it shall not include
9 organizational positions filled by members thereof, whether
10 established by law or by a public body itself, that exist to
11 assist the body in the conduct of its business.

12 "Quasi-adjudicative body" means an administrative body
13 charged by law or ordinance with the responsibility to conduct
14 hearings, receive evidence or testimony and make
15 determinations based thereon, but does not include local
16 electoral boards when such bodies are considering petition
17 challenges.

18 (e) Final action. No final action may be taken at a closed
19 meeting. Final action shall be preceded by a public recital of
20 the nature of the matter being considered and other
21 information that will inform the public of the business being
22 conducted.

23 (Source: P.A. 102-237, eff. 1-1-22; 102-520, eff. 8-20-21;
24 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 103-311, eff.
25 7-28-23; 103-626, eff. 1-1-25.)

1 Section 20.02. The Freedom of Information Act is amended
2 by changing Section 7.5 as follows:

3 (5 ILCS 140/7.5)

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

7 (a) All information determined to be confidential
8 under Section 4002 of the Technology Advancement and
9 Development Act.

10 (b) Library circulation and order records identifying
11 library users with specific materials under the Library
12 Records Confidentiality Act.

13 (c) Applications, related documents, and medical
14 records received by the Experimental Organ Transplantation
15 Procedures Board and any and all documents or other
16 records prepared by the Experimental Organ Transplantation
17 Procedures Board or its staff relating to applications it
18 has received.

19 (d) Information and records held by the Department of
20 Public Health and its authorized representatives relating
21 to known or suspected cases of sexually transmitted
22 infection or any information the disclosure of which is
23 restricted under the Illinois Sexually Transmitted
24 Infection Control Act.

25 (e) Information the disclosure of which is exempted

1 under Section 30 of the Radon Industry Licensing Act.

2 (f) Firm performance evaluations under Section 55 of
3 the Architectural, Engineering, and Land Surveying
4 Qualifications Based Selection Act.

5 (g) Information the disclosure of which is restricted
6 and exempted under Section 50 of the Illinois Prepaid
7 Tuition Act.

8 (h) Information the disclosure of which is exempted
9 under the State Officials and Employees Ethics Act, and
10 records of any lawfully created State or local inspector
11 general's office that would be exempt if created or
12 obtained by an Executive Inspector General's office under
13 that Act.

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

18 (j) Information and data concerning the distribution
19 of surcharge moneys collected and remitted by carriers
20 under the Emergency Telephone System Act.

21 (k) Law enforcement officer identification information
22 or driver identification information compiled by a law
23 enforcement agency or the Department of Transportation
24 under Section 11-212 of the Illinois Vehicle Code.

25 (l) Records and information provided to a residential
26 health care facility resident sexual assault and death

1 review team or the Executive Council under the Abuse
2 Prevention Review Team Act.

3 (m) Information provided to the predatory lending
4 database created pursuant to Article 3 of the Residential
5 Real Property Disclosure Act, except to the extent
6 authorized under that Article.

7 (n) Defense budgets and petitions for certification of
8 compensation and expenses for court appointed trial
9 counsel as provided under Sections 10 and 15 of the
10 Capital Crimes Litigation Act (repealed). This subsection
11 (n) shall apply until the conclusion of the trial of the
12 case, even if the prosecution chooses not to pursue the
13 death penalty prior to trial or sentencing.

14 (o) Information that is prohibited from being
15 disclosed under Section 4 of the Illinois Health and
16 Hazardous Substances Registry Act.

17 (p) Security portions of system safety program plans,
18 investigation reports, surveys, schedules, lists, data, or
19 information compiled, collected, or prepared by or for the
20 Department of Transportation under Sections 2705-300 and
21 2705-616 of the Department of Transportation Law of the
22 Civil Administrative Code of Illinois, the Metropolitan
23 Mobility ~~Regional Transportation~~ Authority under Section
24 4.33 of the Metropolitan Mobility Authority Act ~~2.11 of~~
25 ~~the Regional Transportation Authority Act~~, or the St.
26 Clair County Transit District under the Bi-State Transit

1 Safety Act (repealed).

2 (q) Information prohibited from being disclosed by the
3 Personnel Record Review Act.

4 (r) Information prohibited from being disclosed by the
5 Illinois School Student Records Act.

6 (s) Information the disclosure of which is restricted
7 under Section 5-108 of the Public Utilities Act.

8 (t) (Blank).

9 (u) Records and information provided to an independent
10 team of experts under the Developmental Disability and
11 Mental Health Safety Act (also known as Brian's Law).

12 (v) Names and information of people who have applied
13 for or received Firearm Owner's Identification Cards under
14 the Firearm Owners Identification Card Act or applied for
15 or received a concealed carry license under the Firearm
16 Concealed Carry Act, unless otherwise authorized by the
17 Firearm Concealed Carry Act; and databases under the
18 Firearm Concealed Carry Act, records of the Concealed
19 Carry Licensing Review Board under the Firearm Concealed
20 Carry Act, and law enforcement agency objections under the
21 Firearm Concealed Carry Act.

22 (v-5) Records of the Firearm Owner's Identification
23 Card Review Board that are exempted from disclosure under
24 Section 10 of the Firearm Owners Identification Card Act.

25 (w) Personally identifiable information which is
26 exempted from disclosure under subsection (g) of Section

1 19.1 of the Toll Highway Act.

2 (x) Information which is exempted from disclosure
3 under Section 5-1014.3 of the Counties Code or Section
4 8-11-21 of the Illinois Municipal Code.

5 (y) Confidential information under the Adult
6 Protective Services Act and its predecessor enabling
7 statute, the Elder Abuse and Neglect Act, including
8 information about the identity and administrative finding
9 against any caregiver of a verified and substantiated
10 decision of abuse, neglect, or financial exploitation of
11 an eligible adult maintained in the Registry established
12 under Section 7.5 of the Adult Protective Services Act.

13 (z) Records and information provided to a fatality
14 review team or the Illinois Fatality Review Team Advisory
15 Council under Section 15 of the Adult Protective Services
16 Act.

17 (aa) Information which is exempted from disclosure
18 under Section 2.37 of the Wildlife Code.

19 (bb) Information which is or was prohibited from
20 disclosure by the Juvenile Court Act of 1987.

21 (cc) Recordings made under the Law Enforcement
22 Officer-Worn Body Camera Act, except to the extent
23 authorized under that Act.

24 (dd) Information that is prohibited from being
25 disclosed under Section 45 of the Condominium and Common
26 Interest Community Ombudsperson Act.

1 (ee) Information that is exempted from disclosure
2 under Section 30.1 of the Pharmacy Practice Act.

3 (ff) Information that is exempted from disclosure
4 under the Revised Uniform Unclaimed Property Act.

5 (gg) Information that is prohibited from being
6 disclosed under Section 7-603.5 of the Illinois Vehicle
7 Code.

8 (hh) Records that are exempt from disclosure under
9 Section 1A-16.7 of the Election Code.

10 (ii) Information which is exempted from disclosure
11 under Section 2505-800 of the Department of Revenue Law of
12 the Civil Administrative Code of Illinois.

13 (jj) Information and reports that are required to be
14 submitted to the Department of Labor by registering day
15 and temporary labor service agencies but are exempt from
16 disclosure under subsection (a-1) of Section 45 of the Day
17 and Temporary Labor Services Act.

18 (kk) Information prohibited from disclosure under the
19 Seizure and Forfeiture Reporting Act.

20 (ll) Information the disclosure of which is restricted
21 and exempted under Section 5-30.8 of the Illinois Public
22 Aid Code.

23 (mm) Records that are exempt from disclosure under
24 Section 4.2 of the Crime Victims Compensation Act.

25 (nn) Information that is exempt from disclosure under
26 Section 70 of the Higher Education Student Assistance Act.

1 (oo) Communications, notes, records, and reports
2 arising out of a peer support counseling session
3 prohibited from disclosure under the First Responders
4 Suicide Prevention Act.

5 (pp) Names and all identifying information relating to
6 an employee of an emergency services provider or law
7 enforcement agency under the First Responders Suicide
8 Prevention Act.

9 (qq) Information and records held by the Department of
10 Public Health and its authorized representatives collected
11 under the Reproductive Health Act.

12 (rr) Information that is exempt from disclosure under
13 the Cannabis Regulation and Tax Act.

14 (ss) Data reported by an employer to the Department of
15 Human Rights pursuant to Section 2-108 of the Illinois
16 Human Rights Act.

17 (tt) Recordings made under the Children's Advocacy
18 Center Act, except to the extent authorized under that
19 Act.

20 (uu) Information that is exempt from disclosure under
21 Section 50 of the Sexual Assault Evidence Submission Act.

22 (vv) Information that is exempt from disclosure under
23 subsections (f) and (j) of Section 5-36 of the Illinois
24 Public Aid Code.

25 (wv) Information that is exempt from disclosure under
26 Section 16.8 of the State Treasurer Act.

1 (xx) Information that is exempt from disclosure or
2 information that shall not be made public under the
3 Illinois Insurance Code.

4 (yy) Information prohibited from being disclosed under
5 the Illinois Educational Labor Relations Act.

6 (zz) Information prohibited from being disclosed under
7 the Illinois Public Labor Relations Act.

8 (aaa) Information prohibited from being disclosed
9 under Section 1-167 of the Illinois Pension Code.

10 (bbb) Information that is prohibited from disclosure
11 by the Illinois Police Training Act and the Illinois State
12 Police Act.

13 (ccc) Records exempt from disclosure under Section
14 2605-304 of the Illinois State Police Law of the Civil
15 Administrative Code of Illinois.

16 (ddd) Information prohibited from being disclosed
17 under Section 35 of the Address Confidentiality for
18 Victims of Domestic Violence, Sexual Assault, Human
19 Trafficking, or Stalking Act.

20 (eee) Information prohibited from being disclosed
21 under subsection (b) of Section 75 of the Domestic
22 Violence Fatality Review Act.

23 (fff) Images from cameras under the Expressway Camera
24 Act. This subsection (fff) is inoperative on and after
25 July 1, 2025.

26 (ggg) Information prohibited from disclosure under

1 paragraph (3) of subsection (a) of Section 14 of the Nurse
2 Agency Licensing Act.

3 (hhh) Information submitted to the Illinois State
4 Police in an affidavit or application for an assault
5 weapon endorsement, assault weapon attachment endorsement,
6 .50 caliber rifle endorsement, or .50 caliber cartridge
7 endorsement under the Firearm Owners Identification Card
8 Act.

9 (iii) Data exempt from disclosure under Section 50 of
10 the School Safety Drill Act.

11 (jjj) Information exempt from disclosure under Section
12 30 of the Insurance Data Security Law.

13 (kkk) Confidential business information prohibited
14 from disclosure under Section 45 of the Paint Stewardship
15 Act.

16 (lll) Data exempt from disclosure under Section
17 2-3.196 of the School Code.

18 (mmm) Information prohibited from being disclosed
19 under subsection (e) of Section 1-129 of the Illinois
20 Power Agency Act.

21 (nnn) Materials received by the Department of Commerce
22 and Economic Opportunity that are confidential under the
23 Music and Musicians Tax Credit and Jobs Act.

24 (ooo) ~~(nnn)~~ Data or information provided pursuant to
25 Section 20 of the Statewide Recycling Needs and Assessment
26 Act.

1 (ppp) ~~(nnn)~~ Information that is exempt from disclosure
2 under Section 28-11 of the Lawful Health Care Activity
3 Act.

4 (qqq) ~~(nnn)~~ Information that is exempt from disclosure
5 under Section 7-101 of the Illinois Human Rights Act.

6 (rrr) ~~(nnn)~~ Information prohibited from being
7 disclosed under Section 4-2 of the Uniform Money
8 Transmission Modernization Act.

9 (sss) ~~(nnn)~~ Information exempt from disclosure under
10 Section 40 of the Student-Athlete Endorsement Rights 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; 103-472, eff. 8-1-24; 103-508, eff. 8-4-23;
17 103-580, eff. 12-8-23; 103-592, eff. 6-7-24; 103-605, eff.
18 7-1-24; 103-636, eff. 7-1-24; 103-724, eff. 1-1-25; 103-786,
19 eff. 8-7-24; 103-859, eff. 8-9-24; 103-991, eff. 8-9-24;
20 103-1049, eff. 8-9-24; revised 11-26-24.)

21 Section 20.03. The Transportation Cooperation Act of 1971
22 is amended by changing Section 2 as follows:

23 (5 ILCS 225/2) (from Ch. 111 2/3, par. 602)

24 Sec. 2. For the purposes of this Act:

1 (a) "Railroad passenger service" means any railroad
2 passenger service within the State of Illinois, including the
3 equipment and facilities used in connection therewith, with
4 the exception of the basic system operated by the National
5 Railroad Passenger Corporation pursuant to Title II and
6 Section 403(a) of the Federal Rail Passenger Service Act of
7 1970.

8 (b) "Federal Railroad Corporation" means the National
9 Railroad Passenger Corporation established pursuant to an Act
10 of Congress known as the "Rail Passenger Service Act of 1970."

11 (c) "Transportation system" means any and all modes of
12 public transportation within the State, including, but not
13 limited to, transportation of persons or property by rapid
14 transit, rail, bus, and aircraft, and all equipment,
15 facilities and property, real and personal, used in connection
16 therewith.

17 (d) "Carrier" means any corporation, authority,
18 partnership, association, person or district authorized to
19 maintain a transportation system within the State with the
20 exception of the Federal Railroad Corporation.

21 (e) "Units of local government" means cities, villages,
22 incorporated towns, counties, municipalities, townships, and
23 special districts, including any district created pursuant to
24 the "Local Mass Transit District Act", approved July 21, 1959,
25 as amended; the Metropolitan Mobility Authority; any Authority
26 ~~created pursuant to the "Metropolitan Transit Authority Act",~~

1 ~~approved April 12, 1945, as amended;~~ and, any authority,
2 commission, or other entity which by virtue of an interstate
3 compact approved by Congress is authorized to provide mass
4 transportation.

5 (f) "Universities" means all public institutions of higher
6 education as defined in an "Act creating a Board of Higher
7 Education, defining its powers and duties, making an
8 appropriation therefor, and repealing an Act herein named",
9 approved August 22, 1961, as amended, and all private
10 institutions of higher education as defined in the Illinois
11 Finance Authority Act.

12 (g) "Department" means the Illinois Department of
13 Transportation, or such other department designated by law to
14 perform the duties and functions of the Illinois Department of
15 Transportation prior to January 1, 1972.

16 (h) "Association" means any Transportation Service
17 Association created pursuant to Section 4 of this Act.

18 (i) "Contracting Parties" means any units of local
19 government or universities which have associated and joined
20 together pursuant to Section 3 of this Act.

21 (j) "Governing authorities" means (1) the city council or
22 similar legislative body of a city; (2) the board of trustees
23 or similar body of a village or incorporated town; (3) the
24 council of a municipality under the commission form of
25 municipal government; (4) the board of trustees in a township;
26 (5) the Board of Trustees of the University of Illinois, the

1 Board of Trustees of Southern Illinois University, the Board
2 of Trustees of Chicago State University, the Board of Trustees
3 of Eastern Illinois University, the Board of Trustees of
4 Governors State University, the Board of Trustees of Illinois
5 State University, the Board of Trustees of Northeastern
6 Illinois University, the Board of Trustees of Northern
7 Illinois University, the Board of Trustees of Western Illinois
8 University, and the Illinois Community College Board; (6) the
9 county board of a county; and (7) the trustees, commissioners,
10 board members, or directors of a university, special district,
11 authority or similar agency.

12 (Source: P.A. 93-205, eff. 1-1-04.)

13 Section 20.04. The Illinois Public Labor Relations Act is
14 amended by changing Sections 5 and 15 as follows:

15 (5 ILCS 315/5) (from Ch. 48, par. 1605)

16 Sec. 5. Illinois Labor Relations Board; State Panel; Local
17 Panel.

18 (a) There is created the Illinois Labor Relations Board.
19 The Board shall be comprised of 2 panels, to be known as the
20 State Panel and the Local Panel.

21 (a-5) The State Panel shall have jurisdiction over
22 collective bargaining matters between employee organizations
23 and the State of Illinois, excluding the General Assembly of
24 the State of Illinois, between employee organizations and

1 units of local government and school districts with a
2 population not in excess of 2 million persons, and between
3 employee organizations and the Metropolitan Mobility Regional
4 ~~Transportation~~ Authority.

5 The State Panel shall consist of 5 members appointed by
6 the Governor, with the advice and consent of the Senate. The
7 Governor shall appoint to the State Panel only persons who
8 have had a minimum of 5 years of experience directly related to
9 labor and employment relations in representing public
10 employers, private employers, or labor organizations; or
11 teaching labor or employment relations; or administering
12 executive orders or regulations applicable to labor or
13 employment relations. At the time of his or her appointment,
14 each member of the State Panel shall be an Illinois resident.
15 The Governor shall designate one member to serve as the
16 Chairman of the State Panel and the Board.

17 Notwithstanding any other provision of this Section, the
18 term of each member of the State Panel who was appointed by the
19 Governor and is in office on June 30, 2003 shall terminate at
20 the close of business on that date or when all of the successor
21 members to be appointed pursuant to Public Act 93-509 ~~this~~
22 ~~amendatory Act of the 93rd General Assembly~~ have been
23 appointed by the Governor, whichever occurs later. As soon as
24 possible, the Governor shall appoint persons to fill the
25 vacancies created by this amendatory Act.

26 The initial appointments under Public Act 93-509 ~~this~~

1 ~~amendatory Act of the 93rd General Assembly~~ shall be for terms
2 as follows: The Chairman shall initially be appointed for a
3 term ending on the 4th Monday in January, 2007; 2 members shall
4 be initially appointed for terms ending on the 4th Monday in
5 January, 2006; one member shall be initially appointed for a
6 term ending on the 4th Monday in January, 2005; and one member
7 shall be initially appointed for a term ending on the 4th
8 Monday in January, 2004. Each subsequent member shall be
9 appointed for a term of 4 years, commencing on the 4th Monday
10 in January. Upon expiration of the term of office of any
11 appointive member, that member shall continue to serve until a
12 successor shall be appointed and qualified. In case of a
13 vacancy, a successor shall be appointed to serve for the
14 unexpired portion of the term. If the Senate is not in session
15 at the time the initial appointments are made, the Governor
16 shall make temporary appointments in the same manner
17 successors are appointed to fill vacancies. A temporary
18 appointment shall remain in effect no longer than 20 calendar
19 days after the commencement of the next Senate session.

20 (b) The Local Panel shall have jurisdiction over
21 collective bargaining agreement matters between employee
22 organizations and units of local government with a population
23 in excess of 2 million persons, but excluding the Metropolitan
24 Mobility Regional Transportation Authority.

25 The Local Panel shall consist of one person appointed by
26 the Governor with the advice and consent of the Senate (or, if

1 no such person is appointed, the Chairman of the State Panel)
2 and two additional members, one appointed by the Mayor of the
3 City of Chicago and one appointed by the President of the Cook
4 County Board of Commissioners. Appointees to the Local Panel
5 must have had a minimum of 5 years of experience directly
6 related to labor and employment relations in representing
7 public employers, private employers, or labor organizations;
8 or teaching labor or employment relations; or administering
9 executive orders or regulations applicable to labor or
10 employment relations. Each member of the Local Panel shall be
11 an Illinois resident at the time of his or her appointment. The
12 member appointed by the Governor (or, if no such person is
13 appointed, the Chairman of the State Panel) shall serve as the
14 Chairman of the Local Panel.

15 Notwithstanding any other provision of this Section, the
16 term of the member of the Local Panel who was appointed by the
17 Governor and is in office on June 30, 2003 shall terminate at
18 the close of business on that date or when his or her successor
19 has been appointed by the Governor, whichever occurs later. As
20 soon as possible, the Governor shall appoint a person to fill
21 the vacancy created by this amendatory Act. The initial
22 appointment under Public Act 93-509 ~~this amendatory Act of the~~
23 ~~93rd General Assembly~~ shall be for a term ending on the 4th
24 Monday in January, 2007.

25 The initial appointments under Public Act 91-798 ~~this~~
26 ~~amendatory Act of the 91st General Assembly~~ shall be for terms

1 as follows: The member appointed by the Governor shall
2 initially be appointed for a term ending on the 4th Monday in
3 January, 2001; the member appointed by the President of the
4 Cook County Board shall be initially appointed for a term
5 ending on the 4th Monday in January, 2003; and the member
6 appointed by the Mayor of the City of Chicago shall be
7 initially appointed for a term ending on the 4th Monday in
8 January, 2004. Each subsequent member shall be appointed for a
9 term of 4 years, commencing on the 4th Monday in January. Upon
10 expiration of the term of office of any appointive member, the
11 member shall continue to serve until a successor shall be
12 appointed and qualified. In the case of a vacancy, a successor
13 shall be appointed by the applicable appointive authority to
14 serve for the unexpired portion of the term.

15 (c) Three members of the State Panel shall at all times
16 constitute a quorum. Two members of the Local Panel shall at
17 all times constitute a quorum. A vacancy on a panel does not
18 impair the right of the remaining members to exercise all of
19 the powers of that panel. Each panel shall adopt an official
20 seal which shall be judicially noticed. The salary of the
21 Chairman of the State Panel shall be \$82,429 per year, or as
22 set by the Compensation Review Board, whichever is greater,
23 and that of the other members of the State and Local Panels
24 shall be \$74,188 per year, or as set by the Compensation Review
25 Board, whichever is greater.

26 (d) Each member shall devote his or her entire time to the

1 duties of the office, and shall hold no other office or
2 position of profit, nor engage in any other business,
3 employment, or vocation. No member shall hold any other public
4 office or be employed as a labor or management representative
5 by the State or any political subdivision of the State or of
6 any department or agency thereof, or actively represent or act
7 on behalf of an employer or an employee organization or an
8 employer in labor relations matters. Any member of the State
9 Panel may be removed from office by the Governor for
10 inefficiency, neglect of duty, misconduct or malfeasance in
11 office, and for no other cause, and only upon notice and
12 hearing. Any member of the Local Panel may be removed from
13 office by the applicable appointive authority for
14 inefficiency, neglect of duty, misconduct or malfeasance in
15 office, and for no other cause, and only upon notice and
16 hearing.

17 (e) Each panel at the end of every State fiscal year shall
18 make a report in writing to the Governor and the General
19 Assembly, stating in detail the work it has done to carry out
20 the policy of the Act in hearing and deciding cases and
21 otherwise. Each panel's report shall include:

22 (1) the number of unfair labor practice charges filed
23 during the fiscal year;

24 (2) the number of unfair labor practice charges
25 resolved during the fiscal year;

26 (3) the total number of unfair labor charges pending

1 before the Board at the end of the fiscal year;

2 (4) the number of unfair labor charge cases at the end
3 of the fiscal year that have been pending before the Board
4 between 1 and 100 days, 101 and 150 days, 151 and 200 days,
5 201 and 250 days, 251 and 300 days, 301 and 350 days, 351
6 and 400 days, 401 and 450 days, 451 and 500 days, 501 and
7 550 days, 551 and 600 days, 601 and 650 days, 651 and 700
8 days, and over 701 days;

9 (5) the number of representation cases and unit
10 clarification cases filed during the fiscal year;

11 (6) the number of representation cases and unit
12 clarification cases resolved during the fiscal year;

13 (7) the total number of representation cases and unit
14 clarification cases pending before the Board at the end of
15 the fiscal year;

16 (8) the number of representation cases and unit
17 clarification cases at the end of the fiscal year that
18 have been pending before the Board between 1 and 120 days,
19 121 and 180 days, and over 180 days; and

20 (9) the Board's progress in meeting the timeliness
21 goals established pursuant to the criteria in subsection
22 (j) of Section 11 of this Act; the report shall include,
23 but is not limited to:

24 (A) the average number of days taken to complete
25 investigations and issue complaints, dismissals, or
26 deferrals;

1 (B) the average number of days taken for the Board
2 to issue decisions on appeals of dismissals or
3 deferrals;

4 (C) the average number of days taken to schedule a
5 hearing on complaints once issued;

6 (D) the average number of days taken to issue a
7 recommended decision and order once the record is
8 closed;

9 (E) the average number of days taken for the Board
10 to issue final decisions on recommended decisions when
11 ~~where~~ exceptions have been filed;

12 (F) the average number of days taken for the Board
13 to issue final decisions ~~decision~~ on recommended
14 decisions when no exceptions have been filed; and

15 (G) in cases where the Board was unable to meet the
16 timeliness goals established in subsection (j) of
17 Section 11, an explanation as to why the goal was not
18 met.

19 (f) In order to accomplish the objectives and carry out
20 the duties prescribed by this Act, a panel or its authorized
21 designees may hold elections to determine whether a labor
22 organization has majority status; investigate and attempt to
23 resolve or settle charges of unfair labor practices; hold
24 hearings in order to carry out its functions; develop and
25 effectuate appropriate impasse resolution procedures for
26 purposes of resolving labor disputes; require the appearance

1 of witnesses and the production of evidence on any matter
2 under inquiry; and administer oaths and affirmations. The
3 panels shall sign and report in full an opinion in every case
4 which they decide.

5 (g) Each panel may appoint or employ an executive
6 director, attorneys, hearing officers, mediators,
7 fact-finders, arbitrators, and such other employees as it may
8 deem necessary to perform its functions. The governing boards
9 shall prescribe the duties and qualifications of such persons
10 appointed and, subject to the annual appropriation, fix their
11 compensation and provide for reimbursement of actual and
12 necessary expenses incurred in the performance of their
13 duties. The Board shall employ a minimum of 16 attorneys and 6
14 investigators.

15 (h) Each panel shall exercise general supervision over all
16 attorneys which it employs and over the other persons employed
17 to provide necessary support services for such attorneys. The
18 panels shall have final authority in respect to complaints
19 brought pursuant to this Act.

20 (i) The following rules and regulations shall be adopted
21 by the panels meeting in joint session: (1) procedural rules
22 and regulations which shall govern all Board proceedings; (2)
23 procedures for election of exclusive bargaining
24 representatives pursuant to Section 9, except for the
25 determination of appropriate bargaining units; and (3)
26 appointment of counsel pursuant to subsection (k) of this

1 Section.

2 (j) Rules and regulations may be adopted, amended or
3 rescinded only upon a vote of 5 of the members of the State and
4 Local Panels meeting in joint session. The adoption,
5 amendment, or rescission of rules and regulations shall be in
6 conformity with the requirements of the Illinois
7 Administrative Procedure Act.

8 (k) The panels in joint session shall promulgate rules and
9 regulations providing for the appointment of attorneys or
10 other Board representatives to represent persons in unfair
11 labor practice proceedings before a panel. The regulations
12 governing appointment shall require the applicant to
13 demonstrate an inability to pay for or inability to otherwise
14 provide for adequate representation before a panel. Such rules
15 must also provide: (1) that an attorney may not be appointed in
16 cases which, in the opinion of a panel, are clearly without
17 merit; (2) the stage of the unfair labor proceeding at which
18 counsel will be appointed; and (3) the circumstances under
19 which a client will be allowed to select counsel.

20 (1) The panels in joint session may promulgate rules and
21 regulations which allow parties in proceedings before a panel
22 to be represented by counsel or any other representative of
23 the party's choice.

24 (m) The Chairman of the State Panel shall serve as
25 Chairman of a joint session of the panels. Attendance of at
26 least 2 members of the State Panel and at least one member of

1 the Local Panel, in addition to the Chairman, shall constitute
2 a quorum at a joint session. The panels shall meet in joint
3 session at least annually.

4 (Source: P.A. 103-856, eff. 1-1-25; revised 11-21-24.)

5 (5 ILCS 315/15) (from Ch. 48, par. 1615)

6 (Text of Section WITHOUT the changes made by P.A. 98-599,
7 which has been held unconstitutional)

8 Sec. 15. Act takes precedence ~~Takes Precedence~~.

9 (a) In case of any conflict between the provisions of this
10 Act and any other law (other than Section 5 of the State
11 Employees Group Insurance Act of 1971 and other than the
12 changes made to the Illinois Pension Code by Public Act 96-889
13 ~~this amendatory Act of the 96th General Assembly~~), executive
14 order or administrative regulation relating to wages, hours
15 and conditions of employment and employment relations, the
16 provisions of this Act or any collective bargaining agreement
17 negotiated thereunder shall prevail and control. Nothing in
18 this Act shall be construed to replace or diminish the rights
19 of employees established by Sections 4.14 through 4.18 of the
20 Metropolitan Mobility Authority Act ~~Sections 28 and 28a of the~~
21 ~~Metropolitan Transit Authority Act, Sections 2.15 through 2.19~~
22 ~~of the Regional Transportation Authority Act~~. The provisions
23 of this Act are subject to Section 5 of the State Employees
24 Group Insurance Act of 1971. Nothing in this Act shall be
25 construed to replace the necessity of complaints against a

1 sworn peace officer, as defined in Section 2(a) of the Uniform
2 Peace Officers' ~~Officer~~ Disciplinary Act, from having a
3 complaint supported by a sworn affidavit.

4 (b) Except as provided in subsection (a) above, any
5 collective bargaining contract between a public employer and a
6 labor organization executed pursuant to this Act shall
7 supersede any contrary statutes, charters, ordinances, rules
8 or regulations relating to wages, hours and conditions of
9 employment and employment relations adopted by the public
10 employer or its agents. Any collective bargaining agreement
11 entered into prior to the effective date of this Act shall
12 remain in full force during its duration.

13 (c) It is the public policy of this State, pursuant to
14 paragraphs (h) and (i) of Section 6 of Article VII of the
15 Illinois Constitution, that the provisions of this Act are the
16 exclusive exercise by the State of powers and functions which
17 might otherwise be exercised by home rule units. Such powers
18 and functions may not be exercised concurrently, either
19 directly or indirectly, by any unit of local government,
20 including any home rule unit, except as otherwise authorized
21 by this Act.

22 (Source: P.A. 95-331, eff. 8-21-07; 96-889, eff. 1-1-11;
23 revised 7-23-24.)

24 Section 20.05. The State Employees Group Insurance Act of
25 1971 is amended by changing Section 2.5 as follows:

1 (5 ILCS 375/2.5)

2 Sec. 2.5. Application to Regional Transportation Authority
3 Board or Metropolitan Mobility Authority Board members.
4 Notwithstanding any other provision of this Act to the
5 contrary, this Act does not apply to any member of the Regional
6 Transportation Authority Board or the Metropolitan Mobility
7 Authority Board who first becomes a member of either ~~that~~
8 Board on or after July 23, 2013 (the effective date of Public
9 Act 98-108) with respect to service of either ~~that~~ Board.
10 (Source: P.A. 98-108, eff. 7-23-13; 98-756, eff. 7-16-14.)

11 Section 20.06. The State Officials and Employees Ethics
12 Act is amended by changing Sections 1-5, 20-5, 20-10, 75-5,
13 and 75-10 and by changing the heading of Article 75 as follows:

14 (5 ILCS 430/1-5)

15 Sec. 1-5. Definitions. As used in this Act:

16 "Appointee" means a person appointed to a position in or
17 with a State agency, regardless of whether the position is
18 compensated.

19 "Board members of Regional Development Authorities" means
20 any person appointed to serve on the governing board of a
21 Regional Development Authority.

22 "Board members of the Regional Transit Board ~~Boards~~" means
23 any person appointed to serve on the governing board of the

1 Metropolitan Mobility Authority Board ~~a Regional Transit~~
2 ~~Board.~~

3 "Campaign for elective office" means any activity in
4 furtherance of an effort to influence the selection,
5 nomination, election, or appointment of any individual to any
6 federal, State, or local public office or office in a
7 political organization, or the selection, nomination, or
8 election of Presidential or Vice-Presidential electors, but
9 does not include activities (i) relating to the support or
10 opposition of any executive, legislative, or administrative
11 action (as those terms are defined in Section 2 of the Lobbyist
12 Registration Act), (ii) relating to collective bargaining, or
13 (iii) that are otherwise in furtherance of the person's
14 official State duties.

15 "Candidate" means a person who has filed nominating papers
16 or petitions for nomination or election to an elected State
17 office, or who has been appointed to fill a vacancy in
18 nomination, and who remains eligible for placement on the
19 ballot at either a general primary election or general
20 election.

21 "Collective bargaining" has the same meaning as that term
22 is defined in Section 3 of the Illinois Public Labor Relations
23 Act.

24 "Commission" means an ethics commission created by this
25 Act.

26 "Compensated time" means any time worked by or credited to

1 a State employee that counts toward any minimum work time
2 requirement imposed as a condition of employment with a State
3 agency, but does not include any designated State holidays or
4 any period when the employee is on a leave of absence.

5 "Compensatory time off" means authorized time off earned
6 by or awarded to a State employee to compensate in whole or in
7 part for time worked in excess of the minimum work time
8 required of that employee as a condition of employment with a
9 State agency.

10 "Contribution" has the same meaning as that term is
11 defined in Section 9-1.4 of the Election Code.

12 "Employee" means (i) any person employed full-time,
13 part-time, or pursuant to a contract and whose employment
14 duties are subject to the direction and control of an employer
15 with regard to the material details of how the work is to be
16 performed or (ii) any appointed or elected commissioner,
17 trustee, director, or board member of a board of a State
18 agency, including any retirement system or investment board
19 subject to the Illinois Pension Code or (iii) any other
20 appointee.

21 "Employment benefits" include but are not limited to the
22 following: modified compensation or benefit terms; compensated
23 time off; or change of title, job duties, or location of office
24 or employment. An employment benefit may also include
25 favorable treatment in determining whether to bring any
26 disciplinary or similar action or favorable treatment during

1 the course of any disciplinary or similar action or other
2 performance review.

3 "Executive branch constitutional officer" means the
4 Governor, Lieutenant Governor, Attorney General, Secretary of
5 State, Comptroller, and Treasurer.

6 "Gift" means any gratuity, discount, entertainment,
7 hospitality, loan, forbearance, or other tangible or
8 intangible item having monetary value including, but not
9 limited to, cash, food and drink, and honoraria for speaking
10 engagements related to or attributable to government
11 employment or the official position of an employee, member, or
12 officer. The value of a gift may be further defined by rules
13 adopted by the appropriate ethics commission or by the Auditor
14 General for the Auditor General and for employees of the
15 office of the Auditor General.

16 "Governmental entity" means a unit of local government
17 (including a community college district) or a school district
18 but not a State agency, a Regional Transit Board, or a Regional
19 Development Authority.

20 "Leave of absence" means any period during which a State
21 employee does not receive (i) compensation for State
22 employment, (ii) service credit towards State pension
23 benefits, and (iii) health insurance benefits paid for by the
24 State.

25 "Legislative branch constitutional officer" means a member
26 of the General Assembly and the Auditor General.

1 "Legislative leader" means the President and Minority
2 Leader of the Senate and the Speaker and Minority Leader of the
3 House of Representatives.

4 "Member" means a member of the General Assembly.

5 "Officer" means an executive branch constitutional officer
6 or a legislative branch constitutional officer.

7 "Political" means any activity in support of or in
8 connection with any campaign for elective office or any
9 political organization, but does not include activities (i)
10 relating to the support or opposition of any executive,
11 legislative, or administrative action (as those terms are
12 defined in Section 2 of the Lobbyist Registration Act), (ii)
13 relating to collective bargaining, or (iii) that are otherwise
14 in furtherance of the person's official State duties or
15 governmental and public service functions.

16 "Political organization" means a party, committee,
17 association, fund, or other organization (whether or not
18 incorporated) that is required to file a statement of
19 organization with the State Board of Elections or a county
20 clerk under Section 9-3 of the Election Code, but only with
21 regard to those activities that require filing with the State
22 Board of Elections or a county clerk.

23 "Prohibited political activity" means:

24 (1) Preparing for, organizing, or participating in any
25 political meeting, political rally, political
26 demonstration, or other political event.

1 (2) Soliciting contributions, including but not
2 limited to the purchase of, selling, distributing, or
3 receiving payment for tickets for any political
4 fundraiser, political meeting, or other political event.

5 (3) Soliciting, planning the solicitation of, or
6 preparing any document or report regarding any thing of
7 value intended as a campaign contribution.

8 (4) Planning, conducting, or participating in a public
9 opinion poll in connection with a campaign for elective
10 office or on behalf of a political organization for
11 political purposes or for or against any referendum
12 question.

13 (5) Surveying or gathering information from potential
14 or actual voters in an election to determine probable vote
15 outcome in connection with a campaign for elective office
16 or on behalf of a political organization for political
17 purposes or for or against any referendum question.

18 (6) Assisting at the polls on election day on behalf
19 of any political organization or candidate for elective
20 office or for or against any referendum question.

21 (7) Soliciting votes on behalf of a candidate for
22 elective office or a political organization or for or
23 against any referendum question or helping in an effort to
24 get voters to the polls.

25 (8) Initiating for circulation, preparing,
26 circulating, reviewing, or filing any petition on behalf

1 of a candidate for elective office or for or against any
2 referendum question.

3 (9) Making contributions on behalf of any candidate
4 for elective office in that capacity or in connection with
5 a campaign for elective office.

6 (10) Preparing or reviewing responses to candidate
7 questionnaires in connection with a campaign for elective
8 office or on behalf of a political organization for
9 political purposes.

10 (11) Distributing, preparing for distribution, or
11 mailing campaign literature, campaign signs, or other
12 campaign material on behalf of any candidate for elective
13 office or for or against any referendum question.

14 (12) Campaigning for any elective office or for or
15 against any referendum question.

16 (13) Managing or working on a campaign for elective
17 office or for or against any referendum question.

18 (14) Serving as a delegate, alternate, or proxy to a
19 political party convention.

20 (15) Participating in any recount or challenge to the
21 outcome of any election, except to the extent that under
22 subsection (d) of Section 6 of Article IV of the Illinois
23 Constitution each house of the General Assembly shall
24 judge the elections, returns, and qualifications of its
25 members.

26 "Prohibited source" means any person or entity who:

1 (1) is seeking official action (i) by the member or
2 officer or (ii) in the case of an employee, by the employee
3 or by the member, officer, State agency, or other employee
4 directing the employee;

5 (2) does business or seeks to do business (i) with the
6 member or officer or (ii) in the case of an employee, with
7 the employee or with the member, officer, State agency, or
8 other employee directing the employee;

9 (3) conducts activities regulated (i) by the member or
10 officer or (ii) in the case of an employee, by the employee
11 or by the member, officer, State agency, or other employee
12 directing the employee;

13 (4) has interests that may be substantially affected
14 by the performance or non-performance of the official
15 duties of the member, officer, or employee;

16 (5) is registered or required to be registered with
17 the Secretary of State under the Lobbyist Registration
18 Act, except that an entity not otherwise a prohibited
19 source does not become a prohibited source merely because
20 a registered lobbyist is one of its members or serves on
21 its board of directors; or

22 (6) is an agent of, a spouse of, or an immediate family
23 member who is living with a "prohibited source".

24 "Regional Development Authority" means the following
25 regional development authorities:

26 (1) the Central Illinois Economic Development

1 Authority created by the Central Illinois Economic
2 Development Authority Act;

3 (2) the Eastern Illinois Economic Development
4 Authority created by the Eastern Illinois Economic
5 Development Authority Act;

6 (3) the Joliet Arsenal Development Authority created
7 by the Joliet Arsenal Development Authority Act;

8 (4) the Quad Cities Regional Economic Development
9 Authority created by Quad Cities Regional Economic
10 Development Authority Act, approved September 22, 1987;

11 (5) the Riverdale Development Authority created by the
12 Riverdale Development Authority Act;

13 (6) the Southeastern Illinois Economic Development
14 Authority created by the Southeastern Illinois Economic
15 Development Authority Act;

16 (7) the Southern Illinois Economic Development
17 Authority created by the Southern Illinois Economic
18 Development Authority Act;

19 (8) the Southwestern Illinois Development Authority
20 created by the Southwestern Illinois Development Authority
21 Act;

22 (9) the Tri-County River Valley Development Authority
23 created by the Tri-County River Valley Development
24 Authority Law;

25 (10) the Upper Illinois River Valley Development
26 Authority created by the Upper Illinois River Valley

1 Development Authority Act;

2 (11) the Illinois Urban Development Authority created
3 by the Illinois Urban Development Authority Act;

4 (12) the Western Illinois Economic Development
5 Authority created by the Western Illinois Economic
6 Development Authority Act; and

7 (13) the Will-Kankakee Regional Development Authority
8 created by the Will-Kankakee Regional Development
9 Authority Law.

10 "Regional Transit Board Boards" means ~~(i) the Metropolitan~~
11 ~~Mobility Authority Board created by the Metropolitan Mobility~~
12 ~~Authority Act Regional Transportation Authority created by the~~
13 ~~Regional Transportation Authority Act, (ii) the Suburban Bus~~
14 ~~Division created by the Regional Transportation Authority Act,~~
15 ~~(iii) the Commuter Rail Division created by the Regional~~
16 ~~Transportation Authority Act, and (iv) the Chicago Transit~~
17 ~~Authority created by the Metropolitan Transit Authority Act.~~

18 "State agency" includes all officers, boards, commissions
19 and agencies created by the Constitution, whether in the
20 executive or legislative branch; all officers, departments,
21 boards, commissions, agencies, institutions, authorities,
22 public institutions of higher learning as defined in Section 2
23 of the Higher Education Cooperation Act (except community
24 colleges), and bodies politic and corporate of the State; and
25 administrative units or corporate outgrowths of the State
26 government which are created by or pursuant to statute, other

1 than units of local government (including community college
2 districts) and their officers, school districts, and boards of
3 election commissioners; and all administrative units and
4 corporate outgrowths of the above and as may be created by
5 executive order of the Governor. "State agency" includes the
6 General Assembly, the Senate, the House of Representatives,
7 the President and Minority Leader of the Senate, the Speaker
8 and Minority Leader of the House of Representatives, the
9 Senate Operations Commission, and the legislative support
10 services agencies. "State agency" includes the Office of the
11 Auditor General. "State agency" does not include the judicial
12 branch.

13 "State employee" means any employee of a State agency.

14 "Ultimate jurisdictional authority" means the following:

15 (1) For members, legislative partisan staff, and
16 legislative secretaries, the appropriate legislative
17 leader: President of the Senate, Minority Leader of the
18 Senate, Speaker of the House of Representatives, or
19 Minority Leader of the House of Representatives.

20 (2) For State employees who are professional staff or
21 employees of the Senate and not covered under item (1),
22 the Senate Operations Commission.

23 (3) For State employees who are professional staff or
24 employees of the House of Representatives and not covered
25 under item (1), the Speaker of the House of
26 Representatives.

1 (4) For State employees who are employees of the
2 legislative support services agencies, the Joint Committee
3 on Legislative Support Services.

4 (5) For State employees of the Auditor General, the
5 Auditor General.

6 (6) For State employees of public institutions of
7 higher learning as defined in Section 2 of the Higher
8 Education Cooperation Act (except community colleges), the
9 board of trustees of the appropriate public institution of
10 higher learning.

11 (7) For State employees of an executive branch
12 constitutional officer other than those described in
13 paragraph (6), the appropriate executive branch
14 constitutional officer.

15 (8) For State employees not under the jurisdiction of
16 paragraph (1), (2), (3), (4), (5), (6), or (7), the
17 Governor.

18 (9) (Blank). ~~For employees of Regional Transit Boards,~~
19 ~~the appropriate Regional Transit Board.~~

20 (10) For board members of the Regional Transit Board
21 ~~Boards~~, the Governor.

22 (11) For employees of Regional Development
23 Authorities, the appropriate Regional Development
24 Authority.

25 (12) For board members of Regional Development
26 Authorities, the Governor.

1 (Source: P.A. 103-517, eff. 8-11-23.)

2 (5 ILCS 430/20-5)

3 Sec. 20-5. Executive Ethics Commission.

4 (a) The Executive Ethics Commission is created.

5 (b) The Executive Ethics Commission shall consist of 9
6 commissioners. The Governor shall appoint 5 commissioners, and
7 the Attorney General, Secretary of State, Comptroller, and
8 Treasurer shall each appoint one commissioner. Appointments
9 shall be made by and with the advice and consent of the Senate
10 by three-fifths of the elected members concurring by record
11 vote. Any nomination not acted upon by the Senate within 60
12 session days of the receipt thereof shall be deemed to have
13 received the advice and consent of the Senate. If, during a
14 recess of the Senate, there is a vacancy in an office of
15 commissioner, the appointing authority shall make a temporary
16 appointment until the next meeting of the Senate when the
17 appointing authority shall make a nomination to fill that
18 office. No person rejected for an office of commissioner
19 shall, except by the Senate's request, be nominated again for
20 that office at the same session of the Senate or be appointed
21 to that office during a recess of that Senate. No more than 5
22 commissioners may be of the same political party.

23 The terms of the initial commissioners shall commence upon
24 qualification. Four initial appointees of the Governor, as
25 designated by the Governor, shall serve terms running through

1 June 30, 2007. One initial appointee of the Governor, as
2 designated by the Governor, and the initial appointees of the
3 Attorney General, Secretary of State, Comptroller, and
4 Treasurer shall serve terms running through June 30, 2008. The
5 initial appointments shall be made within 60 days after the
6 effective date of this Act.

7 After the initial terms, commissioners shall serve for
8 4-year terms commencing on July 1 of the year of appointment
9 and running through June 30 of the fourth following year.
10 Commissioners may be reappointed to one or more subsequent
11 terms.

12 Vacancies occurring other than at the end of a term shall
13 be filled by the appointing authority only for the balance of
14 the term of the commissioner whose office is vacant.

15 Terms shall run regardless of whether the position is
16 filled.

17 (c) The appointing authorities shall appoint commissioners
18 who have experience holding governmental office or employment
19 and shall appoint commissioners from the general public. A
20 person is not eligible to serve as a commissioner if that
21 person (i) has been convicted of a felony or a crime of
22 dishonesty or moral turpitude, (ii) is, or was within the
23 preceding 12 months, engaged in activities that require
24 registration under the Lobbyist Registration Act, (iii) is
25 related to the appointing authority, or (iv) is a State
26 officer or employee.

1 (d) The Executive Ethics Commission shall have
2 jurisdiction over all officers and employees of State agencies
3 other than the General Assembly, the Senate, the House of
4 Representatives, the President and Minority Leader of the
5 Senate, the Speaker and Minority Leader of the House of
6 Representatives, the Senate Operations Commission, the
7 legislative support services agencies, and the Office of the
8 Auditor General. The Executive Ethics Commission shall have
9 jurisdiction over all board members and employees of the
10 Regional Transit Board ~~Boards~~ and all board members and
11 employees of Regional Development Authorities. The
12 jurisdiction of the Commission is limited to matters arising
13 under this Act, except as provided in subsection (d-5).

14 A member or legislative branch State employee serving on
15 an executive branch board or commission remains subject to the
16 jurisdiction of the Legislative Ethics Commission and is not
17 subject to the jurisdiction of the Executive Ethics
18 Commission.

19 (d-5) The Executive Ethics Commission shall have
20 jurisdiction over all chief procurement officers and
21 procurement compliance monitors and their respective staffs.
22 The Executive Ethics Commission shall have jurisdiction over
23 any matters arising under the Illinois Procurement Code if the
24 Commission is given explicit authority in that Code.

25 (d-6) (1) The Executive Ethics Commission shall have
26 jurisdiction over the Illinois Power Agency and its staff. The

1 Director of the Agency shall be appointed by a majority of the
2 commissioners of the Executive Ethics Commission, subject to
3 Senate confirmation, for a term of 2 years. The Director is
4 removable for cause by a majority of the Commission upon a
5 finding of neglect, malfeasance, absence, or incompetence.

6 (2) In case of a vacancy in the office of Director of the
7 Illinois Power Agency during a recess of the Senate, the
8 Executive Ethics Commission may make a temporary appointment
9 until the next meeting of the Senate, at which time the
10 Executive Ethics Commission shall nominate some person to fill
11 the office, and any person so nominated who is confirmed by the
12 Senate shall hold office during the remainder of the term and
13 until his or her successor is appointed and qualified. Nothing
14 in this subsection shall prohibit the Executive Ethics
15 Commission from removing a temporary appointee or from
16 appointing a temporary appointee as the Director of the
17 Illinois Power Agency.

18 (3) Prior to June 1, 2012, the Executive Ethics Commission
19 may, until the Director of the Illinois Power Agency is
20 appointed and qualified or a temporary appointment is made
21 pursuant to paragraph (2) of this subsection, designate some
22 person as an acting Director to execute the powers and
23 discharge the duties vested by law in that Director. An acting
24 Director shall serve no later than 60 calendar days, or upon
25 the making of an appointment pursuant to paragraph (1) or (2)
26 of this subsection, whichever is earlier. Nothing in this

1 subsection shall prohibit the Executive Ethics Commission from
2 removing an acting Director or from appointing an acting
3 Director as the Director of the Illinois Power Agency.

4 (4) No person rejected by the Senate for the office of
5 Director of the Illinois Power Agency shall, except at the
6 Senate's request, be nominated again for that office at the
7 same session or be appointed to that office during a recess of
8 that Senate.

9 (d-7) The Executive Ethics Commission shall have
10 jurisdiction over complainants and respondents in violation of
11 subsection (d) of Section 20-90.

12 (e) The Executive Ethics Commission must meet, either in
13 person or by other technological means, at least monthly and
14 as often as necessary. At the first meeting of the Executive
15 Ethics Commission, the commissioners shall choose from their
16 number a chairperson and other officers that they deem
17 appropriate. The terms of officers shall be for 2 years
18 commencing July 1 and running through June 30 of the second
19 following year. Meetings shall be held at the call of the
20 chairperson or any 3 commissioners. Official action by the
21 Commission shall require the affirmative vote of 5
22 commissioners, and a quorum shall consist of 5 commissioners.
23 Commissioners shall receive compensation in an amount equal to
24 the compensation of members of the State Board of Elections
25 and may be reimbursed for their reasonable expenses actually
26 incurred in the performance of their duties.

1 (f) No commissioner or employee of the Executive Ethics
2 Commission may during his or her term of appointment or
3 employment:

4 (1) become a candidate for any elective office;

5 (2) hold any other elected or appointed public office
6 except for appointments on governmental advisory boards or
7 study commissions or as otherwise expressly authorized by
8 law;

9 (3) be actively involved in the affairs of any
10 political party or political organization; or

11 (4) advocate for the appointment of another person to
12 an appointed or elected office or position or actively
13 participate in any campaign for any elective office.

14 (g) An appointing authority may remove a commissioner only
15 for cause.

16 (h) The Executive Ethics Commission shall appoint an
17 Executive Director. The compensation of the Executive Director
18 shall be as determined by the Commission. The Executive
19 Director of the Executive Ethics Commission may employ and
20 determine the compensation of staff, as appropriations permit.

21 (i) The Executive Ethics Commission shall appoint, by a
22 majority of the members appointed to the Commission, chief
23 procurement officers and may appoint procurement compliance
24 monitors in accordance with the provisions of the Illinois
25 Procurement Code. The compensation of a chief procurement
26 officer and procurement compliance monitor shall be determined

1 by the Commission.

2 (Source: P.A. 103-517, eff. 8-11-23.)

3 (5 ILCS 430/20-10)

4 Sec. 20-10. Offices of Executive Inspectors General.

5 (a) Five independent Offices of the Executive Inspector
6 General are created, one each for the Governor, the Attorney
7 General, the Secretary of State, the Comptroller, and the
8 Treasurer. Each Office shall be under the direction and
9 supervision of an Executive Inspector General and shall be a
10 fully independent office with separate appropriations.

11 (b) The Governor, Attorney General, Secretary of State,
12 Comptroller, and Treasurer shall each appoint an Executive
13 Inspector General, without regard to political affiliation and
14 solely on the basis of integrity and demonstrated ability.
15 Appointments shall be made by and with the advice and consent
16 of the Senate by three-fifths of the elected members
17 concurring by record vote. Any nomination not acted upon by
18 the Senate within 60 session days of the receipt thereof shall
19 be deemed to have received the advice and consent of the
20 Senate. If, during a recess of the Senate, there is a vacancy
21 in an office of Executive Inspector General, the appointing
22 authority shall make a temporary appointment until the next
23 meeting of the Senate when the appointing authority shall make
24 a nomination to fill that office. No person rejected for an
25 office of Executive Inspector General shall, except by the

1 Senate's request, be nominated again for that office at the
2 same session of the Senate or be appointed to that office
3 during a recess of that Senate.

4 Nothing in this Article precludes the appointment by the
5 Governor, Attorney General, Secretary of State, Comptroller,
6 or Treasurer of any other inspector general required or
7 permitted by law. The Governor, Attorney General, Secretary of
8 State, Comptroller, and Treasurer each may appoint an existing
9 inspector general as the Executive Inspector General required
10 by this Article, provided that such an inspector general is
11 not prohibited by law, rule, jurisdiction, qualification, or
12 interest from serving as the Executive Inspector General
13 required by this Article. An appointing authority may not
14 appoint a relative as an Executive Inspector General.

15 Each Executive Inspector General shall have the following
16 qualifications:

17 (1) has not been convicted of any felony under the
18 laws of this State, another State, or the United States;

19 (2) has earned a baccalaureate degree from an
20 institution of higher education; and

21 (3) has 5 or more years of cumulative service (A) with
22 a federal, State, or local law enforcement agency, at
23 least 2 years of which have been in a progressive
24 investigatory capacity; (B) as a federal, State, or local
25 prosecutor; (C) as a senior manager or executive of a
26 federal, State, or local agency; (D) as a member, an

1 officer, or a State or federal judge; or (E) representing
2 any combination of items (A) through (D).

3 The term of each initial Executive Inspector General shall
4 commence upon qualification and shall run through June 30,
5 2008. The initial appointments shall be made within 60 days
6 after the effective date of this Act.

7 After the initial term, each Executive Inspector General
8 shall serve for 5-year terms commencing on July 1 of the year
9 of appointment and running through June 30 of the fifth
10 following year. An Executive Inspector General may be
11 reappointed to one or more subsequent terms.

12 A vacancy occurring other than at the end of a term shall
13 be filled by the appointing authority only for the balance of
14 the term of the Executive Inspector General whose office is
15 vacant.

16 Terms shall run regardless of whether the position is
17 filled.

18 (c) The Executive Inspector General appointed by the
19 Attorney General shall have jurisdiction over the Attorney
20 General and all officers and employees of, and vendors and
21 others doing business with, State agencies within the
22 jurisdiction of the Attorney General. The Executive Inspector
23 General appointed by the Secretary of State shall have
24 jurisdiction over the Secretary of State and all officers and
25 employees of, and vendors and others doing business with,
26 State agencies within the jurisdiction of the Secretary of

1 State. The Executive Inspector General appointed by the
2 Comptroller shall have jurisdiction over the Comptroller and
3 all officers and employees of, and vendors and others doing
4 business with, State agencies within the jurisdiction of the
5 Comptroller. The Executive Inspector General appointed by the
6 Treasurer shall have jurisdiction over the Treasurer and all
7 officers and employees of, and vendors and others doing
8 business with, State agencies within the jurisdiction of the
9 Treasurer. The Executive Inspector General appointed by the
10 Governor shall have jurisdiction over (i) the Governor, (ii)
11 the Lieutenant Governor, (iii) all officers and employees of,
12 and vendors and others doing business with, executive branch
13 State agencies under the jurisdiction of the Executive Ethics
14 Commission and not within the jurisdiction of the Attorney
15 General, the Secretary of State, the Comptroller, or the
16 Treasurer, (iv) all board members and employees of the
17 Regional Transit Board ~~Boards~~ and all vendors and others doing
18 business with the Regional Transit Board ~~Boards~~, and (v) all
19 board members and employees of the Regional Development
20 Authorities and all vendors and others doing business with the
21 Regional Development Authorities.

22 The jurisdiction of each Executive Inspector General is to
23 investigate allegations of fraud, waste, abuse, mismanagement,
24 misconduct, nonfeasance, misfeasance, malfeasance, or
25 violations of this Act or violations of other related laws and
26 rules.

1 Each Executive Inspector General shall have jurisdiction
2 over complainants in violation of subsection (e) of Section
3 20-63 for disclosing a summary report prepared by the
4 respective Executive Inspector General.

5 (d) The compensation for each Executive Inspector General
6 shall be determined by the Executive Ethics Commission and
7 shall be provided from appropriations made to the Comptroller
8 for this purpose. For terms of office beginning on or after
9 July 1, 2023, each Executive Inspector General shall receive,
10 on July 1 of each year, beginning on July 1, 2024, an increase
11 in salary based on a cost of living adjustment as authorized by
12 Senate Joint Resolution 192 of the 86th General Assembly.
13 Subject to Section 20-45 of this Act, each Executive Inspector
14 General has full authority to organize his or her Office of the
15 Executive Inspector General, including the employment and
16 determination of the compensation of staff, such as deputies,
17 assistants, and other employees, as appropriations permit. A
18 separate appropriation shall be made for each Office of
19 Executive Inspector General.

20 (e) No Executive Inspector General or employee of the
21 Office of the Executive Inspector General may, during his or
22 her term of appointment or employment:

23 (1) become a candidate for any elective office;

24 (2) hold any other elected or appointed public office
25 except for appointments on governmental advisory boards or
26 study commissions or as otherwise expressly authorized by

1 law;

2 (3) be actively involved in the affairs of any
3 political party or political organization; or

4 (4) advocate for the appointment of another person to
5 an appointed or elected office or position or actively
6 participate in any campaign for any elective office.

7 In this subsection an appointed public office means a
8 position authorized by law that is filled by an appointing
9 authority as provided by law and does not include employment
10 by hiring in the ordinary course of business.

11 (e-1) No Executive Inspector General or employee of the
12 Office of the Executive Inspector General may, for one year
13 after the termination of his or her appointment or employment:

14 (1) become a candidate for any elective office;

15 (2) hold any elected public office; or

16 (3) hold any appointed State, county, or local
17 judicial office.

18 (e-2) The requirements of item (3) of subsection (e-1) may
19 be waived by the Executive Ethics Commission.

20 (f) An Executive Inspector General may be removed only for
21 cause and may be removed only by the appointing constitutional
22 officer. At the time of the removal, the appointing
23 constitutional officer must report to the Executive Ethics
24 Commission the justification for the removal.

25 (Source: P.A. 102-558, eff. 8-20-21; 102-1115, eff. 1-9-23;
26 103-517, eff. 8-11-23.)

1 (5 ILCS 430/Art. 75 heading)

2 ARTICLE 75. REGIONAL TRANSIT BOARD ~~BOARDS~~
3 AND REGIONAL DEVELOPMENT AUTHORITIES

4 (Source: P.A. 103-517, eff. 8-11-23.)

5 (5 ILCS 430/75-5)

6 Sec. 75-5. Application of the State Officials and
7 Employees Ethics Act to the Regional Transit Board ~~Boards~~ and
8 Regional Development Authorities.

9 (a) The provisions of Articles 1, 5, 10, 20, and 50 of this
10 Act, as well as this Article, apply to the Regional Transit
11 Board ~~Boards~~ and Regional Development Authorities. As used in
12 Articles 1, 5, 10, 20, 50, and 75, (i) "appointee" and
13 "officer" include a person appointed to serve on the board of a
14 Regional Transit Board or a board of a Regional Development
15 Authority, and (ii) "employee" and "State employee" include:
16 (A) a full-time, part-time, or contractual employee of a
17 Regional Transit Board or a Regional Development Authority;
18 and (B) Authority leaders of a Regional Development Authority.
19 As used in this subsection, "Authority leader" has the meaning
20 given to that term in the various Acts and Laws creating the
21 Regional Development Authorities.

22 (b) The Executive Ethics Commission shall have
23 jurisdiction over all board members and employees of the
24 Regional Transit Board ~~Boards~~ and Regional Development

1 Authorities. The Executive Inspector General appointed by the
2 Governor shall have jurisdiction over all board members,
3 employees, vendors, and others doing business with the
4 Regional Transit Board ~~Boards~~ and Regional Development
5 Authorities to investigate allegations of fraud, waste, abuse,
6 mismanagement, misconduct, nonfeasance, misfeasance,
7 malfeasance, or violations of this Act.

8 (Source: P.A. 103-517, eff. 8-11-23.)

9 (5 ILCS 430/75-10)

10 Sec. 75-10. Coordination between Executive Inspector
11 General and Inspectors General appointed by Regional Transit
12 Board ~~Boards~~.

13 (a) Nothing in this amendatory Act of the 96th General
14 Assembly precludes the ~~a~~ Regional Transit Board from
15 appointing or employing an Inspector General to serve under
16 the jurisdiction of the ~~a~~ Regional Transit Board to receive
17 complaints and conduct investigations in accordance with an
18 ordinance or resolution adopted by that respective Board,
19 provided he or she is approved by the Executive Ethics
20 Commission. The ~~A~~ Regional Transit Board shall notify the
21 Executive Ethics Commission within 10 days after employing or
22 appointing a person to serve as Inspector General, and the
23 Executive Ethics Commission shall approve or reject the
24 appointment or employment of the Inspector General. Any
25 notification not acted upon by the Executive Ethics Commission

1 within 60 days after its receipt shall be deemed to have
2 received the approval of the Executive Ethics Commission.
3 ~~Within 30 days after the effective date of this amendatory Act~~
4 ~~of the 96th General Assembly, a Regional Transit Board shall~~
5 ~~notify the Executive Ethics Commission of any person serving~~
6 ~~on the effective date of this amendatory Act as an Inspector~~
7 ~~General for the Regional Transit Board, and the Executive~~
8 ~~Ethics Commission shall approve or reject the appointment or~~
9 ~~employment within 30 days after receipt of the notification,~~
10 ~~provided that any notification not acted upon by the Executive~~
11 ~~Ethics Commission within 30 days shall be deemed to have~~
12 ~~received approval.~~ No person rejected by the Executive Ethics
13 Commission shall serve as an Inspector General for the a
14 Regional Transit Board for a term of 5 years after being
15 rejected by the Commission. For purposes of this subsection
16 (a), any person appointed or employed by a Transit Board to
17 receive complaints and investigate allegations of fraud,
18 waste, abuse, mismanagement, misconduct, nonfeasance,
19 misfeasance, malfeasance, or violations of this Act shall be
20 considered an Inspector General and shall be subject to
21 approval of the Executive Ethics Commission.

22 (b) The Executive Inspector General appointed by the
23 Governor shall have exclusive jurisdiction to investigate
24 complaints or allegations of violations of this Act and, in
25 his or her discretion, may investigate other complaints or
26 allegations. Complaints or allegations of a violation of this

1 Act received by an Inspector General appointed or employed by
2 the a Regional Transit Board shall be immediately referred to
3 the Executive Inspector General. The Executive Inspector
4 General shall have authority to assume responsibility and
5 investigate any complaint or allegation received by an
6 Inspector General appointed or employed by the a Regional
7 Transit Board. In the event the Executive Inspector General
8 provides written notification of intent to assume
9 investigatory responsibility for a complaint, allegation, or
10 ongoing investigation, the Inspector General appointed or
11 employed by the a Regional Transit Board shall cease review of
12 the complaint, allegation, or ongoing investigation and
13 provide all information to the Executive Inspector General.
14 The Executive Inspector General may delegate responsibility
15 for an investigation to the Inspector General appointed or
16 employed by the a Regional Transit Board. In the event the
17 Executive Inspector General provides an Inspector General
18 appointed or employed by the a Regional Transit Board with
19 written notification of intent to delegate investigatory
20 responsibility for a complaint, allegation, or ongoing
21 investigation, the Executive Inspector General shall provide
22 all information to the Inspector General appointed or employed
23 by the a Regional Transit Board.

24 (c) An Inspector General appointed or employed by the a
25 Regional Transit Board shall provide a monthly activity report
26 to the Executive Inspector General indicating:

1 (1) the total number of complaints or allegations
2 received since the date of the last report and a
3 description of each complaint;

4 (2) the number of investigations pending as of the
5 reporting date and the status of each investigation;

6 (3) the number of investigations concluded since the
7 date of the last report and the result of each
8 investigation; and

9 (4) the status of any investigation delegated by the
10 Executive Inspector General.

11 An Inspector General appointed or employed by the ~~a~~
12 Regional Transit Board and the Executive Inspector General
13 shall cooperate and share resources or information as
14 necessary to implement the provisions of this Article.

15 (d) Reports filed under this Section are exempt from the
16 Freedom of Information Act and shall be deemed confidential.
17 Investigatory files and reports prepared by the Office of the
18 Executive Inspector General and the Office of an Inspector
19 General appointed or employed by the ~~a~~ Regional Transit Board
20 may be disclosed between the Offices as necessary to implement
21 the provisions of this Article.

22 (Source: P.A. 96-1528, eff. 7-1-11.)

23 Section 20.07. The Illinois Act on the Aging is amended by
24 changing Section 4.15 as follows:

1 (20 ILCS 105/4.15)

2 Sec. 4.15. Eligibility determinations.

3 (a) The Department is authorized to make eligibility
4 determinations for benefits administered by other governmental
5 bodies based on the Senior Citizens and Persons with
6 Disabilities Property Tax Relief Act as follows:

7 (i) for the Secretary of State with respect to reduced
8 fees paid by qualified vehicle owners under the Illinois
9 Vehicle Code;

10 (ii) for special districts that offer free fixed-route
11 ~~fixed route~~ public transportation services for qualified
12 older adults under the Local Mass Transit District Act,
13 ~~the Metropolitan Transit Authority Act,~~ and the
14 Metropolitan Mobility Regional Transportation Authority
15 Act; and

16 (iii) for special districts that offer transit
17 services for qualified individuals with disabilities under
18 the Local Mass Transit District Act, ~~the Metropolitan~~
19 ~~Transit Authority Act,~~ and the Metropolitan Mobility
20 ~~Regional Transportation~~ Authority Act.

21 (b) The Department shall establish the manner by which
22 claimants shall apply for these benefits. The Department is
23 authorized to promulgate rules regarding the following
24 matters: the application cycle; the application process; the
25 content for an electronic application; required personal
26 identification information; acceptable proof of eligibility as

1 to age, disability status, marital status, residency, and
2 household income limits; household composition; calculating
3 income; use of social security numbers; duration of
4 eligibility determinations; and any other matters necessary
5 for such administrative operations.

6 (c) All information received by the Department from an
7 application or from any investigation to determine eligibility
8 for benefits shall be confidential, except for official
9 purposes.

10 (d) A person may not under any circumstances charge a fee
11 to a claimant for assistance in completing an application form
12 for these benefits.

13 (Source: P.A. 98-887, eff. 8-15-14; 99-143, eff. 7-27-15.)

14 Section 20.08. The Department of Public Health Powers and
15 Duties Law of the Civil Administrative Code of Illinois is
16 amended by changing Section 2310-55.5 as follows:

17 (20 ILCS 2310/2310-55.5)

18 Sec. 2310-55.5. Free and reduced fare services. The
19 Metropolitan Mobility ~~Regional Transportation~~ Authority shall
20 monthly provide the Department with a list of riders that
21 receive free or reduced fares under the Metropolitan Mobility
22 ~~Regional Transportation~~ Authority Act. The list shall include
23 an individual's name, address, and date of birth. The
24 Department shall, within 2 weeks after receipt of the list,

1 report back to the Metropolitan Mobility ~~Regional~~
2 ~~Transportation~~ Authority any discrepancies that indicate that
3 a rider receiving free or reduced fare services is deceased.
4 (Source: P.A. 97-781, eff. 1-1-13.)

5 (20 ILCS 2605/2605-340 rep.)

6 Section 20.09. The Illinois State Police Law of the Civil
7 Administrative Code of Illinois is amended by repealing
8 Section 2605-340.

9 Section 20.10. The Department of Transportation Law of the
10 Civil Administrative Code of Illinois is amended by changing
11 Sections 2705-203, 2705-300, 2705-305, 2705-310, 2705-315, and
12 2705-440 and by adding Sections 2705-204 and 2705-594 as
13 follows:

14 (20 ILCS 2705/2705-203)

15 Sec. 2705-203. Transportation asset management plan and
16 performance-based programming.

17 (a) The General Assembly declares it to be in the public
18 interest that a project prioritization process be developed
19 and implemented to: improve the efficiency and effectiveness
20 of the State's transportation system and transportation
21 safety; enhance movement and multi-modal connections of people
22 and goods; mitigate environmental impacts; and promote
23 inclusive economic growth throughout the State.

1 (b) In accordance with Section 2705-200, the Department of
2 Transportation shall develop and publish a statewide
3 multi-modal transportation improvement program for all
4 transportation facilities under its jurisdiction. The
5 development of the program shall use the following methods:

6 (1) use transportation system information to make
7 investment and policy decisions to achieve statewide and
8 regional performance goals established in the State's
9 long-range transportation plan;

10 (2) ensure transportation investment decisions emerge
11 from an objective and quantifiable technical analysis;

12 (3) evaluate the need and financial support necessary
13 for maintaining, expanding, and modernizing existing
14 transportation infrastructure;

15 (4) ensure that all State transportation funds
16 invested are directed to support progress toward the
17 achievement of performance targets established in the
18 State's long-range transportation plan;

19 (5) make investment decisions transparent and
20 accessible to the public;

21 (6) consider emissions and increase infrastructure
22 resilience to climate change; and

23 (7) reduce disparities in transportation system
24 performance experienced by racially marginalized
25 communities, low-income to moderate-income consumers, and
26 other disadvantaged groups and populations identified

1 under the Environmental Justice Act.

2 (c) The Department shall develop a risk-based, statewide
3 highway system asset management plan in accordance with 23
4 U.S.C. 119 and 23 CFR Part 515 to preserve and improve the
5 condition of highway and bridge assets and enhance the
6 performance of the system while minimizing the life-cycle
7 cost. The asset management plan shall be made publicly
8 available on the Department's website.

9 (d) The Department shall develop a needs-based transit
10 asset management plan for State-supported public
11 transportation assets, including vehicles, facilities,
12 equipment, and other infrastructure in accordance with 49 CFR
13 Part 625. The goal of the transit asset management plan is to
14 preserve and modernize capital transit assets that will
15 enhance the performance of the transit system. Federally
16 required transit asset management plans developed by the
17 Metropolitan Mobility Authority ~~Regional Transportation~~
18 ~~Authority (RTA) or service boards, as defined in Section 1.03~~
19 ~~of the Regional Transportation Authority Act,~~ shall become the
20 transportation asset management plans for all public
21 transportation assets owned and operated by the Authority
22 ~~service boards~~. The Department's transit asset management plan
23 shall be made publicly available on the Department's website.
24 The Metropolitan Mobility Authority ~~RTA~~ shall be responsible
25 for making public transit asset management plans for its
26 service area publicly available.

1 (e) The Department shall develop a performance-based
2 project selection process to prioritize taxpayer investment in
3 State-owned transportation assets that add capacity. The goal
4 of the process is to select projects through an evaluation
5 process. This process shall provide the ability to prioritize
6 projects based on geographic regions. The Department shall
7 solicit input from localities, metropolitan planning
8 organizations, transit authorities, transportation
9 authorities, representatives of labor and private businesses,
10 the public, community-based organizations, and other
11 stakeholders in its development of the prioritization process
12 pursuant to this subsection.

13 The selection process shall include a defined public
14 process by which candidate projects are evaluated and
15 selected. The process shall include both a quantitative
16 analysis of the evaluation factors and qualitative review by
17 the Department. The Department may apply different weights to
18 the performance measures based on regional geography or
19 project type. Projects selected as part of the process will be
20 considered for inclusion in the State's multi-year
21 transportation program and the annual element of the
22 multi-year program. Starting April 1, 2022, no new capacity
23 project shall be included in the multi-year transportation
24 plan or annual element without being evaluated under the
25 selection process described in this Section. Existing projects
26 in the multi-year highway improvement program may be included

1 regardless of the outcome of using the performance-based
2 project selection tool. The policies that guide the
3 performance-based project selection process shall be derived
4 from State and regional long-range transportation plans. The
5 Department shall certify that it is making progress toward the
6 goals included in the State's long-range transportation plan.
7 All plan and program development based on the project
8 selection process described in this subsection shall include
9 consideration of regional balance. The selection process shall
10 be based on an objective and quantifiable analysis that
11 considers, at a minimum, the goals identified in the
12 long-range transportation plan and shall:

13 (1) consider emissions and increase infrastructure
14 resilience due to climate change; and

15 (2) reduce disparities in transportation system
16 performance experienced by racially marginalized
17 communities, low-income to moderate-income consumers, and
18 other disadvantaged groups and populations identified
19 under the Environmental Justice Act.

20 (f) The prioritization process developed under subsection
21 (e) may apply only to State jurisdiction projects and not to:

22 (1) projects funded by the Congestion Mitigation and
23 Air Quality Improvement funds apportioned to the State
24 pursuant to 23 U.S.C. 104(b) (4) and State matching funds;

25 (2) projects funded by the Highway Safety Improvement
26 Program funds apportioned to the State pursuant to 23

1 U.S.C. 104(b) (3) and State matching funds;

2 (3) projects funded by the Transportation Alternatives
3 funds set-aside pursuant to 23 U.S.C. 133(h) and State
4 matching funds;

5 (4) projects funded by the National Highway Freight
6 Program pursuant to 23 U.S.C. 167 and State matching
7 funds;

8 (5) funds to be allocated to urban areas based on
9 population under federal law; and

10 (6) any new federal program that requires competitive
11 selection, distribution to local public agencies, or
12 specific eligibility.

13 (g) A summary of the project evaluation process, measures,
14 program, and scores for all candidate projects shall be
15 published on the Department website in a timely manner.

16 (Source: P.A. 102-573, eff. 8-24-21.)

17 (20 ILCS 2705/2705-204 new)

18 Sec. 2705-204. Transportation planning and greenhouse gas
19 reduction.

20 (a) The General Assembly finds that:

21 (1) Article XI of the Illinois Constitution provides
22 that the public policy of the State and the duty of each
23 person is to provide and maintain a healthful environment
24 for the benefit of this and future generations.

25 (2) The transportation sector is now the largest

1 source of greenhouse gas emissions in the State.

2 (3) The State has previously set a goal to have an
3 electric power sector that is free of greenhouse gas
4 emissions by 2045.

5 (4) Greenhouse gas pollution resulting from the
6 production, distribution, and use of motor vehicle fuels
7 produces many social costs, including, but not limited to,
8 adverse public health impacts, increased heat waves,
9 droughts, water supply shortages, flooding, biodiversity
10 loss, and forest health issues, such as forest fires.

11 (5) The Illinois State Climatologist is projecting
12 that, by the end of the 21st Century, average daily
13 temperatures in the State will increase between 4 and 9
14 degrees Fahrenheit under a lower emissions scenario and
15 between 8 and 14 degrees Fahrenheit under a higher
16 emissions scenario.

17 (6) Climate change of such speed and magnitude will
18 result in heat stress on animals, plants, and workers;
19 reduced crop yields from short-term and rapid-onset
20 drought; increased pestilence; and other challenges that
21 will adversely affect the State's agriculture sector.

22 (7) Increases in flooding, heat, and other factors
23 associated with climate change will stress the State's
24 transportation infrastructure, such as bridges and
25 roadways in low-lying areas, and will require more
26 resources to maintain roadways and other transportation

1 infrastructure.

2 (8) State investment in a clean transportation economy
3 in the State can expand equitable access to public health,
4 safety, a cleaner environment, quality jobs, and economic
5 opportunity.

6 (9) It is the public policy of the State to ensure that
7 State residents from communities disproportionately
8 impacted by climate change, communities facing automotive
9 plant closures, economically disadvantaged communities,
10 and individuals experiencing barriers to employment have
11 access to State programs and good jobs and career
12 opportunities in growing sectors of the State economy.

13 (10) To minimize any adverse environmental and health
14 impacts of planned transportation projects and to address
15 inequitable distribution of the burdens of those projects,
16 it is necessary, appropriate, and in the best interests of
17 the State and its citizens to require the Department and
18 MPOs, which are the State's primary transportation
19 planning entities with responsibility for selecting and
20 funding transportation projects, to engage in an enhanced
21 level of planning, modeling, and other analysis, community
22 engagement, and monitoring with respect to those projects
23 as required by this Section.

24 (11) Subsection (a) of Section 15 of the Regional
25 Planning Act provides that the Chicago Metropolitan Agency
26 for Planning, whose Policy Committee is the MPO for

1 Northeastern Illinois, shall be responsible for developing
2 and adopting a funding and implementation strategy for an
3 integrated land use and transportation planning process.

4 (12) Section 48 of the Regional Planning Act provides
5 that the Chicago Metropolitan Agency for Planning shall
6 establish an incentive program to enable local governments
7 and developers to create more affordable workforce housing
8 options near jobs and transit, create jobs near existing
9 affordable workforce housing, create transit-oriented
10 development, integrate transportation and land use
11 planning, provide a range of viable transportation choices
12 in addition to the car, encourage compact and mixed-use
13 development, and support neighborhood revitalization.

14 (13) Paragraph (1) of subsection (a) of Section 5303
15 of Title 49 of the United States Code (49 U.S.C.
16 5303(a)(1)) provides, in relevant part, that it is in the
17 national interest to better connect housing and
18 employment, while minimizing transportation-related fuel
19 consumption and air pollution through metropolitan and
20 statewide transportation planning processes.

21 (14) Subparagraph (A) of paragraph (4) of subsection
22 (k) of Section 5303 of Title 49 of the United States Code
23 (49 U.S.C. 5303(k)(4)(A)) provides that MPOs serving
24 transportation management areas may address the
25 integration of housing, transportation, and economic
26 development strategies through a process that provides for

1 effective integration, based on a cooperatively developed
2 and implemented strategy, of new and existing
3 transportation facilities eligible for funding.

4 (15) Subparagraph (C) of paragraph (4) of subsection
5 (k) of Section 5303 of Title 49 of the United States Code
6 (49 U.S.C. 5303(k)(4)(C)) provides that MPOs serving
7 transportation management areas may develop a housing
8 coordination plan that includes projects and strategies
9 that may be considered in the metropolitan transportation
10 plan of the MPO to develop regional goals for the
11 integration of housing, transportation, and economic
12 development strategies.

13 (16) Land use policies and practices that result in
14 shorter distances between where people reside and jobs and
15 other destinations they seek to access and that facilitate
16 multimodal transportation options for the public are one
17 of the most effective tools to reduce greenhouse gas
18 emissions from the transportation sector and provide more
19 affordable transportation options.

20 (17) Transportation is the second-largest expense
21 category for most households and the cost of owning,
22 operating, and maintaining personal vehicles is a
23 significant burden for many households.

24 (18) Reducing vehicle miles traveled per person
25 through more efficient land use and transportation systems
26 will help the State achieve its greenhouse gas reduction

1 goals and reduce the transportation cost burden on State
2 households.

3 (19) To the maximum extent practicable, actions taken
4 to achieve these goals must avoid causing disproportionate
5 adverse impacts to residents of communities that are or
6 have been disproportionately exposed to pollution
7 affecting human health and environmental quality.

8 (b) As used in this Section:

9 "Applicable planning document" means an MPO's Regional
10 Transportation Plan or the Department's Long-Range State
11 Transportation Plan. "Applicable planning document" includes
12 amendments to such plans that add capacity expansion projects
13 or other projects resulting in a net increase in GHG
14 emissions.

15 "Climate equity accessibility score" means a measurement
16 of the impact of certain transportation projects on (i) GHG
17 emissions, (ii) the accessibility of jobs and other
18 destinations to people residing in the project area, and (iii)
19 the affordability of transportation.

20 "CO₂e" means the number of metric tons of carbon dioxide
21 emissions with the same global warming potential as one metric
22 ton of another greenhouse gas, is calculated using Equation
23 A-1 in 40 CFR 98.2, and allows for the comparison of emissions
24 of various different greenhouse gases with different global
25 warming potentials and the calculation of the relative impact
26 of the emissions on the environment over a standard time

1 period.

2 "Disproportionately impacted community" means the
3 residents within a census block group in which, according to
4 the most recent federal decennial census, more than 40% of the
5 households are low-income households, more than 40% of the
6 households identify as minority households, or more than 40%
7 of the households are housing cost-burdened, as defined by the
8 United States Census Bureau.

9 "Greenhouse gas emissions" or "GHG emissions" means
10 emissions of carbon dioxide, methane, nitrous oxide,
11 hydrofluorocarbons, perfluorocarbons, nitrogen trifluoride,
12 and sulfur hexafluoride.

13 "Greenhouse gas emissions analysis" or "GHG emissions
14 analysis" means the analysis of the GHG emissions calculated
15 as being generated by the projects and programs contained in
16 an applicable planning document.

17 "Greenhouse gas mitigation measure" or "GHG mitigation
18 measure" means a project, program, or policy established by
19 the Environmental Protection Agency by rule under subparagraph
20 (G) of paragraph (3) of subsection (c) that can reasonably be
21 expected to result in a quantifiable reduction in GHG
22 emissions and that would not be undertaken absent the need by
23 the Department or an MPO to reduce GHG emissions to meet their
24 greenhouse gas targets. "Greenhouse gas mitigation measure" or
25 "GHG mitigation measure" does not include a roadway capacity
26 expansion project. "Greenhouse gas mitigation measure" or "GHG

1 mitigation measure" includes:

2 (1) the addition of transit and other mobility
3 resources, including, but not limited to, shared bicycle
4 and scooter service, in a manner that will reduce VMT;

5 (2) improving pedestrian and bicycle access,
6 particularly in areas that allow individuals to reduce
7 multiple daily trips and better access transit;

8 (3) transportation demand management to reduce VMT per
9 capita, including, but not limited to, vanpool and shared
10 vehicle programs, remote work and other forms of virtual
11 access, and use of pricing and other incentives for
12 employees and other travelers to use less greenhouse gas
13 intensive travel modes;

14 (4) improving first-and-final mile access to transit
15 stops and stations to make transit safer and more usable;

16 (5) improving the safety, efficiency, and Americans
17 with Disabilities Act compliance of crosswalks and
18 multiuse paths for pedestrians, bicyclists, and other
19 nonmotorized vehicles;

20 (6) changing parking and land use policies and
21 adjusting urban design requirements to encourage more
22 walking, bicycling, and transit trips per capita and
23 reduce VMT per capita;

24 (7) adoption or expansion of school bus, school
25 carpool, or school active transportation programs;

26 (8) electrifying loading docks to allow transportation

1 refrigeration units and auxiliary power units to be
2 plugged into the electric grid at the loading dock instead
3 of running on fossil fuels;

4 (9) accelerating the adoption of ebikes, neighborhood
5 electric carshare vehicles, and other forms of vehicles
6 that emit less greenhouse gas when manufactured and
7 operated; and

8 (10) other measures established or authorized by the
9 Environmental Protection Agency by rule that reduce GHG
10 emissions.

11 "Greenhouse gas target" or "GHG target" means the maximum
12 amount of greenhouse gas expressed as CO₂e at each of the
13 various specified times established by subsection (c) that the
14 Department and MPOs must attain through their transportation
15 planning and project prioritization and funding processes.

16 "Induced demand" means a concept from economics that as
17 supply increases and incurred costs decline, demand will
18 increase. This phenomenon has been widely observed and studied
19 in transportation systems where highways have been expanded to
20 alleviate road congestion problems, resulting in increases in
21 vehicle miles traveled.

22 "MPO" means a metropolitan planning organization
23 designated by agreement among the units of local government
24 and the Governor, charged with developing transportation plans
25 and programs in a metropolitan planning area under Section 134
26 of Title 23 of the United States Code.

1 "Mitigation action plan" means the plan for implementation
2 of GHG mitigation measures prepared by the Department or an
3 MPO.

4 "Other entities" means the entities referenced in
5 subsection (s).

6 "Roadway capacity expansion project" means a project that
7 would be included in the Department's State Transportation
8 Improvement Program as an MPO or significant project and that
9 (i) adds physical highway traffic capacity or provides for
10 grade separation at an intersection or (ii) uses intelligent
11 transportation system technology to increase the traffic
12 capacity of an existing highway by 10% or more. "Roadway
13 capacity expansion project" does not include a project whose
14 primary purpose is enhancing public transportation bus
15 infrastructure or services. "Roadway capacity expansion
16 project" includes all project types, including those described
17 as maintenance or rehabilitation projects.

18 "Social cost of carbon" means the estimates of the social
19 cost of carbon adopted by the United States Environmental
20 Protection Agency, or such higher figure as adopted by the
21 Environmental Protection Agency, Department, or MPO under
22 subsection (o).

23 "STIP" means a State Transportation Improvement Program.

24 "TIP" means a Transportation Improvement Program.

25 "VMT" means vehicle miles traveled.

26 (c) By January 1, 2027, the Environmental Protection

1 Agency, after consultation with the Department and MPOs, must
2 establish, by rule, a schedule of GHG targets for GHG
3 emissions from the transportation sector in the State that:

4 (1) do not allow GHG emissions in the transportation
5 sector to exceed the greenhouse gas performance targets
6 established by the Environmental Protection Agency for the
7 transportation sector under subsection (p) of Section 9.15
8 of the Environmental Protection Act;

9 (2) specify GHG targets on a 5-year or more frequent
10 compliance year basis; and

11 (3) allocate GHG targets across the transportation
12 sector of the State, which:

13 (A) must provide for an allocation to each MPO for
14 their metropolitan region;

15 (B) must provide for an allocation to the
16 Department for areas outside the boundaries of the
17 State's MPOs;

18 (C) must account for the differences in the
19 feasibility and extent of emissions reductions across
20 forms of land use and across regions of the State;

21 (D) must require that the Department and MPOs
22 factor in the impact of induced demand associated with
23 transportation projects and policies in calculating
24 the GHG emissions generated by their respective
25 transportation systems;

26 (E) must be based on the best available data and

1 modeling tools accessible to the Environmental
2 Protection Agency, such as the SHIFT calculator, after
3 consultation with other State agencies, universities,
4 the federal government, and other appropriate expert
5 sources;

6 (F) must include VMT targets necessary for the
7 Department and MPOs to meet their GHG targets;

8 (G) must set out standards and requirements for
9 acceptable GHG mitigation measures; and

10 (H) may include additional performance targets
11 based on Department district, metropolitan area,
12 geographic region, a per capita calculation,
13 transportation mode, or a combination thereof.

14 (d) When adopting or amending an applicable planning
15 document, the Department and an MPO must conduct a GHG
16 emissions analysis that:

17 (1) includes (i) the existing transportation network,
18 (ii) the anticipated changes to that network as a result
19 of the projects contained in the applicable planning
20 document, and (iii) the projects in their STIP or TIP;

21 (2) estimates total CO₂e emissions in millions of
22 metric tons for each applicable GHG target date
23 established under subsection (c);

24 (3) compares estimated total CO₂e emissions against
25 the GHG targets applicable to the Department or MPO;

26 (4) compares the social cost of carbon for total

1 estimated CO₂e emissions against the social cost of carbon
2 associated with each applicable GHG target;

3 (5) certifies whether the Department or MPO is in
4 compliance with its applicable GHG targets; and

5 (6) is published in full on the websites of the
6 Department or MPO.

7 (e) The Department, with assistance from the Environmental
8 Protection Agency, shall:

9 (1) provide technical assistance to MPOs in fulfilling
10 their responsibilities under this Section, including:

11 (A) assembling and sharing greenhouse gas-related
12 resources and transportation sector best practices in
13 managing GHG emissions;

14 (B) hosting peer reviews and exchanges of
15 technical data, information, assistance, and related
16 activities;

17 (C) making Department staff resources accessible
18 to answer questions and provide in-depth assistance to
19 MPOs on specific issues;

20 (D) providing information about grants and other
21 funding opportunities;

22 (E) conducting evaluations of GHG emissions
23 analyses against national best practices;

24 (F) connecting MPOs to resources in public
25 agencies, universities, and elsewhere; and

26 (H) conducting other similar and related

1 activities to assist MPOs in fulfilling their
2 responsibilities;

3 (2) encourage use of consistent GHG emissions data,
4 assumptions, and methodology by the Department and MPOs;

5 (3) ensure that its planning processes under Sections
6 2705-200, 2705-203, and 2705-205 and its guidance to MPOs
7 under this subsection provide that at least the same level
8 of analytical scrutiny is given to greenhouse gas
9 pollutants as is given to other air pollutants of concern
10 in the State, and include consideration of the impact on
11 GHG emissions of induced demand resulting from roadway
12 capacity expansion projects;

13 (4) update its Metropolitan Planning Organization
14 Cooperative Operations Manual, as necessary;

15 (5) review the GHG emissions analysis used by each MPO
16 to determine if the GHG emissions analysis is inclusive of
17 the complete, actual, and planned transportation network
18 in the applicable planning document and uses reasonable
19 GHG emissions forecasting data, assumptions, modeling, and
20 methodology:

21 (A) if the Department rejects the GHG emissions
22 analysis used by an MPO, the Department shall detail
23 the deficiencies and give the MPO an opportunity to
24 take corrective action;

25 (B) until the MPO takes appropriate corrective
26 action, the Department shall not approve the MPO's

1 applicable planning document, include the projects in
2 the MPO's applicable planning document in the
3 Department's STIP, or make a finding or otherwise
4 represent to the federal government or other
5 governmental agencies that the MPO is in compliance
6 with its legal obligations;

7 (C) if, after given an opportunity for corrective
8 action, an MPO does not submit an acceptable GHG
9 emissions analysis, the Department may substitute its
10 own GHG emissions analysis for planning and
11 programming purposes until the MPO produces an
12 acceptable GHG emissions analysis; and

13 (D) the Department shall establish an appropriate
14 process, including deadlines for timely completion of
15 its review of MPO GHG emissions analyses and for
16 corrective action by MPOs where such is necessary;

17 (6) upon request of an MPO, provide the MPO with a GHG
18 emissions analysis that the MPO can use for purposes of
19 this Section in lieu of the MPO conducting its own GHG
20 emissions analysis; and

21 (7) adopt rules applicable to itself, MPOs, and
22 recipients of Department funding so the State can achieve
23 the transportation sector greenhouse gas emissions
24 reduction goals and targets set forth in subsections (c)
25 and (p) of Section 9.15 of the Environmental Protection
26 Act and administer the various processes and requirements

1 set forth in this Section.

2 (f) The Department and each MPO must use a GHG emissions
3 analysis to determine if their applicable planning document
4 will result in the Department or MPO meeting its GHG targets.
5 If a GHG emissions analysis determines that the Department or
6 MPO is more likely than not to fail to meet one or more of its
7 GHG targets, then the Department or MPO shall identify GHG
8 mitigation measures that are needed for the Department or MPO
9 to meet its GHG targets as follows:

10 (1) The Department or MPO shall submit a mitigation
11 action plan that identifies GHG mitigation measures needed
12 to meet the GHG targets and that includes:

13 (A) the anticipated start and completion date of
14 each GHG mitigation measure;

15 (B) an estimate of the annual CO₂e emissions
16 reductions achieved per year by the GHG mitigation
17 measure;

18 (C) an estimate of the impact of the GHG
19 mitigation measure on VMT;

20 (D) quantification of the specific co-benefits
21 from each GHG mitigation measure, including reduction
22 of copollutants, such as PM_{2.5} and NO_x, as well as
23 travel impacts, such as changes to VMT, pedestrian or
24 bike use, and transit ridership;

25 (E) a description of any benefits to
26 disproportionately impacted communities from the GHG

1 mitigation measure, including an estimate of the total
2 amount spent on GHG mitigation measures in or designed
3 to serve disproportionately impacted communities; and
4 (F) a status report submitted annually and
5 published on its website for each GHG mitigation
6 measure that contains the following information
7 concerning each GHG mitigation measure:

8 (i) availability and timing of funding;

9 (ii) implementation timeline;

10 (iii) current status;

11 (iv) for GHG mitigation measures that are in
12 progress or completed, quantification of the
13 greenhouse gas impact of such GHG mitigation
14 measures and any co-benefits or detriments; and

15 (v) for GHG mitigation measures that are
16 delayed, canceled, or substituted, an explanation
17 of why that decision was made and how these GHG
18 mitigation measures or the equivalent will be
19 achieved.

20 (2) GHG mitigation measures are sufficient if the
21 total GHG emissions reduction from the GHG mitigation
22 measures, after accounting for the GHG emissions otherwise
23 resulting from existing and planned projects in the
24 applicable planning document, results in the Department or
25 MPO meeting its GHG targets. Each comparison of GHG
26 emissions reductions and GHG targets under this subsection

1 must be performed over equal comparison periods.

2 (3) In the annual GHG mitigation measures status
3 report under subparagraph (F) of paragraph (1), the
4 Department or MPO shall certify whether its GHG mitigation
5 measures will be sufficient for the Department or MPO to
6 meet its GHG targets.

7 (g) If an applicable planning document does not meet the
8 GHG targets for each compliance year even after consideration
9 of any GHG mitigation measures, the Department may deem the
10 applicable planning document in compliance with this Section
11 and approved only if the noncompliant Department or MPO
12 allocates funding to advance the achievement of the applicable
13 GHG targets as follows:

14 (1) in non-MPO areas, the Department (i) shall not
15 advance a roadway capacity expansion project from its
16 applicable planning document to a STIP or TIP, (ii) shall
17 not otherwise add a roadway capacity expansion project to
18 a STIP or TIP, (iii) shall reprogram funds allocated or
19 anticipated to be expended on roadway capacity expansion
20 projects awaiting inclusion in a STIP or TIP project to
21 GHG mitigation measures that reduce GHG emissions
22 sufficiently to achieve the GHG targets for each
23 compliance year, and (iv) shall amend its applicable
24 planning documents to reflect these changes;

25 (2) in MPO areas that are not in receipt of federal
26 suballocations under the Congestion Mitigation and Air

1 Quality Improvement Program or Surface Transportation
2 Board programs, the Department and MPO (i) shall not
3 advance a roadway capacity expansion project from its
4 applicable planning document to a STIP or TIP, (ii) shall
5 not otherwise add a roadway capacity expansion project to
6 a STIP or TIP, (iii) shall reprogram funds allocated or
7 anticipated to be expended on roadway capacity expansion
8 projects awaiting inclusion in a STIP or TIP project to
9 GHG mitigation measures that reduce GHG emissions
10 sufficiently to achieve the GHG targets for each
11 compliance year, and (iv) shall amend its applicable
12 planning documents to reflect these changes;

13 (3) in MPO areas that are in receipt of federal
14 suballocations under the Congestion Mitigation and Air
15 Quality Improve Program or Surface Transportation Board
16 programs, the Department and MPO (i) shall not advance a
17 roadway capacity expansion project from its applicable
18 planning document to a STIP or TIP, (ii) shall not
19 otherwise add a roadway capacity expansion project to a
20 STIP or TIP, (iii) shall reprogram funds allocated or
21 anticipated to be expended on roadway capacity expansion
22 projects awaiting inclusion in a STIP or TIP project to
23 GHG mitigation measures that reduce GHG emissions
24 sufficiently to achieve the GHG targets for each
25 compliance year, and (iv) shall amend its applicable
26 planning documents to reflect these changes; and

1 (4) the Department and MPOs shall administer
2 paragraphs (1) through (3) as a limitation on their
3 authority to advance roadway capacity expansion projects
4 or other projects that will materially increase GHG
5 emissions under paragraph (5) of subsection (k) of Section
6 5303 of Title 49 of the United States Code (49 U.S.C.
7 5303(k)(5)).

8 (h) Before including a roadway capacity expansion project
9 in an applicable planning document, the Department or MPO must
10 perform a GHG emissions analysis of the roadway capacity
11 expansion project. Following the GHG emissions analysis, the
12 Department or MPO must determine if, after consideration of
13 all relevant factors, including VMT and social cost of carbon
14 increases in the transportation network resulting from induced
15 demand, the project conforms with (i) the applicable GHG
16 targets and (ii) VMT targets established under subsection (c).

17 (1) If the Department or MPO determines that the
18 roadway capacity expansion project is not in conformance
19 with items (i) and (ii), the Department or MPO must:

20 (A) alter the scope or design of the roadway
21 capacity expansion project and perform a GHG emissions
22 analysis that shows that the roadway capacity
23 expansion project meets the requirements of items (i)
24 and (ii);

25 (B) incorporate sufficient GHG mitigation measures
26 to bring the Department or MPO into compliance with

1 its GHG targets, however, in order to be effective,
2 such GHG mitigation measures must be implemented no
3 later than contemporaneously with the implementation
4 of the roadway expansion project or, if not
5 implemented contemporaneously, a GHG mitigation
6 measure must provide a valid GHG emissions reduction
7 after the date it is implemented; or

8 (C) halt development of the roadway capacity
9 expansion project and remove the roadway capacity
10 expansion project from all applicable planning
11 documents.

12 (2) The Department and MPOs must establish a process
13 for performing roadway capacity expansion project GHG
14 emissions analysis. A GHG emissions analysis for a roadway
15 capacity expansion project must include, but shall not be
16 limited to, estimates resulting from the project for the
17 following:

18 (A) GHG emissions over a period of 20 years or the
19 last GHG target year, whichever is later;

20 (B) a net change in VMT and social cost of carbon
21 for the transportation network after factoring in the
22 effects of induced demand; and

23 (C) consideration of additional VMT in the
24 transportation network from additional capacity
25 resulting from roadway traffic capacity expansion,
26 intelligent transportation systems, or both.

1 (3) The Department or MPO must connect any GHG
2 mitigation measures associated with the roadway capacity
3 expansion project as follows:

4 (A) within or associated with at least one of the
5 communities impacted by the roadway capacity expansion
6 project;

7 (B) if there is not a reasonably feasible location
8 under subparagraph (A), in areas of persistent poverty
9 or historically disadvantaged communities, as measured
10 and defined by federal law, guidance and notices of
11 funding opportunity;

12 (C) if there is not a reasonably feasible location
13 under subparagraphs (A) and (B), in the region of the
14 roadway capacity expansion project; and

15 (D) if there is not a reasonably feasible location
16 under subparagraphs (A) through (C), on a statewide
17 basis.

18 (4) The Department or MPO must develop and use a
19 process for community consultation consistent with the
20 requirements of subsection (m) in the development of GHG
21 mitigation measures that the Department or MPO uses to
22 achieve compliance with its GHG targets.

23 (5) The Department or MPO must publish an explanation
24 regarding the feasibility and rationale for each GHG
25 mitigation measure under subparagraphs (B) through (D) of
26 paragraph (3).

1 (6) GHG mitigation measures connected to a roadway
2 expansion project are sufficient if the total greenhouse
3 gas reduction from the GHG mitigation measures is at least
4 equal to the total GHG emissions resulting from the
5 roadway capacity expansion project and consistent with the
6 Department or MPO meeting its GHG targets.

7 (A) Each comparison under this paragraph must be
8 performed over equal comparison periods.

9 (B) To avoid double counting, once a GHG
10 mitigation measure is connected to a roadway capacity
11 expansion project, that GHG mitigation measure shall
12 not be used to offset greenhouse gases associated with
13 other roadway capacity expansion projects or other
14 projects included in an applicable planning document.

15 (7) The Department and MPOs must publish information
16 regarding roadway capacity expansion project GHG emissions
17 analyses on their websites. The information must include:

18 (A) an identification of each roadway capacity
19 expansion project; and

20 (B) for each roadway capacity expansion project, a
21 summary that includes an overview of and link to the
22 roadway capacity expansion project GHG emissions
23 analysis, the greenhouse gas impact determination by
24 the Department or MPO, the social cost of carbon added
25 by the roadway capacity expansion project, and project
26 disposition, including a review of any GHG mitigation

1 measures.

2 (i) The Department and MPOs may use a GHG mitigation
3 measure as an offset against GHG emissions only after the date
4 the GHG mitigation measure has been implemented.

5 (j) By January 1, 2029 and every 3 years thereafter, the
6 Department shall prepare a comprehensive, publicly released
7 report on statewide transportation greenhouse gas reduction
8 accomplishments and challenges and make recommendations for
9 any legislative action or State agency rulemaking that would
10 assist the Department and MPOs in meeting their GHG targets.
11 The report, at a minimum, shall include:

12 (1) a description of whether the Department and MPOs
13 are on track to meet their GHG targets and VMT targets;

14 (2) an assessment of State and local laws,
15 regulations, rules, and practices and recommendations for
16 modifications that would help ensure that the Department
17 and MPOs meet their GHG targets and VMT targets;

18 (3) a description of the benefits from reductions in
19 GHG emissions and copollutants in the transportation
20 sector, diversification of energy sources used for
21 transportation, and substitution of other motorized and
22 nonmotorized modes of travel for VMT currently being
23 handled by vehicles powered by internal combustion
24 engines, and other economic, environmental, and public
25 health benefits;

26 (4) a description of the compliance costs borne by the

1 Department and MPOs in meeting their GHG targets and VMT
2 targets;

3 (5) a description of the social cost of carbon
4 associated with the transportation systems for which the
5 Department and each MPO is responsible and the social cost
6 of carbon reductions that result from GHG mitigation
7 measures and other steps being taken by the Department and
8 each MPO to reduce GHG emissions;

9 (6) a description of whether measures taken by the
10 Department and MPOs to meet GHG targets are equitable,
11 minimize costs, and maximize the total benefits to the
12 State and its citizens; and

13 (7) a description of whether activities undertaken to
14 meet GHG targets by the Department and MPOs have unduly
15 burdened disproportionately impacted communities.

16 (k) Before including any project that has an anticipated
17 cost of \$30,000,000 or more (i) in an applicable planning
18 document or (ii) as a GHG mitigation measure, the Department
19 or MPO shall calculate a climate equity accessibility score
20 for the project. The climate equity accessibility score shall
21 be based on a GHG emissions analysis of the project and a
22 measurement of (i) the current levels of access to jobs,
23 hospitals, schools, and food by available modes of
24 transportation and (ii) the current level of affordability of
25 transportation in the project area. The Department and MPO
26 shall then calculate a climate equity accessibility score

1 based on the projected change in GHG emissions, accessibility,
2 and affordability from the proposed project. Projects that
3 result in relatively high reductions of GHG emissions while
4 increasing access to jobs and other destinations and providing
5 more affordable transportation options will receive a higher
6 climate equity accessibility score than projects that fail to
7 deliver such benefits. To advance the goals of this Section
8 and optimize the use of public funds, the Department and MPOs
9 shall give priority to projects with high climate equity
10 accessibility scores, considering which project delivers the
11 most climate equity accessibility score benefit per dollar
12 invested. The Department, with the assistance of the
13 Environmental Protection Agency, shall provide technical
14 assistance to MPOs in fulfilling their responsibilities under
15 this subsection.

16 (1) To the full extent allowed by paragraph (4) of
17 subsection (k) of Section 5303 of Title 49 of the United States
18 Code and other applicable laws, and to extend the existing
19 authority under State law vested in the Chicago Metropolitan
20 Agency for Planning to MPOs throughout the State, MPOs, with
21 the full support of the Department, shall conduct housing
22 coordination planning to help the Department and MPOs meet
23 their GHG targets.

24 (1) MPOs shall develop housing coordination plans
25 consistent with subparagraph (C) of paragraph (4) of
26 subsection (k) of Section 5303 of Title 49 of the United

1 States Code (49 U.S.C. 5303(k)(4)(C)) to better integrate
2 housing, transportation, and economic development
3 strategies and to, among other things:

4 (A) better connect housing and employment while
5 mitigating commuting times;

6 (B) align transportation improvements with housing
7 needs, such as housing supply shortages, and proposed
8 housing development;

9 (C) align planning for housing and transportation
10 to address needs in relationship to household incomes
11 within the metropolitan planning area;

12 (D) expand housing and economic development within
13 the catchment areas of existing transportation
14 facilities and public transportation services when
15 appropriate, including higher-density development, as
16 locally determined;

17 (E) manage effects of VMT growth in the
18 metropolitan planning area related to housing
19 development and economic development; and

20 (F) increase the share of households with
21 sufficient and affordable access to the transportation
22 networks of the metropolitan planning area.

23 (2) MPOs shall identify the location of existing and
24 planned housing and employment and transportation options
25 that connect housing and employment.

26 (3) MPOs shall include a comparison of State,

1 regional, and local transportation plans in the region to
2 land use management plans, including zoning plans, that
3 may affect road use, public transportation ridership, and
4 housing development.

5 (4) In their housing coordination planning, MPOs shall
6 focus on the effect that land use policies and practices,
7 such as minimum parking requirements and exclusionary
8 zoning requirements, contribute to increases in VMT and
9 GHG emissions and consider how such policies affect
10 housing and transportation affordability.

11 (5) MPOs shall outline recommendations for land use
12 policies and best practices that have the effect of
13 increasing the affordability of housing and transportation
14 and reducing GHG emissions.

15 (6) The Department shall assist MPOs in their housing
16 coordination planning and make best efforts to align the
17 Department's planning and project programming with MPO
18 efforts to encourage land use policies and best practices
19 that have the effect of increasing the affordability of
20 housing and transportation, improving accessibility to
21 destinations, and reducing GHG emissions.

22 (7) The Department shall not advance to the STIP a
23 project in a metropolitan planning area that the MPO has
24 determined would conflict with its housing coordination
25 plan prepared under paragraph (1) or would have the effect
26 of decreasing the affordability of transportation or the

1 accessibility of destinations or of increasing GHG
2 emissions.

3 (8) In furtherance of Section 48 of the Regional
4 Planning Act, the Department and MPOs shall adopt
5 performance-based methods for allocating discretionary
6 funds that reward jurisdictions that have adopted land use
7 policies and practices associated with increasing the
8 affordability of housing and transportation, improving
9 accessibility to destinations, and reducing GHG emissions.

10 (A) The Department and MPOs may build on the
11 climate equity accessibility scoring tool developed
12 under subsection (k) or develop a separate tool for
13 identifying jurisdictions that have adopted land use
14 policies and practices associated with increasing the
15 affordability of housing and transportation, improving
16 accessibility to destinations, and reducing GHG
17 emissions.

18 (B) The Department and MPOs shall publicly
19 describe the methodology they use in allocating
20 discretionary funding under this paragraph.

21 (C) When allocating discretionary funding, the
22 Department and MPOs shall give at least equal weight
23 to land use policies and practices that facilitate
24 reductions in GHG emissions that they give to existing
25 factors, such as congestion relief, safety, and
26 traffic operations.

1 (D) The Department and MPOs shall consider land
2 use policies and practices as provided in this
3 subsection when allocating discretionary funding from
4 every source.

5 (9) When evaluating all projects for possible
6 inclusion in applicable planning documents or in a STIP or
7 TIP, the Department and MPOs shall adopt performance-based
8 project selection methods that give priority to projects
9 located in jurisdictions that have adopted land use
10 policies and practices associated with increasing the
11 affordability of housing and transportation, improving
12 accessibility to destinations, and reducing GHG emissions.

13 (10) This subsection shall not diminish or restrict
14 the existing authority of jurisdictions over their land
15 use policies and practices.

16 (m) The Department and MPOs shall provide early and
17 continuous opportunities for public participation in the
18 transportation planning process. The process shall be
19 proactive and provide timely information, adequate public
20 notice, reasonable public access, and opportunities for public
21 review and comment at key decision points in the process. The
22 objectives of public participation in the transportation
23 planning process include providing a mechanism for public
24 perspectives, needs, and ideas to be considered in the
25 planning process; developing the public's understanding of the
26 problems and opportunities facing the transportation system;

1 demonstrating explicit consideration and response to public
2 input through a variety of tools and techniques; and
3 developing a consensus on plans. The Department shall develop
4 a documented public participation process under 23 CFR 450.

5 (1) Under 23 CFR 450, Subpart B, the Department is
6 responsible, in cooperation with the MPOs, for carrying
7 out public participation for developing, amending, and
8 updating the Long-Range State Transportation Plan, the
9 STIP, and other statewide transportation planning
10 activities.

11 (2) Under 23 CFR 450, Subpart C, the MPOs, in
12 cooperation with the Department, are responsible for
13 carrying out public participation for the development of
14 Regional Transportation Plans, TIPS, and other regional
15 transportation planning activities for their respective
16 metropolitan planning areas.

17 (3) Public participation activities at both the MPO
18 and Department levels shall include, at a minimum:

19 (A) establishing and maintaining for the
20 geographic area of responsibility a list of all known
21 parties interested in transportation planning,
22 including, but not limited to: elected officials;
23 municipal and county planning staffs; affected public
24 agencies; local, State, and federal agencies eligible
25 for federal and State transportation funds; local
26 representatives of public transportation agency

1 employees and users; freight shippers and providers of
2 freight transportation services; public and private
3 transportation providers; representatives of users of
4 transit, bicycling, pedestrian, aviation, and train
5 facilities; private industry; environmental and other
6 interest groups; representatives of persons or groups
7 that may be underserved by existing transportation
8 systems, such as minority persons, low-income seniors,
9 persons with disabilities, and persons with limited
10 English proficiency; and members of the general public
11 expressing interest in the transportation planning
12 process;

13 (B) providing reasonable notice, which for notice
14 to a disproportionately impacted community requires
15 the notice to be translated into the primary language
16 spoken in the disproportionately impacted community,
17 and opportunity to comment through mailing lists and
18 other communication methods on upcoming transportation
19 planning-related activities and meetings;

20 (C) using reasonably available Internet or
21 traditional media opportunities, including minority
22 media and diverse media, to provide timely notices of
23 planning-related activities and meetings to members of
24 the public, including limited English proficiency
25 individuals and others who may require reasonable
26 accommodations. Methods that shall be used to the

1 maximum extent practicable for public participation
2 may include, but shall not be limited to, use of the
3 Internet, social media, news media, such as
4 newspapers, radio, or television, mailings to
5 disproportionately impacted communities by existing
6 transportation systems, including, but not limited to,
7 seniors and persons with disabilities, and notices,
8 including electronic mail and online newsletters;

9 (D) seeking out persons and groups, including
10 minority groups and those with disabilities,
11 low-income, and limited English proficiency, for the
12 purposes of exchanging information, increasing their
13 involvement, and considering their transportation
14 needs in the transportation planning process;

15 (E) consulting, as appropriate, with federal,
16 State, local, and tribal agencies responsible for land
17 use management, natural resources, environmental
18 protection, conservation, cultural resources, and
19 historic preservation concerning the development of
20 long-range transportation plans;

21 (F) providing reasonable public access to, and
22 appropriate opportunities for public review and
23 comment on, criteria, standards, and other
24 planning-related information. Reasonable public access
25 includes, but is not limited to, limited English
26 proficiency services and access to ADA-compliant

1 facilities, as well as to the Internet;

2 (G) where feasible, scheduling the development of
3 regional and statewide plans so that the release of
4 the draft plans may be coordinated to provide for the
5 opportunity for joint public outreach;

6 (H) responses, in writing, from the Department and
7 MPOs to all significant issues raised during the
8 review and comment period on transportation plans,
9 making the responses available to the public; and

10 (I) collaborating periodically with all interested
11 parties and the Department and MPOs to review the
12 effectiveness of the Department's and MPOs' public
13 involvement practices to ensure that they provide full
14 and open access to all members of the public. When
15 necessary, the Department or MPO shall revise their
16 public participation practices in the transportation
17 planning process and allow time for public review and
18 comment per 23 CFR 450.

19 (n) Beginning on January 1, 2026, each applicable planning
20 document from the Department or MPO must include a
21 consolidated and comprehensive list of all project types to be
22 funded using any federal, State, or local funding source,
23 including bicycle, pedestrian, bus, rail, and roadway
24 projects, and shall include a summary of planned expenditures
25 by project type.

26 (o) Beginning September 30, 2026, the Department and MPOs

1 shall establish a social cost of carbon and use the social cost
2 of carbon in their applicable planning documents and other
3 planning activities.

4 (1) The social cost of carbon shall serve as a
5 monetary estimate of the value of not emitting a ton of GHG
6 emissions.

7 (2) In developing the social cost of carbon applicable
8 to the projects and programs in their applicable planning
9 documents and for other planning and project programming
10 activities, the Department and MPOs shall consider the
11 social cost of carbon established by the Environmental
12 Protection Agency under subsection (q) of Section 9.15 of
13 the Environmental Protection Act and may consider prior or
14 existing estimates of the social cost of carbon issued or
15 adopted by the federal government, appropriate
16 international bodies, or other appropriate and reputable
17 scientific organizations.

18 (3) The Department may adopt the social cost of carbon
19 established by the Environmental Protection Agency under
20 subsection (q) of Section 9.15 of the Environmental
21 Protection Act or establish its own social cost of carbon
22 through the process set forth in paragraphs (1) and (2),
23 but the Department shall not adopt a social cost of carbon
24 that is lower than that established by the Environmental
25 Protection Agency.

26 (4) MPOs may adopt the social cost of carbon

1 established by the Environmental Protection Agency under
2 subsection (q) of Section 9.15 of the Environmental
3 Protection Act or by the Department under paragraph (3) or
4 establish their own social cost of carbon through the
5 process set forth in paragraphs (1) and (2), but an MPO
6 shall not adopt a social cost of carbon that is lower than
7 that established by the Environmental Protection Agency or
8 the Department.

9 (5) The Department shall incorporate the social cost
10 of carbon into its assessment of projects for possible
11 inclusion in its applicable planning document or for
12 inclusion in a STIP or TIP, giving priority to projects
13 that have a relatively low social cost of carbon:

14 (A) The Department shall not include any project
15 over \$30,000,000 in an applicable planning document or
16 a STIP or TIP unless it has calculated the social cost
17 of carbon resulting from the project over the useful
18 life of the project.

19 (B) Such calculations shall result in an estimate
20 of the social cost of carbon under a no-build scenario
21 and an estimate of the social cost of carbon if the
22 project is built, factoring in the effects of induced
23 demand and other appropriate factors.

24 (C) The estimate of the social cost of carbon must
25 include total additional GHG emissions attributable to
26 the proposed project and shall not be limited to GHG

1 emissions from within the physical boundaries of the
2 project.

3 (D) The Department shall publish in applicable
4 planning documents and STIPs the no-build and build
5 estimates of the social cost of carbon for each
6 project for which an estimate of the social cost of
7 carbon has been prepared.

8 (E) For purposes of its planning processes under
9 Sections 2705-200, 2705-203, and 2705-205, and after
10 factoring in the effects of induced demand on VMT
11 attributable to a proposed project, the Department
12 shall offset the social cost of carbon and the social
13 cost of crashes attributable to a project against its
14 projections of the value of the time savings from any
15 reduction in congestion attributable to the project
16 and shall publish its calculations and results.

17 (F) The Department may rely upon estimates of the
18 social cost of carbon prepared by MPOs for projects
19 included in a STIP that are located inside the MPO's
20 boundaries only if the Department finds that those
21 estimates of the social cost of carbon are based on
22 reasonable assumptions and methodology.

23 (6) Each MPO shall incorporate the social cost of
24 carbon into its assessment of projects for possible
25 inclusion in its applicable planning document or for
26 inclusion in a TIP, giving priority to projects that have

1 a relatively low social cost of carbon:

2 (A) An MPO shall not include any project over
3 \$30,000,000 in a TIP unless it has calculated the
4 social cost of carbon resulting from the project over
5 the useful life of the project.

6 (B) Such calculations shall result in an estimate
7 of the social cost of carbon under a no-build scenario
8 and an estimate of the social cost of carbon if the
9 project is built, factoring in the effects of induced
10 demand and other appropriate factors.

11 (C) The estimate of the social cost of carbon must
12 include total additional GHG emissions attributable to
13 the proposed project and shall not be limited to GHG
14 emissions from within the physical boundaries of the
15 project.

16 (D) Each MPO shall publish in its applicable
17 planning documents and TIPs the no-build and build
18 estimates of the social cost of carbon for each
19 project for which an estimate of the social cost of
20 carbon has been prepared.

21 (E) For purposes of its planning processes, and
22 after factoring in the effects of induced demand on
23 VMT attributable to a proposed project, an MPO shall
24 offset the social cost of carbon and the social cost of
25 crashes attributable to a project from its projection
26 of the value of the time savings from any reduction in

1 congestion attributable to the project and shall
2 publish its calculations and results.

3 (F) An MPO may rely upon the estimate of the social
4 cost of carbon prepared by the Department for projects
5 included in a TIP only if the MPO finds that the
6 Department's estimates of the social cost of carbon
7 are based on reasonable assumptions and methodologies.

8 (p) By no later than January 1, 2026, the Department shall
9 convene a Greenhouse Gas in Transportation Working Group.

10 (1) The Working Group shall assist the Department and
11 MPOs with:

12 (A) planning and implementing the requirements of
13 this Section;

14 (B) identifying opportunities to reduce GHG
15 emissions in the transportation sector;

16 (C) identifying promising GHG mitigation measures;

17 (D) preparing the Department's triennial report on
18 statewide transportation sector greenhouse gas
19 reduction accomplishments and challenges and make
20 recommendations for any legislative or regulatory
21 action that would assist the Department and MPOs in
22 meeting their GHG targets; and

23 (E) connecting the Department and MPOs with local,
24 regional, and national experts and best practices
25 relating to planning and programming transportation
26 projects to, among other things, reduce GHG emissions

1 from the transportation sector.

2 (2) The membership of the Working Group shall include
3 the following:

4 (A) the Secretary of Transportation or the
5 Secretary's designee;

6 (B) the Director of the Environmental Protection
7 Agency or the Director's designee;

8 (C) the Chair of the Chicago Metropolitan Agency
9 for Planning or the Chair's designee;

10 (D) the chair of another MPO or the chair's
11 designee, appointed by the Governor;

12 (E) a university representative with expertise in
13 GHG emissions in the transportation sector, appointed
14 by the Governor;

15 (F) a representative from an environmental justice
16 organization, appointed by the Governor;

17 (G) a representative from an active transportation
18 organization, appointed by the Governor;

19 (H) a representative from a transportation
20 planning organization, appointed by the Governor;

21 (I) a representative from a land use planning
22 organization, appointed by the Governor;

23 (J) a representative from the freight industry,
24 appointed by the Governor;

25 (K) a representative from a public transportation
26 agency, appointed by the Governor;

1 (L) a representative from a labor organization,
2 appointed by the Governor;

3 (M) a representative from a road building
4 contractor, appointed by the Governor;

5 (N) a representative from a chamber of commerce,
6 appointed by the Governor;

7 (P) a representative from the engineering sector,
8 appointed by the Governor; and

9 (Q) such other representatives, appointed by the
10 Governor, that will ensure that the Working Group will
11 provide the Department and MPOs with a sufficient
12 range and depth of expertise in GHG emissions
13 reduction in the transportation sector to assist the
14 Department and MPOs in carrying out their
15 responsibilities under this Section.

16 (3) The members of the Working Group must select a
17 Chair from its membership.

18 (4) Members of the Working Group shall serve without
19 compensation other than reimbursement for travel and other
20 expenses incurred in the performance of their duties.

21 (5) The Department shall provide sufficient staff
22 support and other resources for the Working Group to
23 perform its duties effectively, including a website
24 accessible to the public that contains an up-to-date
25 record of the activities, research, reports,
26 recommendations, and other materials assembled by the

1 Working Group.

2 (6) The Working Group shall first meet within 90 days
3 of the effective date of this amendatory Act of the 104th
4 General Assembly. The Working Group shall hold public
5 meetings no less than quarterly, shall actively seek
6 public input, shall publish annual reports, and by June
7 30, 2028, shall publish a report with recommendations for
8 how the Department and MPOs can most effectively reduce
9 GHG emissions from the transportation sector.

10 (7) The Department shall consider and incorporate
11 recommendations from the Working Group in its triennial
12 reports under subsection (j), and both the Department and
13 MPOs shall consider and incorporate such recommendations
14 in their preparation of their applicable planning
15 documents.

16 (8) The Working Group shall operate through January
17 30, 2029 or 30 days after the Department's filing of its
18 first triennial report, whichever is later. The Working
19 Group shall continue in operation after that date to
20 further assist the Department and MPOs in fulfilling their
21 responsibilities under this Section unless abolished by
22 the Governor after receipt of abolition recommendations
23 from both the Environmental Protection Agency and the
24 Department.

25 (g) Except as otherwise provided, the requirements of this
26 Section shall commence with projects included in applicable

1 planning documents filed on or after January 1, 2028.

2 (r) The requirements of this Section are in addition to
3 and shall, to the extent practicable, be executed concurrently
4 with other requirements for transportation planning, project
5 prioritization, public outreach, project implementation, or
6 transparency and accountability established by law, rule, or
7 policy.

8 (s) The requirements of this Section shall extend to the
9 Illinois State Toll Highway Authority and any other builder or
10 operator of a public highway under a public-private
11 partnership agreement or other means authorized by State law.

12 (1) The requirements of this Section that apply to the
13 other entities include, but are not limited to, the
14 following:

15 (A) the Environmental Protection Agency shall
16 assign GHG targets to other entities under subsection
17 (c);

18 (B) other entities shall conduct GHG emissions
19 analysis and be subject to the other requirements set
20 forth in subsections (d), (e), (f), (g), and (h) with
21 respect to their applicable planning documents;

22 (C) other entities shall conduct climate equity
23 accessibility scoring as set forth in subsection (k);

24 (D) other entities shall follow the public
25 participation requirements set forth in subsection
26 (j); and

1 (E) other entities shall use the social cost of
2 carbon in their planning and project programming
3 processes as set forth in subsection (o).

4 (2) Other entities may request assistance in complying
5 with the requirements of this Section from the Department
6 under subsection (e) and from the Greenhouse Gas in
7 Transportation Working Group under subsection (p).

8 (3) With respect to other entities, "applicable
9 planning document" means the other entity's capital plan
10 or other document in which the other entity identifies
11 projects that it anticipates advancing for construction.

12 (4) The Department may adopt rules necessary to extend
13 the requirements of this Section to the other entities.

14 (20 ILCS 2705/2705-300) (was 20 ILCS 2705/49.18)

15 Sec. 2705-300. Powers concerning mass transportation. The
16 Department has the power to do the following:

17 (1) Advise and assist the Governor and the General
18 Assembly in formulating (i) a mass transportation policy
19 for the State, (ii) proposals designed to help meet and
20 resolve special problems of mass transportation within the
21 State, and (iii) programs of assistance for the
22 comprehensive planning, development, and administration of
23 mass transportation facilities and services.

24 (2) Appear and participate in proceedings before any
25 federal, State, or local regulatory agency involving or

1 affecting mass transportation in the State.

2 (3) Study mass transportation problems and provide
3 technical assistance to units of local government.

4 (4) Encourage experimentation in developing new mass
5 transportation facilities and services.

6 (5) Recommend policies, programs, and actions designed
7 to improve utilization of mass transportation services.

8 (6) Cooperate with mass transit districts and systems,
9 local governments, and other State agencies in meeting
10 those problems of air, noise, and water pollution
11 associated with transportation.

12 (7) Participate fully in a statewide effort to improve
13 transport safety, including, as the designated State
14 agency responsible for overseeing the safety and security
15 of rail fixed guideway public transportation systems in
16 compliance with 49 U.S.C. 5329 and 49 U.S.C. 5330:

17 (A) developing, adopting, and implementing a
18 system safety program standard and procedures meeting
19 the compliance requirements of 49 U.S.C. 5329 and 49
20 U.S.C. 5330, as now or hereafter amended, for the
21 safety and security of rail fixed guideway public
22 transportation systems within the State; and

23 (B) establishing procedures in accordance with 49
24 U.S.C. 5329 and 49 U.S.C. 5330 to review, approve,
25 oversee, investigate, audit, and enforce all other
26 necessary and incidental functions related to the

1 effectuation of 49 U.S.C. 5329 and 49 U.S.C. 5330, or
2 other federal law, pertaining to public transportation
3 oversight. The Department may contract for the
4 services of a qualified consultant to comply with this
5 subsection.

6 The security portion of the system safety program,
7 investigation reports, surveys, schedules, lists, or data
8 compiled, collected, or prepared by or for the Department
9 under this subsection shall not be subject to discovery or
10 admitted into evidence in federal or State court or
11 considered for other purposes in any civil action for
12 damages arising from any matter mentioned or addressed in
13 such reports, surveys, schedules, lists, data, or
14 information. Except for willful or wanton conduct, neither
15 the Department nor its employees, nor the Metropolitan
16 Mobility ~~Regional Transportation~~ Authority, nor the St.
17 Clair County Transit District, nor any mass transit
18 district ~~nor service board~~ subject to this Section, nor
19 their respective directors, officers, or employees, shall
20 be held liable in any civil action for any injury to or
21 death of any person or loss of or damage to property for
22 any act, omission, or failure to act under this Section or
23 49 U.S.C. 5329 or 49 U.S.C. 5330 as now or hereafter
24 amended.

25 (8) Conduct by contract or otherwise technical
26 studies, and demonstration and development projects which

1 shall be designed to test and develop methods for
2 increasing public use of mass transportation and for
3 providing mass transportation in an efficient,
4 coordinated, and convenient manner.

5 (9) Make applications for, receive, and make use of
6 grants for mass transportation.

7 (10) Make grants for mass transportation from the
8 Transportation Fund pursuant to the standards and
9 procedures of Sections 2705-305 and 2705-310.

10 Nothing in this Section alleviates an individual's duty to
11 comply with the State Officials and Employees Ethics Act.

12 (Source: P.A. 102-559, eff. 8-20-21.)

13 (20 ILCS 2705/2705-305)

14 Sec. 2705-305. Grants for mass transportation.

15 (a) For the purpose of mass transportation grants and
16 contracts, the following definitions apply:

17 "Carrier" means any corporation, authority, partnership,
18 association, person, or district authorized to provide mass
19 transportation within the State.

20 "District" means all of the following:

21 (i) Any district created pursuant to the Local Mass
22 Transit District Act.

23 (ii) (Blank). ~~The Authority created pursuant to the~~
24 ~~Metropolitan Transit Authority Act.~~

25 (iii) Any authority, commission, or other entity that

1 by virtue of an interstate compact approved by Congress is
2 authorized to provide mass transportation.

3 (iv) The Authority created pursuant to the
4 Metropolitan Mobility ~~Regional Transportation~~ Authority
5 Act.

6 "Facilities" comprise all real and personal property used
7 in or appurtenant to a mass transportation system, including
8 parking lots.

9 "Mass transportation" means transportation provided within
10 the State of Illinois by rail, bus, or other conveyance and
11 available to the general public on a regular and continuing
12 basis, including the transportation of persons with
13 disabilities or elderly persons as provided more specifically
14 in Section 2705-310.

15 "Unit of local government" means any city, village,
16 incorporated town, or county.

17 (b) Grants may be made to units of local government,
18 districts, and carriers for the acquisition, construction,
19 extension, reconstruction, and improvement of mass
20 transportation facilities. Grants shall be made upon the terms
21 and conditions that in the judgment of the Secretary are
22 necessary to ensure their proper and effective utilization.

23 (c) The Department shall make grants under this Law in a
24 manner designed, so far as is consistent with the maintenance
25 and development of a sound mass transportation system within
26 the State, to: (i) maximize federal funds for the assistance

1 of mass transportation in Illinois under the Federal Transit
2 Act and other federal Acts; (ii) facilitate the movement of
3 persons who because of age, economic circumstance, or physical
4 infirmity are unable to drive; (iii) contribute to an improved
5 environment through the reduction of air, water, and noise
6 pollution; and (iv) reduce traffic congestion.

7 (d) The Secretary shall establish procedures for making
8 application for mass transportation grants. The procedures
9 shall provide for public notice of all applications and give
10 reasonable opportunity for the submission of comments and
11 objections by interested parties. The procedures shall be
12 designed with a view to facilitating simultaneous application
13 for a grant to the Department and to the federal government.

14 (e) Grants may be made for mass transportation projects as
15 follows:

16 (1) In an amount not to exceed 100% of the nonfederal
17 share of projects for which a federal grant is made.

18 (2) In an amount not to exceed 100% of the net project
19 cost for projects for which a federal grant is not made.

20 (3) In an amount not to exceed five-sixths of the net
21 project cost for projects essential for the maintenance of
22 a sound transportation system and eligible for federal
23 assistance for which a federal grant application has been
24 made but a federal grant has been delayed. If and when a
25 federal grant is made, the amount in excess of the
26 nonfederal share shall be promptly returned to the

1 Department.

2 In no event shall the Department make a grant that,
3 together with any federal funds or funds from any other
4 source, is in excess of 100% of the net project cost.

5 (f) Regardless of whether any funds are available under a
6 federal grant, the Department shall not make a mass
7 transportation grant unless the Secretary finds that the
8 recipient has entered into an agreement with the Department in
9 which the recipient agrees not to engage in school bus
10 operations exclusively for the transportation of students and
11 school personnel in competition with private school bus
12 operators where those private school bus operators are able to
13 provide adequate transportation, at reasonable rates, in
14 conformance with applicable safety standards, provided that
15 this requirement shall not apply to a recipient that operates
16 a school system in the area to be served and operates a
17 separate and exclusive school bus program for the school
18 system.

19 (g) Grants may be made for mass transportation purposes
20 with funds appropriated from the Build Illinois Bond Fund
21 consistent with the specific purposes for which those funds
22 are appropriated by the General Assembly. Grants under this
23 subsection (g) are not subject to any limitations or
24 conditions imposed upon grants by any other provision of this
25 Section, except that the Secretary may impose the terms and
26 conditions that in his or her judgment are necessary to ensure

1 the proper and effective utilization of the grants under this
2 subsection.

3 (h) The Department may let contracts for mass
4 transportation purposes and facilities for the purpose of
5 reducing urban congestion funded in whole or in part with
6 bonds described in subdivision (b)(1) of Section 4 of the
7 General Obligation Bond Act, not to exceed \$75,000,000 in
8 bonds.

9 (i) The Department may make grants to carriers, districts,
10 and units of local government for the purpose of reimbursing
11 them for providing reduced fares for mass transportation
12 services for students, persons with disabilities, and the
13 elderly. Grants shall be made upon the terms and conditions
14 that in the judgment of the Secretary are necessary to ensure
15 their proper and effective utilization.

16 (j) The Department may make grants to carriers, districts,
17 and units of local government for costs of providing ADA
18 paratransit service.

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

20 (20 ILCS 2705/2705-310)

21 Sec. 2705-310. Grants for transportation for persons with
22 disabilities.

23 (a) For the purposes of this Section, the following
24 definitions apply:

25 "Carrier" means a district or a not for profit

1 corporation providing mass transportation for persons with
2 disabilities on a regular and continuing basis.

3 "Person with a disability" means any individual who, by
4 reason of illness, injury, age, congenital malfunction, or
5 other permanent or temporary incapacity or disability, is
6 unable without special mass transportation facilities or
7 special planning or design to utilize ordinary mass
8 transportation facilities and services as effectively as
9 persons who are not so affected.

10 "Unit of local government", "district", and "facilities"
11 have the meanings ascribed to them in Section 2705-305.

12 (b) The Department may make grants from the Transportation
13 Fund and the General Revenue Fund (i) to units of local
14 government, districts, and carriers for vehicles, equipment,
15 and the acquisition, construction, extension, reconstruction,
16 and improvement of mass transportation facilities for persons
17 with disabilities and (ii) during State fiscal years 1986 and
18 1987, to the Regional Transportation Authority (now the
19 Metropolitan Mobility Authority) for operating assistance for
20 mass transportation for mobility limited persons, including
21 paratransit services for the mobility limited. The grants
22 shall be made upon the terms and conditions that in the
23 judgment of the Secretary are necessary to ensure their proper
24 and effective utilization. The procedures, limitations, and
25 safeguards provided in Section 2705-305 to govern grants for
26 mass transportation shall apply to grants made under this

1 Section.

2 For the efficient administration of grants, the
3 Department, on behalf of grant recipients under this Section
4 and on behalf of recipients receiving funds under Sections
5 5309 and 5311 of the Federal Transit Act and State funds, may
6 administer and consolidate procurements and may enter into
7 contracts with manufacturers of vehicles and equipment.

8 (c) The Department may make operating assistance grants
9 from the Transportation Fund to those carriers that, during
10 federal fiscal year 1986, directly received operating
11 assistance pursuant to Section 5307 or Section 5311 of the
12 Federal Transit Act, or under contracts with a unit of local
13 government or mass transit district that received operating
14 expenses under Section 5307 or Section 5311 of the Federal
15 Transit Act, to provide public paratransit services to the
16 general mobility limited population. The Secretary shall take
17 into consideration the reduction in federal operating expense
18 grants to carriers when considering the grant applications.
19 The procedures, limitations, and safeguards provided in
20 Section 2705-305 to govern grants for mass transportation
21 shall apply to grants made under this Section.

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

23 (20 ILCS 2705/2705-315) (was 20 ILCS 2705/49.19b)

24 Sec. 2705-315. Grants for passenger security. The
25 Department may make grants from the Transportation Fund and

1 the General Revenue Fund to the Metropolitan Mobility Regional
2 ~~Transportation~~ Authority created under the Metropolitan
3 Mobility Regional Transportation Authority Act to be used to
4 provide protection against crime for the consumers of public
5 transportation, and for the employees and facilities of public
6 transportation providers, in the metropolitan region. The
7 grants may be used (1) to provide that protection directly, ~~or~~
8 (2) to contract with any municipality or county in the
9 metropolitan region to provide that protection, or (3) ~~except~~
10 ~~for the Chicago Transit Authority created under the~~
11 ~~Metropolitan Transit Authority Act,~~ to contract with a private
12 security agency to provide that protection.

13 The grants shall be made upon the terms and conditions
14 that in the judgment of the Secretary are necessary to ensure
15 their proper and effective utilization. The procedures
16 provided in Section 2705-305 to govern grants for mass
17 transportation shall apply to grants made under this Section.

18 (Source: P.A. 91-239, eff. 1-1-00.)

19 (20 ILCS 2705/2705-440) (was 20 ILCS 2705/49.25h)

20 Sec. 2705-440. Intercity Rail Service.

21 (a) For the purposes of providing intercity railroad
22 passenger service within this State and throughout the United
23 States, the Department is authorized to enter into agreements
24 with any state, state agency, unit ~~units~~ of local government
25 or political subdivision ~~subdivisions~~, Metropolitan Mobility

1 ~~Authority the Commuter Rail Division of the Regional~~
2 ~~Transportation Authority~~ (or a public corporation on behalf of
3 that ~~Authority Division~~), architecture or engineering firm
4 ~~firms~~, the National Railroad Passenger Corporation, any
5 carrier, or any individual, corporation, partnership, or
6 public or private entity. The cost related to such services
7 shall be borne in such proportion as, by agreement or contract
8 the parties may desire.

9 (b) In providing any intercity railroad passenger service
10 as provided in this Section, the Department shall have the
11 following additional powers:

12 (1) to enter into trackage use agreements with rail
13 carriers;

14 (1.5) to freely lease or otherwise contract for any
15 purpose any of the locomotives, passenger railcars, and
16 other rolling stock equipment or accessions to any state
17 or state agency, public or private entity, or quasi-public
18 entities;

19 (2) to enter into haulage agreements with rail
20 carriers;

21 (3) to lease or otherwise contract for use,
22 maintenance, servicing, and repair of any needed
23 locomotives, rolling stock, stations, or other facilities,
24 the lease or contract having a term not to exceed 50 years
25 (but any multi-year contract shall recite that the
26 contract is subject to termination and cancellation,

1 without any penalty, acceleration payment, or other
2 recoupment mechanism, in any fiscal year for which the
3 General Assembly fails to make an adequate appropriation
4 to cover the contract obligation);

5 (4) to enter into management agreements;

6 (5) to include in any contract indemnification of
7 carriers or other parties for any liability with regard to
8 intercity railroad passenger service;

9 (6) to obtain insurance for any losses or claims with
10 respect to the service;

11 (7) to promote the use of the service;

12 (8) to make grants to any body politic and corporate,
13 any unit of local government, or the Metropolitan Mobility
14 Authority ~~Commuter Rail Division of the Regional~~
15 ~~Transportation Authority~~ to cover all or any part of any
16 capital or operating costs of the service and to enter
17 into agreements with respect to those grants;

18 (9) to set any fares or make other regulations with
19 respect to the service, consistent with any contracts for
20 the service; and

21 (10) to otherwise enter into any contracts necessary
22 or convenient to provide rail services, operate or
23 maintain locomotives, passenger railcars, and other
24 rolling stock equipment or accessions, including the lease
25 or use of such locomotives, railcars, equipment, or
26 accessions.

1 (c) All service provided under this Section shall be
2 exempt from all regulations by the Illinois Commerce
3 Commission (other than for safety matters). To the extent the
4 service is provided by the Metropolitan Mobility Authority
5 ~~Commuter Rail Division of the Regional Transportation~~
6 ~~Authority~~ (or a public corporation on behalf of that Authority
7 ~~Division~~), it shall be exempt from safety regulations of the
8 Illinois Commerce Commission to the extent the Authority
9 ~~Commuter Rail Division~~ adopts its own safety regulations.

10 (d) In connection with any powers exercised under this
11 Section, the Department

12 (1) shall not have the power of eminent domain; and

13 (2) shall not directly operate any railroad service
14 with its own employees.

15 (e) Any contract with the Metropolitan Mobility Authority
16 ~~Commuter Rail Division of the Regional Transportation~~
17 ~~Authority~~ (or a public corporation on behalf of the Authority
18 ~~Division~~) under this Section shall provide that all costs in
19 excess of revenue received by the Division generated from
20 intercity rail service provided by the Division shall be fully
21 borne by the Department, and no funds for operation of
22 commuter rail service shall be used, directly or indirectly,
23 or for any period of time, to subsidize the intercity rail
24 operation. If at any time the Division does not have
25 sufficient funds available to satisfy the requirements of this
26 Section, the Division shall forthwith terminate the operation

1 of intercity rail service. The payments made by the Department
2 to the Division for the intercity rail passenger service shall
3 not be made in excess of those costs or as a subsidy for costs
4 of commuter rail operations. This shall not prevent the
5 contract from providing for efficient coordination of service
6 and facilities to promote cost-effective ~~cost-effective~~
7 operations of both intercity rail passenger service and
8 commuter rail services with cost allocations as provided in
9 this paragraph.

10 (f) Whenever the Department enters into an agreement with
11 any carrier for the Department's payment of such railroad
12 required maintenance expenses necessary for intercity
13 passenger service, the Department may deposit such required
14 maintenance funds into an escrow account. Whenever the
15 Department enters into an agreement with any State or State
16 agency, any public or private entity or quasi-public entity
17 for the lease, rental or use of locomotives, passenger
18 railcars, and other rolling stock equipment or accessions, the
19 Department may deposit such receipts into a separate escrow
20 account. For purposes of this subsection, "escrow account" ~~an~~
21 ~~escrow account~~ means any fiduciary account established with
22 (i) any banking corporation which is both organized under the
23 Illinois Banking Act and authorized to accept and administer
24 trusts in this State, or (ii) any national banking association
25 which has its principal place of business in this State and
26 which also is authorized to accept and administer trusts in

1 this State. The funds in any required maintenance escrow
2 account may be withdrawn by the carrier or entity in control of
3 the railroad being maintained, only with the consent of the
4 Department, pursuant to a written maintenance agreement and
5 pursuant to a maintenance plan that shall be updated each
6 year. The funds in an escrow account holding lease payments,
7 use fees, or rental payments may be withdrawn by the
8 Department, only with the consent of the Midwest Fleet Pool
9 Board and deposited into the High-Speed Rail Rolling Stock
10 Fund. The moneys deposited in the escrow accounts shall be
11 invested and reinvested, pursuant to the direction of the
12 Department, in bonds and other interest bearing obligations of
13 this State, or in such accounts, certificates, bills,
14 obligations, shares, pools, or other securities as are
15 authorized for the investment of public funds under the Public
16 Funds Investment Act. Escrow accounts created under this
17 subsection shall not have terms that exceed 20 years. At the
18 end of the term of an escrow account holding lease payments,
19 use fees, or rental payments, the remaining balance shall be
20 deposited in the High-Speed Rail Rolling Stock Fund, a special
21 fund that is created in the State treasury ~~Treasury~~. Moneys in
22 the High-Speed Rail Rolling Stock Fund may be used for any
23 purpose related to locomotives, passenger railcars, and other
24 rolling stock equipment. The Department shall prepare a report
25 for presentation to the Comptroller and the Treasurer each
26 year that shows the amounts deposited and withdrawn, the

1 purposes for withdrawal, the balance, and the amounts derived
2 from investment.

3 (g) Whenever the Department enters into an agreement with
4 any carrier, State or State agency, any public or private
5 entity, or quasi-public entity for costs related to
6 procurement and maintenance of locomotives, passenger
7 railcars, and other rolling stock equipment or accessions, the
8 Department shall deposit such receipts into the High-Speed
9 Rail Rolling Stock Fund. Additionally, the Department may make
10 payments into the High-Speed Rail Rolling Stock Fund for the
11 State's share of the costs related to locomotives, passenger
12 railcars, and other rolling stock equipment.

13 (Source: P.A. 103-707, eff. 1-1-25; revised 11-22-24.)

14 (20 ILCS 2705/2705-594 new)

15 Sec. 2705-594. Office of Public Transportation Support.

16 (a) As used in this Section, "metropolitan region" has the
17 meaning given to that term in the Metropolitan Mobility
18 Authority Act.

19 (b) The Department shall establish, staff, and support an
20 Office of Public Transportation Support within District 1. The
21 Office's purpose is to optimize the operation of public
22 transportation vehicles and the delivery of public
23 transportation services on highways, as defined by Section
24 2-202 of the Illinois Highway Code, under the Department's
25 jurisdiction in the metropolitan region.

1 (c) The Office of Public Transportation Support shall have
2 the following duties:

3 (1) reviewing Department plans for the construction,
4 rehabilitation, and repair of roadways under the
5 Department's jurisdiction to identify opportunities for
6 enhancements that will improve public transportation
7 operations and safety on such highways, and making
8 recommendations for implementing such enhancements;

9 (2) reviewing the plans by other governmental entities
10 for the construction, rehabilitation, and repair of
11 highways under the Department's jurisdiction or that
12 intersect with such highways to identify opportunities for
13 enhancements that will improve public transportation
14 operations and safety on such highways, and making
15 recommendations for implementing such enhancements;

16 (3) facilitating the implementation of intelligent
17 transportation system solutions, such as bus priority at
18 signalized intersections, to improve public transportation
19 vehicle operations and safety on highways under the
20 Department's jurisdiction;

21 (4) facilitating the implementation of highway
22 infrastructure enhancements such as sidewalks, bus
23 shelters, and bicycle paths and lanes that help connect
24 people to public transportation services on highways under
25 the Department's jurisdiction;

26 (5) identifying and pursuing grant funding

1 opportunities for projects that will improve public
2 transportation operations and safety on highways under the
3 Department's jurisdiction;

4 (6) coordinating with the Metropolitan Mobility
5 Authority on the implementation of bus speed and
6 reliability improvements and other enhancements to
7 highways under the Department's jurisdiction to improve
8 public transportation operations and safety; and

9 (7) coordinating with the Metropolitan Mobility
10 Authority on the pursuit of grant opportunities for
11 projects that will improve public transportation on
12 highways under the Department's jurisdiction.

13 (d) To fulfill its obligations under this Section, and
14 notwithstanding any of its current policies and practices to
15 the contrary, the Department shall in its design and operation
16 of highways under its jurisdiction in the metropolitan region
17 give priority to public transportation vehicles and other
18 vehicles, such as school buses, designed to carry a sizable
19 number of people over the priority the Department gives to
20 standard light duty vehicles typically used to carry one or a
21 few people at a time.

22 (e) The Department shall prioritize maximizing the
23 throughput of people on highways under its jurisdiction in the
24 metropolitan region where public transportation is provided or
25 planned over maximizing the number and speeds of vehicles on
26 such highways.

1 (f) On highways in the metropolitan region under its
2 jurisdiction served by public transportation or where public
3 transportation is planned, the Department shall identify and
4 implement highway design, infrastructure, and operations
5 enhancements that maximize the attractiveness and efficacy of
6 public transportation compared to travel by single occupancy
7 vehicles on such highways and coordinate with the Metropolitan
8 Mobility Authority on such enhancements.

9 (g) The Department shall give the Metropolitan Mobility
10 Authority a timely opportunity to review, comment, and concur
11 on plans for the construction, rehabilitation, or repair of
12 highways under the jurisdiction of the Department in the
13 metropolitan region where public transportation is being
14 provided or is planned by the Metropolitan Mobility Authority.

15 (h) The Department shall not advance a project subject to
16 the process set forth in subsections (d) through (g) to
17 construction until it has received the Metropolitan Mobility
18 Authority's concurrence.

19 (i) The Chicago Metropolitan Agency for Planning shall
20 make appropriate changes to its travel demand model, project
21 scoring and prioritization processes, long-range plan, and
22 transportation improvement program to reflect the requirements
23 of subsections (d) through (h).

24 Section 20.11. The Illinois Finance Authority Act is
25 amended by changing Section 820-50 as follows:

1 (20 ILCS 3501/820-50)

2 Sec. 820-50. Pledge of Funds by Units of Local Government.

3 (a) Pledge of Funds. Any unit of local government which
4 receives funds from the Department of Revenue, including
5 without limitation funds received pursuant to Sections 8-11-1,
6 8-11-1.4, 8-11-5 or 8-11-6 of the Illinois Municipal Code, the
7 Home Rule County Retailers' Occupation Tax Act, the Home Rule
8 County Service Occupation Tax Act, Sections 25.05-2, 25.05-3
9 or 25.05-10 of "An Act to revise the law in relation to
10 counties", Section 5.01 of the Local Mass Transit District
11 Act, Section 4.03 of the Metropolitan Mobility ~~Regional~~
12 ~~Transportation~~ Authority Act, Sections 2 or 12 of the State
13 Revenue Sharing Act, or from the Department of Transportation
14 pursuant to Section 8 of the Motor Fuel Tax Law, or from the
15 State Superintendent of Education (directly or indirectly
16 through regional superintendents of schools) pursuant to
17 Article 18 of the School Code, or any unit of government which
18 receives other funds which are at any time in the custody of
19 the State Treasurer, the State Comptroller, the Department of
20 Revenue, the Department of Transportation or the State
21 Superintendent of Education may by appropriate proceedings,
22 pledge to the Authority or any entity acting on behalf of the
23 Authority (including, without limitation, any trustee), any or
24 all of such receipts to the extent that such receipts are
25 necessary to provide revenues to pay the principal of,

1 premium, if any, and interest on, and other fees related to, or
2 to secure, any of the local government securities of such unit
3 of local government which have been sold or delivered to the
4 Authority or its designee or to pay lease rental payments to be
5 made by such unit of local government to the extent that such
6 lease rental payments secure the payment of the principal of,
7 premium, if any, and interest on, and other fees related to,
8 any local government securities which have been sold or
9 delivered to the Authority or its designee. Any pledge of such
10 receipts (or any portion thereof) shall constitute a first and
11 prior lien thereon and shall be binding from the time the
12 pledge is made.

13 (b) Direct Payment of Pledged Receipts. Any such unit of
14 local government may, by such proceedings, direct that all or
15 any of such pledged receipts payable to such unit of local
16 government be paid directly to the Authority or such other
17 entity (including, without limitation, any trustee) for the
18 purpose of paying the principal of, premium, if any, and
19 interest on, and fees relating to, such local government
20 securities or for the purpose of paying such lease rental
21 payments to the extent necessary to pay the principal of,
22 premium, if any, and interest on, and other fees related to,
23 such local government securities secured by such lease rental
24 payments. Upon receipt of a certified copy of such proceedings
25 by the State Treasurer, the State Comptroller, the Department
26 of Revenue, the Department of Transportation or the State

1 Superintendent of Education, as the case may be, such
2 Department or State Superintendent shall direct the State
3 Comptroller and State Treasurer to pay to, or on behalf of, the
4 Authority or such other entity (including, without limitation,
5 any trustee) all or such portion of the pledged receipts from
6 the Department of Revenue, or the Department of Transportation
7 or the State Superintendent of Education (directly or
8 indirectly through regional superintendents of schools), as
9 the case may be, sufficient to pay the principal of and
10 premium, if any, and interest on, and other fees related to,
11 the local governmental securities for which the pledge was
12 made or to pay such lease rental payments securing such local
13 government securities for which the pledge was made. The
14 proceedings shall constitute authorization for such a
15 directive to the State Comptroller to cause orders to be drawn
16 and to the State Treasurer to pay in accordance with such
17 directive. To the extent that the Authority or its designee
18 notifies the Department of Revenue, the Department of
19 Transportation or the State Superintendent of Education, as
20 the case may be, that the unit of local government has
21 previously paid to the Authority or its designee the amount of
22 any principal, premium, interest and fees payable from such
23 pledged receipts, the State Comptroller shall cause orders to
24 be drawn and the State Treasurer shall pay such pledged
25 receipts to the unit of local government as if they were not
26 pledged receipts. To the extent that such receipts are pledged

1 and paid to the Authority or such other entity, any taxes which
2 have been levied or fees or charges assessed pursuant to law on
3 account of the issuance of such local government securities
4 shall be paid to the unit of local government and may be used
5 for the purposes for which the pledged receipts would have
6 been used.

7 (c) Payment of Pledged Receipts upon Default. Any such
8 unit of local government may, by such proceedings, direct that
9 such pledged receipts payable to such unit of local government
10 be paid to the Authority or such other entity (including,
11 without limitation, any trustee) upon a default in the payment
12 of any principal of, premium, if any, or interest on, or fees
13 relating to, any of the local government securities of such
14 unit of local government which have been sold or delivered to
15 the Authority or its designee or any of the local government
16 securities which have been sold or delivered to the Authority
17 or its designee and which are secured by such lease rental
18 payments. If such local governmental security is in default as
19 to the payment of principal thereof, premium, if any, or
20 interest thereon, or fees relating thereto, to the extent that
21 the State Treasurer, the State Comptroller, the Department of
22 Revenue, the Department of Transportation or the State
23 Superintendent of Education (directly or indirectly through
24 regional superintendents of schools) shall be the custodian at
25 any time of any other available funds or moneys pledged to the
26 payment of such local government securities or such lease

1 rental payments securing such local government securities
2 pursuant to this Section and due or payable to such a unit of
3 local government at any time subsequent to written notice to
4 the State Comptroller and State Treasurer from the Authority
5 or any entity acting on behalf of the Authority (including,
6 without limitation, any trustee) to the effect that such unit
7 of local government has not paid or is in default as to payment
8 of the principal of, premium, if any, or interest on, or fees
9 relating to, any local government security sold or delivered
10 to the Authority or any such entity (including, without
11 limitation, any trustee) or has not paid or is in default as to
12 the payment of such lease rental payments securing the payment
13 of the principal of, premium, if any, or interest on, or other
14 fees relating to, any local government security sold or
15 delivered to the Authority or such other entity (including,
16 without limitation, any trustee):

17 (i) The State Comptroller and the State Treasurer
18 shall withhold the payment of such funds or moneys from
19 such unit of local government until the amount of such
20 principal, premium, if any, interest or fees then due and
21 unpaid has been paid to the Authority or any such entity
22 (including, without limitation, any trustee), or the State
23 Comptroller and the State Treasurer have been advised that
24 arrangements, satisfactory to the Authority or such
25 entity, have been made for the payment of such principal,
26 premium, if any, interest and fees; and

1 (ii) Within 10 days after a demand for payment by the
2 Authority or such entity given to such unit of local
3 government, the State Treasurer and the State Comptroller,
4 the State Treasurer shall pay such funds or moneys as are
5 legally available therefor to the Authority or such entity
6 for the payment of principal of, premium, if any, or
7 interest on, or fees relating to, such local government
8 securities. The Authority or any such entity may carry out
9 this Section and exercise all the rights, remedies and
10 provisions provided or referred to in this Section.

11 (d) Remedies. Upon the sale or delivery of any local
12 government securities of the Authority or its designee, the
13 local government which issued such local government securities
14 shall be deemed to have agreed that upon its failure to pay
15 interest or premium, if any, on, or principal of, or fees
16 relating to, the local government securities sold or delivered
17 to the Authority or any entity acting on behalf of the
18 Authority (including, without limitation, any trustee) when
19 payable, all statutory defenses to nonpayment are thereby
20 waived. Upon a default in payment of principal of or interest
21 on any local government securities issued by a unit of local
22 government and sold or delivered to the Authority or its
23 designee, and upon demand on the unit of local government for
24 payment, if the local government securities are payable from
25 property taxes and funds are not legally available in the
26 treasury of the unit of local government to make payment, an

1 action in mandamus for the levy of a tax by the unit of local
2 government to pay the principal of or interest on the local
3 government securities shall lie, and the Authority or such
4 entity shall be constituted a holder or owner of the local
5 government securities as being in default. Upon the occurrence
6 of any failure or default with respect to any local government
7 securities issued by a unit of local government, the Authority
8 or such entity may thereupon avail itself of all remedies,
9 rights and provisions of law applicable in the circumstances,
10 and the failure to exercise or exert any rights or remedies
11 within a time or period provided by law may not be raised as a
12 defense by the unit of local government.

13 (Source: P.A. 93-205, eff. 1-1-04.)

14 Section 20.12. The Illinois State Auditing Act is amended
15 by changing Section 3-1 as follows:

16 (30 ILCS 5/3-1) (from Ch. 15, par. 303-1)

17 Sec. 3-1. Jurisdiction of Auditor General. The Auditor
18 General has jurisdiction over all State agencies to make post
19 audits and investigations authorized by or under this Act or
20 the Constitution.

21 The Auditor General has jurisdiction over local government
22 agencies and private agencies only:

23 (a) to make such post audits authorized by or under
24 this Act as are necessary and incidental to a post audit of

1 a State agency or of a program administered by a State
2 agency involving public funds of the State, but this
3 jurisdiction does not include any authority to review
4 local governmental agencies in the obligation, receipt,
5 expenditure or use of public funds of the State that are
6 granted without limitation or condition imposed by law,
7 other than the general limitation that such funds be used
8 for public purposes;

9 (b) to make investigations authorized by or under this
10 Act or the Constitution; and

11 (c) to make audits of the records of local government
12 agencies to verify actual costs of state-mandated programs
13 when directed to do so by the Legislative Audit Commission
14 at the request of the State Board of Appeals under the
15 State Mandates Act.

16 In addition to the foregoing, the Auditor General may
17 conduct an audit of the Metropolitan Pier and Exposition
18 Authority, the Metropolitan Mobility Authority, ~~Regional~~
19 ~~Transportation Authority, the Suburban Bus Division, the~~
20 ~~Commuter Rail Division and the Chicago Transit Authority~~ and
21 any other subsidized carrier when authorized by the
22 Legislative Audit Commission. Such audit may be a financial,
23 management or program audit, or any combination thereof.

24 The audit shall determine whether they are operating in
25 accordance with all applicable laws and regulations. Subject
26 to the limitations of this Act, the Legislative Audit

1 Commission may by resolution specify additional determinations
2 to be included in the scope of the audit.

3 In addition to the foregoing, the Auditor General must
4 also conduct a financial audit of the Illinois Sports
5 Facilities Authority's expenditures of public funds in
6 connection with the reconstruction, renovation, remodeling,
7 extension, or improvement of all or substantially all of any
8 existing "facility", as that term is defined in the Illinois
9 Sports Facilities Authority Act.

10 The Auditor General may also conduct an audit, when
11 authorized by the Legislative Audit Commission, of any
12 hospital which receives 10% or more of its gross revenues from
13 payments from the State of Illinois, Department of Healthcare
14 and Family Services (formerly Department of Public Aid),
15 Medical Assistance Program.

16 The Auditor General is authorized to conduct financial and
17 compliance audits of the Illinois Distance Learning Foundation
18 and the Illinois Conservation Foundation.

19 As soon as practical after the effective date of this
20 amendatory Act of 1995, the Auditor General shall conduct a
21 compliance and management audit of the City of Chicago and any
22 other entity with regard to the operation of Chicago O'Hare
23 International Airport, Chicago Midway Airport and Merrill C.
24 Meigs Field. The audit shall include, but not be limited to, an
25 examination of revenues, expenses, and transfers of funds;
26 purchasing and contracting policies and practices; staffing

1 levels; and hiring practices and procedures. When completed,
2 the audit required by this paragraph shall be distributed in
3 accordance with Section 3-14.

4 The Auditor General shall conduct a financial and
5 compliance and program audit of distributions from the
6 Municipal Economic Development Fund during the immediately
7 preceding calendar year pursuant to Section 8-403.1 of the
8 Public Utilities Act at no cost to the city, village, or
9 incorporated town that received the distributions.

10 The Auditor General must conduct an audit of the Health
11 Facilities and Services Review Board pursuant to Section 19.5
12 of the Illinois Health Facilities Planning Act.

13 The Auditor General of the State of Illinois shall
14 annually conduct or cause to be conducted a financial and
15 compliance audit of the books and records of any county water
16 commission organized pursuant to the Water Commission Act of
17 1985 and shall file a copy of the report of that audit with the
18 Governor and the Legislative Audit Commission. The filed audit
19 shall be open to the public for inspection. The cost of the
20 audit shall be charged to the county water commission in
21 accordance with Section 6z-27 of the State Finance Act. The
22 county water commission shall make available to the Auditor
23 General its books and records and any other documentation,
24 whether in the possession of its trustees or other parties,
25 necessary to conduct the audit required. These audit
26 requirements apply only through July 1, 2007.

1 The Auditor General must conduct audits of the Rend Lake
2 Conservancy District as provided in Section 25.5 of the River
3 Conservancy Districts Act.

4 The Auditor General must conduct financial audits of the
5 Southeastern Illinois Economic Development Authority as
6 provided in Section 70 of the Southeastern Illinois Economic
7 Development Authority Act.

8 The Auditor General shall conduct a compliance audit in
9 accordance with subsections (d) and (f) of Section 30 of the
10 Innovation Development and Economy Act.

11 (Source: P.A. 95-331, eff. 8-21-07; 96-31, eff. 6-30-09;
12 96-939, eff. 6-24-10.)

13 (30 ILCS 5/3-2.3 rep.)

14 Section 20.12a. The Illinois State Auditing Act is amended
15 by repealing Section 3-2.3.

16 Section 20.13. The State Finance Act is amended by
17 changing Sections 5.277, 5.918, 6z-17, 6z-20, 6z-27, 6z-109,
18 8.25g, and 8.3 and by adding Sections 5.1030 and 5.1031 as
19 follows:

20 (30 ILCS 105/5.277) (from Ch. 127, par. 141.277)

21 Sec. 5.277. The Metropolitan Mobility ~~Regional~~
22 ~~Transportation~~ Authority Occupation and Use Tax Replacement
23 Fund.

1 (Source: P.A. 86-928; 86-1028.)

2 (30 ILCS 105/5.918)

3 Sec. 5.918. The Metropolitan Mobility ~~Regional~~
4 ~~Transportation~~ Authority Capital Improvement Fund.

5 (Source: P.A. 101-31, eff. 6-28-19; 101-32, eff. 6-28-19;
6 102-558, eff. 8-20-21.)

7 (30 ILCS 105/5.1030 new)

8 Sec. 5.1030. The Transit-Supportive Development Fund.

9 (30 ILCS 105/5.1031 new)

10 Sec. 5.1031. The Metropolitan Mobility Authority
11 Additional Operating Funding Fund.

12 (30 ILCS 105/6z-17) (from Ch. 127, par. 142z-17)

13 Sec. 6z-17. State and Local Sales Tax Reform Fund.

14 (a) After deducting the amount transferred to the Tax
15 Compliance and Administration Fund under subsection (b), of
16 the money paid into the State and Local Sales Tax Reform Fund:
17 (i) subject to appropriation to the Department of Revenue,
18 Municipalities having 1,000,000 or more inhabitants shall
19 receive 20% and may expend such amount to fund and establish a
20 program for developing and coordinating public and private
21 resources targeted to meet the affordable housing needs of
22 low-income and very low-income households within such

1 municipality, (ii) 10% shall be transferred into the
 2 Metropolitan Mobility ~~Regional Transportation~~ Authority
 3 Occupation and Use Tax Replacement Fund, a special fund in the
 4 State treasury which is hereby created, (iii) until July 1,
 5 2013, subject to appropriation to the Department of
 6 Transportation, the Madison County Mass Transit District shall
 7 receive .6%, and beginning on July 1, 2013, subject to
 8 appropriation to the Department of Revenue, 0.6% shall be
 9 distributed each month out of the Fund to the Madison County
 10 Mass Transit District, (iv) the following amounts, plus any
 11 cumulative deficiency in such transfers for prior months,
 12 shall be transferred monthly into the Build Illinois Fund and
 13 credited to the Build Illinois Bond Account therein:

14 Fiscal Year	Amount
15 1990	\$2,700,000
16 1991	1,850,000
17 1992	2,750,000
18 1993	2,950,000

19 From Fiscal Year 1994 through Fiscal Year 2025 the
 20 transfer shall total \$3,150,000 monthly, plus any cumulative
 21 deficiency in such transfers for prior months, and (v) the
 22 remainder of the money paid into the State and Local Sales Tax
 23 Reform Fund shall be transferred into the Local Government
 24 Distributive Fund and, except for municipalities with
 25 1,000,000 or more inhabitants which shall receive no portion
 26 of such remainder, shall be distributed, subject to

1 appropriation, in the manner provided by Section 2 of "An Act
2 in relation to State revenue sharing with local government
3 entities", approved July 31, 1969, as now or hereafter
4 amended. Municipalities with more than 50,000 inhabitants
5 according to the 1980 U.S. Census and located within the Metro
6 East Mass Transit District receiving funds pursuant to
7 provision (v) of this paragraph may expend such amounts to
8 fund and establish a program for developing and coordinating
9 public and private resources targeted to meet the affordable
10 housing needs of low-income and very low-income households
11 within such municipality.

12 Moneys transferred from the Grocery Tax Replacement Fund
13 to the State and Local Sales Tax Reform Fund under Section
14 6z-130 shall be treated under this Section in the same manner
15 as if they had been remitted with the return on which they were
16 reported.

17 (b) Beginning on the first day of the first calendar month
18 to occur on or after the effective date of this amendatory Act
19 of the 98th General Assembly, each month the Department of
20 Revenue shall certify to the State Comptroller and the State
21 Treasurer, and the State Comptroller shall order transferred
22 and the State Treasurer shall transfer from the State and
23 Local Sales Tax Reform Fund to the Tax Compliance and
24 Administration Fund, an amount equal to 1/12 of 5% of 20% of
25 the cash receipts collected during the preceding fiscal year
26 by the Audit Bureau of the Department of Revenue under the Use

1 Tax Act, the Service Use Tax Act, the Service Occupation Tax
2 Act, the Retailers' Occupation Tax Act, and associated local
3 occupation and use taxes administered by the Department. The
4 amount distributed under subsection (a) each month shall first
5 be reduced by the amount transferred to the Tax Compliance and
6 Administration Fund under this subsection (b). Moneys
7 transferred to the Tax Compliance and Administration Fund
8 under this subsection (b) shall be used, subject to
9 appropriation, to fund additional auditors and compliance
10 personnel at the Department of Revenue.

11 (Source: P.A. 102-700, eff. 4-19-22.)

12 (30 ILCS 105/6z-20) (from Ch. 127, par. 142z-20)

13 Sec. 6z-20. County and Mass Transit District Fund. Of the
14 money received from the 6.25% general rate (and, beginning
15 July 1, 2000 and through December 31, 2000, the 1.25% rate on
16 motor fuel and gasohol, and beginning on August 6, 2010
17 through August 15, 2010, and beginning again on August 5, 2022
18 through August 14, 2022, the 1.25% rate on sales tax holiday
19 items) on sales subject to taxation under the Retailers'
20 Occupation Tax Act and Service Occupation Tax Act and paid
21 into the County and Mass Transit District Fund, distribution
22 to the Metropolitan Mobility Authority Occupation and Use Tax
23 Replacement Fund ~~Regional Transportation Authority tax fund,~~
24 created pursuant to Section 6.02 ~~4.03~~ of the Metropolitan
25 Mobility ~~Regional Transportation~~ Authority Act, for deposit

1 therein shall be made based upon the retail sales occurring in
2 a county having more than 3,000,000 inhabitants. The remainder
3 shall be distributed to each county having 3,000,000 or fewer
4 inhabitants based upon the retail sales occurring in each such
5 county.

6 For the purpose of determining allocation to the local
7 government unit, a retail sale by a producer of coal or other
8 mineral mined in Illinois is a sale at retail at the place
9 where the coal or other mineral mined in Illinois is extracted
10 from the earth. This paragraph does not apply to coal or other
11 mineral when it is delivered or shipped by the seller to the
12 purchaser at a point outside Illinois so that the sale is
13 exempt under the United States Constitution as a sale in
14 interstate or foreign commerce.

15 Of the money received from the 6.25% general use tax rate
16 on tangible personal property which is purchased outside
17 Illinois at retail from a retailer and which is titled or
18 registered by any agency of this State's government and paid
19 into the County and Mass Transit District Fund, the amount for
20 which Illinois addresses for titling or registration purposes
21 are given as being in each county having more than 3,000,000
22 inhabitants shall be distributed into the Metropolitan
23 Mobility Authority Occupation and Use Tax Replacement Fund
24 ~~Regional Transportation Authority tax fund~~, created pursuant
25 to Section 6.02 ~~4.03~~ of the Metropolitan Mobility ~~Regional~~
26 ~~Transportation~~ Authority Act. The remainder of the money paid

1 from such sales shall be distributed to each county based on
2 sales for which Illinois addresses for titling or registration
3 purposes are given as being located in the county. ~~Any money~~
4 ~~paid into the Regional Transportation Authority Occupation and~~
5 ~~Use Tax Replacement Fund from the County and Mass Transit~~
6 ~~District Fund prior to January 14, 1991, which has not been~~
7 ~~paid to the Authority prior to that date, shall be transferred~~
8 ~~to the Regional Transportation Authority tax fund.~~

9 Whenever the Department determines that a refund of money
10 paid into the County and Mass Transit District Fund should be
11 made to a claimant instead of issuing a credit memorandum, the
12 Department shall notify the State Comptroller, who shall cause
13 the order to be drawn for the amount specified, and to the
14 person named, in such notification from the Department. Such
15 refund shall be paid by the State Treasurer out of the County
16 and Mass Transit District Fund.

17 As soon as possible after the first day of each month,
18 beginning January 1, 2011, upon certification of the
19 Department of Revenue, the Comptroller shall order
20 transferred, and the Treasurer shall transfer, to the STAR
21 Bonds Revenue Fund the local sales tax increment, as defined
22 in the Innovation Development and Economy Act, collected
23 during the second preceding calendar month for sales within a
24 STAR bond district and deposited into the County and Mass
25 Transit District Fund, less 3% of that amount, which shall be
26 transferred into the Tax Compliance and Administration Fund

1 and shall be used by the Department, subject to appropriation,
2 to cover the costs of the Department in administering the
3 Innovation Development and Economy Act.

4 After the monthly transfer to the STAR Bonds Revenue Fund,
5 on or before the 25th day of each calendar month, the
6 Department shall prepare and certify to the Comptroller the
7 disbursement of stated sums of money to the Metropolitan
8 Mobility ~~Regional Transportation~~ Authority and to named
9 counties, the counties to be those entitled to distribution,
10 as hereinabove provided, of taxes or penalties paid to the
11 Department during the second preceding calendar month. The
12 amount to be paid to the Metropolitan Mobility ~~Regional~~
13 ~~Transportation~~ Authority and each county having 3,000,000 or
14 fewer inhabitants shall be the amount (not including credit
15 memoranda) collected during the second preceding calendar
16 month by the Department and paid into the County and Mass
17 Transit District Fund, plus an amount the Department
18 determines is necessary to offset any amounts which were
19 erroneously paid to a different taxing body, and not including
20 an amount equal to the amount of refunds made during the second
21 preceding calendar month by the Department, and not including
22 any amount which the Department determines is necessary to
23 offset any amounts which were payable to a different taxing
24 body but were erroneously paid to the Metropolitan Mobility
25 ~~Regional Transportation~~ Authority or county, and not including
26 any amounts that are transferred to the STAR Bonds Revenue

1 Fund, less 1.5% of the amount to be paid to the Metropolitan
2 Mobility ~~Regional Transportation~~ Authority, which shall be
3 transferred into the Tax Compliance and Administration Fund.
4 The Department, at the time of each monthly disbursement to
5 the Metropolitan Mobility ~~Regional Transportation~~ Authority,
6 shall prepare and certify to the State Comptroller the amount
7 to be transferred into the Tax Compliance and Administration
8 Fund under this Section. Within 10 days after receipt, by the
9 Comptroller, of the disbursement certification to the
10 Metropolitan Mobility ~~Regional Transportation~~ Authority,
11 counties, and the Tax Compliance and Administration Fund
12 provided for in this Section to be given to the Comptroller by
13 the Department, the Comptroller shall cause the orders to be
14 drawn for the respective amounts in accordance with the
15 directions contained in such certification.

16 When certifying the amount of a monthly disbursement to
17 the Metropolitan Mobility ~~Regional Transportation~~ Authority or
18 to a county under this Section, the Department shall increase
19 or decrease that amount by an amount necessary to offset any
20 misallocation of previous disbursements. The offset amount
21 shall be the amount erroneously disbursed within the 6 months
22 preceding the time a misallocation is discovered.

23 The provisions directing the distributions from the
24 special fund in the State treasury ~~Treasury~~ provided for in
25 this Section and from the Metropolitan Mobility Authority
26 Occupation and Use Tax Replacement Fund ~~Regional~~

1 ~~Transportation Authority tax fund~~ created by Section 6.02 ~~4.03~~
2 of the Metropolitan Mobility ~~Regional Transportation~~ Authority
3 Act shall constitute an irrevocable and continuing
4 appropriation of all amounts as provided herein. The State
5 Treasurer and State Comptroller are hereby authorized to make
6 distributions as provided in this Section.

7 In construing any development, redevelopment, annexation,
8 preannexation or other lawful agreement in effect prior to
9 September 1, 1990, which describes or refers to receipts from
10 a county or municipal retailers' occupation tax, use tax or
11 service occupation tax which now cannot be imposed, such
12 description or reference shall be deemed to include the
13 replacement revenue for such abolished taxes, distributed from
14 the County and Mass Transit District Fund or Local Government
15 Distributive Fund, as the case may be.

16 (Source: P.A. 102-700, eff. 4-19-22.)

17 (30 ILCS 105/6z-27)

18 Sec. 6z-27. All moneys in the Audit Expense Fund shall be
19 transferred, appropriated and used only for the purposes
20 authorized by, and subject to the limitations and conditions
21 prescribed by, the Illinois State Auditing Act.

22 Within 30 days after July 1, 2024, or as soon thereafter as
23 practical, the State Comptroller shall order transferred and
24 the State Treasurer shall transfer from the following funds
25 moneys in the specified amounts for deposit into the Audit

1	Expense Fund:	
2	Attorney General Court Ordered and Voluntary	
3	Compliance Payment Projects Fund	\$22,470
4	Aggregate Operations Regulatory Fund	\$605
5	Agricultural Premium Fund.....	\$21,002
6	Attorney General's State Projects and	
7	Court Ordered Distribution Fund.....	\$36,873
8	Anna Veterans Home Fund	\$1,205
9	Appraisal Administration Fund.....	\$2,670
10	Attorney General Whistleblower Reward	
11	and Protection Fund.....	\$938
12	Bank and Trust Company Fund	\$82,945
13	Brownfields Redevelopment Fund	\$1,893
14	Cannabis Business Development Fund	\$15,750
15	Cannabis Expungement Fund.....	\$2,511
16	Capital Development Board Revolving Fund	\$4,668
17	Care Provider Fund for Persons with	
18	a Developmental Disability	\$6,794
19	CDLIS/AAMVAnet/NMVTIS Trust Fund	\$1,679
20	Cemetery Oversight Licensing and Disciplinary Fund	\$6,187
21	Chicago State University Education Improvement Fund..	\$16,893
22	Chicago Travel Industry Promotion Fund	\$9,146
23	Child Support Administrative Fund.....	\$2,669
24	Clean Air Act Permit Fund	\$11,283
25	Coal Technology Development Assistance Fund.....	\$22,087
26	Community Association Manager	

1	Licensing and Disciplinary Fund	\$1,178
2	Commitment to Human Services Fund	\$259,050
3	Common School Fund	\$385,362
4	Community Mental Health Medicaid Trust Fund	\$6,972
5	Community Water Supply Laboratory Fund	\$835
6	Credit Union Fund	\$21,944
7	Cycle Rider Safety Training Fund	\$704
8	DCFS Children's Services Fund	\$164,036
9	Department of Business Services Special Operations Fund	\$4,564
10	Department of Corrections Reimbursement	
11	and Education Fund	\$23,892
12	Design Professionals Administration	
13	and Investigation Fund	\$3,892
14	Department of Human Services Community Services Fund ..	\$6,314
15	Downstate Public Transportation Fund	\$40,428
16	Drivers Education Fund	\$904
17	Drug Rebate Fund	\$40,707
18	Drug Treatment Fund	\$810
19	Drycleaner Environmental Response Trust Fund	\$1,555
20	Education Assistance Fund	\$2,347,928
21	Electric Vehicle Rebate Fund	\$24,101
22	Energy Efficiency Trust Fund	\$955
23	Energy Transition Assistance Fund	\$1,193
24	Environmental Protection Permit and Inspection Fund ..	\$17,475
25	Facilities Management Revolving Fund	\$21,298
26	Fair and Exposition Fund	\$782

1	Federal Asset Forfeiture Fund	\$1,195
2	Federal High Speed Rail Trust Fund	\$910
3	Federal Workforce Training Fund	\$113,609
4	Feed Control Fund	\$1,263
5	Fertilizer Control Fund	\$778
6	Fire Prevention Fund	\$4,470
7	Freedom Schools Fund	\$636
8	Fund for the Advancement of Education	\$61,767
9	General Professions Dedicated Fund	\$36,108
10	General Revenue Fund	\$17,653,153
11	Grade Crossing Protection Fund	\$7,759
12	Hazardous Waste Fund	\$9,036
13	Health and Human Services Medicaid Trust Fund	\$793
14	Healthcare Provider Relief Fund	\$209,863
15	Historic Property Administrative Fund	\$791
16	Horse Racing Fund	\$233,685
17	Hospital Provider Fund	\$66,984
18	Illinois Affordable Housing Trust Fund	\$30,424
19	Illinois Charity Bureau Fund	\$2,025
20	Illinois Clean Water Fund	\$18,928
21	Illinois Forestry Development Fund	\$13,054
22	Illinois Gaming Law Enforcement Fund	\$1,411
23	IMSA Income Fund	\$10,499
24	Illinois Military Family Relief Fund	\$2,963
25	Illinois National Guard Construction Fund	\$4,944
26	Illinois Power Agency Operations Fund	\$154,375

1	Illinois State Dental Disciplinary Fund	\$3,947
2	Illinois State Fair Fund	\$5,871
3	Illinois State Medical Disciplinary Fund	\$32,809
4	Illinois State Pharmacy Disciplinary Fund	\$10,993
5	Illinois Student Assistance Commission	
6	Contracts and Grants Fund	\$950
7	Illinois Veterans Assistance Fund	\$2,738
8	Illinois Veterans' Rehabilitation Fund	\$685
9	Illinois Wildlife Preservation Fund	\$2,646
10	Illinois Workers' Compensation Commission	
11	Operations Fund	\$94,942
12	Illinois Works Fund	\$5,577
13	Income Tax Refund Fund	\$232,364
14	Insurance Financial Regulation Fund	\$158,266
15	Insurance Premium Tax Refund Fund	\$10,972
16	Insurance Producer Administration Fund	\$208,185
17	International Tourism Fund	\$1,317
18	LaSalle Veterans Home Fund	\$2,656
19	Law Enforcement Recruitment and Retention Fund	\$10,249
20	Law Enforcement Training Fund	\$28,714
21	LEADS Maintenance Fund	\$573
22	Live and Learn Fund	\$8,419
23	Local Government Distributive Fund	\$120,745
24	Local Tourism Fund	\$16,582
25	Long Term Care Ombudsman Fund	\$635
26	Long-Term Care Provider Fund	\$10,352

1	Manteno Veterans Home Fund	\$3,941
2	Mental Health Fund	\$3,560
3	Mental Health Reporting Fund	\$878
4	Military Affairs Trust Fund	\$1,017
5	Monitoring Device Driving Permit	
6	Administration Fee Fund	\$657
7	Motor Carrier Safety Inspection Fund	\$1,892
8	Motor Fuel Tax Fund	\$124,570
9	Motor Vehicle License Plate Fund	\$6,363
10	Nursing Dedicated and Professional Fund	\$14,671
11	Off-Highway Vehicle Trails Fund	\$1,431
12	Open Space Lands Acquisition and Development Fund	\$67,764
13	Optometric Licensing and Disciplinary Board Fund	\$922
14	Parity Advancement Fund	\$9,349
15	Partners For Conservation Fund	\$25,309
16	Pawnbroker Regulation Fund	\$659
17	Pension Stabilization Fund	\$3,009
18	Personal Property Tax Replacement Fund	\$251,569
19	Pesticide Control Fund	\$4,715
20	Prisoner Review Board Vehicle and Equipment Fund	\$3,035
21	Professional Services Fund	\$3,093
22	Professions Indirect Cost Fund	\$194,398
23	Public Pension Regulation Fund	\$3,519
24	Public Transportation Fund	\$108,264
25	Quincy Veterans Home Fund	\$25,455
26	Real Estate License Administration Fund	\$27,976

1	Rebuild Illinois Projects Fund	\$3,682
2	Regional Transportation Authority Occupation	
3	and Use Tax Replacement Fund <u>(now the</u>	
4	<u>Metropolitan Mobility Authority Occupation</u>	
5	<u>and Use Tax Replacement Fund)</u>	\$3,226
6	Registered Certified Public Accountants' Administration	
7	and Disciplinary Fund	\$3,213
8	Renewable Energy Resources Trust Fund	\$2,463
9	Rental Housing Support Program Fund	\$560
10	Residential Finance Regulatory Fund	\$21,672
11	Road Fund	\$524,729
12	Salmon Fund	\$837
13	Savings Bank Regulatory Fund	\$528
14	School Infrastructure Fund	\$10,122
15	Secretary of State DUI Administration Fund	\$1,021
16	Secretary of State Identification Security and	
17	Theft Prevention Fund	\$4,877
18	Secretary of State Special License Plate Fund	\$1,410
19	Secretary of State Special Services Fund	\$11,665
20	Securities Audit and Enforcement Fund	\$2,279
21	Serve Illinois Commission Fund	\$950
22	Snowmobile Trail Establishment Fund	\$653
23	Solid Waste Management Fund	\$17,540
24	Special Education Medicaid Matching Fund	\$2,916
25	Sports Wagering Fund	\$14,696
26	State Police Law Enforcement Administration Fund	\$3,635

1	State and Local Sales Tax Reform Fund	\$6,676
2	State Asset Forfeiture Fund	\$1,445
3	State Aviation Program Fund	\$2,125
4	State Construction Account Fund	\$151,079
5	State Crime Laboratory Fund	\$6,342
6	State Gaming Fund	\$216,475
7	State Garage Revolving Fund	\$4,892
8	State Lottery Fund	\$106,169
9	State Pensions Fund	\$500,000
10	State Police Firearm Services Fund	\$16,049
11	State Police Services Fund	\$20,688
12	State Police Vehicle Fund	\$7,562
13	State Police Whistleblower Reward	
14	and Protection Fund	\$3,858
15	State Small Business Credit Initiative Fund	\$20,739
16	State's Attorneys Appellate	
17	Prosecutor's County Fund	\$20,621
18	Subtitle D Management Fund	\$2,669
19	Supplemental Low-Income Energy Assistance Fund	\$158,173
20	Tax Compliance and Administration Fund	\$3,789
21	Technology Management Revolving Fund	\$620,435
22	Tobacco Settlement Recovery Fund	\$4,747
23	Tourism Promotion Fund	\$46,998
24	Traffic and Criminal Conviction Surcharge Fund	\$41,173
25	Underground Storage Tank Fund	\$31,314
26	University of Illinois Hospital Services Fund	\$3,257

1 Vehicle Hijacking and Motor Vehicle Theft

2 Prevention and Insurance Verification Trust Fund .. \$8,183

3 Vehicle Inspection Fund..... \$19,811

4 Weights and Measures Fund..... \$3,636

5 Notwithstanding any provision of the law to the contrary,
6 the General Assembly hereby authorizes the use of such funds
7 for the purposes set forth in this Section.

8 These provisions do not apply to funds classified by the
9 Comptroller as federal trust funds or State trust funds. The
10 Audit Expense Fund may receive transfers from those trust
11 funds only as directed herein, except where prohibited by the
12 terms of the trust fund agreement. The Auditor General shall
13 notify the trustees of those funds of the estimated cost of the
14 audit to be incurred under the Illinois State Auditing Act for
15 the fund. The trustees of those funds shall direct the State
16 Comptroller and Treasurer to transfer the estimated amount to
17 the Audit Expense Fund.

18 The Auditor General may bill entities that are not subject
19 to the above transfer provisions, including private entities,
20 related organizations and entities whose funds are
21 locally-held, for the cost of audits, studies, and
22 investigations incurred on their behalf. Any revenues received
23 under this provision shall be deposited into the Audit Expense
24 Fund.

25 In the event that moneys on deposit in any fund are
26 unavailable, by reason of deficiency or any other reason

1 preventing their lawful transfer, the State Comptroller shall
2 order transferred and the State Treasurer shall transfer the
3 amount deficient or otherwise unavailable from the General
4 Revenue Fund for deposit into the Audit Expense Fund.

5 On or before December 1, 1992, and each December 1
6 thereafter, the Auditor General shall notify the Governor's
7 Office of Management and Budget (formerly Bureau of the
8 Budget) of the amount estimated to be necessary to pay for
9 audits, studies, and investigations in accordance with the
10 Illinois State Auditing Act during the next succeeding fiscal
11 year for each State fund for which a transfer or reimbursement
12 is anticipated.

13 Beginning with fiscal year 1994 and during each fiscal
14 year thereafter, the Auditor General may direct the State
15 Comptroller and Treasurer to transfer moneys from funds
16 authorized by the General Assembly for that fund. In the event
17 funds, including federal and State trust funds but excluding
18 the General Revenue Fund, are transferred, during fiscal year
19 1994 and during each fiscal year thereafter, in excess of the
20 amount to pay actual costs attributable to audits, studies,
21 and investigations as permitted or required by the Illinois
22 State Auditing Act or specific action of the General Assembly,
23 the Auditor General shall, on September 30, or as soon
24 thereafter as is practicable, direct the State Comptroller and
25 Treasurer to transfer the excess amount back to the fund from
26 which it was originally transferred.

1 (Source: P.A. 102-16, eff. 6-17-21; 102-699, eff. 4-19-22;
2 103-8, eff. 6-7-23; 103-129, eff. 6-30-23; 103-588, eff.
3 6-5-24.)

4 (30 ILCS 105/6z-109)

5 Sec. 6z-109. Metropolitan Mobility ~~Regional Transportation~~
6 Authority Capital Improvement Fund.

7 (a) The Metropolitan Mobility ~~Regional Transportation~~
8 Authority Capital Improvement Fund is created as a special
9 fund in the State treasury and shall receive a portion of the
10 moneys deposited into the Transportation Renewal Fund from
11 Motor Fuel Tax revenues pursuant to Section 8b of the Motor
12 Fuel Tax Law.

13 (b) Money in the Metropolitan Mobility ~~Regional~~
14 ~~Transportation~~ Authority Capital Improvement Fund shall be
15 used exclusively for transportation-related purposes as
16 described in Section 11 of Article IX of the Illinois
17 Constitution of 1970.

18 (Source: P.A. 101-30, eff. 6-28-19.)

19 (30 ILCS 105/8.3)

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

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

4 first -- to pay the cost of administration of Chapters
5 2 through 10 of the Illinois Vehicle Code, except the cost
6 of administration of Articles I and II of Chapter 3 of that
7 Code, and to pay the costs of the Executive Ethics
8 Commission for oversight and administration of the Chief
9 Procurement Officer appointed under paragraph (2) of
10 subsection (a) of Section 10-20 of the Illinois
11 Procurement Code for transportation; and

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

1 to determine the reasonably anticipated future highway
2 needs; or for making of surveys, plans, specifications and
3 estimates for and in the construction and maintenance of
4 flight strips and of highways necessary to provide access
5 to military and naval reservations, to defense industries
6 and defense-industry sites, and to the sources of raw
7 materials and for replacing existing highways and highway
8 connections shut off from general public use at military
9 and naval reservations and defense-industry sites, or for
10 the purchase of right-of-way, except that the State shall
11 be reimbursed in full for any expense incurred in building
12 the flight strips; or for the operating and maintaining of
13 highway garages; or for patrolling and policing the public
14 highways and conserving the peace; or for the operating
15 expenses of the Department relating to the administration
16 of public transportation programs; or, during fiscal year
17 2024, for the purposes of a grant not to exceed \$9,108,400
18 to the Regional Transportation Authority (now the
19 Metropolitan Mobility Transportation Authority) on behalf
20 of PACE for the purpose of ADA/Para-transit expenses; or,
21 during fiscal year 2025, for the purposes of a grant not to
22 exceed \$10,020,000 to the Regional Transportation
23 Authority (now the Metropolitan Mobility Transportation
24 Authority) on behalf of PACE for the purpose of
25 ADA/Para-transit expenses; or for any of those purposes or
26 any other purpose that may be provided by law.

1 Appropriations for any of those purposes are payable from
2 the Road Fund. Appropriations may also be made from the Road
3 Fund for the administrative expenses of any State agency that
4 are related to motor vehicles or arise from the use of motor
5 vehicles.

6 Beginning with fiscal year 1980 and thereafter, no Road
7 Fund monies shall be appropriated to the following Departments
8 or agencies of State government for administration, grants, or
9 operations; but this limitation is not a restriction upon
10 appropriating for those purposes any Road Fund monies that are
11 eligible for federal reimbursement:

- 12 1. Department of Public Health;
- 13 2. Department of Transportation, only with respect to
14 subsidies for one-half fare Student Transportation and
15 Reduced Fare for Elderly, except fiscal year 2024 when no
16 more than \$19,063,500 may be expended and except fiscal
17 year 2025 when no more than \$20,969,900 may be expended;
- 18 3. Department of Central Management Services, except
19 for expenditures incurred for group insurance premiums of
20 appropriate personnel;
- 21 4. Judicial Systems and Agencies.

22 Beginning with fiscal year 1981 and thereafter, no Road
23 Fund monies shall be appropriated to the following Departments
24 or agencies of State government for administration, grants, or
25 operations; but this limitation is not a restriction upon
26 appropriating for those purposes any Road Fund monies that are

1 eligible for federal reimbursement:

2 1. Illinois State Police, except for expenditures with
3 respect to the Division of Patrol and Division of Criminal
4 Investigation;

5 2. Department of Transportation, only with respect to
6 Intercity Rail Subsidies, except fiscal year 2024 when no
7 more than \$60,000,000 may be expended and except fiscal
8 year 2025 when no more than \$67,000,000 may be expended,
9 and Rail Freight Services.

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

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

1 1. Illinois State Police, except not more than 40% of
2 the funds appropriated for the Division of Patrol and
3 Division of Criminal Investigation;

4 2. State Officers.

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

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

24 first -- to pay the cost of administration of Chapters
25 2 through 10 of the Illinois Vehicle Code; and

26 secondly -- no Road Fund monies derived from fees,

1 excises, or license taxes relating to registration,
2 operation and use of vehicles on public highways or to
3 fuels used for the propulsion of those vehicles, shall be
4 appropriated or expended other than for costs of
5 administering the laws imposing those fees, excises, and
6 license taxes, statutory refunds and adjustments allowed
7 thereunder, administrative costs of the Department of
8 Transportation, including, but not limited to, the
9 operating expenses of the Department relating to the
10 administration of public transportation programs, payment
11 of debts and liabilities incurred in construction and
12 reconstruction of public highways and bridges, acquisition
13 of rights-of-way for and the cost of construction,
14 reconstruction, maintenance, repair, and operation of
15 public highways and bridges under the direction and
16 supervision of the State, political subdivision, or
17 municipality collecting those monies, or during fiscal
18 year 2024 for the purposes of a grant not to exceed
19 \$9,108,400 to the Regional Transportation Authority (now
20 the Metropolitan Mobility Transportation Authority) on
21 behalf of PACE for the purpose of ADA/Para-transit
22 expenses, or during fiscal year 2025 for the purposes of a
23 grant not to exceed \$10,020,000 to the Regional
24 Transportation Authority (now the Metropolitan Mobility
25 Transportation Authority) on behalf of PACE for the
26 purpose of ADA/Para-transit expenses, and the costs for

1 patrolling and policing the public highways (by the State,
2 political subdivision, or municipality collecting that
3 money) for enforcement of traffic laws. The separation of
4 grades of such highways with railroads and costs
5 associated with protection of at-grade highway and
6 railroad crossing shall also be permissible.

7 Appropriations for any of such purposes are payable from
8 the Road Fund or the Grade Crossing Protection Fund as
9 provided in Section 8 of the Motor Fuel Tax Law.

10 Except as provided in this paragraph, beginning with
11 fiscal year 1991 and thereafter, no Road Fund monies shall be
12 appropriated to the Illinois State Police for the purposes of
13 this Section in excess of its total fiscal year 1990 Road Fund
14 appropriations for those purposes unless otherwise provided in
15 Section 5g of this Act. For fiscal years 2003, 2004, 2005,
16 2006, and 2007 only, no Road Fund monies shall be appropriated
17 to the Department of State Police for the purposes of this
18 Section in excess of \$97,310,000. For fiscal year 2008 only,
19 no Road Fund monies shall be appropriated to the Department of
20 State Police for the purposes of this Section in excess of
21 \$106,100,000. For fiscal year 2009 only, no Road Fund monies
22 shall be appropriated to the Department of State Police for
23 the purposes of this Section in excess of \$114,700,000.
24 Beginning in fiscal year 2010, no Road Fund moneys shall be
25 appropriated to the Illinois State Police. It shall not be
26 lawful to circumvent this limitation on appropriations by

1 governmental reorganization or other methods unless otherwise
2 provided in Section 5g of this Act.

3 In fiscal year 1994, no Road Fund monies shall be
4 appropriated to the Secretary of State for the purposes of
5 this Section in excess of the total fiscal year 1991 Road Fund
6 appropriations to the Secretary of State for those purposes,
7 plus \$9,800,000. It shall not be lawful to circumvent this
8 limitation on appropriations by governmental reorganization or
9 other method.

10 Beginning with fiscal year 1995 and thereafter, no Road
11 Fund monies shall be appropriated to the Secretary of State
12 for the purposes of this Section in excess of the total fiscal
13 year 1994 Road Fund appropriations to the Secretary of State
14 for those purposes. It shall not be lawful to circumvent this
15 limitation on appropriations by governmental reorganization or
16 other methods.

17 Beginning with fiscal year 2000, total Road Fund
18 appropriations to the Secretary of State for the purposes of
19 this Section shall not exceed the amounts specified for the
20 following fiscal years:

21	Fiscal Year 2000	\$80,500,000;
22	Fiscal Year 2001	\$80,500,000;
23	Fiscal Year 2002	\$80,500,000;
24	Fiscal Year 2003	\$130,500,000;
25	Fiscal Year 2004	\$130,500,000;
26	Fiscal Year 2005	\$130,500,000;

1	Fiscal Year 2006	\$130,500,000;
2	Fiscal Year 2007	\$130,500,000;
3	Fiscal Year 2008	\$130,500,000;
4	Fiscal Year 2009	\$130,500,000.

5 For fiscal year 2010, no road fund moneys shall be
6 appropriated to the Secretary of State.

7 Beginning in fiscal year 2011, moneys in the Road Fund
8 shall be appropriated to the Secretary of State for the
9 exclusive purpose of paying refunds due to overpayment of fees
10 related to Chapter 3 of the Illinois Vehicle Code unless
11 otherwise provided for by law.

12 Beginning in fiscal year 2025, moneys in the Road Fund may
13 be appropriated to the Environmental Protection Agency for the
14 exclusive purpose of making deposits into the Electric Vehicle
15 Rebate Fund, subject to appropriation, to be used for purposes
16 consistent with Section 11 of Article IX of the Illinois
17 Constitution.

18 It shall not be lawful to circumvent this limitation on
19 appropriations by governmental reorganization or other
20 methods.

21 No new program may be initiated in fiscal year 1991 and
22 thereafter that is not consistent with the limitations imposed
23 by this Section for fiscal year 1984 and thereafter, insofar
24 as appropriation of Road Fund monies is concerned.

25 Nothing in this Section prohibits transfers from the Road
26 Fund to the State Construction Account Fund under Section 5e

1 of this Act; nor to the General Revenue Fund, as authorized by
2 Public Act 93-25.

3 The additional amounts authorized for expenditure in this
4 Section by Public Acts 92-0600, 93-0025, 93-0839, and 94-91
5 shall be repaid to the Road Fund from the General Revenue Fund
6 in the next succeeding fiscal year that the General Revenue
7 Fund has a positive budgetary balance, as determined by
8 generally accepted accounting principles applicable to
9 government.

10 The additional amounts authorized for expenditure by the
11 Secretary of State and the Department of State Police in this
12 Section by Public Act 94-91 shall be repaid to the Road Fund
13 from the General Revenue Fund in the next succeeding fiscal
14 year that the General Revenue Fund has a positive budgetary
15 balance, as determined by generally accepted accounting
16 principles applicable to government.

17 (Source: P.A. 102-16, eff. 6-17-21; 102-538, eff. 8-20-21;
18 102-699, eff. 4-19-22; 102-813, eff. 5-13-22; 103-8, eff.
19 6-7-23; 103-34, eff. 1-1-24; 103-588, eff. 6-5-24; 103-605,
20 eff. 7-1-24; 103-616, eff. 7-1-24; revised 8-5-24.)

21 (30 ILCS 105/8.25g)

22 Sec. 8.25g. The Civic and Transit Infrastructure Fund. The
23 Civic and Transit Infrastructure Fund is created as a special
24 fund in the State treasury ~~Treasury~~. Money in the Civic and
25 Transit Infrastructure Fund shall, when the State of Illinois

1 incurs infrastructure indebtedness pursuant to the
2 public-private partnership entered into by the public agency
3 on behalf of the State of Illinois with private entity
4 pursuant to the Public-Private Partnership for Civic and
5 Transit Infrastructure Project Act, be used for the purpose of
6 paying and discharging monthly the principal and interest on
7 that infrastructure indebtedness then due and payable
8 consistent with the term established in the public-private
9 agreement entered into by the public agency on behalf of the
10 State of Illinois. The public agency shall, pursuant to its
11 authority under the Public-Private Partnership for Civic and
12 Transit Infrastructure Project Act, annually certify to the
13 State Comptroller and the State Treasurer the amount necessary
14 and required, during the fiscal year with respect to which the
15 certification is made, to pay the amounts due under the
16 Public-Private Partnership for Civic and Transit
17 Infrastructure Project Act. On or before the last day of each
18 month, the State Comptroller and State Treasurer shall
19 transfer the moneys required to be deposited into the Fund
20 under Section 3 of the Retailers' Occupation Tax Act and the
21 Public-Private Partnership for Civic and Transit
22 Infrastructure Project Act and shall pay from that Fund the
23 required amount certified by the public agency, plus any
24 cumulative deficiency in such transfers and payments for prior
25 months, to the public agency for distribution pursuant to the
26 Public-Private Partnership for Civic and Transit

1 Infrastructure Project Act. Such transferred amount shall be
2 sufficient to pay all amounts due under the Public-Private
3 Partnership for Civic and Transit Infrastructure Project Act.
4 Provided that all amounts deposited in the Fund have been paid
5 accordingly under the Public-Private Partnership for Civic and
6 Transit Infrastructure Project Act, all amounts remaining in
7 the Civic and Transit Infrastructure Fund shall be held in
8 that Fund for other subsequent payments required under the
9 Public-Private Partnership for Civic and Transit
10 Infrastructure Project Act. In the event the State fails to
11 pay the amount necessary and required under the Public-Private
12 Partnership for Civic and Transit Infrastructure Project Act
13 for any reason during the fiscal year with respect to which the
14 certification is made or if the State takes any steps that
15 result in an impact to the irrevocable, first priority pledge
16 of and lien on moneys on deposit in the Civic and Transit
17 Infrastructure Fund, the public agency shall certify such
18 delinquent amounts to the State Comptroller and the State
19 Treasurer and the State Comptroller and the State Treasurer
20 shall take all steps required to intercept the tax revenues
21 collected from within the boundary of the civic transit
22 infrastructure project pursuant to Section 3 of the Retailers'
23 Occupation Tax Act, Section 9 of the Use Tax Act, Section 9 of
24 the Service Use Tax Act, Section 9 of the Service Occupation
25 Tax Act, Section 6.02 ~~4.03~~ of the Metropolitan Mobility
26 ~~Regional Transportation~~ Authority Act, and Section 6 of the

1 Hotel Operators' Occupation Tax Act, and shall pay such
2 amounts to the Fund for distribution by the public agency for
3 the time period required to ensure that the State's
4 distribution requirements under the Public-Private Partnership
5 for Civic and Transit Infrastructure Project Act are fully
6 met.

7 As used in the Section, "private entity", "public-private
8 agreement", and "public agency" have meanings provided in
9 Section 25-10 of the Public-Private Partnership for Civic and
10 Transit Infrastructure Project Act.

11 (Source: P.A. 101-10, eff. 6-5-19; 102-558, eff. 8-20-21.)

12 Section 20.14. The State Officers and Employees Money
13 Disposition Act is amended by changing Section 2a as follows:

14 (30 ILCS 230/2a) (from Ch. 127, par. 172)

15 Sec. 2a. Every officer, board, commission, commissioner,
16 department, institute, arm, or agency to whom or to which this
17 Act applies is to notify the State Treasurer as to money paid
18 to him, her, or it under protest as provided in Section 2a.1,
19 and the Treasurer is to place the money in a special fund to be
20 known as the protest fund. At the expiration of 30 days from
21 the date of payment, the money is to be transferred from the
22 protest fund to the appropriate fund in which it would have
23 been placed had there been payment without protest unless the
24 party making that payment under protest has filed a complaint

1 and secured within that 30 days a temporary restraining order
2 or a preliminary injunction, restraining the making of that
3 transfer and unless, in addition, within that 30 days, a copy
4 of the temporary restraining order or preliminary injunction
5 has been served upon the State Treasurer and also upon the
6 officer, board, commission, commissioner, department,
7 institute, arm, or agency to whom or to which the payment under
8 protest was made, in which case the payment and such other
9 payments as are subsequently made under notice of protest, as
10 provided in Section 2a.1, by the same person, the transfer of
11 which payments is restrained by such temporary restraining
12 order or preliminary injunction, are to be held in the protest
13 fund until the final order or judgment of the court. The
14 judicial remedy herein provided, however, relates only to
15 questions which must be decided by the court in determining
16 the proper disposition of the moneys paid under protest. Any
17 authorized payment from the protest fund shall bear simple
18 interest at a rate equal to the average of the weekly rates at
19 issuance on 13-week U.S. Treasury Bills from the date of
20 deposit into the protest fund to the date of disbursement from
21 the protest fund. In cases involving temporary restraining
22 orders or preliminary injunctions entered March 10, 1982, or
23 thereafter, pursuant to this Section, when the party paying
24 under protest fails in the protest action the State Treasurer
25 shall determine if any moneys paid under protest were paid as a
26 result of assessments under the following provisions: the

1 Municipal Retailers' Occupation Tax Act, the Municipal Service
2 Occupation Tax Act, the Municipal Use Tax Act, the Municipal
3 Automobile Renting Occupation Tax Act, the Municipal
4 Automobile Renting Use Tax Act, Section 8-11-9 of the Illinois
5 Municipal Code, the Tourism, Conventions and Other Special
6 Events Promotion Act of 1967, the County Automobile Renting
7 Occupation Tax Act, the County Automobile Renting Use Tax Act,
8 Section 5-1034 of the Counties Code, Section 5.01 of the Local
9 Mass Transit District Act, the Downstate Public Transportation
10 Act, Section 6.02 ~~4.03~~ of the Metropolitan Mobility ~~Regional~~
11 ~~Transportation~~ Authority Act, subsections (c) and (d) of
12 Section 201 of the Illinois Income Tax Act, Section 2a.1 of the
13 Messages Tax Act, Section 2a.1 of the Gas Revenue Tax Act,
14 Section 2a.1 of the Public Utilities Revenue Act, and the
15 Water Company Invested Capital Tax Act. Any such moneys paid
16 under protest shall bear simple interest at a rate equal to the
17 average of the weekly rates at issuance on 13-week U.S.
18 Treasury Bills from the date of deposit into the protest fund
19 to the date of disbursement from the protest fund.

20 It is unlawful for the Clerk of a court, a bank or any
21 person other than the State Treasurer to be appointed as
22 trustee with respect to any purported payment under protest,
23 or otherwise to be authorized by a court to hold any purported
24 payment under protest, during the pendency of the litigation
25 involving such purported payment under protest, it being the
26 expressed intention of the General Assembly that no one is to

1 act as custodian of any such purported payment under protest
2 except the State Treasurer.

3 No payment under protest within the meaning of this Act
4 has been made unless paid to an officer, board, commission,
5 commissioner, department, institute, arm or agency brought
6 within this Act by Section 1 and unless made in the form
7 specified by Section 2a.1. No payment into court or to a
8 circuit clerk or other court-appointed trustee is a payment
9 under protest within the meaning of this Act.

10 (Source: P.A. 87-950.)

11 Section 20.16. The Downstate Public Transportation Act is
12 amended by changing Sections 2-2.02, 3-1.02, and 4-1.7 as
13 follows:

14 (30 ILCS 740/2-2.02) (from Ch. 111 2/3, par. 662.02)

15 Sec. 2-2.02. "Participant" means:

16 (1) a city, village, or incorporated town, a county, or a
17 local mass transit district organized under the Local Mass
18 Transit District Act (a) serving an urbanized area of over
19 50,000 population or (b) serving a nonurbanized area; or

20 (2) any Metro-East Transit District established pursuant
21 to Section 3 of the Local Mass Transit District Act and serving
22 one or more of the Counties of Madison, Monroe, and St. Clair
23 during Fiscal Year 1989, all located outside the boundaries of
24 the Metropolitan Mobility ~~Regional Transportation~~ Authority as

1 established pursuant to the Metropolitan Mobility Regional
2 ~~Transportation~~ Authority Act.

3 (Source: P.A. 94-70, eff. 6-22-05.)

4 (30 ILCS 740/3-1.02) (from Ch. 111 2/3, par. 683)

5 Sec. 3-1.02. "Participant" means any county located
6 outside the boundaries of the Metropolitan Mobility Regional
7 ~~Transportation~~ Authority as established under the Metropolitan
8 Mobility Regional Transportation Authority Act and outside the
9 Bi-State Metropolitan Development District established under
10 an Act approved July 26, 1949, except that beginning, July 1,
11 1987 the counties within the boundaries of the Bi-State
12 Metropolitan Development District may be eligible for capital
13 assistance only, or within such county any municipality with
14 20,000 or more population that is not included in an urbanized
15 area or the boundaries of a local mass transit district; or
16 within such county any municipality with 20,000 or less
17 population receiving State mass transportation operating
18 assistance under the Downstate Public Transportation Act
19 during Fiscal Year 1979; or within such county or counties a
20 local mass transit district organized under the Local local
21 ~~Mass Transit District~~ Act which is not included in an
22 urbanized area or the boundaries of a local mass transit
23 district which includes an urbanized area; provided, however,
24 that no such entity shall be eligible to participate unless it
25 agrees to adhere to the regulations and requirements of the

1 Secretary of Transportation of the federal Department of
2 Transportation affecting Section 18 assistance or any other
3 conditions as deemed reasonable and necessary by the Illinois
4 Department of Transportation.

5 (Source: P.A. 87-1235.)

6 (30 ILCS 740/4-1.7) (from Ch. 111 2/3, par. 699.7)

7 Sec. 4-1.7. "Participant" means (1) a city, village or
8 incorporated town, or a local mass transit district organized
9 under the Local Mass Transit District Act, that is named as a
10 designated recipient by the Governor, or is eligible to
11 receive federal UMTA Section 9 funds, or (2) the recipient
12 designated by the Governor within the Bi-State Metropolitan
13 Development District; provided that such entity is all located
14 outside the boundaries of the Metropolitan Mobility Regional
15 ~~Transportation~~ Authority as established pursuant to the
16 Metropolitan Mobility Regional Transportation Authority Act,
17 ~~as amended,~~ and has formally requested to participate in the
18 program defined in this Article. However, no such entity shall
19 be eligible to participate unless it agrees to adhere to the
20 regulations and requirements of the Secretary of
21 Transportation of the federal Department of Transportation
22 affecting UMTA Section 9 assistance or any other conditions
23 that are deemed reasonable and necessary by the Illinois
24 Department of Transportation.

25 (Source: P.A. 86-16.)

1 Section 20.17. The State Mandates Act is amended by
2 changing Section 8.47 and by adding Section 8.48 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.

9 (b) Notwithstanding Sections 6 and 8 of this Act, no
10 reimbursement by the State is required for the implementation
11 of any mandate created by the Decennial Committees on Local
12 Government Efficiency Act.

13 (c) Notwithstanding Sections 6 and 8 of this Act, no
14 reimbursement by the State is required for the implementation
15 of the mandate created by Section 2.10a of the Regional
16 Transportation Authority Act (now Section 4.25 of the
17 Metropolitan Mobility Authority Act) in Public Act 103-281.

18 (Source: P.A. 102-1136, eff. 2-10-23; 103-2, eff. 5-10-23;
19 103-110, eff. 6-29-23; 103-281, eff. 1-1-24; 103-409, eff.
20 1-1-24; 103-455, eff. 1-1-24; 103-529, eff. 8-11-23; 103-552,
21 eff. 8-11-23; 103-553, eff. 8-11-23; 103-579, eff. 12-8-23;
22 103-582, eff. 12-8-23; 103-605, eff. 7-1-24.)

23 Section 20.18. The State Mandates Act is amended by adding

1 Section 8.49 as follows:

2 (30 ILCS 805/8.49 new)

3 Sec. 8.49. Exempt mandate. Notwithstanding Sections 6 and
4 8 of this Act, no reimbursement by the State is required for
5 the implementation of any mandate created by this amendatory
6 Act of the 104th General Assembly.

7 Section 20.19. The Use Tax Act is amended by changing
8 Sections 2b and 22 as follows:

9 (35 ILCS 105/2b) (from Ch. 120, par. 439.2b)

10 Sec. 2b. "Selling price" does ~~shall~~ not include any
11 amounts added to prices by sellers on account of the seller's
12 duty to collect any tax imposed under the Metropolitan
13 Mobility ~~"Regional Transportation Authority Act", enacted by~~
14 ~~the 78th General Assembly.~~

15 (Source: P.A. 78-3rd S.S.-12.)

16 (35 ILCS 105/22) (from Ch. 120, par. 439.22)

17 Sec. 22. If it is determined that the Department should
18 issue a credit or refund under this Act, the Department may
19 first apply the amount thereof against any amount of tax or
20 penalty or interest due hereunder, or under the Retailers'
21 Occupation Tax Act, the Service Occupation Tax Act, the
22 Service Use Tax Act, any local occupation or use tax

1 administered by the Department, Section 4 of the Water
2 Commission Act of 1985, subsections (b), (c) and (d) of
3 Section 5.01 of the Local Mass Transit District Act, or
4 subsections (e), (m), and (r) of Section 6.02 of the
5 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 under this Act or
10 under the Retailers' Occupation Tax Act, the Service
11 Occupation Tax Act, the Service 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 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 or under the

1 Retailers' Occupation Tax Act, the Service Occupation Tax Act,
2 the Service Use Tax Act, any local occupation or use tax
3 administered by the Department, Section 4 of the Water
4 Commission Act of 1985, subsections (b), (c) and (d) of
5 Section 5.01 of the Local Mass Transit District Act, or
6 subsections (e), (m), and (r) of Section 6.02 of the
7 Metropolitan Mobility Authority Act ~~(e), (f) and (g) of~~
8 ~~Section 4.03 of the Regional Transportation Authority Act,~~
9 from such holder. Subject to reasonable rules of the
10 Department, a credit memorandum issued hereunder may be
11 assigned by the holder thereof to any other person for use in
12 paying tax or penalty or interest which may be due or become
13 due under this Act or under the Retailers' Occupation Tax Act,
14 the Service Occupation Tax Act or the Service Use Tax Act, from
15 the assignee.

16 In any case in which there has been an erroneous refund of
17 tax payable under this Act, a notice of tax liability may be
18 issued at any time within 3 years from the making of that
19 refund, or within 5 years from the making of that refund if it
20 appears that any part of the refund was induced by fraud or the
21 misrepresentation of a material fact. The amount of any
22 proposed assessment set forth in the notice shall be limited
23 to the amount of the erroneous refund.

24 (Source: P.A. 91-901, eff. 1-1-01.)

25 Section 20.20. The Service Use Tax Act is amended by

1 changing Section 20 as follows:

2 (35 ILCS 110/20) (from Ch. 120, par. 439.50)

3 Sec. 20. If it is determined that the Department should
4 issue a credit or refund hereunder, the Department may first
5 apply the amount thereof against any amount of tax or penalty
6 or interest due hereunder, or under the Service Occupation Tax
7 Act, the Retailers' Occupation Tax Act, the Use Tax Act, any
8 local occupation or use tax administered by the Department,
9 Section 4 of the Water Commission Act of 1985, subsections
10 (b), (c) and (d) of Section 5.01 of the Local Mass Transit
11 District Act, or subsections (e), (m), and (r) of Section 6.02
12 of the Metropolitan Mobility Authority Act ~~(e), (f) and (g) of~~
13 ~~Section 4.03 of the Regional Transportation Authority Act,~~
14 from the person entitled to such credit or refund. For this
15 purpose, if proceedings are pending to determine whether or
16 not any tax or penalty or interest is due hereunder, or under
17 the Service Occupation Tax Act, the Retailers' Occupation Tax
18 Act, the Use Tax Act, any local occupation or use tax
19 administered by the Department, Section 4 of the Water
20 Commission Act of 1985, subsections (b), (c) and (d) of
21 Section 5.01 of the Local Mass Transit District Act, or
22 subsections (e), (m), and (r) of Section 6.02 of the
23 Metropolitan Mobility Authority Act ~~(e), (f) and (g) of~~
24 ~~Section 4.03 of the Regional Transportation Authority Act,~~
25 from such person, the Department may withhold issuance of the

1 credit or refund pending the final disposition of such
2 proceedings and may apply such credit or refund against any
3 amount found to be due to the Department as a result of such
4 proceedings. The balance, if any, of the credit or refund
5 shall be issued to the person entitled thereto.

6 Any credit memorandum issued hereunder may be used by the
7 authorized holder thereof to pay any tax or penalty or
8 interest due or to become due under this Act, the Service
9 Occupation Tax Act, the Retailers' Occupation Tax Act, the Use
10 Tax Act, any local occupation or use tax administered by the
11 Department, Section 4 of the Water Commission Act of 1985,
12 subsections (b), (c) and (d) of Section 5.01 of the Local Mass
13 Transit District Act, or subsections (e), (m), and (r) of
14 Section 6.02 of the Metropolitan Mobility Authority Act ~~(e),~~
15 ~~(f) and (g) of Section 4.03 of the Regional Transportation~~
16 ~~Authority Act~~, from such holder. Subject to reasonable rules
17 of the Department, a credit memorandum issued hereunder may be
18 assigned by the holder thereof to any other person for use in
19 paying tax or penalty or interest which may be due or become
20 due under this Act, the Service Occupation Tax Act, the
21 Retailers' Occupation Tax Act, the Use Tax Act, any local
22 occupation or use tax administered by the Department, Section
23 4 of the Water Commission Act of 1985, subsections (b), (c) and
24 (d) of Section 5.01 of the Local Mass Transit District Act, or
25 subsections (e), (m), and (r) of Section 6.02 of the
26 Metropolitan Mobility Authority Act ~~(e), (f) and (g) of~~

1 ~~Section 4.03 of the Regional Transportation Authority Act,~~
2 from the assignee.

3 In any case which there has been an erroneous refund of tax
4 payable under this Act, a notice of tax liability may be issued
5 at any time within 3 years from the making of that refund, or
6 within 5 years from the making of that refund if it appears
7 that any part of the refund was induced by fraud or the
8 misrepresentation of a material fact. The amount of any
9 proposed assessment set forth in the notice shall be limited
10 to the amount of the erroneous refund.

11 (Source: P.A. 91-901, eff. 1-1-01.)

12 Section 20.21. The Service Occupation Tax Act is amended
13 by changing Section 20 as follows:

14 (35 ILCS 115/20) (from Ch. 120, par. 439.120)

15 Sec. 20. If it is determined that the Department should
16 issue a credit or refund hereunder, the Department may first
17 apply the amount thereof against any amount of tax or penalty
18 or interest due hereunder, or under the Service Use Tax Act,
19 the Retailers' Occupation Tax Act, the 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~~

1 ~~Section 4.03 of the Regional Transportation Authority Act,~~
2 from the person entitled to such credit or refund. For this
3 purpose, if proceedings are pending to determine whether or
4 not any tax or penalty or interest is due hereunder, or under
5 the Service Use Tax Act, the Retailers' Occupation Tax Act,
6 the Use Tax Act, any local occupation or use tax administered
7 by the Department, Section 4 of the Water Commission Act of
8 1985, subsections (b), (c) and (d) of Section 5.01 of the Local
9 Mass Transit District Act, or subsections (e), (m), and (r) of
10 Section 6.02 of the Metropolitan Mobility Authority Act ~~(e),~~
11 ~~(f) and (g) of Section 4.03 of the Regional Transportation~~
12 ~~Authority Act,~~ from such person, the Department may withhold
13 issuance of the credit or refund pending the final disposition
14 of such proceedings and may apply such credit or refund
15 against any amount found to be due to the Department as a
16 result of such proceedings. The balance, if any, of the credit
17 or refund shall be issued to the person entitled thereto.

18 Any credit memorandum issued hereunder may be used by the
19 authorized holder thereof to pay any tax or penalty or
20 interest due or to become due under this Act, or under the
21 Service Use Tax Act, the Retailers' Occupation Tax Act, the
22 Use Tax Act, any local occupation or use tax administered by
23 the Department, Section 4 of the Water Commission Act of 1985,
24 subsections (b), (c) and (d) of Section 5.01 of the Local Mass
25 Transit District Act, or subsections (e), (m), and (r) of
26 Section 6.02 of the Metropolitan Mobility Authority Act ~~(e),~~

1 ~~(f) and (g) of Section 4.03 of the Regional Transportation~~
2 ~~Authority Act~~, from such holder. Subject to reasonable rules
3 of the Department, a credit memorandum issued hereunder may be
4 assigned by the holder thereof to any other person for use in
5 paying tax or penalty or interest which may be due or become
6 due under this Act, the Service Use Tax Act, the Retailers'
7 Occupation Tax Act, the Use Tax Act, any local occupation or
8 use tax administered by the Department, Section 4 of the Water
9 Commission Act of 1985, subsections (b), (c) and (d) of
10 Section 5.01 of the Local Mass Transit District Act, or
11 subsections (e), (m), and (r) of Section 6.02 of the
12 Metropolitan Mobility Authority Act ~~(e), (f) and (g) of~~
13 ~~Section 4.03 of the Regional Transportation Authority Act~~,
14 from the assignee.

15 In any case in which there has been an erroneous refund of
16 tax payable under this Act, a notice of tax liability may be
17 issued at any time within 3 years from the making of that
18 refund, or within 5 years from the making of that refund if it
19 appears that any part of the refund was induced by fraud or the
20 misrepresentation of a material fact. The amount of any
21 proposed assessment set forth in the notice shall be limited
22 to the amount of the erroneous refund.

23 (Source: P.A. 91-901, eff. 1-1-01.)

24 Section 20.22. The Retailers' Occupation Tax Act is
25 amended by changing Section 6 as follows:

1 (35 ILCS 120/6) (from Ch. 120, par. 445)

2 Sec. 6. Credit memorandum or refund. If it appears, after
3 claim therefor filed with the Department, that an amount of
4 tax or penalty or interest has been paid which was not due
5 under this Act, whether as the result of a mistake of fact or
6 an error of law, except as hereinafter provided, then the
7 Department shall issue a credit memorandum or refund to the
8 person who made the erroneous payment or, if that person died
9 or became a person under legal disability, to his or her legal
10 representative, as such. For purposes of this Section, the tax
11 is deemed to be erroneously paid by a retailer when the
12 manufacturer of a motor vehicle sold by the retailer accepts
13 the return of that automobile and refunds to the purchaser the
14 selling price of that vehicle as provided in the New Vehicle
15 Buyer Protection Act. When a motor vehicle is returned for a
16 refund of the purchase price under the New Vehicle Buyer
17 Protection Act, the Department shall issue a credit memorandum
18 or a refund for the amount of tax paid by the retailer under
19 this Act attributable to the initial sale of that vehicle.
20 Claims submitted by the retailer are subject to the same
21 restrictions and procedures provided for in this Act. If it is
22 determined that the Department should issue a credit
23 memorandum or refund, the Department may first apply the
24 amount thereof against any tax or penalty or interest due or to
25 become due under this Act or under the Use Tax Act, the Service

1 Occupation Tax Act, the Service Use Tax Act, any local
2 occupation or use tax administered by the Department, Section
3 4 of the Water Commission Act of 1985, subsections (b), (c) and
4 (d) of Section 5.01 of the Local Mass Transit District Act, or
5 subsections (e), (m), and (r) of Section 6.02 of the
6 Metropolitan Mobility Authority Act ~~(e), (f) and (g) of~~
7 ~~Section 4.03 of the Regional Transportation Authority Act,~~
8 from the person who made the erroneous payment. If no tax or
9 penalty or interest is due and no proceeding is pending to
10 determine whether such person is indebted to the Department
11 for tax or penalty or interest, the credit memorandum or
12 refund shall be issued to the claimant; or (in the case of a
13 credit memorandum) the credit memorandum may be assigned and
14 set over by the lawful holder thereof, subject to reasonable
15 rules of the Department, to any other person who is subject to
16 this Act, the Use Tax Act, the Service Occupation Tax Act, the
17 Service Use Tax Act, any local occupation or use tax
18 administered by the Department, Section 4 of the Water
19 Commission Act of 1985, subsections (b), (c) and (d) of
20 Section 5.01 of the Local Mass Transit District Act, or
21 subsections (e), (m), and (r) of Section 6.02 of the
22 Metropolitan Mobility Authority Act ~~(e), (f) and (g) of~~
23 ~~Section 4.03 of the Regional Transportation Authority Act,~~ and
24 the amount thereof applied by the Department against any tax
25 or penalty or interest due or to become due under this Act or
26 under the Use Tax Act, the Service Occupation Tax Act, the

1 Service Use Tax Act, any local occupation or use tax
2 administered by the Department, Section 4 of the Water
3 Commission Act of 1985, subsections (b), (c) and (d) of
4 Section 5.01 of the Local Mass Transit District Act, or
5 subsections (e), (m), and (r) of Section 6.02 of the
6 Metropolitan Mobility Authority Act ~~(e), (f) and (g) of~~
7 ~~Section 4.03 of the Regional Transportation Authority Act,~~
8 from such assignee. However, as to any claim for credit or
9 refund filed with the Department on and after each January 1
10 and July 1 no amount of tax or penalty or interest erroneously
11 paid (either in total or partial liquidation of a tax or
12 penalty or amount of interest under this Act) more than 3 years
13 prior to such January 1 and July 1, respectively, shall be
14 credited or refunded, except that if both the Department and
15 the taxpayer have agreed to an extension of time to issue a
16 notice of tax liability as provided in Section 4 of this Act,
17 such claim may be filed at any time prior to the expiration of
18 the period agreed upon. Notwithstanding any other provision of
19 this Act to the contrary, for any period included in a claim
20 for credit or refund for which the statute of limitations for
21 issuing a notice of tax liability under this Act will expire
22 less than 6 months after the date a taxpayer files the claim
23 for credit or refund, the statute of limitations is
24 automatically extended for 6 months from the date it would
25 have otherwise expired.

26 No claim may be allowed for any amount paid to the

1 Department, whether paid voluntarily or involuntarily, if paid
2 in total or partial liquidation of an assessment which had
3 become final before the claim for credit or refund to recover
4 the amount so paid is filed with the Department, or if paid in
5 total or partial liquidation of a judgment or order of court.
6 No credit may be allowed or refund made for any amount paid by
7 or collected from any claimant unless it appears (a) that the
8 claimant bore the burden of such amount and has not been
9 relieved thereof nor reimbursed therefor and has not shifted
10 such burden directly or indirectly through inclusion of such
11 amount in the price of the tangible personal property sold by
12 him or her or in any manner whatsoever; and that no
13 understanding or agreement, written or oral, exists whereby he
14 or she or his or her legal representative may be relieved of
15 the burden of such amount, be reimbursed therefor or may shift
16 the burden thereof; or (b) that he or she or his or her legal
17 representative has repaid unconditionally such amount to his
18 or her vendee (1) who bore the burden thereof and has not
19 shifted such burden directly or indirectly, in any manner
20 whatsoever; (2) who, if he or she has shifted such burden, has
21 repaid unconditionally such amount to his own vendee; and (3)
22 who is not entitled to receive any reimbursement therefor from
23 any other source than from his or her vendor, nor to be
24 relieved of such burden in any manner whatsoever. No credit
25 may be allowed or refund made for any amount paid by or
26 collected from any claimant unless it appears that the

1 claimant has unconditionally repaid, to the purchaser, any
2 amount collected from the purchaser and retained by the
3 claimant with respect to the same transaction under the Use
4 Tax Act.

5 Any credit or refund that is allowed under this Section
6 shall bear interest at the rate and in the manner specified in
7 the Uniform Penalty and Interest Act.

8 In case the Department determines that the claimant is
9 entitled to a refund, such refund shall be made only from the
10 Aviation Fuel Sales Tax Refund Fund or from such appropriation
11 as may be available for that purpose, as appropriate. If it
12 appears unlikely that the amount available would permit
13 everyone having a claim allowed during the period covered by
14 such appropriation or from the Aviation Fuel Sales Tax Refund
15 Fund, as appropriate, to elect to receive a cash refund, the
16 Department, by rule or regulation, shall provide for the
17 payment of refunds in hardship cases and shall define what
18 types of cases qualify as hardship cases.

19 If a retailer who has failed to pay retailers' occupation
20 tax on gross receipts from retail sales is required by the
21 Department to pay such tax, such retailer, without filing any
22 formal claim with the Department, shall be allowed to take
23 credit against such retailers' occupation tax liability to the
24 extent, if any, to which such retailer has paid an amount
25 equivalent to retailers' occupation tax or has paid use tax in
26 error to his or her vendor or vendors of the same tangible

1 personal property which such retailer bought for resale and
2 did not first use before selling it, and no penalty or interest
3 shall be charged to such retailer on the amount of such credit.
4 However, when such credit is allowed to the retailer by the
5 Department, the vendor is precluded from refunding any of that
6 tax to the retailer and filing a claim for credit or refund
7 with respect thereto with the Department. The provisions of
8 this amendatory Act shall be applied retroactively, regardless
9 of the date of the transaction.

10 (Source: P.A. 101-10, eff. 6-5-19; 102-40, eff. 6-25-21.)

11 Section 20.23. The Governmental Tax Reform Validation Act
12 is amended by changing Section 10 as follows:

13 (35 ILCS 165/10)

14 Sec. 10. Re-enactment; findings; purpose; validation.

15 (a) The General Assembly finds and declares that:

16 (1) The amendatory provisions of this Act were first
17 enacted by Public Act 85-1135 and all related to taxation.

18 (A) Article I of Public Act 85-1135, effective
19 July 28, 1988, contained provisions stating
20 legislative intent.

21 (B) Article II of Public Act 85-1135, effective
22 January 1, 1990, contained provisions amending or
23 creating Sections 8-11-1, 8-11-1.1, 8-11-1.2,
24 8-11-1.3, 8-11-1.4, 8-11-5, 8-11-6, 8-11-6a, 8-11-16,

1 and 11-74.4-8a of the Illinois Municipal Code;
2 Sections 24a-1, 24a-2, 24a-3, 24a-4, and 25.05 of "An
3 Act to revise the law in relation to counties";
4 Section 4 of the Water Commission Act of 1985; Section
5 5.01 of the Local Mass Transit District Act; Sections
6 5.12, 6.02, 6.05, and 6.08 of the Metropolitan
7 Mobility Authority Act ~~Sections 4.01, 4.03, 4.04, and~~
8 ~~4.09 of the Regional Transportation Authority Act;~~
9 Sections 3, 9, and 10b of the Use Tax Act; Sections 2,
10 3, 3d, 7a, 9, 10, 10b, and 15 of the Service Use Tax
11 Act; Sections 2, 3, 9, 13, 15, and 20.1 of the Service
12 Occupation Tax Act; Sections 2, 3, 5k, and 6d of the
13 Retailers' Occupation Tax Act; and Sections 5.240,
14 5.241, 6z-16, and 6z-17 of the State Finance Act.
15 Article II of Public Act 85-1135, effective January 1,
16 1990, also contained provisions repealing Sections
17 25.05a, 25.05-2, 25.05-2a, 25.05-3, 25.05-3a,
18 25.05-10, 25.05-10a, and 25.05-10.1 of "An Act to
19 revise the law in relation to counties" and Sections
20 10 and 14 of the Service Occupation Tax Act.

21 (C) Article III of Public Act 85-1135, effective
22 September 1, 1988, contained provisions further
23 amending Sections 3 and 9 of the Use Tax Act; Sections
24 2, 3, and 9 of the Service Use Tax Act; Sections 2, 3,
25 and 9 of the Service Occupation Tax Act; and Sections 2
26 and 3 of the Retailers' Occupation Tax Act; and

1 amending Section 2 of the State Revenue Sharing Act.

2 (D) Article IV of Public Act 85-1135, effective
3 July 28, 1988, contained provisions amending Section
4 6z-9 of the State Finance Act and creating Section .01
5 of the State Revenue Sharing Act.

6 (E) Article V of Public Act 85-1135, effective
7 July 28, 1988, contained provisions precluding any
8 effect on a pre-existing right, remedy, or liability
9 and authorizing enactment of home rule municipality
10 ordinances.

11 (2) Public Act 85-1135 also contained provisions
12 relating to State bonds and creating the Water Pollution
13 Control Revolving Fund loan program.

14 (3) On August 26, 1998, the Cook County Circuit Court
15 entered an order in the case of Oak Park Arms Associates v.
16 Whitley (No. 92 L 51045), in which it found that Public Act
17 85-1135 violates the single subject clause of the Illinois
18 Constitution (Article IV, Section 8(d)). As of the time
19 this Act was prepared, the order declaring P.A. 85-1135
20 invalid has been vacated but the case is subject to
21 appeal.

22 (4) The tax provisions of Public Act 85-1135 affect
23 many areas of vital concern to the people of this State.
24 The disruption of the tax reform contained in those
25 provisions could constitute a grave threat to the
26 continued health, safety, and welfare of the people of

1 this State.

2 (b) It is the purpose of this Act to prevent or minimize
3 any problems relating to taxation that may result from
4 challenges to the constitutional validity of Public Act
5 85-1135, by (1) re-enacting provisions from Public Act 85-1135
6 and (2) validating all actions taken in reliance on those
7 provisions from Public Act 85-1135.

8 (c) Because Public Act 86-962, effective January 1, 1990,
9 renumbered Sections 24a-1, 24a-2, 24a-3, 24a-4, and 25.05 of
10 the Counties Code, this Act contains those provisions as
11 renumbered under Sections 5-1006, 5-1007, 5-1008, 5-1009, and
12 5-1024 of the Counties Code. Because Public Act 86-1475,
13 effective January 10, 1991, resectioned Section 3 of the Use
14 Tax Act, Section 3 of the Service Use Tax Act, Section 3 of the
15 Service Occupation Tax Act, and Section 2 of the Retailers'
16 Occupation Tax Act, this Act contains those provisions as
17 resectioned under Sections 3, 3-5, 3-10, 3-15, 3-20, 3-25,
18 3-30, 3-35, 3-40, 3-45, 3-50, 3-55, 3-60, 3-65, 3-70, 3-75,
19 and 3-80 of the Use Tax Act; Sections 3, 3-5, 3-10, 3-15, 3-20,
20 3-25, 3-30, 3-35, 3-40, 3-45, 3-50, 3-55, 3-60, and 3-65 of the
21 Service Use Tax Act; Sections 3, 3-5, 3-10, 3-15, 3-20, 3-25,
22 3-30, 3-35, 3-40, 3-45, and 3-50 of the Service Occupation Tax
23 Act; and Sections 2, 2-5, 2-10, 2-15, 2-20, 2-25, 2-30, 2-35,
24 2-40, 2-45, 2-50, 2-55, 2-60, 2-65 of the Retailers'
25 Occupation Tax Act. Because Public Act 85-1440, effective
26 February 1, 1989, renumbered Section 6z-16 of the State

1 Finance Act and Section .01 of the State Revenue Sharing Act,
2 this Act contains those provisions as renumbered under Section
3 6z-18 of the State Finance Act and Section 0.1 of the State
4 Revenue Sharing Act. Sections 10b of the Use Tax Act, 10b of
5 the Service Use Tax Act, 20.1 of the Service Occupation Tax
6 Act, and 6d of the Retailers' Occupation Tax Act have been
7 omitted from this Act because they were repealed by Public Act
8 87-1258, effective January 7, 1993.

9 (d) This Act re-enacts Section 1 of Article I of Public Act
10 85-1135; Sections 8-11-1, 8-11-1.1, 8-11-1.2, 8-11-1.3,
11 8-11-1.4, 8-11-5, 8-11-6, 8-11-6a, 8-11-16, and 11-74.4-8a of
12 the Illinois Municipal Code; Sections 5-1006, 5-1007, 5-1008,
13 5-1009, and 5-1024 of the Counties Code; Section 4 of the Water
14 Commission Act of 1985; Section 5.01 of the Local Mass Transit
15 District Act; Sections 5.12, 6.02, 6.05, and 6.08 of the
16 Metropolitan Mobility Authority Act ~~Sections 4.01, 4.03, 4.04,~~
17 ~~and 4.09 of the Regional Transportation Authority Act;~~
18 Sections 3, 3-5, 3-10, 3-15, 3-20, 3-25, 3-30, 3-35, 3-40,
19 3-45, 3-50, 3-55, 3-60, 3-65, 3-70, 3-75, 3-80, 9, and 10b of
20 the Use Tax Act; Sections 2, 3, 3-5, 3-10, 3-15, 3-20, 3-25,
21 3-30, 3-35, 3-40, 3-45, 3-50, 3-55, 3-60, 3-65, 3d, 7a, 9, 10,
22 10b, and 15 of the Service Use Tax Act; Sections 2, 3, 3-5,
23 3-10, 3-15, 3-20, 3-25, 3-30, 3-35, 3-40, 3-45, 3-50, 9, 13,
24 15, and 20.1 of the Service Occupation Tax Act; Sections 2,
25 2-5, 2-10, 2-15, 2-20, 2-25, 2-30, 2-35, 2-40, 2-45, 2-50,
26 2-55, 2-60, 2-65, 3, 5k, and 6d of the Retailers' Occupation

1 Tax Act; Sections 5.240, 5.241, 6z-9, 6z-17, and 6z-18 of the
2 State Finance Act; Sections 0.1 and 2 of the State Revenue
3 Sharing Act; and Sections 1 and 2 of Article V of Public Act
4 85-1135 as they have been amended. It also re-repeals Sections
5 25.05a, 25.05-2, 25.05-2a, 25.05-3, 25.05-3a, 25.05-10,
6 25.05-10a, and 25.05-10.1 of "An Act to revise the law in
7 relation to counties" and Sections 10 and 14 of the Service
8 Occupation Tax Act. This re-enactment and re-repeal is
9 intended to remove any questions as to the validity or content
10 of those Sections; it is not intended to supersede any other
11 Public Act that amends the text of a Section as set forth in
12 this Act. The re-enacted material in this Act is shown as
13 existing text (i.e., without underscoring) because, as of the
14 time this Act was prepared, the order declaring P.A. 85-1135
15 invalid has been vacated.

16 (e) In Sections 100 and 900 of this Act, references to
17 "this amendatory Act of 1988" mean Public Act 85-1135, as
18 re-enacted by this Act.

19 (f) The re-enactment or re-repeal of Sections of Public
20 Act 85-1135 by this Act is not intended, and shall not be
21 construed, to imply that Public Act 85-1135 is invalid or to
22 limit or impair any legal argument (1) upholding the validity
23 of Public Act 85-1135 or (2) concerning whether the provisions
24 of Public Act 85-1135 were substantially re-enacted by other
25 Public Acts.

26 (g) All otherwise lawful actions taken in reasonable

1 reliance on or pursuant to the Sections re-enacted by this
2 Act, as set forth in Public Act 85-1135 or subsequently
3 amended, by any officer, employee, agency, or unit of State or
4 local government or by any other person or entity, are hereby
5 validated.

6 With respect to actions taken in relation to matters
7 arising under the Sections re-enacted by this Act, as set
8 forth in Public Act 85-1135 or subsequently amended, a person
9 is rebuttably presumed to have acted in reasonable reliance on
10 and pursuant to the provisions of Public Act 85-1135, as those
11 provisions had been amended at the time the action was taken.

12 (h) With respect to its administration of matters arising
13 under the Sections re-enacted by this Act, the Department of
14 Revenue shall continue to apply the provisions of Public Act
15 85-1135, as those provisions had been amended at the relevant
16 time.

17 (i) This Act applies, without limitation, to proceedings
18 pending on or after the effective date of this Act.

19 (Source: P.A. 91-51, eff. 6-30-99.)

20 Section 20.24. The Simplified Sales and Use Tax
21 Administration Act is amended by changing Section 2 as
22 follows:

23 (35 ILCS 171/2)

24 Sec. 2. Definitions. As used in this Act:

1 (a) "Agreement" means the Streamlined Sales and Use Tax
2 Agreement as amended and adopted on January 27, 2001.

3 (b) "Certified Automated System" means software certified
4 jointly by the states that are signatories to the Agreement to
5 calculate the tax imposed by each jurisdiction on a
6 transaction, determine the amount of tax to remit to the
7 appropriate state, and maintain a record of the transaction.

8 (c) "Certified Service Provider" means an agent certified
9 jointly by the states that are signatories to the Agreement to
10 perform all of the seller's sales tax functions.

11 (d) "Person" means an individual, trust, estate,
12 fiduciary, partnership, limited liability company, limited
13 liability partnership, corporation, or any other legal entity.

14 (e) "Sales Tax" means the tax levied under the Service
15 Occupation Tax Act (35 ILCS 115/) and the Retailers'
16 Occupation Tax Act (35 ILCS 120/). "Sales tax" also means any
17 local sales tax levied under the Home Rule Municipal
18 Retailers' Occupation Tax Act (65 ILCS 5/8-11-1), the Non-Home
19 Rule Municipal Retailers' Occupation Tax Act (65 ILCS
20 5/8-11-1.3), the Non-Home Rule Municipal Service Occupation
21 Tax Act (65 ILCS 5/8-11-1.4), the Home Rule Municipal Service
22 Occupation Tax (65 ILCS 5/8-11-5), the Home Rule County
23 Retailers' Occupation Tax Law (55 ILCS 5/5-1006), the Special
24 County Occupation Tax for Public Safety, Public Facilities,
25 Mental Health, Substance Abuse, or Transportation Law (55 ILCS
26 5/5-1006.5), the Home Rule County Service Occupation Tax Law

1 (55 ILCS 5/5-1007), subsection (b) of the Rock Island County
2 Use and Occupation Tax Law (55 ILCS 5/5-1008.5(b)), the Metro
3 East Mass Transit District Retailers' Occupation Tax (70 ILCS
4 3610/5.01(b)), the Metro East Mass Transit District Service
5 Occupation Tax (70 ILCS 3610/5.01(c)), the Metropolitan
6 Mobility Regional—Transportation Authority Retailers'
7 Occupation Tax (subsection (e) of Section 6.02 of the
8 Metropolitan Mobility Authority Act) ~~70 ILCS 3615/4.03(e)~~,
9 the Metropolitan Mobility Regional—Transportation Authority
10 Service Occupation Tax ~~(70 ILCS 3615/4.03(f))~~, the County
11 Water Commission Retailers' Occupation Tax (70 ILCS
12 3720/4(b)), or the County Water Commission Service Occupation
13 Tax (70 ILCS 3720/4(c)).

14 (f) "Seller" means any person making sales of personal
15 property or services.

16 (g) "State" means any state of the United States and the
17 District of Columbia.

18 (h) "Use tax" means the tax levied under the Use Tax Act
19 (35 ILCS 105/) and the Service Use Tax Act (35 ILCS 110/). "Use
20 tax" also means any local use tax levied under the Home Rule
21 Municipal Use Tax Act (65 ILCS 5/8-11-6(b)), provided that the
22 State and the municipality have entered into an agreement that
23 provides for administration of the tax by the State.

24 (Source: P.A. 100-1167, eff. 1-4-19.)

25 Section 20.25. The Property Tax Code is amended by

1 changing Section 15-100 as follows:

2 (35 ILCS 200/15-100)

3 Sec. 15-100. Public transportation systems.

4 (a) All property belonging to any municipal corporation
5 created for the sole purpose of owning and operating a
6 transportation system for public service is exempt.

7 (b) Property owned by (i) a municipal corporation of
8 500,000 or more inhabitants, used for public transportation
9 purposes, and operated by the Metropolitan Mobility Chicago
10 ~~Transit~~ Authority; (ii) the Metropolitan Mobility Regional
11 ~~Transportation~~ Authority; (iii) (blank); ~~or any service board~~
12 ~~or division of the Regional Transportation Authority;~~ (iv) the
13 Northeast Illinois Regional Commuter Railroad Corporation; ~~or~~
14 ~~(v) the Chicago Transit Authority~~ shall be exempt. For
15 purposes of this Section alone, the Metropolitan Mobility
16 Authority Regional Transportation Authority, ~~any service board~~
17 ~~or division of the Regional Transportation Authority,~~ the
18 Northeast Illinois Regional Commuter Railroad Corporation, ~~the~~
19 ~~Chicago Transit Authority,~~ or a municipal corporation, as
20 defined in item (i), shall be deemed an "eligible
21 transportation authority". The exemption provided in this
22 subsection shall not be affected by any transaction in which,
23 for the purpose of obtaining financing, the eligible
24 transportation authority, directly or indirectly, leases or
25 otherwise transfers such property to another whose property is

1 not exempt and immediately thereafter enters into a leaseback
2 or other agreement that directly or indirectly gives the
3 eligible transportation authority a right to use, control, and
4 possess the property. In the case of a conveyance of such
5 property, the eligible transportation authority must retain an
6 option to purchase the property at a future date or, within the
7 limitations period for reverters, the property must revert
8 back to the eligible transportation authority.

9 (c) If such property has been conveyed as described in
10 subsection (b), the property will no longer be exempt pursuant
11 to this Section as of the date when:

12 (1) the right of the eligible transportation authority
13 to use, control, and possess the property has been
14 terminated;

15 (2) the eligible transportation authority no longer
16 has an option to purchase or otherwise acquire the
17 property; and

18 (3) there is no provision for a reverter of the
19 property to the eligible transportation authority within
20 the limitations period for reverters.

21 (d) Pursuant to Sections 15-15 and 15-20 of this Code, the
22 eligible transportation authority shall notify the chief
23 county assessment officer of any transaction under subsection
24 (b) of this Section. The chief county assessment officer shall
25 determine initial and continuing compliance with the
26 requirements of this Section for tax exemption. Failure to

1 notify the chief county assessment officer of a transaction
2 under this Section or to otherwise comply with the
3 requirements of Sections 15-15 and 15-20 of this Code shall,
4 in the discretion of the chief county assessment officer,
5 constitute cause to terminate the exemption, notwithstanding
6 any other provision of this Code.

7 (e) No provision of this Section shall be construed to
8 affect the obligation of the eligible transportation authority
9 to which an exemption certificate has been issued under this
10 Section from its obligation under Section 15-10 of this Code
11 to file an annual certificate of status or to notify the chief
12 county assessment officer of transfers of interest or other
13 changes in the status of the property as required by this Code.

14 (f) The changes made by this amendatory Act of 1997 are
15 declarative of existing law and shall not be construed as a new
16 enactment.

17 (Source: P.A. 90-562, eff. 12-16-97.)

18 Section 20.26. The Motor Fuel Tax Law is amended by
19 changing Section 8b as follows:

20 (35 ILCS 505/8b)

21 Sec. 8b. Transportation Renewal Fund; creation;
22 distribution of proceeds.

23 (a) The Transportation Renewal Fund is hereby created as a
24 special fund in the State treasury. Moneys in the Fund shall be

1 used as provided in this Section:

2 (1) 80% of the moneys in the Fund shall be used for
3 highway maintenance, highway construction, bridge repair,
4 congestion relief, and construction of aviation
5 facilities; of that 80%:

6 (A) the State Comptroller shall order transferred
7 and the State Treasurer shall transfer 60% to the
8 State Construction Account Fund; those moneys shall be
9 used solely for construction, reconstruction,
10 improvement, repair, maintenance, operation, and
11 administration of highways and are limited to payments
12 made pursuant to design and construction contracts
13 awarded by the Department of Transportation;

14 (B) 40% shall be distributed by the Department of
15 Transportation to municipalities, counties, and road
16 districts of the State using the percentages set forth
17 in subdivisions (A), (B), (C), and (D) of paragraph
18 (2) of subsection (e) of Section 8; distributions to
19 particular municipalities, counties, and road
20 districts under this subdivision (B) shall be made
21 according to the allocation procedures described for
22 municipalities, counties, and road districts in
23 subsection (e) of Section 8 and shall be subject to the
24 same requirements and limitations described in that
25 subsection; and

26 (2) 20% of the moneys in the Fund shall be used for

1 projects related to rail facilities and mass transit
2 facilities, as defined in Section 2705-305 of the
3 Department of Transportation Law of the Civil
4 Administrative Code of Illinois, including rapid transit,
5 rail, high-speed rail, bus and other equipment in
6 connection with the State or a unit of local government,
7 special district, municipal corporation, or other public
8 agency authorized to provide and promote public
9 transportation within the State; of that 20%:

10 (A) 90% shall be deposited into the Metropolitan
11 Mobility ~~Regional Transportation~~ Authority Capital
12 Improvement Fund, a special fund created in the State
13 treasury ~~Treasury~~; moneys in the Metropolitan Mobility
14 ~~Regional Transportation~~ Authority Capital Improvement
15 Fund shall be used by the Metropolitan Mobility
16 ~~Regional Transportation~~ Authority for construction,
17 improvements, and deferred maintenance on mass transit
18 facilities and acquisition of buses and other
19 equipment; and

20 (B) 10% shall be deposited into the Downstate Mass
21 Transportation Capital Improvement Fund, a special
22 fund created in the State treasury ~~Treasury~~; moneys in
23 the Downstate Mass Transportation Capital Improvement
24 Fund shall be used by local mass transit districts
25 other than the Metropolitan Mobility ~~Regional~~
26 ~~Transportation~~ Authority for construction,

1 improvements, and deferred maintenance on mass transit
2 facilities and acquisition of buses and other
3 equipment.

4 (b) (Blank).

5 (Source: P.A. 103-866, eff. 8-9-24.)

6 Section 20.27. The Postage Stamp Vending Machine Act is
7 amended by changing Section 1 as follows:

8 (35 ILCS 815/1) (from Ch. 121 1/2, par. 911)

9 Sec. 1. Vending machines which vend only United States
10 postage stamps are exempt from license fees or any excise or
11 license tax levied by the State of Illinois or any county or
12 municipality or other taxing district thereof, but are not
13 exempt from State, county, municipal, or Metropolitan Mobility
14 ~~Regional Transportation~~ Authority occupation and use taxes.

15 (Source: P.A. 82-985.)

16 Section 20.28. The Illinois Pension Code is amended by
17 changing Sections 8-230.1, 11-221.1, 18-112, 22-101, 22-101B,
18 22-103, and 22-105 as follows:

19 (40 ILCS 5/8-230.1) (from Ch. 108 1/2, par. 8-230.1)

20 Sec. 8-230.1. Right of employees to contribute for certain
21 other service. Any employee in the service, after having made
22 contributions covering a period of 10 or more years to the

1 annuity and benefit fund herein provided for, may elect to pay
2 for and receive credit for all annuity purposes for service
3 theretofore rendered by the employee to the Chicago Transit
4 Authority created by the Metropolitan Transit Authority Act
5 (repealed) or its predecessor public utilities; provided that
6 the last 5 years of service prior to retirement on annuity
7 shall have been as an employee of the City and a contributor to
8 this Fund. Such service credit may be paid for and granted on
9 the same basis and conditions as are applicable in the case of
10 employees who make payment for past service under the
11 provisions of Section 8-230, but on the assumption that the
12 employee's salary throughout all of his or her service with
13 the Authority or its predecessor public utilities was at the
14 rate of the employee's salary at the later of the date of his
15 or her entrance or reentrance into the service as a municipal
16 employee, as applicable. In no event, however, shall such
17 service be credited if the employee has not forfeited and
18 relinquished pension credit for service covering such period
19 under any pension or retirement plan applicable to the
20 Authority or its predecessor public utilities and instituted
21 and maintained by the Authority or its predecessor public
22 utilities for the benefit of its employees.

23 (Source: P.A. 103-455, eff. 1-1-24.)

24 (40 ILCS 5/11-221.1) (from Ch. 108 1/2, par. 11-221.1)

25 Sec. 11-221.1. Right of employees to contribute for

1 certain other service. Any employee in the service, after
2 having made contributions covering a period of 10 or more
3 years to the annuity and benefit fund herein provided for, may
4 elect to pay for and receive credit for all annuity purposes
5 for service theretofore rendered by the employee to the
6 Chicago Transit Authority created by the Metropolitan Transit
7 Authority Act (repealed); provided that if the employee has
8 more than 10 years of such service, only the last 10 years of
9 such service shall be credited. Such service credit may be
10 paid for and granted on the same basis and conditions as are
11 applicable in the case of employees who make payment for past
12 service under the provisions of Section 11-221, but on the
13 assumption that the employee's salary throughout all of his or
14 her service with the Authority was at the rate of the
15 employee's salary at the date of his or her entrance into the
16 service as an employee. In no event, however, shall such
17 service be credited if the employee has not forfeited and
18 relinquished pension credit for service covering such period
19 under any pension or retirement plan applicable to the
20 Authority and instituted and maintained by the Authority for
21 the benefit of its employees.

22 (Source: P.A. 90-655, eff. 7-30-98.)

23 (40 ILCS 5/18-112) (from Ch. 108 1/2, par. 18-112)

24 Sec. 18-112. Service. "Service": The period beginning on
25 the day a person first became a judge, whether prior or

1 subsequent to the effective date, and ending on the date under
2 consideration, excluding all intervening periods during which
3 he or she was not a judge following resignation or expiration
4 of any term of election or appointment.

5 Service also includes the following: (a) Any period prior
6 to January 1, 1964 during which a judge served as a justice of
7 the peace, police magistrate or master in chancery, or as a
8 civil referee, commissioner or trial assistant to the chief
9 judge in the Municipal Court of Chicago, or performed judicial
10 duties as an assistant to the judge of the Probate Court of
11 Cook County. A judge shall be entitled to credit for all or as
12 much as the judge may desire of such service, not exceeding 8
13 years, upon payment of the participant's contribution covering
14 such service at the contribution rates in effect on July 1,
15 1969, together with interest at 4% per annum compounded
16 annually, from the dates the service was rendered to the date
17 of payment, provided credit for such service had not been
18 granted in any public pension fund or retirement system in the
19 State. The required contributions shall be based upon the rate
20 of salary in effect for the judge on the date he or she entered
21 the system or on January 1, 1964, whichever is later.

22 (b) Service rendered after January 1, 1964, as a holdover
23 magistrate or master in chancery of the Circuit Court. A judge
24 shall be entitled to credit for any period of such service, not
25 exceeding a total of 8 years, together with the period of
26 service taken into account in paragraph (a). Service credit

1 under this paragraph is subject to the same contribution
2 requirements and other limitations that are prescribed for
3 service credit under paragraph (a).

4 (c) Any period that a participant served as a member of the
5 General Assembly, subject to the following conditions:

6 (1) He or she has been a participant in this system for at
7 least 4 years and has contributed to the system for service
8 rendered as a member of the General Assembly subsequent to
9 November 1, 1941, at the contribution rates in effect for a
10 judge on the date of becoming a participant, including
11 interest at 3% per annum compounded annually from the date
12 such service was rendered to the date of payment, based on the
13 salary in effect during such period of service; and

14 (2) The participant is not entitled to credit for such
15 service in any other public retirement system in the State.

16 (d) Any period a participant served as a judge or
17 commissioner of the Court of Claims of this State after
18 November 1, 1941, provided he or she contributes to the system
19 at the contribution rates in effect on the date of becoming a
20 participant, based on salary received during such service,
21 including interest at 3% per annum compounded annually from
22 the date such service was rendered to the date of payment.

23 (e) Any period that a participant served as State's
24 Attorney or Public Defender of any county of this State,
25 subject to the following conditions: (1) such service was not
26 credited under any public pension fund or retirement system;

1 (2) the maximum service to be credited in this system shall be
2 8 years; (3) the participant must have at least 6 years of
3 service as a judge and as a participant of this system; and (4)
4 the participant has made contributions to the system for such
5 service at the contribution rates in effect on the date of
6 becoming a participant in this system based upon the salary of
7 the judge on such date, including interest at 4% per annum
8 compounded annually from such date to the date of payment.

9 A judge who terminated service before January 26, 1988 and
10 whose retirement annuity began after January 1, 1988 may
11 establish credit for service as a Public Defender in
12 accordance with the other provisions of this subsection by
13 making application and paying the required contributions to
14 the Board not later than 30 days after August 23, 1989. In such
15 cases, the Board shall recalculate the retirement annuity,
16 effective on the first day of the next calendar month
17 beginning at least 30 days after the application is received.

18 (f) Any period as a participating policeman, employee or
19 teacher under Article 5, 14 or 16 of this Code, subject to the
20 following conditions: (1) the credits accrued under Article 5,
21 14 or 16 have been transferred to this system; and (2) the
22 participant has contributed to the system an amount equal to
23 (A) contributions at the rate in effect for participants at
24 the date of membership in this system based upon the salary of
25 the judge on such date, (B) the employer's share of the normal
26 cost under this system for each year that credit is being

1 established, based on the salary in effect at the date of
2 membership in this system, and (C) interest at 6% per annum,
3 compounded annually, from the date of membership to the date
4 of payment; less (D) the amount transferred on behalf of the
5 participant from Article 5, 14 or 16.

6 (g) Any period that a participant served as the
7 Administrative Director of the Circuit Court of Cook County,
8 as Executive Director of the Home Rule Commission, as
9 assistant corporation counsel in the Chicago Law Department,
10 or as an employee of the Cook County Treasurer, subject to the
11 following conditions: (1) the maximum amount of such service
12 which may be credited is 10 years; (2) in order to qualify for
13 such credit in this system, a judge must have at least 6 years
14 of service as a judge and participant of this system; (3) the
15 last 6 years of service credited in this system shall be as a
16 judge and a participant in this system; (4) credits accrued to
17 the participant under any other public pension fund or public
18 retirement system in the State, if any, by reason of the
19 service to be established under this paragraph (g) has been
20 transferred to this system; and (5) the participant has
21 contributed to this system the amount, if any, by which the
22 amount transferred pursuant to subdivision (4) of this
23 paragraph, if any, is less than the amount which the
24 participant would have contributed to the system during the
25 period of time being counted as service under this paragraph
26 had the participant been a judge participating in this system

1 during that time, based on the rate of contribution in effect
2 and the salary earned by the participant on the date he or she
3 became a participant, with interest accruing on such
4 deficiency at a rate of 5% per annum from the date he or she
5 became a participant through the date on which such deficiency
6 is paid.

7 (h) Any period that a participant served as a full-time
8 attorney employed by the Chicago Transit Authority created by
9 the Metropolitan Transit Authority Act (repealed), subject to
10 the following conditions: (1) any credit received for such
11 service in the pension fund established under Section 22-101
12 has been terminated; (2) the maximum amount of such service to
13 be credited in this system shall be 10 years; (3) the
14 participant must have at least 6 years of service as a judge
15 and as a participant of this system; and (4) the participant
16 has made contributions to the system for such service at the
17 contribution rates in effect on the date of becoming a
18 participant in this system based upon the salary of the judge
19 on such date, including interest at 5% per annum compounded
20 annually from such date to the date of payment.

21 (i) Any period during which a participant received
22 temporary total disability benefit payments, as provided in
23 Section 18-126.1.

24 Service during a fraction of a month shall be considered a
25 month of service, but no more than one month of service shall
26 be credited for all service during any calendar month.

1 (Source: P.A. 86-272; 86-273; 86-1028; 87-1265.)

2 (40 ILCS 5/22-101) (from Ch. 108 1/2, par. 22-101)

3 Sec. 22-101. Retirement Plan for Chicago Transit Authority
4 Employees.

5 (a) There shall be ~~established and~~ maintained by the
6 Metropolitan Mobility Authority created by the Metropolitan
7 Mobility Authority Act ~~the Authority created by the~~
8 ~~"Metropolitan Transit Authority Act", approved April 12, 1945,~~
9 ~~as amended,~~ (referred to in this Section as the "Authority") a
10 financially sound pension and retirement system adequate to
11 provide for all payments when due under such established
12 system or as modified from time to time by ordinance of the
13 Authority ~~Chicago Transit Board~~ or collective bargaining
14 agreement. For this purpose, the Metropolitan Mobility
15 Authority Board must make contributions to the established
16 system as required under this Section and may make any
17 additional contributions provided for by Board ordinance or
18 collective bargaining agreement. The participating employees
19 shall make such periodic payments to the established system as
20 required under this Section and may make any additional
21 contributions provided for by Board ordinance or collective
22 bargaining agreement.

23 Provisions shall be made by the Board for all officers,
24 except those who first become members on or after January 1,
25 2012, and employees of the Authority appointed pursuant to the

1 ~~"Metropolitan Transit Authority Act"~~ (repealed) to become,
2 subject to reasonable rules and regulations, participants of
3 the pension or retirement system with uniform rights,
4 privileges, obligations and status as to the class in which
5 such officers and employees belong. The terms, conditions and
6 provisions of any pension or retirement system or of any
7 amendment or modification thereof affecting employees who are
8 members of any labor organization may be established, amended
9 or modified by agreement with such labor organization,
10 provided the terms, conditions and provisions must be
11 consistent with this Act, the annual funding levels for the
12 retirement system established by law must be met and the
13 benefits paid to future participants in the system may not
14 exceed the benefit ceilings set for future participants under
15 this Act and the contribution levels required by the Authority
16 and its employees may not be less than the contribution levels
17 established under this Act.

18 (b) The Board of Trustees shall consist of 11 members
19 appointed as follows: (i) 6 ~~5~~ trustees shall be appointed by
20 the Metropolitan Mobility Authority Board ~~Chicago Transit~~
21 ~~Board~~; (ii) 3 trustees shall be appointed by an organization
22 representing the highest number of Chicago Transit Authority
23 participants; (iii) one trustee shall be appointed by an
24 organization representing the second-highest number of Chicago
25 Transit Authority participants; and (iv) one trustee shall be
26 appointed by the recognized coalition representatives of

1 participants who are not represented by an organization with
2 the highest or second-highest number of Chicago Transit
3 Authority participants; ~~and (v) one trustee shall be selected~~
4 ~~by the Regional Transportation Authority Board of Directors,~~
5 and the trustee shall be a professional fiduciary who has
6 experience in the area of collectively bargained pension
7 plans. Those trustees serving on the effective date of this
8 amendatory Act of the 104th General Assembly appointed by the
9 Chicago Transit Board and the Regional Transportation
10 Authority Board of Directors shall continue serving until
11 their terms end or they are replaced by the Metropolitan
12 Mobility Authority Board. Trustees shall serve until a
13 successor has been appointed and qualified, or until
14 resignation, death, incapacity, or disqualification.

15 Any person appointed as a trustee of the board shall
16 qualify by taking an oath of office that he or she will
17 diligently and honestly administer the affairs of the system
18 and will not knowingly violate or willfully permit the
19 violation of any of the provisions of law applicable to the
20 Plan, including Sections 1-109, 1-109.1, 1-109.2, 1-110,
21 1-111, 1-114, and 1-115 of the Illinois Pension Code.

22 Each trustee shall cast individual votes, and a majority
23 vote shall be final and binding upon all interested parties,
24 provided that the Board of Trustees may require a
25 supermajority vote with respect to the investment of the
26 assets of the Retirement Plan, and may set forth that

1 requirement in the Retirement Plan documents, by-laws, or
2 rules of the Board of Trustees. Each trustee shall have the
3 rights, privileges, authority, and obligations as are usual
4 and customary for such fiduciaries.

5 The Board of Trustees may cause amounts on deposit in the
6 Retirement Plan to be invested in those investments that are
7 permitted investments for the investment of moneys held under
8 any one or more of the pension or retirement systems of the
9 State, any unit of local government or school district, or any
10 agency or instrumentality thereof. The Board, by a vote of at
11 least two-thirds of the trustees, may transfer investment
12 management to the Illinois State Board of Investment, which is
13 hereby authorized to manage these investments when so
14 requested by the Board of Trustees.

15 Notwithstanding any other provision of this Article or any
16 law to the contrary, any person who first became ~~becomes~~ a
17 member of the Chicago Transit Board on or after January 1, 2012
18 shall not be eligible to participate in this Retirement Plan.

19 (c) All individuals who were previously participants in
20 the Retirement Plan for Chicago Transit Authority Employees
21 shall remain participants, and shall receive the same benefits
22 established by the Retirement Plan for Chicago Transit
23 Authority Employees, except as provided in this amendatory Act
24 or by subsequent legislative enactment or amendment to the
25 Retirement Plan. For Authority employees hired on or after the
26 effective date of this amendatory Act of the 95th General

1 Assembly, the Retirement Plan for Chicago Transit Authority
2 Employees shall be the exclusive retirement plan and such
3 employees shall not be eligible for any supplemental plan,
4 except for a deferred compensation plan funded only by
5 employee contributions.

6 For all Authority employees who are first hired on or
7 after the effective date of this amendatory Act of the 95th
8 General Assembly and are participants in the Retirement Plan
9 for Chicago Transit Authority Employees, the following terms,
10 conditions and provisions with respect to retirement shall be
11 applicable:

12 (1) Such participant shall be eligible for an
13 unreduced retirement allowance for life upon the
14 attainment of age 64 with 25 years of continuous service.

15 (2) Such participant shall be eligible for a reduced
16 retirement allowance for life upon the attainment of age
17 55 with 10 years of continuous service.

18 (3) For the purpose of determining the retirement
19 allowance to be paid to a retiring employee, the term
20 "Continuous Service" as used in the Retirement Plan for
21 Chicago Transit Authority Employees shall also be deemed
22 to include all pension credit for service with any
23 retirement system established under Article 8 or Article
24 11 of this Code, provided that the employee forfeits and
25 relinquishes all pension credit under Article 8 or Article
26 11 of this Code, and the contribution required under this

1 subsection is made by the employee. The Retirement Plan's
2 actuary shall determine the contribution paid by the
3 employee as an amount equal to the normal cost of the
4 benefit accrued, had the service been rendered as an
5 employee, plus interest per annum from the time such
6 service was rendered until the date the payment is made.

7 (d) From the effective date of this amendatory Act through
8 December 31, 2008, all participating employees shall
9 contribute to the Retirement Plan in an amount not less than 6%
10 of compensation, and the Authority shall contribute to the
11 Retirement Plan in an amount not less than 12% of
12 compensation.

13 (e) (1) Beginning January 1, 2009 the Authority shall make
14 contributions to the Retirement Plan in an amount equal to
15 twelve percent (12%) of compensation and participating
16 employees shall make contributions to the Retirement Plan in
17 an amount equal to six percent (6%) of compensation. These
18 contributions may be paid by the Authority and participating
19 employees on a payroll or other periodic basis, but shall in
20 any case be paid to the Retirement Plan at least monthly.

21 (2) For the period ending December 31, 2040, the amount
22 paid by the Authority in any year with respect to debt service
23 on bonds issued for the purposes of funding a contribution to
24 the Retirement Plan under Section 12c of the Metropolitan
25 Transit Authority Act (repealed), other than debt service paid
26 with the proceeds of bonds or notes issued by the Authority for

1 any year after calendar year 2008, shall be treated as a credit
2 against the amount of required contribution to the Retirement
3 Plan by the Authority under subsection (e)(1) for the
4 following year up to an amount not to exceed 6% of compensation
5 paid by the Authority in that following year.

6 (3) By September 15 of each year beginning in 2009 and
7 ending on December 31, 2039, on the basis of a report prepared
8 by an enrolled actuary retained by the Plan, the Board of
9 Trustees of the Retirement Plan shall determine the estimated
10 funded ratio of the total assets of the Retirement Plan to its
11 total actuarially determined liabilities. A report containing
12 that determination and the actuarial assumptions on which it
13 is based shall be filed with the Authority, the
14 representatives of its participating employees, the Auditor
15 General of the State of Illinois, and the Metropolitan
16 Mobility ~~Regional Transportation~~ Authority. If the funded
17 ratio is projected to decline below 60% in any year before
18 2040, the Board of Trustees shall also determine the increased
19 contribution required each year as a level percentage of
20 payroll over the years remaining until 2040 using the
21 projected unit credit actuarial cost method so the funded
22 ratio does not decline below 60% and include that
23 determination in its report. If the actual funded ratio
24 declines below 60% in any year prior to 2040, the Board of
25 Trustees shall also determine the increased contribution
26 required each year as a level percentage of payroll during the

1 years after the then current year using the projected unit
2 credit actuarial cost method so the funded ratio is projected
3 to reach at least 60% no later than 10 years after the then
4 current year and include that determination in its report.
5 Within 60 days after receiving the report, the Auditor General
6 shall review the determination and the assumptions on which it
7 is based, and if he finds that the determination and the
8 assumptions on which it is based are unreasonable in the
9 aggregate, he shall issue a new determination of the funded
10 ratio, the assumptions on which it is based and the increased
11 contribution required each year as a level percentage of
12 payroll over the years remaining until 2040 using the
13 projected unit credit actuarial cost method so the funded
14 ratio does not decline below 60%, or, in the event of an actual
15 decline below 60%, so the funded ratio is projected to reach
16 60% by no later than 10 years after the then current year. If
17 the Board of Trustees or the Auditor General determine that an
18 increased contribution is required to meet the funded ratio
19 required by the subsection, effective January 1 following the
20 determination or 30 days after such determination, whichever
21 is later, one-third of the increased contribution shall be
22 paid by participating employees and two-thirds by the
23 Authority, in addition to the contributions required by this
24 subsection (1).

25 (4) For the period beginning 2040, the minimum
26 contribution to the Retirement Plan for each fiscal year shall

1 be an amount determined by the Board of Trustees of the
2 Retirement Plan to be sufficient to bring the total assets of
3 the Retirement Plan up to 90% of its total actuarial
4 liabilities by the end of 2059. Participating employees shall
5 be responsible for one-third of the required contribution and
6 the Authority shall be responsible for two-thirds of the
7 required contribution. In making these determinations, the
8 Board of Trustees shall calculate the required contribution
9 each year as a level percentage of payroll over the years
10 remaining to and including fiscal year 2059 using the
11 projected unit credit actuarial cost method. A report
12 containing that determination and the actuarial assumptions on
13 which it is based shall be filed by September 15 of each year
14 with the Authority, the representatives of its participating
15 employees, the Auditor General of the State of Illinois and
16 the Metropolitan Mobility ~~Regional Transportation~~ Authority.
17 If the funded ratio is projected to fail to reach 90% by
18 December 31, 2059, the Board of Trustees shall also determine
19 the increased contribution required each year as a level
20 percentage of payroll over the years remaining until December
21 31, 2059 using the projected unit credit actuarial cost method
22 so the funded ratio will meet 90% by December 31, 2059 and
23 include that determination in its report. Within 60 days after
24 receiving the report, the Auditor General shall review the
25 determination and the assumptions on which it is based and if
26 he finds that the determination and the assumptions on which

1 it is based are unreasonable in the aggregate, he shall issue a
2 new determination of the funded ratio, the assumptions on
3 which it is based and the increased contribution required each
4 year as a level percentage of payroll over the years remaining
5 until December 31, 2059 using the projected unit credit
6 actuarial cost method so the funded ratio reaches no less than
7 90% by December 31, 2059. If the Board of Trustees or the
8 Auditor General determine that an increased contribution is
9 required to meet the funded ratio required by this subsection,
10 effective January 1 following the determination or 30 days
11 after such determination, whichever is later, one-third of the
12 increased contribution shall be paid by participating
13 employees and two-thirds by the Authority, in addition to the
14 contributions required by subsection (e) (1).

15 (5) Beginning in 2060, the minimum contribution for each
16 year shall be the amount needed to maintain the total assets of
17 the Retirement Plan at 90% of the total actuarial liabilities
18 of the Plan, and the contribution shall be funded two-thirds
19 by the Authority and one-third by the participating employees
20 in accordance with this subsection.

21 (f) The Authority shall take the steps necessary to comply
22 with Section 414(h) (2) of the Internal Revenue Code of 1986,
23 as amended, to permit the pick-up of employee contributions
24 under subsections (d) and (e) on a tax-deferred basis.

25 (g) The Board of Trustees shall certify to the Governor,
26 the General Assembly, the Auditor General, the Board of the

1 Metropolitan Mobility ~~Regional Transportation~~ Authority, and
2 the Authority at least 90 days prior to the end of each fiscal
3 year the amount of the required contributions to the
4 retirement system for the next retirement system fiscal year
5 under this Section. The certification shall include a copy of
6 the actuarial recommendations upon which it is based. In
7 addition, copies of the certification shall be sent to the
8 Commission on Government Forecasting and Accountability and
9 the Mayor of Chicago.

10 (h) (1) As to an employee who first becomes entitled to a
11 retirement allowance commencing on or after November 30, 1989,
12 the retirement allowance shall be the amount determined in
13 accordance with the following formula:

14 (A) One percent (1%) of his "Average Annual
15 Compensation in the highest four (4) completed Plan Years"
16 for each full year of continuous service from the date of
17 original employment to the effective date of the Plan;
18 plus

19 (B) One and seventy-five hundredths percent (1.75%) of
20 his "Average Annual Compensation in the highest four (4)
21 completed Plan Years" for each year (including fractions
22 thereof to completed calendar months) of continuous
23 service as provided for in the Retirement Plan for Chicago
24 Transit Authority Employees.

25 Provided, however that:

26 (2) As to an employee who first becomes entitled to a

1 retirement allowance commencing on or after January 1, 1993,
2 the retirement allowance shall be the amount determined in
3 accordance with the following formula:

4 (A) One percent (1%) of his "Average Annual
5 Compensation in the highest four (4) completed Plan Years"
6 for each full year of continuous service from the date of
7 original employment to the effective date of the Plan;
8 plus

9 (B) One and eighty hundredths percent (1.80%) of his
10 "Average Annual Compensation in the highest four (4)
11 completed Plan Years" for each year (including fractions
12 thereof to completed calendar months) of continuous
13 service as provided for in the Retirement Plan for Chicago
14 Transit Authority Employees.

15 Provided, however that:

16 (3) As to an employee who first becomes entitled to a
17 retirement allowance commencing on or after January 1, 1994,
18 the retirement allowance shall be the amount determined in
19 accordance with the following formula:

20 (A) One percent (1%) of his "Average Annual
21 Compensation in the highest four (4) completed Plan Years"
22 for each full year of continuous service from the date of
23 original employment to the effective date of the Plan;
24 plus

25 (B) One and eighty-five hundredths percent (1.85%) of
26 his "Average Annual Compensation in the highest four (4)

1 completed Plan Years" for each year (including fractions
2 thereof to completed calendar months) of continuous
3 service as provided for in the Retirement Plan for Chicago
4 Transit Authority Employees.

5 Provided, however that:

6 (4) As to an employee who first becomes entitled to a
7 retirement allowance commencing on or after January 1, 2000,
8 the retirement allowance shall be the amount determined in
9 accordance with the following formula:

10 (A) One percent (1%) of his "Average Annual
11 Compensation in the highest four (4) completed Plan Years"
12 for each full year of continuous service from the date of
13 original employment to the effective date of the Plan;
14 plus

15 (B) Two percent (2%) of his "Average Annual
16 Compensation in the highest four (4) completed Plan Years"
17 for each year (including fractions thereof to completed
18 calendar months) of continuous service as provided for in
19 the Retirement Plan for Chicago Transit Authority
20 Employees.

21 Provided, however that:

22 (5) As to an employee who first becomes entitled to a
23 retirement allowance commencing on or after January 1, 2001,
24 the retirement allowance shall be the amount determined in
25 accordance with the following formula:

26 (A) One percent (1%) of his "Average Annual

1 Compensation in the highest four (4) completed Plan Years"
2 for each full year of continuous service from the date of
3 original employment to the effective date of the Plan;
4 plus

5 (B) Two and fifteen hundredths percent (2.15%) of his
6 "Average Annual Compensation in the highest four (4)
7 completed Plan Years" for each year (including fractions
8 thereof to completed calendar months) of continuous
9 service as provided for in the Retirement Plan for Chicago
10 Transit Authority Employees.

11 The changes made by this amendatory Act of the 95th
12 General Assembly, to the extent that they affect the rights or
13 privileges of Authority employees that are currently the
14 subject of collective bargaining, have been agreed to between
15 the authorized representatives of these employees and of the
16 Authority prior to enactment of this amendatory Act, as
17 evidenced by a Memorandum of Understanding between these
18 representatives that will be filed with the Secretary of State
19 Index Department and designated as "95-GA-C05". The General
20 Assembly finds and declares that those changes are consistent
21 with 49 U.S.C. 5333(b) (also known as Section 13(c) of the
22 Federal Transit Act) because of this agreement between
23 authorized representatives of these employees and of the
24 Authority, and that any future amendments to the provisions of
25 this amendatory Act of the 95th General Assembly, to the
26 extent those amendments would affect the rights and privileges

1 of Authority employees that are currently the subject of
2 collective bargaining, would be consistent with 49 U.S.C.
3 5333(b) if and only if those amendments were agreed to between
4 these authorized representatives prior to enactment.

5 (i) Early retirement incentive plan; funded ratio.

6 (1) Beginning on the effective date of this Section,
7 no early retirement incentive shall be offered to
8 participants of the Plan unless the Funded Ratio of the
9 Plan is at least 80% or more.

10 (2) For the purposes of this Section, the Funded Ratio
11 shall be the Adjusted Assets divided by the Actuarial
12 Accrued Liability developed in accordance with Statement
13 #25 promulgated by the Government Accounting Standards
14 Board and the actuarial assumptions described in the Plan.
15 The Adjusted Assets shall be calculated based on the
16 methodology described in the Plan.

17 (j) Nothing in this amendatory Act of the 95th General
18 Assembly shall impair the rights or privileges of Authority
19 employees under any other law.

20 (k) Any individual who, on or after August 19, 2011 (the
21 effective date of Public Act 97-442), first becomes a
22 participant of the Retirement Plan shall not be paid any of the
23 benefits provided under this Code if he or she is convicted of
24 a felony relating to, arising out of, or in connection with his
25 or her service as a participant.

26 This subsection (k) shall not operate to impair any

1 contract or vested right acquired before August 19, 2011 (the
2 effective date of Public Act 97-442) under any law or laws
3 continued in this Code, and it shall not preclude the right to
4 refund.

5 (Source: P.A. 97-442, eff. 8-19-11; 97-609, eff. 1-1-12;
6 97-813, eff. 7-13-12.)

7 (40 ILCS 5/22-101B)

8 Sec. 22-101B. Health Care Benefits.

9 (a) The Metropolitan Mobility ~~Chicago Transit~~ Authority
10 (hereinafter referred to in this Section as the "Authority")
11 shall take all actions lawfully available to it to separate
12 the funding of health care benefits for retirees and their
13 dependents and survivors from the funding for its retirement
14 system. ~~The Authority shall endeavor to achieve this~~
15 ~~separation as soon as possible, and in any event no later than~~
16 ~~July 1, 2009.~~

17 (b) Effective 90 days after the effective date of this
18 amendatory Act of the 95th General Assembly, a Retiree Health
19 Care Trust is established for the purpose of providing health
20 care benefits to eligible retirees and their dependents and
21 survivors in accordance with the terms and conditions set
22 forth in this Section 22-101B. The Retiree Health Care Trust
23 shall be solely responsible for providing health care benefits
24 to eligible retirees and their dependents and survivors upon
25 the exhaustion of the account established by the Retirement

1 Plan for Chicago Transit Authority Employees pursuant to
2 Section 401(h) of the Internal Revenue Code of 1986, but no
3 earlier than January 1, 2009 and no later than July 1, 2009.

4 (1) The Board of Trustees shall consist of 7 members
5 appointed as follows: (i) 4 ~~3~~ trustees shall be appointed
6 by the Metropolitan Mobility Authority Board ~~Chicago~~
7 ~~Transit Board~~; (ii) one trustee shall be appointed by an
8 organization representing the highest number of former
9 Chicago Transit Authority participants; (iii) one trustee
10 shall be appointed by an organization representing the
11 second-highest number of former Chicago Transit Authority
12 participants; and (iv) one trustee shall be appointed by
13 the recognized coalition representatives of participants
14 who are not represented by an organization with the
15 highest or second-highest number of former Chicago Transit
16 Authority participants; ~~and (v) one trustee shall be~~
17 ~~selected by the Regional Transportation Authority Board of~~
18 ~~Directors~~, and the trustee shall be a professional
19 fiduciary who has experience in the area of collectively
20 bargained retiree health plans. Those trustees serving on
21 the effective date of this amendatory Act of the 104th
22 General Assembly appointed by the Chicago Transit Board
23 and the Regional Transportation Authority Board of
24 Directors shall continue serving until their terms end or
25 they are replaced by the Metropolitan Mobility Authority
26 Board. Trustees shall serve until a successor has been

1 appointed and qualified, or until resignation, death,
2 incapacity, or disqualification.

3 Any person appointed as a trustee of the board shall
4 qualify by taking an oath of office that he or she will
5 diligently and honestly administer the affairs of the
6 system, and will not knowingly violate or willfully permit
7 the violation of any of the provisions of law applicable
8 to the Plan, including Sections 1-109, 1-109.1, 1-109.2,
9 1-110, 1-111, 1-114, and 1-115 of Article 1 of the
10 Illinois Pension Code.

11 Each trustee shall cast individual votes, and a
12 majority vote shall be final and binding upon all
13 interested parties, provided that the Board of Trustees
14 may require a supermajority vote with respect to the
15 investment of the assets of the Retiree Health Care Trust,
16 and may set forth that requirement in the trust agreement
17 or by-laws of the Board of Trustees. Each trustee shall
18 have the rights, privileges, authority and obligations as
19 are usual and customary for such fiduciaries.

20 (2) The Board of Trustees shall establish and
21 administer a health care benefit program for eligible
22 retirees and their dependents and survivors. Any health
23 care benefit program established by the Board of Trustees
24 for eligible retirees and their dependents and survivors
25 effective on or after July 1, 2009 shall not contain any
26 plan which provides for more than 90% coverage for

1 in-network services or 70% coverage for out-of-network
2 services after any deductible has been paid, except that
3 coverage through a health maintenance organization ("HMO")
4 may be provided at 100%.

5 (2.5) The Board of Trustees may also establish and
6 administer a health reimbursement arrangement for retirees
7 and for former employees of the Authority or the
8 Retirement Plan, and their survivors, who have contributed
9 to the Retiree Health Care Trust but do not satisfy the
10 years of service requirement of subdivision (b) (4) and the
11 terms of the retiree health care plan; or for those who do
12 satisfy the requirements of subdivision (b) (4) and the
13 terms of the retiree health care plan but who decline
14 coverage under the plan prior to retirement. Any such
15 health reimbursement arrangement may provide that: the
16 retirees or former employees of the Authority or the
17 Retirement Plan, and their survivors, must have reached
18 age 65 to be eligible to participate in the health
19 reimbursement arrangement; contributions by the retirees
20 or former employees of the Authority or the Retirement
21 Plan to the Retiree Health Care Trust shall be considered
22 assets of the Retiree Health Care Trust only;
23 contributions shall not accrue interest for the benefit of
24 the retiree or former employee of the Authority or the
25 Retirement Plan or survivor; benefits shall be payable in
26 accordance with the Internal Revenue Code of 1986; the

1 amounts paid to or on account of the retiree or former
2 employee of the Authority or the Retirement Plan or
3 survivor shall not exceed the total amount which the
4 retiree or former employee of the Authority or the
5 Retirement Plan contributed to the Retiree Health Care
6 Trust; the Retiree Health Care Trust may charge a
7 reasonable administrative fee for processing the benefits.
8 The Board of Trustees of the Retiree Health Care Trust may
9 establish such rules, limitations and requirements as the
10 Board of Trustees deems appropriate.

11 (3) The Retiree Health Care Trust shall be
12 administered by the Board of Trustees according to the
13 following requirements:

14 (i) The Board of Trustees may cause amounts on
15 deposit in the Retiree Health Care Trust to be
16 invested in those investments that are permitted
17 investments for the investment of moneys held under
18 any one or more of the pension or retirement systems of
19 the State, any unit of local government or school
20 district, or any agency or instrumentality thereof.
21 The Board, by a vote of at least two-thirds of the
22 trustees, may transfer investment management to the
23 Illinois State Board of Investment, which is hereby
24 authorized to manage these investments when so
25 requested by the Board of Trustees.

26 (ii) The Board of Trustees shall establish and

1 maintain an appropriate funding reserve level which
2 shall not be less than the amount of incurred and
3 unreported claims plus 12 months of expected claims
4 and administrative expenses.

5 (iii) The Board of Trustees shall make an annual
6 assessment of the funding levels of the Retiree Health
7 Care Trust and shall submit a report to the Auditor
8 General at least 90 days prior to the end of the fiscal
9 year. The report shall provide the following:

10 (A) the actuarial present value of projected
11 benefits expected to be paid to current and future
12 retirees and their dependents and survivors;

13 (B) the actuarial present value of projected
14 contributions and trust income plus assets;

15 (C) the reserve required by subsection
16 (b) (3) (ii); and

17 (D) an assessment of whether the actuarial
18 present value of projected benefits expected to be
19 paid to current and future retirees and their
20 dependents and survivors exceeds or is less than
21 the actuarial present value of projected
22 contributions and trust income plus assets in
23 excess of the reserve required by subsection
24 (b) (3) (ii).

25 If the actuarial present value of projected
26 benefits expected to be paid to current and future

1 retirees and their dependents and survivors exceeds
2 the actuarial present value of projected contributions
3 and trust income plus assets in excess of the reserve
4 required by subsection (b)(3)(ii), then the report
5 shall provide a plan, to be implemented over a period
6 of not more than 10 years from each valuation date,
7 which would make the actuarial present value of
8 projected contributions and trust income plus assets
9 equal to or exceed the actuarial present value of
10 projected benefits expected to be paid to current and
11 future retirees and their dependents and survivors.
12 The plan may consist of increases in employee,
13 retiree, dependent, or survivor contribution levels,
14 decreases in benefit levels, or other plan changes or
15 any combination thereof. If the actuarial present
16 value of projected benefits expected to be paid to
17 current and future retirees and their dependents and
18 survivors is less than the actuarial present value of
19 projected contributions and trust income plus assets
20 in excess of the reserve required by subsection
21 (b)(3)(ii), then the report may provide a plan of
22 decreases in employee, retiree, dependent, or survivor
23 contribution levels, increases in benefit levels, or
24 other plan changes, or any combination thereof, to the
25 extent of the surplus.

26 (iv) The Auditor General shall review the report

1 and plan provided in subsection (b) (3) (iii) and issue
2 a determination within 90 days after receiving the
3 report and plan, with a copy of such determination
4 provided to the General Assembly and the Metropolitan
5 Mobility ~~Regional Transportation~~ Authority, as
6 follows:

7 (A) In the event of a projected shortfall, if
8 the Auditor General determines that the
9 assumptions stated in the report are not
10 unreasonable in the aggregate and that the plan of
11 increases in employee, retiree, dependent, or
12 survivor contribution levels, decreases in benefit
13 levels, or other plan changes, or any combination
14 thereof, to be implemented over a period of not
15 more than 10 years from each valuation date, is
16 reasonably projected to make the actuarial present
17 value of projected contributions and trust income
18 plus assets equal to or in excess of the actuarial
19 present value of projected benefits expected to be
20 paid to current and future retirees and their
21 dependents and survivors, then the Board of
22 Trustees shall implement the plan. If the Auditor
23 General determines that the assumptions stated in
24 the report are unreasonable in the aggregate, or
25 that the plan of increases in employee, retiree,
26 dependent, or survivor contribution levels,

1 decreases in benefit levels, or other plan changes
2 to be implemented over a period of not more than 10
3 years from each valuation date, is not reasonably
4 projected to make the actuarial present value of
5 projected contributions and trust income plus
6 assets equal to or in excess of the actuarial
7 present value of projected benefits expected to be
8 paid to current and future retirees and their
9 dependents and survivors, then the Board of
10 Trustees shall not implement the plan, the Auditor
11 General shall explain the basis for such
12 determination to the Board of Trustees, and the
13 Auditor General may make recommendations as to an
14 alternative report and plan.

15 (B) In the event of a projected surplus, if
16 the Auditor General determines that the
17 assumptions stated in the report are not
18 unreasonable in the aggregate and that the plan of
19 decreases in employee, retiree, dependent, or
20 survivor contribution levels, increases in benefit
21 levels, or both, is not unreasonable in the
22 aggregate, then the Board of Trustees shall
23 implement the plan. If the Auditor General
24 determines that the assumptions stated in the
25 report are unreasonable in the aggregate, or that
26 the plan of decreases in employee, retiree,

1 dependent, or survivor contribution levels,
2 increases in benefit levels, or both, is
3 unreasonable in the aggregate, then the Board of
4 Trustees shall not implement the plan, the Auditor
5 General shall explain the basis for such
6 determination to the Board of Trustees, and the
7 Auditor General may make recommendations as to an
8 alternative report and plan.

9 (C) The Board of Trustees shall submit an
10 alternative report and plan within 45 days after
11 receiving a rejection determination by the Auditor
12 General. A determination by the Auditor General on
13 any alternative report and plan submitted by the
14 Board of Trustees shall be made within 90 days
15 after receiving the alternative report and plan,
16 and shall be accepted or rejected according to the
17 requirements of this subsection (b)(3)(iv). The
18 Board of Trustees shall continue to submit
19 alternative reports and plans to the Auditor
20 General, as necessary, until a favorable
21 determination is made by the Auditor General.

22 (4) For any retiree who first retires effective on or
23 after January 18, 2008, to be eligible for retiree health
24 care benefits upon retirement, the retiree must be at
25 least 55 years of age, retire with 10 or more years of
26 continuous service and satisfy the preconditions

1 established by Public Act 95-708 in addition to any rules
2 or regulations promulgated by the Board of Trustees.
3 Notwithstanding the foregoing, any retiree hired on or
4 before September 5, 2001 who retires with 25 years or more
5 of continuous service shall be eligible for retiree health
6 care benefits upon retirement in accordance with any rules
7 or regulations adopted by the Board of Trustees; provided
8 he or she retires prior to the full execution of the
9 successor collective bargaining agreement to the
10 collective bargaining agreement that became effective
11 January 1, 2007 between the Authority and the
12 organizations representing the highest and second-highest
13 number of former Chicago Transit Authority participants.
14 This paragraph (4) shall not apply to a disability
15 allowance.

16 (5) Effective January 1, 2009, the aggregate amount of
17 retiree, dependent and survivor contributions to the cost
18 of their health care benefits shall not exceed more than
19 45% of the total cost of such benefits. The Board of
20 Trustees shall have the discretion to provide different
21 contribution levels for retirees, dependents and survivors
22 based on their years of service, level of coverage or
23 Medicare eligibility, provided that the total contribution
24 from all retirees, dependents, and survivors shall be not
25 more than 45% of the total cost of such benefits. The term
26 "total cost of such benefits" for purposes of this

1 subsection shall be the total amount expended by the
2 retiree health benefit program in the prior plan year, as
3 calculated and certified in writing by the Retiree Health
4 Care Trust's enrolled actuary to be appointed and paid for
5 by the Board of Trustees.

6 (6) Effective January 1, 2022, all employees of the
7 Authority shall contribute to the Retiree Health Care
8 Trust in an amount not less than 1% of compensation.

9 (7) No earlier than January 1, 2009 and no later than
10 July 1, 2009 as the Retiree Health Care Trust becomes
11 solely responsible for providing health care benefits to
12 eligible retirees and their dependents and survivors in
13 accordance with subsection (b) of this Section 22-101B,
14 the Authority shall not have any obligation to provide
15 health care to current or future retirees and their
16 dependents or survivors. Employees, retirees, dependents,
17 and survivors who are required to make contributions to
18 the Retiree Health Care Trust shall make contributions at
19 the level set by the Board of Trustees pursuant to the
20 requirements of this Section 22-101B.

21 (Source: P.A. 102-415, eff. 1-1-22.)

22 (40 ILCS 5/22-103)

23 Sec. 22-103. Metropolitan Mobility ~~Regional Transportation~~
24 Authority and related pension plans.

25 (a) As used in this Section:

1 "Affected pension plan" means a defined-benefit pension
2 plan supported in whole or in part by employer contributions
3 and maintained by the Metropolitan Mobility Authority ~~Regional~~
4 ~~Transportation Authority, the Suburban Bus Division, or the~~
5 ~~Commuter Rail Division, or any combination thereof,~~ under the
6 general authority of the Metropolitan Mobility ~~Regional~~
7 ~~Transportation~~ Authority Act, including but not limited to any
8 such plan that has been established under or is subject to a
9 collective bargaining agreement or is limited to employees
10 covered by a collective bargaining agreement. "Affected
11 pension plan" does not include any pension fund or retirement
12 system subject to Section 22-101 of this Section.

13 "Authority" means the Metropolitan Mobility ~~Regional~~
14 ~~Transportation~~ Authority created under the Metropolitan
15 Mobility ~~Regional Transportation~~ Authority Act.

16 "Contributing employer" means an employer that is required
17 to make contributions to an affected pension plan under the
18 terms of that plan.

19 "Funding ratio" means the ratio of an affected pension
20 plan's assets to the present value of its actuarial
21 liabilities, as determined at its latest actuarial valuation
22 in accordance with applicable actuarial assumptions and
23 recommendations.

24 "Under-funded pension plan" or "under-funded" means an
25 affected pension plan that, at the time of its last actuarial
26 valuation, has a funding ratio of less than 90%.

1 (b) The contributing employers of each affected pension
2 plan have a general duty to make the required employer
3 contributions to the affected pension plan in a timely manner
4 in accordance with the terms of the plan. A contributing
5 employer must make contributions to the affected pension plan
6 as required under this subsection and, if applicable,
7 subsection (c); a contributing employer may make any
8 additional contributions provided for by the board of the
9 employer or collective bargaining agreement.

10 (c) In the case of an affected pension plan that is
11 under-funded on January 1, 2009 or becomes under-funded at any
12 time after that date, the contributing employers shall
13 contribute to the affected pension plan, in addition to all
14 amounts otherwise required, amounts sufficient to bring the
15 funding ratio of the affected pension plan up to 90% in
16 accordance with an amortization schedule adopted jointly by
17 the contributing employers and the trustee of the affected
18 pension plan. The amortization schedule may extend for any
19 period up to a maximum of 50 years and shall provide for
20 additional employer contributions in substantially equal
21 annual amounts over the selected period. If the contributing
22 employers and the trustee of the affected pension plan do not
23 agree on an appropriate period for the amortization schedule
24 within 6 months of the date of determination that the plan is
25 under-funded, then the amortization schedule shall be based on
26 a period of 50 years.

1 In the case of an affected pension plan that has more than
2 one contributing employer, each contributing employer's share
3 of the total additional employer contributions required under
4 this subsection shall be determined: (i) in proportion to the
5 amounts, if any, by which the respective contributing
6 employers have failed to meet their contribution obligations
7 under the terms of the affected pension plan; or (ii) if all of
8 the contributing employers have met their contribution
9 obligations under the terms of the affected pension plan, then
10 in the same proportion as they are required to contribute
11 under the terms of that plan. In the case of an affected
12 pension plan that has only one contributing employer, that
13 contributing employer is responsible for all of the additional
14 employer contributions required under this subsection.

15 If an under-funded pension plan is determined to have
16 achieved a funding ratio of at least 90% during the period when
17 an amortization schedule is in force under this Section, the
18 contributing employers and the trustee of the affected pension
19 plan, acting jointly, may cancel the amortization schedule and
20 the contributing employers may cease making additional
21 contributions under this subsection for as long as the
22 affected pension plan retains a funding ratio of at least 90%.

23 (d) Beginning January 1, 2009, if the Authority fails to
24 pay to an affected pension fund within 30 days after it is due
25 (i) any employer contribution that it is required to make as a
26 contributing employer, (ii) any additional employer

1 contribution that it is required to pay under subsection (c),
2 or (iii) any payment that it is required to make under
3 subsection (d) of Section 3.03 of the Metropolitan Mobility
4 Authority Act as a result of Section 4.02a or 4.02b of the
5 Regional Transportation Authority Act (repealed), the trustee
6 of the affected pension fund shall promptly so notify the
7 Commission on Government Forecasting and Accountability, the
8 Mayor of Chicago, the Governor, and the General Assembly.

9 (e) For purposes of determining employer contributions,
10 assets, and actuarial liabilities under this subsection,
11 contributions, assets, and liabilities relating to health care
12 benefits shall not be included.

13 (f) This amendatory Act of the 94th General Assembly does
14 not affect or impair the right of any contributing employer or
15 its employees to collectively bargain the amount or level of
16 employee contributions to an affected pension plan, to the
17 extent that the plan includes employees subject to collective
18 bargaining.

19 (g) Any individual who, on or after August 19, 2011 (the
20 effective date of Public Act 97-442), first becomes a
21 participant of an affected pension plan shall not be paid any
22 of the benefits provided under this Code if he or she is
23 convicted of a felony relating to, arising out of, or in
24 connection with his or her service as a participant.

25 This subsection shall not operate to impair any contract
26 or vested right acquired before August 19, 2011 (the effective

1 date of Public Act 97-442) under any law or laws continued in
2 this Code, and it shall not preclude the right to refund.

3 (h) Notwithstanding any other provision of this Article or
4 any law to the contrary, a person who, on or after January 1,
5 2012 (the effective date of Public Act 97-609), first becomes
6 a director on the Suburban Bus Board, the Commuter Rail Board,
7 ~~or~~ the Board of Directors of the Regional Transportation
8 Authority, or the Board of Directors of the Metropolitan
9 Mobility Authority shall not be eligible to participate in an
10 affected pension plan.

11 (Source: P.A. 97-442, eff. 8-19-11; 97-609, eff. 1-1-12;
12 97-813, eff. 7-13-12.)

13 (40 ILCS 5/22-105)

14 Sec. 22-105. Application to Metropolitan Mobility ~~Regional~~
15 ~~Transportation~~ Authority Board members. This Code does not
16 apply to any individual who first becomes a member of the
17 Regional Transportation Authority Board on or after the
18 effective date of this amendatory Act of the 98th General
19 Assembly with respect to service on that Board or the
20 Metropolitan Mobility Authority Board on or after the
21 effective date of this amendatory Act of the 104th General
22 Assembly with respect to service on that Board.

23 (Source: P.A. 98-108, eff. 7-23-13.)

24 Section 20.29. The Illinois Municipal Budget Law is

1 amended by changing Section 2 as follows:

2 (50 ILCS 330/2) (from Ch. 85, par. 802)

3 Sec. 2. The following terms, unless the context otherwise
4 indicates, have the following meaning:

5 (1) "Municipality" means and includes all municipal
6 corporations and political subdivisions of this State, or any
7 such unit or body hereafter created by authority of law,
8 except the following: (a) The State of Illinois; (b) counties;
9 (c) cities, villages and incorporated towns; (d) sanitary
10 districts created under "An Act to create sanitary districts
11 and to remove obstructions in the Des Plaines and Illinois
12 Rivers", approved May 29, 1889, as amended; (e) forest
13 preserve districts having a population of 500,000 or more,
14 created under "An Act to provide for the creation and
15 management of forest preserve districts and repealing certain
16 Acts therein named", approved June 27, 1913, as amended; (f)
17 school districts; (g) the Chicago Park District created under
18 "An Act in relation to the creation, maintenance, operation
19 and improvement of the Chicago Park District", approved, June
20 10, 1933, as amended; (h) park districts created under "The
21 Park District Code", approved July 8, 1947, as amended; (i)
22 the Metropolitan Mobility Regional Transportation Authority
23 created under the Metropolitan Mobility "Regional
24 Transportation Authority Act", ~~enacted by the 78th General~~
25 ~~Assembly~~; and (j) the Illinois Sports Facilities Authority.

1 (2) "Governing body" means the corporate authorities,
2 body, or other officer of the municipality authorized by law
3 to raise revenue, appropriate funds, or levy taxes for the
4 operation and maintenance thereof.

5 (3) "Department" means the Department of Commerce and
6 Economic Opportunity.

7 (Source: P.A. 94-793, eff. 5-19-06.)

8 Section 20.30. The Counties Code is amended by changing
9 Section 6-34000 as follows:

10 (55 ILCS 5/6-34000)

11 Sec. 6-34000. Report on funds received under the
12 Metropolitan Mobility ~~Regional Transportation~~ Authority Act.
13 If the Board of the Metropolitan Mobility ~~Regional~~
14 ~~Transportation~~ Authority adopts an ordinance under Section
15 6.02 ~~4.03~~ of the Metropolitan Mobility ~~Regional Transportation~~
16 Authority Act imposing a retailers' occupation tax and a
17 service occupation tax at the rate of 0.75% in the counties of
18 DuPage, Kane, Lake, McHenry, and Will, then the County Boards
19 of DuPage, Kane, Lake, McHenry, and Will counties shall each
20 report to the General Assembly and the Commission on
21 Government Forecasting and Accountability by March 1 of the
22 year following the adoption of the ordinance and March 1 of
23 each year thereafter. That report shall include the total
24 amounts received by the County under subsection (cc) of

1 ~~Section 6.02 (n) of Section 4.03~~ of the Metropolitan Mobility
2 ~~Regional Transportation~~ Authority Act and the expenditures and
3 obligations of the County using those funds during the
4 previous calendar year.

5 (Source: P.A. 95-906, eff. 8-26-08.)

6 Section 20.31. The Illinois Municipal Code is amended by
7 changing Sections 11-1-11, 11-74.4-3 and 11-122.2-1 and
8 changing the heading of Division 122.2 of Article 11 as
9 follows:

10 (65 ILCS 5/11-1-11) (from Ch. 24, par. 11-1-11)

11 Sec. 11-1-11. Agreement with another entity to enforce
12 traffic ordinances. The corporate authorities of a
13 municipality with a population greater than 1,000,000 may
14 enter into an agreement with the Metropolitan Mobility ~~Chicago~~
15 ~~Transit~~ Authority, created under the Metropolitan Mobility
16 ~~Metropolitan Transit~~ Authority Act, whereby ~~Chicago Transit~~
17 Authority supervisory employees are empowered to enforce
18 certain traffic ordinances enacted by the municipality.

19 (Source: P.A. 87-597.)

20 (65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)

21 Sec. 11-74.4-3. Definitions. The following terms, wherever
22 used or referred to in this Division 74.4 shall have the
23 following respective meanings, unless in any case a different

1 meaning clearly appears from the context.

2 (a) For any redevelopment project area that has been
3 designated pursuant to this Section by an ordinance adopted
4 prior to November 1, 1999 (the effective date of Public Act
5 91-478), "blighted area" shall have the meaning set forth in
6 this Section prior to that date.

7 On and after November 1, 1999, "blighted area" means any
8 improved or vacant area within the boundaries of a
9 redevelopment project area located within the territorial
10 limits of the municipality where:

11 (1) If improved, industrial, commercial, and
12 residential buildings or improvements are detrimental to
13 the public safety, health, or welfare because of a
14 combination of 5 or more of the following factors, each of
15 which is (i) present, with that presence documented, to a
16 meaningful extent so that a municipality may reasonably
17 find that the factor is clearly present within the intent
18 of the Act and (ii) reasonably distributed throughout the
19 improved part of the redevelopment project area:

20 (A) Dilapidation. An advanced state of disrepair
21 or neglect of necessary repairs to the primary
22 structural components of buildings or improvements in
23 such a combination that a documented building
24 condition analysis determines that major repair is
25 required or the defects are so serious and so
26 extensive that the buildings must be removed.

1 (B) Obsolescence. The condition or process of
2 falling into disuse. Structures have become ill-suited
3 for the original use.

4 (C) Deterioration. With respect to buildings,
5 defects including, but not limited to, major defects
6 in the secondary building components such as doors,
7 windows, porches, gutters and downspouts, and fascia.
8 With respect to surface improvements, that the
9 condition of roadways, alleys, curbs, gutters,
10 sidewalks, off-street parking, and surface storage
11 areas evidence deterioration, including, but not
12 limited to, surface cracking, crumbling, potholes,
13 depressions, loose paving material, and weeds
14 protruding through paved surfaces.

15 (D) Presence of structures below minimum code
16 standards. All structures that do not meet the
17 standards of zoning, subdivision, building, fire, and
18 other governmental codes applicable to property, but
19 not including housing and property maintenance codes.

20 (E) Illegal use of individual structures. The use
21 of structures in violation of applicable federal,
22 State, or local laws, exclusive of those applicable to
23 the presence of structures below minimum code
24 standards.

25 (F) Excessive vacancies. The presence of buildings
26 that are unoccupied or under-utilized and that

1 represent an adverse influence on the area because of
2 the frequency, extent, or duration of the vacancies.

3 (G) Lack of ventilation, light, or sanitary
4 facilities. The absence of adequate ventilation for
5 light or air circulation in spaces or rooms without
6 windows, or that require the removal of dust, odor,
7 gas, smoke, or other noxious airborne materials.
8 Inadequate natural light and ventilation means the
9 absence of skylights or windows for interior spaces or
10 rooms and improper window sizes and amounts by room
11 area to window area ratios. Inadequate sanitary
12 facilities refers to the absence or inadequacy of
13 garbage storage and enclosure, bathroom facilities,
14 hot water and kitchens, and structural inadequacies
15 preventing ingress and egress to and from all rooms
16 and units within a building.

17 (H) Inadequate utilities. Underground and overhead
18 utilities such as storm sewers and storm drainage,
19 sanitary sewers, water lines, and gas, telephone, and
20 electrical services that are shown to be inadequate.
21 Inadequate utilities are those that are: (i) of
22 insufficient capacity to serve the uses in the
23 redevelopment project area, (ii) deteriorated,
24 antiquated, obsolete, or in disrepair, or (iii)
25 lacking within the redevelopment project area.

26 (I) Excessive land coverage and overcrowding of

1 structures and community facilities. The
2 over-intensive use of property and the crowding of
3 buildings and accessory facilities onto a site.
4 Examples of problem conditions warranting the
5 designation of an area as one exhibiting excessive
6 land coverage are: (i) the presence of buildings
7 either improperly situated on parcels or located on
8 parcels of inadequate size and shape in relation to
9 present-day standards of development for health and
10 safety and (ii) the presence of multiple buildings on
11 a single parcel. For there to be a finding of excessive
12 land coverage, these parcels must exhibit one or more
13 of the following conditions: insufficient provision
14 for light and air within or around buildings,
15 increased threat of spread of fire due to the close
16 proximity of buildings, lack of adequate or proper
17 access to a public right-of-way, lack of reasonably
18 required off-street parking, or inadequate provision
19 for loading and service.

20 (J) Deleterious land use or layout. The existence
21 of incompatible land-use relationships, buildings
22 occupied by inappropriate mixed-uses, or uses
23 considered to be noxious, offensive, or unsuitable for
24 the surrounding area.

25 (K) Environmental clean-up. The proposed
26 redevelopment project area has incurred Illinois

1 Environmental Protection Agency or United States
2 Environmental Protection Agency remediation costs for,
3 or a study conducted by an independent consultant
4 recognized as having expertise in environmental
5 remediation has determined a need for, the clean-up of
6 hazardous waste, hazardous substances, or underground
7 storage tanks required by State or federal law,
8 provided that the remediation costs constitute a
9 material impediment to the development or
10 redevelopment of the redevelopment project area.

11 (L) Lack of community planning. The proposed
12 redevelopment project area was developed prior to or
13 without the benefit or guidance of a community plan.
14 This means that the development occurred prior to the
15 adoption by the municipality of a comprehensive or
16 other community plan or that the plan was not followed
17 at the time of the area's development. This factor
18 must be documented by evidence of adverse or
19 incompatible land-use relationships, inadequate street
20 layout, improper subdivision, parcels of inadequate
21 shape and size to meet contemporary development
22 standards, or other evidence demonstrating an absence
23 of effective community planning.

24 (M) The total equalized assessed value of the
25 proposed redevelopment project area has declined for 3
26 of the last 5 calendar years prior to the year in which

1 the redevelopment project area is designated or is
2 increasing at an annual rate that is less than the
3 balance of the municipality for 3 of the last 5
4 calendar years for which information is available or
5 is increasing at an annual rate that is less than the
6 Consumer Price Index for All Urban Consumers published
7 by the United States Department of Labor or successor
8 agency for 3 of the last 5 calendar years prior to the
9 year in which the redevelopment project area is
10 designated.

11 (2) If vacant, the sound growth of the redevelopment
12 project area is impaired by a combination of 2 or more of
13 the following factors, each of which is (i) present, with
14 that presence documented, to a meaningful extent so that a
15 municipality may reasonably find that the factor is
16 clearly present within the intent of the Act and (ii)
17 reasonably distributed throughout the vacant part of the
18 redevelopment project area to which it pertains:

19 (A) Obsolete platting of vacant land that results
20 in parcels of limited or narrow size or configurations
21 of parcels of irregular size or shape that would be
22 difficult to develop on a planned basis and in a manner
23 compatible with contemporary standards and
24 requirements, or platting that failed to create
25 rights-of-ways for streets or alleys or that created
26 inadequate right-of-way widths for streets, alleys, or

1 other public rights-of-way or that omitted easements
2 for public utilities.

3 (B) Diversity of ownership of parcels of vacant
4 land sufficient in number to retard or impede the
5 ability to assemble the land for development.

6 (C) Tax and special assessment delinquencies exist
7 or the property has been the subject of tax sales under
8 the Property Tax Code within the last 5 years.

9 (D) Deterioration of structures or site
10 improvements in neighboring areas adjacent to the
11 vacant land.

12 (E) The area has incurred Illinois Environmental
13 Protection Agency or United States Environmental
14 Protection Agency remediation costs for, or a study
15 conducted by an independent consultant recognized as
16 having expertise in environmental remediation has
17 determined a need for, the clean-up of hazardous
18 waste, hazardous substances, or underground storage
19 tanks required by State or federal law, provided that
20 the remediation costs constitute a material impediment
21 to the development or redevelopment of the
22 redevelopment project area.

23 (F) The total equalized assessed value of the
24 proposed redevelopment project area has declined for 3
25 of the last 5 calendar years prior to the year in which
26 the redevelopment project area is designated or is

1 increasing at an annual rate that is less than the
2 balance of the municipality for 3 of the last 5
3 calendar years for which information is available or
4 is increasing at an annual rate that is less than the
5 Consumer Price Index for All Urban Consumers published
6 by the United States Department of Labor or successor
7 agency for 3 of the last 5 calendar years prior to the
8 year in which the redevelopment project area is
9 designated.

10 (3) If vacant, the sound growth of the redevelopment
11 project area is impaired by one of the following factors
12 that (i) is 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) is reasonably distributed throughout
16 the vacant part of the redevelopment project area to which
17 it pertains:

18 (A) The area consists of one or more unused
19 quarries, mines, or strip mine ponds.

20 (B) The area consists of unused rail yards, rail
21 tracks, or railroad rights-of-way.

22 (C) The area, prior to its designation, is subject
23 to (i) chronic flooding that adversely impacts on real
24 property in the area as certified by a registered
25 professional engineer or appropriate regulatory agency
26 or (ii) surface water that discharges from all or a

1 part of the area and contributes to flooding within
2 the same watershed, but only if the redevelopment
3 project provides for facilities or improvements to
4 contribute to the alleviation of all or part of the
5 flooding.

6 (D) The area consists of an unused or illegal
7 disposal site containing earth, stone, building
8 debris, or similar materials that were removed from
9 construction, demolition, excavation, or dredge sites.

10 (E) Prior to November 1, 1999, the area is not less
11 than 50 nor more than 100 acres and 75% of which is
12 vacant (notwithstanding that the area has been used
13 for commercial agricultural purposes within 5 years
14 prior to the designation of the redevelopment project
15 area), and the area meets at least one of the factors
16 itemized in paragraph (1) of this subsection, the area
17 has been designated as a town or village center by
18 ordinance or comprehensive plan adopted prior to
19 January 1, 1982, and the area has not been developed
20 for that designated purpose.

21 (F) The area qualified as a blighted improved area
22 immediately prior to becoming vacant, unless there has
23 been substantial private investment in the immediately
24 surrounding area.

25 (b) For any redevelopment project area that has been
26 designated pursuant to this Section by an ordinance adopted

1 prior to November 1, 1999 (the effective date of Public Act
2 91-478), "conservation area" shall have the meaning set forth
3 in this Section prior to that date.

4 On and after November 1, 1999, "conservation area" means
5 any improved area within the boundaries of a redevelopment
6 project area located within the territorial limits of the
7 municipality in which 50% or more of the structures in the area
8 have an age of 35 years or more. Such an area is not yet a
9 blighted area but because of a combination of 3 or more of the
10 following factors is detrimental to the public safety, health,
11 morals or welfare and such an area may become a blighted area:

12 (1) Dilapidation. An advanced state of disrepair or
13 neglect of necessary repairs to the primary structural
14 components of buildings or improvements in such a
15 combination that a documented building condition analysis
16 determines that major repair is required or the defects
17 are so serious and so extensive that the buildings must be
18 removed.

19 (2) Obsolescence. The condition or process of falling
20 into disuse. Structures have become ill-suited for the
21 original use.

22 (3) Deterioration. With respect to buildings, defects
23 including, but not limited to, major defects in the
24 secondary building components such as doors, windows,
25 porches, gutters and downspouts, and fascia. With respect
26 to surface improvements, that the condition of roadways,

1 alleys, curbs, gutters, sidewalks, off-street parking, and
2 surface storage areas evidence deterioration, including,
3 but not limited to, surface cracking, crumbling, potholes,
4 depressions, loose paving material, and weeds protruding
5 through paved surfaces.

6 (4) Presence of structures below minimum code
7 standards. All structures that do not meet the standards
8 of zoning, subdivision, building, fire, and other
9 governmental codes applicable to property, but not
10 including housing and property maintenance codes.

11 (5) Illegal use of individual structures. The use of
12 structures in violation of applicable federal, State, or
13 local laws, exclusive of those applicable to the presence
14 of structures below minimum code standards.

15 (6) Excessive vacancies. The presence of buildings
16 that are unoccupied or under-utilized and that represent
17 an adverse influence on the area because of the frequency,
18 extent, or duration of the vacancies.

19 (7) Lack of ventilation, light, or sanitary
20 facilities. The absence of adequate ventilation for light
21 or air circulation in spaces or rooms without windows, or
22 that require the removal of dust, odor, gas, smoke, or
23 other noxious airborne materials. Inadequate natural light
24 and ventilation means the absence or inadequacy of
25 skylights or windows for interior spaces or rooms and
26 improper window sizes and amounts by room area to window

1 area ratios. Inadequate sanitary facilities refers to the
2 absence or inadequacy of garbage storage and enclosure,
3 bathroom facilities, hot water and kitchens, and
4 structural inadequacies preventing ingress and egress to
5 and from all rooms and units within a building.

6 (8) Inadequate utilities. Underground and overhead
7 utilities such as storm sewers and storm drainage,
8 sanitary sewers, water lines, and gas, telephone, and
9 electrical services that are shown to be inadequate.
10 Inadequate utilities are those that are: (i) of
11 insufficient capacity to serve the uses in the
12 redevelopment project area, (ii) deteriorated, antiquated,
13 obsolete, or in disrepair, or (iii) lacking within the
14 redevelopment project area.

15 (9) Excessive land coverage and overcrowding of
16 structures and community facilities. The over-intensive
17 use of property and the crowding of buildings and
18 accessory facilities onto a site. Examples of problem
19 conditions warranting the designation of an area as one
20 exhibiting excessive land coverage are: the presence of
21 buildings either improperly situated on parcels or located
22 on parcels of inadequate size and shape in relation to
23 present-day standards of development for health and safety
24 and the presence of multiple buildings on a single parcel.
25 For there to be a finding of excessive land coverage,
26 these parcels must exhibit one or more of the following

1 conditions: insufficient provision for light and air
2 within or around buildings, increased threat of spread of
3 fire due to the close proximity of buildings, lack of
4 adequate or proper access to a public right-of-way, lack
5 of reasonably required off-street parking, or inadequate
6 provision for loading and service.

7 (10) Deleterious land use or layout. The existence of
8 incompatible land-use relationships, buildings occupied by
9 inappropriate mixed-uses, or uses considered to be
10 noxious, offensive, or unsuitable for the surrounding
11 area.

12 (11) Lack of community planning. The proposed
13 redevelopment project area was developed prior to or
14 without the benefit or guidance of a community plan. This
15 means that the development occurred prior to the adoption
16 by the municipality of a comprehensive or other community
17 plan or that the plan was not followed at the time of the
18 area's development. This factor must be documented by
19 evidence of adverse or incompatible land-use
20 relationships, inadequate street layout, improper
21 subdivision, parcels of inadequate shape and size to meet
22 contemporary development standards, or other evidence
23 demonstrating an absence of effective community planning.

24 (12) The area has incurred Illinois Environmental
25 Protection Agency or United States Environmental
26 Protection Agency remediation costs for, or a study

1 conducted by an independent consultant recognized as
2 having expertise in environmental remediation has
3 determined a need for, the clean-up of hazardous waste,
4 hazardous substances, or underground storage tanks
5 required by State or federal law, provided that the
6 remediation costs constitute a material impediment to the
7 development or redevelopment of the redevelopment project
8 area.

9 (13) The total equalized assessed value of the
10 proposed redevelopment project area has declined for 3 of
11 the last 5 calendar years for which information is
12 available or is increasing at an annual rate that is less
13 than the balance of the municipality for 3 of the last 5
14 calendar years for which information is available or is
15 increasing at an annual rate that is less than the
16 Consumer Price Index for All Urban Consumers published by
17 the United States Department of Labor or successor agency
18 for 3 of the last 5 calendar years for which information is
19 available.

20 (c) "Industrial park" means an area in a blighted or
21 conservation area suitable for use by any manufacturing,
22 industrial, research or transportation enterprise, of
23 facilities to include but not be limited to factories, mills,
24 processing plants, assembly plants, packing plants,
25 fabricating plants, industrial distribution centers,
26 warehouses, repair overhaul or service facilities, freight

1 terminals, research facilities, test facilities or railroad
2 facilities.

3 (d) "Industrial park conservation area" means an area
4 within the boundaries of a redevelopment project area located
5 within the territorial limits of a municipality that is a
6 labor surplus municipality or within 1 1/2 miles of the
7 territorial limits of a municipality that is a labor surplus
8 municipality if the area is annexed to the municipality; which
9 area is zoned as industrial no later than at the time the
10 municipality by ordinance designates the redevelopment project
11 area, and which area includes both vacant land suitable for
12 use as an industrial park and a blighted area or conservation
13 area contiguous to such vacant land.

14 (e) "Labor surplus municipality" means a municipality in
15 which, at any time during the 6 months before the municipality
16 by ordinance designates an industrial park conservation area,
17 the unemployment rate was over 6% and was also 100% or more of
18 the national average unemployment rate for that same time as
19 published in the United States Department of Labor Bureau of
20 Labor Statistics publication entitled "The Employment
21 Situation" or its successor publication. For the purpose of
22 this subsection, if unemployment rate statistics for the
23 municipality are not available, the unemployment rate in the
24 municipality shall be deemed to be the same as the
25 unemployment rate in the principal county in which the
26 municipality is located.

1 (f) "Municipality" shall mean a city, village,
2 incorporated town, or a township that is located in the
3 unincorporated portion of a county with 3 million or more
4 inhabitants, if the county adopted an ordinance that approved
5 the township's redevelopment plan.

6 (g) "Initial Sales Tax Amounts" means the amount of taxes
7 paid under the Retailers' Occupation Tax Act, Use Tax Act,
8 Service Use Tax Act, the Service Occupation Tax Act, the
9 Municipal Retailers' Occupation Tax Act, and the Municipal
10 Service Occupation Tax Act by retailers and servicemen on
11 transactions at places located in a State Sales Tax Boundary
12 during the calendar year 1985.

13 (g-1) "Revised Initial Sales Tax Amounts" means the amount
14 of taxes paid under the Retailers' Occupation Tax Act, Use Tax
15 Act, Service Use Tax Act, the Service Occupation Tax Act, the
16 Municipal Retailers' Occupation Tax Act, and the Municipal
17 Service Occupation Tax Act by retailers and servicemen on
18 transactions at places located within the State Sales Tax
19 Boundary revised pursuant to Section 11-74.4-8a(9) of this
20 Act.

21 (h) "Municipal Sales Tax Increment" means an amount equal
22 to the increase in the aggregate amount of taxes paid to a
23 municipality from the Local Government Tax Fund arising from
24 sales by retailers and servicemen within the redevelopment
25 project area or State Sales Tax Boundary, as the case may be,
26 for as long as the redevelopment project area or State Sales

1 Tax Boundary, as the case may be, exist over and above the
2 aggregate amount of taxes as certified by the Illinois
3 Department of Revenue and paid under the Municipal Retailers'
4 Occupation Tax Act and the Municipal Service Occupation Tax
5 Act by retailers and servicemen, on transactions at places of
6 business located in the redevelopment project area or State
7 Sales Tax Boundary, as the case may be, during the base year
8 which shall be the calendar year immediately prior to the year
9 in which the municipality adopted tax increment allocation
10 financing. For purposes of computing the aggregate amount of
11 such taxes for base years occurring prior to 1985, the
12 Department of Revenue shall determine the Initial Sales Tax
13 Amounts for such taxes and deduct therefrom an amount equal to
14 4% of the aggregate amount of taxes per year for each year the
15 base year is prior to 1985, but not to exceed a total deduction
16 of 12%. The amount so determined shall be known as the
17 "Adjusted Initial Sales Tax Amounts". For purposes of
18 determining the Municipal Sales Tax Increment, the Department
19 of Revenue shall for each period subtract from the amount paid
20 to the municipality from the Local Government Tax Fund arising
21 from sales by retailers and servicemen on transactions located
22 in the redevelopment project area or the State Sales Tax
23 Boundary, as the case may be, the certified Initial Sales Tax
24 Amounts, the Adjusted Initial Sales Tax Amounts or the Revised
25 Initial Sales Tax Amounts for the Municipal Retailers'
26 Occupation Tax Act and the Municipal Service Occupation Tax

1 Act. For the State Fiscal Year 1989, this calculation shall be
2 made by utilizing the calendar year 1987 to determine the tax
3 amounts received. For the State Fiscal Year 1990, this
4 calculation shall be made by utilizing the period from January
5 1, 1988, until September 30, 1988, to determine the tax
6 amounts received from retailers and servicemen pursuant to the
7 Municipal Retailers' Occupation Tax and the Municipal Service
8 Occupation Tax Act, which shall have deducted therefrom
9 nine-twelfths of the certified Initial Sales Tax Amounts, the
10 Adjusted Initial Sales Tax Amounts or the Revised Initial
11 Sales Tax Amounts as appropriate. For the State Fiscal Year
12 1991, this calculation shall be made by utilizing the period
13 from October 1, 1988, to June 30, 1989, to determine the tax
14 amounts received from retailers and servicemen pursuant to the
15 Municipal Retailers' Occupation Tax and the Municipal Service
16 Occupation Tax Act which shall have deducted therefrom
17 nine-twelfths of the certified Initial Sales Tax Amounts,
18 Adjusted Initial Sales Tax Amounts or the Revised Initial
19 Sales Tax Amounts as appropriate. For every State Fiscal Year
20 thereafter, the applicable period shall be the 12 months
21 beginning July 1 and ending June 30 to determine the tax
22 amounts received which shall have deducted therefrom the
23 certified Initial Sales Tax Amounts, the Adjusted Initial
24 Sales Tax Amounts or the Revised Initial Sales Tax Amounts, as
25 the case may be.

26 (i) "Net State Sales Tax Increment" means the sum of the

1 following: (a) 80% of the first \$100,000 of State Sales Tax
2 Increment annually generated within a State Sales Tax
3 Boundary; (b) 60% of the amount in excess of \$100,000 but not
4 exceeding \$500,000 of State Sales Tax Increment annually
5 generated within a State Sales Tax Boundary; and (c) 40% of all
6 amounts in excess of \$500,000 of State Sales Tax Increment
7 annually generated within a State Sales Tax Boundary. If,
8 however, a municipality established a tax increment financing
9 district in a county with a population in excess of 3,000,000
10 before January 1, 1986, and the municipality entered into a
11 contract or issued bonds after January 1, 1986, but before
12 December 31, 1986, to finance redevelopment project costs
13 within a State Sales Tax Boundary, then the Net State Sales Tax
14 Increment means, for the fiscal years beginning July 1, 1990,
15 and July 1, 1991, 100% of the State Sales Tax Increment
16 annually generated within a State Sales Tax Boundary; and
17 notwithstanding any other provision of this Act, for those
18 fiscal years the Department of Revenue shall distribute to
19 those municipalities 100% of their Net State Sales Tax
20 Increment before any distribution to any other municipality
21 and regardless of whether or not those other municipalities
22 will receive 100% of their Net State Sales Tax Increment. For
23 Fiscal Year 1999, and every year thereafter until the year
24 2007, for any municipality that has not entered into a
25 contract or has not issued bonds prior to June 1, 1988 to
26 finance redevelopment project costs within a State Sales Tax

1 Boundary, the Net State Sales Tax Increment shall be
2 calculated as follows: By multiplying the Net State Sales Tax
3 Increment by 90% in the State Fiscal Year 1999; 80% in the
4 State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60%
5 in the State Fiscal Year 2002; 50% in the State Fiscal Year
6 2003; 40% in the State Fiscal Year 2004; 30% in the State
7 Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in
8 the State Fiscal Year 2007. No payment shall be made for State
9 Fiscal Year 2008 and thereafter.

10 Municipalities that issued bonds in connection with a
11 redevelopment project in a redevelopment project area within
12 the State Sales Tax Boundary prior to July 29, 1991, or that
13 entered into contracts in connection with a redevelopment
14 project in a redevelopment project area before June 1, 1988,
15 shall continue to receive their proportional share of the
16 Illinois Tax Increment Fund distribution until the date on
17 which the redevelopment project is completed or terminated.
18 If, however, a municipality that issued bonds in connection
19 with a redevelopment project in a redevelopment project area
20 within the State Sales Tax Boundary prior to July 29, 1991
21 retires the bonds prior to June 30, 2007 or a municipality that
22 entered into contracts in connection with a redevelopment
23 project in a redevelopment project area before June 1, 1988
24 completes the contracts prior to June 30, 2007, then so long as
25 the redevelopment project is not completed or is not
26 terminated, the Net State Sales Tax Increment shall be

1 calculated, beginning on the date on which the bonds are
2 retired or the contracts are completed, as follows: By
3 multiplying the Net State Sales Tax Increment by 60% in the
4 State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40%
5 in the State Fiscal Year 2004; 30% in the State Fiscal Year
6 2005; 20% in the State Fiscal Year 2006; and 10% in the State
7 Fiscal Year 2007. No payment shall be made for State Fiscal
8 Year 2008 and thereafter. Refunding of any bonds issued prior
9 to July 29, 1991, shall not alter the Net State Sales Tax
10 Increment.

11 (j) "State Utility Tax Increment Amount" means an amount
12 equal to the aggregate increase in State electric and gas tax
13 charges imposed on owners and tenants, other than residential
14 customers, of properties located within the redevelopment
15 project area under Section 9-222 of the Public Utilities Act,
16 over and above the aggregate of such charges as certified by
17 the Department of Revenue and paid by owners and tenants,
18 other than residential customers, of properties within the
19 redevelopment project area during the base year, which shall
20 be the calendar year immediately prior to the year of the
21 adoption of the ordinance authorizing tax increment allocation
22 financing.

23 (k) "Net State Utility Tax Increment" means the sum of the
24 following: (a) 80% of the first \$100,000 of State Utility Tax
25 Increment annually generated by a redevelopment project area;
26 (b) 60% of the amount in excess of \$100,000 but not exceeding

1 \$500,000 of the State Utility Tax Increment annually generated
2 by a redevelopment project area; and (c) 40% of all amounts in
3 excess of \$500,000 of State Utility Tax Increment annually
4 generated by a redevelopment project area. For the State
5 Fiscal Year 1999, and every year thereafter until the year
6 2007, for any municipality that has not entered into a
7 contract or has not issued bonds prior to June 1, 1988 to
8 finance redevelopment project costs within a redevelopment
9 project area, the Net State Utility Tax Increment shall be
10 calculated as follows: By multiplying the Net State Utility
11 Tax Increment by 90% in the State Fiscal Year 1999; 80% in the
12 State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60%
13 in the State Fiscal Year 2002; 50% in the State Fiscal Year
14 2003; 40% in the State Fiscal Year 2004; 30% in the State
15 Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in
16 the State Fiscal Year 2007. No payment shall be made for the
17 State Fiscal Year 2008 and thereafter.

18 Municipalities that issue bonds in connection with the
19 redevelopment project during the period from June 1, 1988
20 until 3 years after the effective date of this Amendatory Act
21 of 1988 shall receive the Net State Utility Tax Increment,
22 subject to appropriation, for 15 State Fiscal Years after the
23 issuance of such bonds. For the 16th through the 20th State
24 Fiscal Years after issuance of the bonds, the Net State
25 Utility Tax Increment shall be calculated as follows: By
26 multiplying the Net State Utility Tax Increment by 90% in year

1 16; 80% in year 17; 70% in year 18; 60% in year 19; and 50% in
2 year 20. Refunding of any bonds issued prior to June 1, 1988,
3 shall not alter the revised Net State Utility Tax Increment
4 payments set forth above.

5 (l) "Obligations" mean bonds, loans, debentures, notes,
6 special certificates or other evidence of indebtedness issued
7 by the municipality to carry out a redevelopment project or to
8 refund outstanding obligations.

9 (m) "Payment in lieu of taxes" means those estimated tax
10 revenues from real property in a redevelopment project area
11 derived from real property that has been acquired by a
12 municipality which according to the redevelopment project or
13 plan is to be used for a private use which taxing districts
14 would have received had a municipality not acquired the real
15 property and adopted tax increment allocation financing and
16 which would result from levies made after the time of the
17 adoption of tax increment allocation financing to the time the
18 current equalized value of real property in the redevelopment
19 project area exceeds the total initial equalized value of real
20 property in said area.

21 (n) "Redevelopment plan" means the comprehensive program
22 of the municipality for development or redevelopment intended
23 by the payment of redevelopment project costs to reduce or
24 eliminate those conditions the existence of which qualified
25 the redevelopment project area as a "blighted area" or
26 "conservation area" or combination thereof or "industrial park

1 conservation area," and thereby to enhance the tax bases of
2 the taxing districts which extend into the redevelopment
3 project area, provided that, with respect to redevelopment
4 project areas described in subsections (p-1) and (p-2),
5 "redevelopment plan" means the comprehensive program of the
6 affected municipality for the development of qualifying
7 transit facilities. On and after November 1, 1999 (the
8 effective date of Public Act 91-478), no redevelopment plan
9 may be approved or amended that includes the development of
10 vacant land (i) with a golf course and related clubhouse and
11 other facilities or (ii) designated by federal, State, county,
12 or municipal government as public land for outdoor
13 recreational activities or for nature preserves and used for
14 that purpose within 5 years prior to the adoption of the
15 redevelopment plan. For the purpose of this subsection,
16 "recreational activities" is limited to mean camping and
17 hunting. Each redevelopment plan shall set forth in writing
18 the program to be undertaken to accomplish the objectives and
19 shall include but not be limited to:

20 (A) an itemized list of estimated redevelopment
21 project costs;

22 (B) evidence indicating that the redevelopment project
23 area on the whole has not been subject to growth and
24 development through investment by private enterprise,
25 provided that such evidence shall not be required for any
26 redevelopment project area located within a transit

1 facility improvement area established pursuant to Section
2 11-74.4-3.3;

3 (C) an assessment of any financial impact of the
4 redevelopment project area on or any increased demand for
5 services from any taxing district affected by the plan and
6 any program to address such financial impact or increased
7 demand;

8 (D) the sources of funds to pay costs;

9 (E) the nature and term of the obligations to be
10 issued;

11 (F) the most recent equalized assessed valuation of
12 the redevelopment project area;

13 (G) an estimate as to the equalized assessed valuation
14 after redevelopment and the general land uses to apply in
15 the redevelopment project area;

16 (H) a commitment to fair employment practices and an
17 affirmative action plan;

18 (I) if it concerns an industrial park conservation
19 area, the plan shall also include a general description of
20 any proposed developer, user and tenant of any property, a
21 description of the type, structure and general character
22 of the facilities to be developed, a description of the
23 type, class and number of new employees to be employed in
24 the operation of the facilities to be developed; and

25 (J) if property is to be annexed to the municipality,
26 the plan shall include the terms of the annexation

1 agreement.

2 The provisions of items (B) and (C) of this subsection (n)
3 shall not apply to a municipality that before March 14, 1994
4 (the effective date of Public Act 88-537) had fixed, either by
5 its corporate authorities or by a commission designated under
6 subsection (k) of Section 11-74.4-4, a time and place for a
7 public hearing as required by subsection (a) of Section
8 11-74.4-5. No redevelopment plan shall be adopted unless a
9 municipality complies with all of the following requirements:

10 (1) The municipality finds that the redevelopment
11 project area on the whole has not been subject to growth
12 and development through investment by private enterprise
13 and would not reasonably be anticipated to be developed
14 without the adoption of the redevelopment plan, provided,
15 however, that such a finding shall not be required with
16 respect to any redevelopment project area located within a
17 transit facility improvement area established pursuant to
18 Section 11-74.4-3.3.

19 (2) The municipality finds that the redevelopment plan
20 and project conform to the comprehensive plan for the
21 development of the municipality as a whole, or, for
22 municipalities with a population of 100,000 or more,
23 regardless of when the redevelopment plan and project was
24 adopted, the redevelopment plan and project either: (i)
25 conforms to the strategic economic development or
26 redevelopment plan issued by the designated planning

1 authority of the municipality, or (ii) includes land uses
2 that have been approved by the planning commission of the
3 municipality.

4 (3) The redevelopment plan establishes the estimated
5 dates of completion of the redevelopment project and
6 retirement of obligations issued to finance redevelopment
7 project costs. Those dates may not be later than the dates
8 set forth under Section 11-74.4-3.5.

9 A municipality may by municipal ordinance amend an
10 existing redevelopment plan to conform to this paragraph
11 (3) as amended by Public Act 91-478, which municipal
12 ordinance may be adopted without further hearing or notice
13 and without complying with the procedures provided in this
14 Act pertaining to an amendment to or the initial approval
15 of a redevelopment plan and project and designation of a
16 redevelopment project area.

17 (3.5) The municipality finds, in the case of an
18 industrial park conservation area, also that the
19 municipality is a labor surplus municipality and that the
20 implementation of the redevelopment plan will reduce
21 unemployment, create new jobs and by the provision of new
22 facilities enhance the tax base of the taxing districts
23 that extend into the redevelopment project area.

24 (4) If any incremental revenues are being utilized
25 under Section 8(a)(1) or 8(a)(2) of this Act in
26 redevelopment project areas approved by ordinance after

1 January 1, 1986, the municipality finds: (a) that the
2 redevelopment project area would not reasonably be
3 developed without the use of such incremental revenues,
4 and (b) that such incremental revenues will be exclusively
5 utilized for the development of the redevelopment project
6 area.

7 (5) If: (a) the redevelopment plan will not result in
8 displacement of residents from 10 or more inhabited
9 residential units, and the municipality certifies in the
10 plan that such displacement will not result from the plan;
11 or (b) the redevelopment plan is for a redevelopment
12 project area or a qualifying transit facility located
13 within a transit facility improvement area established
14 pursuant to Section 11-74.4-3.3, and the applicable
15 project is subject to the process for evaluation of
16 environmental effects under the National Environmental
17 Policy Act of 1969, 42 U.S.C. 4321 et seq., then a housing
18 impact study need not be performed. If, however, the
19 redevelopment plan would result in the displacement of
20 residents from 10 or more inhabited residential units, or
21 if the redevelopment project area contains 75 or more
22 inhabited residential units and no certification is made,
23 then the municipality shall prepare, as part of the
24 separate feasibility report required by subsection (a) of
25 Section 11-74.4-5, a housing impact study.

26 Part I of the housing impact study shall include (i)

1 data as to whether the residential units are single family
2 or multi-family units, (ii) the number and type of rooms
3 within the units, if that information is available, (iii)
4 whether the units are inhabited or uninhabited, as
5 determined not less than 45 days before the date that the
6 ordinance or resolution required by subsection (a) of
7 Section 11-74.4-5 is passed, and (iv) data as to the
8 racial and ethnic composition of the residents in the
9 inhabited residential units. The data requirement as to
10 the racial and ethnic composition of the residents in the
11 inhabited residential units shall be deemed to be fully
12 satisfied by data from the most recent federal census.

13 Part II of the housing impact study shall identify the
14 inhabited residential units in the proposed redevelopment
15 project area that are to be or may be removed. If inhabited
16 residential units are to be removed, then the housing
17 impact study shall identify (i) the number and location of
18 those units that will or may be removed, (ii) the
19 municipality's plans for relocation assistance for those
20 residents in the proposed redevelopment project area whose
21 residences are to be removed, (iii) the availability of
22 replacement housing for those residents whose residences
23 are to be removed, and shall identify the type, location,
24 and cost of the housing, and (iv) the type and extent of
25 relocation assistance to be provided.

26 (6) On and after November 1, 1999, the housing impact

1 study required by paragraph (5) shall be incorporated in
2 the redevelopment plan for the redevelopment project area.

3 (7) On and after November 1, 1999, no redevelopment
4 plan shall be adopted, nor an existing plan amended, nor
5 shall residential housing that is occupied by households
6 of low-income and very low-income persons in currently
7 existing redevelopment project areas be removed after
8 November 1, 1999 unless the redevelopment plan provides,
9 with respect to inhabited housing units that are to be
10 removed for households of low-income and very low-income
11 persons, affordable housing and relocation assistance not
12 less than that which would be provided under the federal
13 Uniform Relocation Assistance and Real Property
14 Acquisition Policies Act of 1970 and the regulations under
15 that Act, including the eligibility criteria. Affordable
16 housing may be either existing or newly constructed
17 housing. For purposes of this paragraph (7), "low-income
18 households", "very low-income households", and "affordable
19 housing" have the meanings set forth in the Illinois
20 Affordable Housing Act. The municipality shall make a good
21 faith effort to ensure that this affordable housing is
22 located in or near the redevelopment project area within
23 the municipality.

24 (8) On and after November 1, 1999, if, after the
25 adoption of the redevelopment plan for the redevelopment
26 project area, any municipality desires to amend its

1 redevelopment plan to remove more inhabited residential
2 units than specified in its original redevelopment plan,
3 that change shall be made in accordance with the
4 procedures in subsection (c) of Section 11-74.4-5.

5 (9) For redevelopment project areas designated prior
6 to November 1, 1999, the redevelopment plan may be amended
7 without further joint review board meeting or hearing,
8 provided that the municipality shall give notice of any
9 such changes by mail to each affected taxing district and
10 registrant on the interested party registry, to authorize
11 the municipality to expend tax increment revenues for
12 redevelopment project costs defined by paragraphs (5) and
13 (7.5), subparagraphs (E) and (F) of paragraph (11), and
14 paragraph (11.5) of subsection (q) of Section 11-74.4-3,
15 so long as the changes do not increase the total estimated
16 redevelopment project costs set out in the redevelopment
17 plan by more than 5% after adjustment for inflation from
18 the date the plan was adopted.

19 (o) "Redevelopment project" means any public and private
20 development project in furtherance of the objectives of a
21 redevelopment plan. On and after November 1, 1999 (the
22 effective date of Public Act 91-478), no redevelopment plan
23 may be approved or amended that includes the development of
24 vacant land (i) with a golf course and related clubhouse and
25 other facilities or (ii) designated by federal, State, county,
26 or municipal government as public land for outdoor

1 recreational activities or for nature preserves and used for
2 that purpose within 5 years prior to the adoption of the
3 redevelopment plan. For the purpose of this subsection,
4 "recreational activities" is limited to mean camping and
5 hunting.

6 (p) "Redevelopment project area" means an area designated
7 by the municipality, which is not less in the aggregate than 1
8 1/2 acres and in respect to which the municipality has made a
9 finding that there exist conditions which cause the area to be
10 classified as an industrial park conservation area or a
11 blighted area or a conservation area, or a combination of both
12 blighted areas and conservation areas.

13 (p-1) Notwithstanding any provision of this Act to the
14 contrary, on and after August 25, 2009 (the effective date of
15 Public Act 96-680), a redevelopment project area may include
16 areas within a one-half mile radius of an existing or proposed
17 Metropolitan Mobility ~~Regional Transportation~~ Authority
18 Suburban Transit Access Route (STAR Line) station without a
19 finding that the area is classified as an industrial park
20 conservation area, a blighted area, a conservation area, or a
21 combination thereof, but only if the municipality receives
22 unanimous consent from the joint review board created to
23 review the proposed redevelopment project area.

24 (p-2) Notwithstanding any provision of this Act to the
25 contrary, on and after the effective date of this amendatory
26 Act of the 99th General Assembly, a redevelopment project area

1 may include areas within a transit facility improvement area
2 that has been established pursuant to Section 11-74.4-3.3
3 without a finding that the area is classified as an industrial
4 park conservation area, a blighted area, a conservation area,
5 or any combination thereof.

6 (q) "Redevelopment project costs", except for
7 redevelopment project areas created pursuant to subsection
8 (p-1) or (p-2), means and includes the sum total of all
9 reasonable or necessary costs incurred or estimated to be
10 incurred, and any such costs incidental to a redevelopment
11 plan and a redevelopment project. Such costs include, without
12 limitation, the following:

13 (1) Costs of studies, surveys, development of plans,
14 and specifications, implementation and administration of
15 the redevelopment plan including but not limited to staff
16 and professional service costs for architectural,
17 engineering, legal, financial, planning or other services,
18 provided however that no charges for professional services
19 may be based on a percentage of the tax increment
20 collected; except that on and after November 1, 1999 (the
21 effective date of Public Act 91-478), no contracts for
22 professional services, excluding architectural and
23 engineering services, may be entered into if the terms of
24 the contract extend beyond a period of 3 years. In
25 addition, "redevelopment project costs" shall not include
26 lobbying expenses. After consultation with the

1 municipality, each tax increment consultant or advisor to
2 a municipality that plans to designate or has designated a
3 redevelopment project area shall inform the municipality
4 in writing of any contracts that the consultant or advisor
5 has entered into with entities or individuals that have
6 received, or are receiving, payments financed by tax
7 increment revenues produced by the redevelopment project
8 area with respect to which the consultant or advisor has
9 performed, or will be performing, service for the
10 municipality. This requirement shall be satisfied by the
11 consultant or advisor before the commencement of services
12 for the municipality and thereafter whenever any other
13 contracts with those individuals or entities are executed
14 by the consultant or advisor;

15 (1.5) After July 1, 1999, annual administrative costs
16 shall not include general overhead or administrative costs
17 of the municipality that would still have been incurred by
18 the municipality if the municipality had not designated a
19 redevelopment project area or approved a redevelopment
20 plan;

21 (1.6) The cost of marketing sites within the
22 redevelopment project area to prospective businesses,
23 developers, and investors;

24 (2) Property assembly costs, including but not limited
25 to acquisition of land and other property, real or
26 personal, or rights or interests therein, demolition of

1 buildings, site preparation, site improvements that serve
2 as an engineered barrier addressing ground level or below
3 ground environmental contamination, including, but not
4 limited to parking lots and other concrete or asphalt
5 barriers, and the clearing and grading of land;

6 (3) Costs of rehabilitation, reconstruction or repair
7 or remodeling of existing public or private buildings,
8 fixtures, and leasehold improvements; and the cost of
9 replacing an existing public building if pursuant to the
10 implementation of a redevelopment project the existing
11 public building is to be demolished to use the site for
12 private investment or devoted to a different use requiring
13 private investment; including any direct or indirect costs
14 relating to Green Globes or LEED certified construction
15 elements or construction elements with an equivalent
16 certification;

17 (4) Costs of the construction of public works or
18 improvements, including any direct or indirect costs
19 relating to Green Globes or LEED certified construction
20 elements or construction elements with an equivalent
21 certification, except that on and after November 1, 1999,
22 redevelopment project costs shall not include the cost of
23 constructing a new municipal public building principally
24 used to provide offices, storage space, or conference
25 facilities or vehicle storage, maintenance, or repair for
26 administrative, public safety, or public works personnel

1 and that is not intended to replace an existing public
2 building as provided under paragraph (3) of subsection (q)
3 of Section 11-74.4-3 unless either (i) the construction of
4 the new municipal building implements a redevelopment
5 project that was included in a redevelopment plan that was
6 adopted by the municipality prior to November 1, 1999,
7 (ii) the municipality makes a reasonable determination in
8 the redevelopment plan, supported by information that
9 provides the basis for that determination, that the new
10 municipal building is required to meet an increase in the
11 need for public safety purposes anticipated to result from
12 the implementation of the redevelopment plan, or (iii) the
13 new municipal public building is for the storage,
14 maintenance, or repair of transit vehicles and is located
15 in a transit facility improvement area that has been
16 established pursuant to Section 11-74.4-3.3;

17 (5) Costs of job training and retraining projects,
18 including the cost of "welfare to work" programs
19 implemented by businesses located within the redevelopment
20 project area;

21 (6) Financing costs, including but not limited to all
22 necessary and incidental expenses related to the issuance
23 of obligations and which may include payment of interest
24 on any obligations issued hereunder including interest
25 accruing during the estimated period of construction of
26 any redevelopment project for which such obligations are

1 issued and for not exceeding 36 months thereafter and
2 including reasonable reserves related thereto;

3 (7) To the extent the municipality by written
4 agreement accepts and approves the same, all or a portion
5 of a taxing district's capital costs resulting from the
6 redevelopment project necessarily incurred or to be
7 incurred within a taxing district in furtherance of the
8 objectives of the redevelopment plan and project;

9 (7.5) For redevelopment project areas designated (or
10 redevelopment project areas amended to add or increase the
11 number of tax-increment-financing assisted housing units)
12 on or after November 1, 1999, an elementary, secondary, or
13 unit school district's increased costs attributable to
14 assisted housing units located within the redevelopment
15 project area for which the developer or redeveloper
16 receives financial assistance through an agreement with
17 the municipality or because the municipality incurs the
18 cost of necessary infrastructure improvements within the
19 boundaries of the assisted housing sites necessary for the
20 completion of that housing as authorized by this Act, and
21 which costs shall be paid by the municipality from the
22 Special Tax Allocation Fund when the tax increment revenue
23 is received as a result of the assisted housing units and
24 shall be calculated annually as follows:

25 (A) for foundation districts, excluding any school
26 district in a municipality with a population in excess

1 of 1,000,000, by multiplying the district's increase
2 in attendance resulting from the net increase in new
3 students enrolled in that school district who reside
4 in housing units within the redevelopment project area
5 that have received financial assistance through an
6 agreement with the municipality or because the
7 municipality incurs the cost of necessary
8 infrastructure improvements within the boundaries of
9 the housing sites necessary for the completion of that
10 housing as authorized by this Act since the
11 designation of the redevelopment project area by the
12 most recently available per capita tuition cost as
13 defined in Section 10-20.12a of the School Code less
14 any increase in general State aid as defined in
15 Section 18-8.05 of the School Code or evidence-based
16 funding as defined in Section 18-8.15 of the School
17 Code attributable to these added new students subject
18 to the following annual limitations:

19 (i) for unit school districts with a district
20 average 1995-96 Per Capita Tuition Charge of less
21 than \$5,900, no more than 25% of the total amount
22 of property tax increment revenue produced by
23 those housing units that have received tax
24 increment finance assistance under this Act;

25 (ii) for elementary school districts with a
26 district average 1995-96 Per Capita Tuition Charge

1 of less than \$5,900, no more than 17% of the total
2 amount of property tax increment revenue produced
3 by those housing units that have received tax
4 increment finance assistance under this Act; and

5 (iii) for secondary school districts with a
6 district average 1995-96 Per Capita Tuition Charge
7 of less than \$5,900, no more than 8% of the total
8 amount of property tax increment revenue produced
9 by those housing units that have received tax
10 increment finance assistance under this Act.

11 (B) For alternate method districts, flat grant
12 districts, and foundation districts with a district
13 average 1995-96 Per Capita Tuition Charge equal to or
14 more than \$5,900, excluding any school district with a
15 population in excess of 1,000,000, by multiplying the
16 district's increase in attendance resulting from the
17 net increase in new students enrolled in that school
18 district who reside in housing units within the
19 redevelopment project area that have received
20 financial assistance through an agreement with the
21 municipality or because the municipality incurs the
22 cost of necessary infrastructure improvements within
23 the boundaries of the housing sites necessary for the
24 completion of that housing as authorized by this Act
25 since the designation of the redevelopment project
26 area by the most recently available per capita tuition

1 cost as defined in Section 10-20.12a of the School
2 Code less any increase in general state aid as defined
3 in Section 18-8.05 of the School Code or
4 evidence-based funding as defined in Section 18-8.15
5 of the School Code attributable to these added new
6 students subject to the following annual limitations:

7 (i) for unit school districts, no more than
8 40% of the total amount of property tax increment
9 revenue produced by those housing units that have
10 received tax increment finance assistance under
11 this Act;

12 (ii) for elementary school districts, no more
13 than 27% of the total amount of property tax
14 increment revenue produced by those housing units
15 that have received tax increment finance
16 assistance under this Act; and

17 (iii) for secondary school districts, no more
18 than 13% of the total amount of property tax
19 increment revenue produced by those housing units
20 that have received tax increment finance
21 assistance under this Act.

22 (C) For any school district in a municipality with
23 a population in excess of 1,000,000, the following
24 restrictions shall apply to the reimbursement of
25 increased costs under this paragraph (7.5):

26 (i) no increased costs shall be reimbursed

1 unless the school district certifies that each of
2 the schools affected by the assisted housing
3 project is at or over its student capacity;

4 (ii) the amount reimbursable shall be reduced
5 by the value of any land donated to the school
6 district by the municipality or developer, and by
7 the value of any physical improvements made to the
8 schools by the municipality or developer; and

9 (iii) the amount reimbursed may not affect
10 amounts otherwise obligated by the terms of any
11 bonds, notes, or other funding instruments, or the
12 terms of any redevelopment agreement.

13 Any school district seeking payment under this
14 paragraph (7.5) shall, after July 1 and before
15 September 30 of each year, provide the municipality
16 with reasonable evidence to support its claim for
17 reimbursement before the municipality shall be
18 required to approve or make the payment to the school
19 district. If the school district fails to provide the
20 information during this period in any year, it shall
21 forfeit any claim to reimbursement for that year.
22 School districts may adopt a resolution waiving the
23 right to all or a portion of the reimbursement
24 otherwise required by this paragraph (7.5). By
25 acceptance of this reimbursement the school district
26 waives the right to directly or indirectly set aside,

1 modify, or contest in any manner the establishment of
2 the redevelopment project area or projects;

3 (7.7) For redevelopment project areas designated (or
4 redevelopment project areas amended to add or increase the
5 number of tax-increment-financing assisted housing units)
6 on or after January 1, 2005 (the effective date of Public
7 Act 93-961), a public library district's increased costs
8 attributable to assisted housing units located within the
9 redevelopment project area for which the developer or
10 redeveloper receives financial assistance through an
11 agreement with the municipality or because the
12 municipality incurs the cost of necessary infrastructure
13 improvements within the boundaries of the assisted housing
14 sites necessary for the completion of that housing as
15 authorized by this Act shall be paid to the library
16 district by the municipality from the Special Tax
17 Allocation Fund when the tax increment revenue is received
18 as a result of the assisted housing units. This paragraph
19 (7.7) applies only if (i) the library district is located
20 in a county that is subject to the Property Tax Extension
21 Limitation Law or (ii) the library district is not located
22 in a county that is subject to the Property Tax Extension
23 Limitation Law but the district is prohibited by any other
24 law from increasing its tax levy rate without a prior
25 voter referendum.

26 The amount paid to a library district under this

1 paragraph (7.7) shall be calculated by multiplying (i) the
2 net increase in the number of persons eligible to obtain a
3 library card in that district who reside in housing units
4 within the redevelopment project area that have received
5 financial assistance through an agreement with the
6 municipality or because the municipality incurs the cost
7 of necessary infrastructure improvements within the
8 boundaries of the housing sites necessary for the
9 completion of that housing as authorized by this Act since
10 the designation of the redevelopment project area by (ii)
11 the per-patron cost of providing library services so long
12 as it does not exceed \$120. The per-patron cost shall be
13 the Total Operating Expenditures Per Capita for the
14 library in the previous fiscal year. The municipality may
15 deduct from the amount that it must pay to a library
16 district under this paragraph any amount that it has
17 voluntarily paid to the library district from the tax
18 increment revenue. The amount paid to a library district
19 under this paragraph (7.7) shall be no more than 2% of the
20 amount produced by the assisted housing units and
21 deposited into the Special Tax Allocation Fund.

22 A library district is not eligible for any payment
23 under this paragraph (7.7) unless the library district has
24 experienced an increase in the number of patrons from the
25 municipality that created the tax-increment-financing
26 district since the designation of the redevelopment

1 project area.

2 Any library district seeking payment under this
3 paragraph (7.7) shall, after July 1 and before September
4 30 of each year, provide the municipality with convincing
5 evidence to support its claim for reimbursement before the
6 municipality shall be required to approve or make the
7 payment to the library district. If the library district
8 fails to provide the information during this period in any
9 year, it shall forfeit any claim to reimbursement for that
10 year. Library districts may adopt a resolution waiving the
11 right to all or a portion of the reimbursement otherwise
12 required by this paragraph (7.7). By acceptance of such
13 reimbursement, the library district shall forfeit any
14 right to directly or indirectly set aside, modify, or
15 contest in any manner whatsoever the establishment of the
16 redevelopment project area or projects;

17 (8) Relocation costs to the extent that a municipality
18 determines that relocation costs shall be paid or is
19 required to make payment of relocation costs by federal or
20 State law or in order to satisfy subparagraph (7) of
21 subsection (n);

22 (9) Payment in lieu of taxes;

23 (10) Costs of job training, retraining, advanced
24 vocational education or career education, including but
25 not limited to courses in occupational, semi-technical or
26 technical fields leading directly to employment, incurred

1 by one or more taxing districts, provided that such costs
2 (i) are related to the establishment and maintenance of
3 additional job training, advanced vocational education or
4 career education programs for persons employed or to be
5 employed by employers located in a redevelopment project
6 area; and (ii) when incurred by a taxing district or
7 taxing districts other than the municipality, are set
8 forth in a written agreement by or among the municipality
9 and the taxing district or taxing districts, which
10 agreement describes the program to be undertaken,
11 including but not limited to the number of employees to be
12 trained, a description of the training and services to be
13 provided, the number and type of positions available or to
14 be available, itemized costs of the program and sources of
15 funds to pay for the same, and the term of the agreement.
16 Such costs include, specifically, the payment by community
17 college districts of costs pursuant to Sections 3-37,
18 3-38, 3-40 and 3-40.1 of the Public Community College Act
19 and by school districts of costs pursuant to Sections
20 10-22.20a and 10-23.3a of the School Code;

21 (11) Interest cost incurred by a redeveloper related
22 to the construction, renovation or rehabilitation of a
23 redevelopment project provided that:

24 (A) such costs are to be paid directly from the
25 special tax allocation fund established pursuant to
26 this Act;

1 (B) such payments in any one year may not exceed
2 30% of the annual interest costs incurred by the
3 redeveloper with regard to the redevelopment project
4 during that year;

5 (C) if there are not sufficient funds available in
6 the special tax allocation fund to make the payment
7 pursuant to this paragraph (11) then the amounts so
8 due shall accrue and be payable when sufficient funds
9 are available in the special tax allocation fund;

10 (D) the total of such interest payments paid
11 pursuant to this Act may not exceed 30% of the total
12 (i) cost paid or incurred by the redeveloper for the
13 redevelopment project plus (ii) redevelopment project
14 costs excluding any property assembly costs and any
15 relocation costs incurred by a municipality pursuant
16 to this Act;

17 (E) the cost limits set forth in subparagraphs (B)
18 and (D) of paragraph (11) shall be modified for the
19 financing of rehabilitated or new housing units for
20 low-income households and very low-income households,
21 as defined in Section 3 of the Illinois Affordable
22 Housing Act. The percentage of 75% shall be
23 substituted for 30% in subparagraphs (B) and (D) of
24 paragraph (11); and

25 (F) instead of the eligible costs provided by
26 subparagraphs (B) and (D) of paragraph (11), as

1 modified by this subparagraph, and notwithstanding any
2 other provisions of this Act to the contrary, the
3 municipality may pay from tax increment revenues up to
4 50% of the cost of construction of new housing units to
5 be occupied by low-income households and very
6 low-income households as defined in Section 3 of the
7 Illinois Affordable Housing Act. The cost of
8 construction of those units may be derived from the
9 proceeds of bonds issued by the municipality under
10 this Act or other constitutional or statutory
11 authority or from other sources of municipal revenue
12 that may be reimbursed from tax increment revenues or
13 the proceeds of bonds issued to finance the
14 construction of that housing.

15 The eligible costs provided under this
16 subparagraph (F) of paragraph (11) shall be an
17 eligible cost for the construction, renovation, and
18 rehabilitation of all low and very low-income housing
19 units, as defined in Section 3 of the Illinois
20 Affordable Housing Act, within the redevelopment
21 project area. If the low and very low-income units are
22 part of a residential redevelopment project that
23 includes units not affordable to low and very
24 low-income households, only the low and very
25 low-income units shall be eligible for benefits under
26 this subparagraph (F) of paragraph (11). The standards

1 for maintaining the occupancy by low-income households
2 and very low-income households, as defined in Section
3 of the Illinois Affordable Housing Act, of those
4 units constructed with eligible costs made available
5 under the provisions of this subparagraph (F) of
6 paragraph (11) shall be established by guidelines
7 adopted by the municipality. The responsibility for
8 annually documenting the initial occupancy of the
9 units by low-income households and very low-income
10 households, as defined in Section 3 of the Illinois
11 Affordable Housing Act, shall be that of the then
12 current owner of the property. For ownership units,
13 the guidelines will provide, at a minimum, for a
14 reasonable recapture of funds, or other appropriate
15 methods designed to preserve the original
16 affordability of the ownership units. For rental
17 units, the guidelines will provide, at a minimum, for
18 the affordability of rent to low and very low-income
19 households. As units become available, they shall be
20 rented to income-eligible tenants. The municipality
21 may modify these guidelines from time to time; the
22 guidelines, however, shall be in effect for as long as
23 tax increment revenue is being used to pay for costs
24 associated with the units or for the retirement of
25 bonds issued to finance the units or for the life of
26 the redevelopment project area, whichever is later;

1 (11.5) If the redevelopment project area is located
2 within a municipality with a population of more than
3 100,000, the cost of day care services for children of
4 employees from low-income families working for businesses
5 located within the redevelopment project area and all or a
6 portion of the cost of operation of day care centers
7 established by redevelopment project area businesses to
8 serve employees from low-income families working in
9 businesses located in the redevelopment project area. For
10 the purposes of this paragraph, "low-income families"
11 means families whose annual income does not exceed 80% of
12 the municipal, county, or regional median income, adjusted
13 for family size, as the annual income and municipal,
14 county, or regional median income are determined from time
15 to time by the United States Department of Housing and
16 Urban Development.

17 (12) Costs relating to the development of urban
18 agricultural areas under Division 15.2 of the Illinois
19 Municipal Code.

20 Unless explicitly stated herein the cost of construction
21 of new privately-owned buildings shall not be an eligible
22 redevelopment project cost.

23 After November 1, 1999 (the effective date of Public Act
24 91-478), none of the redevelopment project costs enumerated in
25 this subsection shall be eligible redevelopment project costs
26 if those costs would provide direct financial support to a

1 retail entity initiating operations in the redevelopment
2 project area while terminating operations at another Illinois
3 location within 10 miles of the redevelopment project area but
4 outside the boundaries of the redevelopment project area
5 municipality. For purposes of this paragraph, termination
6 means a closing of a retail operation that is directly related
7 to the opening of the same operation or like retail entity
8 owned or operated by more than 50% of the original ownership in
9 a redevelopment project area, but it does not mean closing an
10 operation for reasons beyond the control of the retail entity,
11 as documented by the retail entity, subject to a reasonable
12 finding by the municipality that the current location
13 contained inadequate space, had become economically obsolete,
14 or was no longer a viable location for the retailer or
15 serviceman.

16 No cost shall be a redevelopment project cost in a
17 redevelopment project area if used to demolish, remove, or
18 substantially modify a historic resource, after August 26,
19 2008 (the effective date of Public Act 95-934), unless no
20 prudent and feasible alternative exists. "Historic resource"
21 for the purpose of this paragraph means (i) a place or
22 structure that is included or eligible for inclusion on the
23 National Register of Historic Places or (ii) a contributing
24 structure in a district on the National Register of Historic
25 Places. This paragraph does not apply to a place or structure
26 for which demolition, removal, or modification is subject to

1 review by the preservation agency of a Certified Local
2 Government designated as such by the National Park Service of
3 the United States Department of the Interior.

4 If a special service area has been established pursuant to
5 the Special Service Area Tax Act or Special Service Area Tax
6 Law, then any tax increment revenues derived from the tax
7 imposed pursuant to the Special Service Area Tax Act or
8 Special Service Area Tax Law may be used within the
9 redevelopment project area for the purposes permitted by that
10 Act or Law as well as the purposes permitted by this Act.

11 (q-1) For redevelopment project areas created pursuant to
12 subsection (p-1), redevelopment project costs are limited to
13 those costs in paragraph (q) that are related to the existing
14 or proposed Metropolitan Mobility ~~Regional Transportation~~
15 Authority Suburban Transit Access Route (STAR Line) station.

16 (q-2) For a transit facility improvement area established
17 prior to, on, or after the effective date of this amendatory
18 Act of the 102nd General Assembly: (i) "redevelopment project
19 costs" means those costs described in subsection (q) that are
20 related to the construction, reconstruction, rehabilitation,
21 remodeling, or repair of any existing or proposed transit
22 facility, whether that facility is located within or outside
23 the boundaries of a redevelopment project area established
24 within that transit facility improvement area (and, to the
25 extent a redevelopment project cost is described in subsection
26 (q) as incurred or estimated to be incurred with respect to a

1 redevelopment project area, then it shall apply with respect
2 to such transit facility improvement area); and (ii) the
3 provisions of Section 11-74.4-8 regarding tax increment
4 allocation financing for a redevelopment project area located
5 in a transit facility improvement area shall apply only to the
6 lots, blocks, tracts and parcels of real property that are
7 located within the boundaries of that redevelopment project
8 area and not to the lots, blocks, tracts, and parcels of real
9 property that are located outside the boundaries of that
10 redevelopment project area.

11 (r) "State Sales Tax Boundary" means the redevelopment
12 project area or the amended redevelopment project area
13 boundaries which are determined pursuant to subsection (9) of
14 Section 11-74.4-8a of this Act. The Department of Revenue
15 shall certify pursuant to subsection (9) of Section 11-74.4-8a
16 the appropriate boundaries eligible for the determination of
17 State Sales Tax Increment.

18 (s) "State Sales Tax Increment" means an amount equal to
19 the increase in the aggregate amount of taxes paid by
20 retailers and servicemen, other than retailers and servicemen
21 subject to the Public Utilities Act, on transactions at places
22 of business located within a State Sales Tax Boundary pursuant
23 to the Retailers' Occupation Tax Act, the Use Tax Act, the
24 Service Use Tax Act, and the Service Occupation Tax Act,
25 except such portion of such increase that is paid into the
26 State and Local Sales Tax Reform Fund, the Local Government

1 Distributive Fund, the Local Government Tax Fund and the
2 County and Mass Transit District Fund, for as long as State
3 participation exists, over and above the Initial Sales Tax
4 Amounts, Adjusted Initial Sales Tax Amounts or the Revised
5 Initial Sales Tax Amounts for such taxes as certified by the
6 Department of Revenue and paid under those Acts by retailers
7 and servicemen on transactions at places of business located
8 within the State Sales Tax Boundary during the base year which
9 shall be the calendar year immediately prior to the year in
10 which the municipality adopted tax increment allocation
11 financing, less 3.0% of such amounts generated under the
12 Retailers' Occupation Tax Act, Use Tax Act and Service Use Tax
13 Act and the Service Occupation Tax Act, which sum shall be
14 appropriated to the Department of Revenue to cover its costs
15 of administering and enforcing this Section. For purposes of
16 computing the aggregate amount of such taxes for base years
17 occurring prior to 1985, the Department of Revenue shall
18 compute the Initial Sales Tax Amount for such taxes and deduct
19 therefrom an amount equal to 4% of the aggregate amount of
20 taxes per year for each year the base year is prior to 1985,
21 but not to exceed a total deduction of 12%. The amount so
22 determined shall be known as the "Adjusted Initial Sales Tax
23 Amount". For purposes of determining the State Sales Tax
24 Increment the Department of Revenue shall for each period
25 subtract from the tax amounts received from retailers and
26 servicemen on transactions located in the State Sales Tax

1 Boundary, the certified Initial Sales Tax Amounts, Adjusted
2 Initial Sales Tax Amounts or Revised Initial Sales Tax Amounts
3 for the Retailers' Occupation Tax Act, the Use Tax Act, the
4 Service Use Tax Act and the Service Occupation Tax Act. For the
5 State Fiscal Year 1989 this calculation shall be made by
6 utilizing the calendar year 1987 to determine the tax amounts
7 received. For the State Fiscal Year 1990, this calculation
8 shall be made by utilizing the period from January 1, 1988,
9 until September 30, 1988, to determine the tax amounts
10 received from retailers and servicemen, which shall have
11 deducted therefrom nine-twelfths of the certified Initial
12 Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the
13 Revised Initial Sales Tax Amounts as appropriate. For the
14 State Fiscal Year 1991, this calculation shall be made by
15 utilizing the period from October 1, 1988, until June 30,
16 1989, to determine the tax amounts received from retailers and
17 servicemen, which shall have deducted therefrom nine-twelfths
18 of the certified Initial State Sales Tax Amounts, Adjusted
19 Initial Sales Tax Amounts or the Revised Initial Sales Tax
20 Amounts as appropriate. For every State Fiscal Year
21 thereafter, the applicable period shall be the 12 months
22 beginning July 1 and ending on June 30, to determine the tax
23 amounts received which shall have deducted therefrom the
24 certified Initial Sales Tax Amounts, Adjusted Initial Sales
25 Tax Amounts or the Revised Initial Sales Tax Amounts.
26 Municipalities intending to receive a distribution of State

1 Sales Tax Increment must report a list of retailers to the
2 Department of Revenue by October 31, 1988 and by July 31, of
3 each year thereafter.

4 (t) "Taxing districts" means counties, townships, cities
5 and incorporated towns and villages, school, road, park,
6 sanitary, mosquito abatement, forest preserve, public health,
7 fire protection, river conservancy, tuberculosis sanitarium
8 and any other municipal corporations or districts with the
9 power to levy taxes.

10 (u) "Taxing districts' capital costs" means those costs of
11 taxing districts for capital improvements that are found by
12 the municipal corporate authorities to be necessary and
13 directly result from the redevelopment project.

14 (v) As used in subsection (a) of Section 11-74.4-3 of this
15 Act, "vacant land" means any parcel or combination of parcels
16 of real property without industrial, commercial, and
17 residential buildings which has not been used for commercial
18 agricultural purposes within 5 years prior to the designation
19 of the redevelopment project area, unless the parcel is
20 included in an industrial park conservation area or the parcel
21 has been subdivided; provided that if the parcel was part of a
22 larger tract that has been divided into 3 or more smaller
23 tracts that were accepted for recording during the period from
24 1950 to 1990, then the parcel shall be deemed to have been
25 subdivided, and all proceedings and actions of the
26 municipality taken in that connection with respect to any

1 previously approved or designated redevelopment project area
2 or amended redevelopment project area are hereby validated and
3 hereby declared to be legally sufficient for all purposes of
4 this Act. For purposes of this Section and only for land
5 subject to the subdivision requirements of the Plat Act, land
6 is subdivided when the original plat of the proposed
7 Redevelopment Project Area or relevant portion thereof has
8 been properly certified, acknowledged, approved, and recorded
9 or filed in accordance with the Plat Act and a preliminary
10 plat, if any, for any subsequent phases of the proposed
11 Redevelopment Project Area or relevant portion thereof has
12 been properly approved and filed in accordance with the
13 applicable ordinance of the municipality.

14 (w) "Annual Total Increment" means the sum of each
15 municipality's annual Net Sales Tax Increment and each
16 municipality's annual Net Utility Tax Increment. The ratio of
17 the Annual Total Increment of each municipality to the Annual
18 Total Increment for all municipalities, as most recently
19 calculated by the Department, shall determine the proportional
20 shares of the Illinois Tax Increment Fund to be distributed to
21 each municipality.

22 (x) "LEED certified" means any certification level of
23 construction elements by a qualified Leadership in Energy and
24 Environmental Design Accredited Professional as determined by
25 the U.S. Green Building Council.

26 (y) "Green Globes certified" means any certification level

1 of construction elements by a qualified Green Globes
2 Professional as determined by the Green Building Initiative.
3 (Source: P.A. 102-627, eff. 8-27-21.)

4 (65 ILCS 5/Art. 11 Div. 122.2 heading)
5 DIVISION 122.2. METROPOLITAN MOBILITY ~~REGIONAL TRANSPORTATION~~
6 AUTHORITY

7 (65 ILCS 5/11-122.2-1) (from Ch. 24, par. 11-122.2-1)
8 Sec. 11-122.2-1. In addition to all its other powers,
9 every municipality shall, in all its dealings with the
10 Metropolitan Mobility ~~Regional Transportation~~ Authority
11 established by the Metropolitan Mobility "~~Regional~~
12 ~~Transportation~~ Authority Act", ~~enacted by the 78th General~~
13 ~~Assembly~~, have the following powers:

14 (a) to cooperate with the Metropolitan Mobility ~~Regional~~
15 ~~Transportation~~ Authority in the exercise by the Metropolitan
16 Mobility ~~Regional Transportation~~ Authority of all the powers
17 granted it by the Act;

18 (b) to receive funds from the Metropolitan Mobility
19 ~~Regional Transportation~~ Authority upon such terms and
20 conditions as shall be set forth in an agreement between the
21 municipality and Metropolitan Mobility Authority ~~the Suburban~~
22 ~~Bus Board or the Commuter Rail Board~~, which contract or
23 agreement may be for such number of years or duration as they
24 may agree, all as provided in the Metropolitan Mobility

1 ~~"Regional Transportation Authority Act";~~

2 (c) (blank); ~~to receive financial grants from a Service~~
3 ~~Board, as defined in the "Regional Transportation Authority~~
4 ~~Act", upon such terms and conditions as shall be set forth in a~~
5 ~~Purchase of Service Agreement or other grant contract between~~
6 ~~the municipality and the Service Board, which contract or~~
7 ~~agreement may be for such number of years or duration as the~~
8 ~~Service Board and the municipality may agree, all as provided~~
9 ~~in the "Regional Transportation Authority Act";~~

10 (d) to acquire from the Metropolitan Mobility Authority
11 any public transportation facility ~~Regional Transportation~~
12 ~~Authority or a Service Board any Public Transportation~~
13 ~~Facility~~, as defined in the Metropolitan Mobility ~~"Regional~~
14 ~~Transportation Authority Act"~~, by purchase contract, gift,
15 grant, exchange for other property or rights in property,
16 lease (or sublease) or installment or conditional purchase
17 contracts, which contracts or leases may provide for
18 consideration to be paid in annual installments during a
19 period not exceeding 40 years; such property may be acquired
20 subject to such conditions, restrictions, liens or security or
21 other interests of other parties as the municipality may deem
22 appropriate and in each case the municipality may acquire a
23 joint, leasehold, easement, license or other partial interest
24 in such property;

25 (e) to sell, sell by installment contract, lease (or
26 sublease) as lessor, or transfer to, or grant to or provide for

1 the use by the Metropolitan Mobility Authority any public
2 transportation facility ~~Regional Transportation Authority or a~~
3 ~~Service Board~~ any ~~Public Transportation Facility~~, as defined
4 in the Metropolitan Mobility ~~"Regional Transportation~~
5 ~~Authority Act,"~~ upon such terms and for such consideration, or
6 for no consideration, as the municipality may deem proper;

7 (f) to cooperate with the Metropolitan Mobility ~~Regional~~
8 ~~Transportation Authority or a Service Board~~ for the protection
9 of employees and users of public transportation facilities
10 against crime and also to protect such facilities; such
11 cooperation may include, without limitation, agreements for
12 the coordination of police or security forces;

13 (g) to file such reports with and transfer such records,
14 papers or documents to the Metropolitan Mobility Authority
15 ~~Regional Transportation Authority or a Service Board~~ as may be
16 agreed upon with, or required by, the Metropolitan Mobility
17 ~~Regional Transportation Authority or a Service Board~~.

18 In exercising any of the powers granted in this Section
19 the municipality shall not be subject to the provisions of
20 this Code or any Act making public bidding or notice a
21 requirement for any purchase or sale by a municipality.
22 Notwithstanding any provision of this Code to the contrary,
23 every municipality may enter into purchase of service
24 agreements, grant agreements ~~Purchase of Service Agreements,~~
25 ~~grant contracts~~, other contracts, agreements or leases, as
26 provided in this Section, and may incur obligations and

1 expenses thereunder without making a previous appropriation
2 therefor.

3 (Source: P.A. 83-886.)

4 Section 20.32. The Regional Planning Act is amended by
5 changing Section 10 as follows:

6 (70 ILCS 1707/10)

7 Sec. 10. Definitions.

8 "Board" means the Board of the Chicago Metropolitan Agency
9 for Planning.

10 "CMAP" means the Chicago Metropolitan Agency for Planning.

11 "Chief elected county official" means the Board Chair in
12 DuPage, Kane, Kendall, Lake, and McHenry Counties and the
13 County Executive in Will County.

14 "Fiscal year" means the fiscal year of the State.

15 "IDOT" means the Illinois Department of Transportation.

16 "MPO" means the metropolitan planning organization
17 designated under 23 U.S.C. 134.

18 "Members" means the members of the Board.

19 "Person" means an individual, partnership, firm, public or
20 private corporation, State agency, transportation agency, or
21 unit of local government.

22 "Policy Committee" means the decision-making body of the
23 MPO.

24 "Region" or "northeastern Illinois region" means Cook,

1 DuPage, Kane, Kendall, Lake, McHenry, and Will Counties.

2 "State agency" means "agency" as defined in Section 1-20
3 of the Illinois Administrative Procedure Act.

4 "Transportation agency" means the Metropolitan Mobility
5 ~~Regional Transportation Authority and its Service Boards~~; the
6 Illinois State Toll Highway Authority; the Illinois Department
7 of Transportation; and the transportation functions of units
8 of local government.

9 "Unit of local government" means a unit of local
10 government, as defined in Section 1 of Article VII of the
11 Illinois Constitution, that is located within the jurisdiction
12 and area of operation of the Board.

13 "USDOT" means the United States Department of
14 Transportation.

15 (Source: P.A. 103-986, eff. 1-1-25.)

16 (70 ILCS 3605/Act rep.)

17 Section 20.33. The Metropolitan Transit Authority Act is
18 repealed.

19 Section 20.34. The Local Mass Transit District Act is
20 amended by changing Sections 3.1, 5.05, and 8.5 as follows:

21 (70 ILCS 3610/3.1) (from Ch. 111 2/3, par. 353.1)

22 Sec. 3.1. Also in the manner provided in this Act as
23 amended, a "Local Mass Transit District" may be created with

1 boundary to enclose a unit area of contiguous land, to be known
2 as the "participating area". Such a "participating area" may
3 be organized as a district under this Act without regard to
4 boundaries of counties or other political subdivisions or
5 municipal corporations.

6 (a) Any 500 or more legal voters who are residents within
7 such "participating area" may file a petition in the circuit
8 court of the county where the proposed district or a major part
9 thereof is located, asking that the question of creating such
10 district be submitted under this Act by referendum to the
11 voters residing within the proposed district. By their power
12 of attorney signed by them and filed in the cause the
13 petitioners may authorize a committee of their number named by
14 the petitioners, to conduct and pursue the cause for them to a
15 conclusion. Such petition shall define the boundaries of the
16 proposed district, shall indicate distances to nearest mass
17 transportation lines in each direction, naming them, shall
18 have attached a fair map of the proposed district, and shall
19 suggest a name for the proposed district.

20 (b) The circuit clerk shall present to the circuit judge
21 any petition so filed in the court. The judge shall enter an
22 order of record to set a date, hour and place for judicial
23 hearing on the petition. That order shall include instructions
24 to the circuit clerk to give notice by newspaper publication
25 to be made and completed at least 20 days before the hearing is
26 to be held, in 2 or more newspapers published or circulating

1 generally among the people residing within the proposed
2 district. The circuit clerk shall prepare that notice and
3 cause such publication notice to be given as directed.

4 (c) After proof of such newspaper publication of notice
5 has been made and filed in the cause and shown to the court in
6 full accord with the prior order, the circuit judge shall hear
7 all persons who attend and so request, as to location and
8 boundary and name for the proposed district. After the hearing
9 on such petition is completed, the circuit court by an order of
10 record, shall determine and establish the location, name and
11 boundary for such proposed district, and shall order the
12 proposition submitted at an election in accordance with the
13 general election law to the voters resident within such
14 proposed district. The circuit clerk shall certify the
15 proposition to the proper election officials who shall submit
16 the proposition in accordance with the general election law.

17 (d) The county clerk shall canvass the ballots and other
18 returns from such referendum, and prepare a full certification
19 of the result and shall file same in the cause pending in the
20 circuit court. When the vote is in favor of the creation of
21 such district as determined by the court order, a true map of
22 such district shall be filed with such report in the circuit
23 court.

24 (e) When the vote is in favor of creation of such district,
25 the circuit court by an order of record shall confirm the
26 result of election. If the district is wholly contained within

1 a single county the presiding officer of the county board with
2 the advice and consent of the county board shall appoint 5
3 trustees, not more than 3 of whom shall be affiliated with the
4 same political party, to govern the district and serve one
5 each for 1, 2, 3, 4 and 5 years respectively; upon the
6 expiration of the term of a trustee who is in office on the
7 effective date of this amendatory Act of 1989, the successor
8 shall, at the time of the appointment, and thereafter at all
9 times while serving as trustee, be a resident of the Mass
10 Transit District for which such person is appointed as
11 trustee. If a trustee removes his residence to a place outside
12 of the District, a trustee shall be appointed in the same
13 manner as herein provided to take the place of the trustee who
14 so removed his residence. If however the district is located
15 in more than one county, the number of trustees who are
16 residents of a county shall be in proportion, as nearly as
17 practicable, to the number of residents of the district who
18 reside in that county in relation to the total population of
19 the district.

20 Upon the expiration of the term of a trustee who is in
21 office on the effective date of this amendatory Act of 1975,
22 the successor shall be a resident of whichever county is
23 entitled to such representation in order to bring about the
24 proportional representation required herein, and he shall be
25 appointed by the county board of that county, or in the case of
26 a home rule county as defined by Article VII, Section 6 of the

1 Constitution of 1970, the chief executive officer of that
2 county, with the advice and consent of the county board in
3 accordance with the provisions previously enumerated.
4 Successors shall serve 5 year overlapping terms.

5 Thereafter, each trustee shall be succeeded by a resident
6 of the same county who shall be appointed by the same
7 appointing authority; however, the provisions of the preceding
8 paragraph shall apply to the appointment of the successor to
9 each trustee who is in office at the time of the publication of
10 each decennial Federal census of population.

11 (f) Upon the creation of such district, the circuit clerk
12 shall prepare and certify a copy of the final court order
13 confirming the referendum creating the district, and a
14 duplicate of the map of such district, from the record of the
15 circuit court, and shall file the same with the county clerk
16 for recording in his office as "Certificate of Incorporation"
17 for the district. The county clerk shall cause a duplicate of
18 such "Certificate of Incorporation" to be filed in the office
19 of the Secretary of State of Illinois.

20 (g) The Board of Trustees of such "Local Mass Transit
21 District" shall have and exercise all the powers and shall
22 perform all the duties of any Board of Trustees of any district
23 created under this Act, as now or hereafter amended.

24 (h) The circuit court shall require the petitioners to
25 post a surety bond for the payment of all costs and expenses of
26 such proceeding and such referendum. When a district is

1 created, the circuit court shall order the district to pay or
2 reimburse others for all such costs and expenses. The surety
3 bond shall not be released until complete receipts for all
4 such costs and expenses have been filed in the cause and fully
5 audited by the circuit and county clerks.

6 (i) If the District is wholly contained within a single
7 county, the County Board of such county may, by resolution,
8 provide that, effective upon the next appointment of a
9 Trustee, after the effective date of this amendatory Act of
10 1989, that the Board of Trustees of such Mass Transit District
11 shall be comprised of 7 Trustees, with no more than 4 members
12 of the same political party. This Subsection shall not apply
13 to any Mass Transit District in the State which receives
14 funding in whole or in part from the Metropolitan Mobility
15 Authority ~~Regional Transportation Authority or any of its~~
16 ~~service boards.~~

17 (Source: P.A. 86-472.)

18 (70 ILCS 3610/5.05) (from Ch. 111 2/3, par. 355.05)

19 Sec. 5.05. In addition to all its other powers, each
20 District shall, in all its dealings with the Metropolitan
21 Mobility ~~Regional Transportation~~ Authority established by the
22 Metropolitan Mobility ~~"Regional Transportation Authority Act"~~,
23 ~~enacted by the 78th General Assembly,~~ have the following
24 powers:

25 (a) to cooperate with the Metropolitan Mobility ~~Regional~~

1 ~~Transportation~~ Authority in the exercise by the Metropolitan
2 Mobility ~~Regional Transportation~~ Authority of all the powers
3 granted it by such Act;

4 (b) to receive funds from the Metropolitan Mobility
5 ~~Regional Transportation~~ Authority upon such terms and
6 conditions as shall be set forth in an agreement between the
7 District and the Metropolitan Mobility ~~Regional Transportation~~
8 Authority, which contract or agreement may be for such number
9 of years or duration as the Authority and the District may
10 agree, all as provided in the Metropolitan Mobility "~~Regional~~
11 ~~Transportation~~ Authority Act";

12 (c) (blank); ~~to receive financial grants from a Service~~
13 ~~Board, as defined in the "Regional Transportation Authority~~
14 ~~Act", upon such terms and conditions as shall be set forth in a~~
15 ~~Purchase of Service Agreement or other grant contract between~~
16 ~~the District and the Service Board, which contract or~~
17 ~~agreement may be for such number of years or duration as the~~
18 ~~Service Board and the District may agree, all as provided in~~
19 ~~the "Regional Transportation Authority Act";~~

20 (d) to acquire from the Metropolitan Mobility Authority
21 any public transportation facility ~~Regional Transportation~~
22 ~~Authority or Service Board any Public Transportation Facility,~~
23 as defined in the Metropolitan Mobility "~~Regional~~
24 ~~Transportation~~ Authority Act", by purchase contract, gift,
25 grant, exchange for other property or rights in property,
26 lease (or sublease) or installment or conditional purchase

1 contracts, which contracts or leases may provide for
2 consideration to be paid in annual installments during a
3 period not exceeding 40 years; such property may be acquired
4 subject to such conditions, restrictions, liens or security or
5 other interests of other parties as the District may deem
6 appropriate and in each case the District may acquire a joint,
7 leasehold, easement, license or other partial interest in such
8 property;

9 (e) to sell, sell by installment contract, lease (or
10 sublease) as lessor, or transfer to, or grant to or provide for
11 the use by the Metropolitan Mobility Authority any public
12 transportation facility ~~Regional Transportation Authority or a~~
13 ~~Service Board any Public Transportation Facility~~, as defined
14 in the Metropolitan Mobility ~~"Regional Transportation~~
15 ~~Authority Act,"~~ upon such terms and for such consideration, as
16 the District may deem proper;

17 (f) to cooperate with the Metropolitan Mobility Authority
18 ~~Regional Transportation Authority or a Service Board~~ for the
19 protection of employees of the District and users of public
20 transportation facilities against crime and also to protect
21 such facilities, but neither the District, the member of its
22 Board nor its officers or employees shall be held liable for
23 failure to provide a security or police force, or, if a
24 security or police force is provided, for failure to provide
25 adequate police protection or security, failure to prevent the
26 commission of crimes by fellow passengers or other third

1 persons or for the failure to apprehend criminals; and

2 (g) to file such reports with and transfer such records,
3 papers or documents to the Metropolitan Mobility Authority
4 ~~Regional Transportation Authority or a Service Board~~ as may be
5 agreed upon with, or required by, the Metropolitan Mobility
6 Authority ~~Regional Transportation Authority or a Service~~
7 ~~Board~~.

8 In exercising any of the powers granted in this Section,
9 the District shall not be subject to the provisions of any Act
10 making public bidding or notice a requirement of any purchase
11 or sale by a District.

12 (Source: P.A. 84-939.)

13 (70 ILCS 3610/8.5) (from Ch. 111 2/3, par. 358.5)

14 Sec. 8.5. In addition to any other method provided for
15 annexation under this Act, any territory, except property
16 classified as farmland, which (1) lies within the corporate
17 limits of a municipality as defined in this Act, (2) is
18 contiguous to a local mass transit district organized under
19 this Act, and (3) is not a part of another local mass transit
20 district, may be annexed by the contiguous local mass transit
21 district, by ordinance, after a public hearing has been held
22 thereon by the board of trustees of the district at a location
23 within the territory sought to be annexed, or within 1 mile of
24 any part of the territory sought to be annexed. The annexing
25 district shall cause to be published three times in a

1 newspaper having general circulation within the area
2 considered for annexation, at least 30 days prior to the
3 public hearing thereon, a notice that the local mass transit
4 district is considering the annexation of the territory
5 specified. The notice shall also state the date, time and
6 place of the public hearing. The annexing district shall cause
7 to be delivered to each owner of a parcel of land which is 5 or
8 more acres, which land is proposed to be annexed in whole or in
9 part, a written notice containing the information required to
10 be included in the published notice. The notice shall be
11 delivered by first class mail so that said notice arrives 30
12 days in advance of the public hearing. The board of trustees of
13 the district shall give due consideration to all testimony.
14 For the purposes of this Section "property classified as
15 farmland" shall mean property classified as farmland for
16 assessment purposes pursuant to the Property Tax Code. This
17 Section shall not apply to any mass transit district in the
18 State which receives funding in whole or in part from the
19 Metropolitan Mobility Authority ~~Regional Transportation~~
20 ~~Authority or any of its service boards.~~

21 (Source: P.A. 88-670, eff. 12-2-94.)

22 (70 ILCS 3615/Act rep.)

23 Section 20.35. The Regional Transportation Authority Act
24 is repealed.

1 Section 20.36. The Water Commission Act of 1985 is amended
2 by changing Section 4 as follows:

3 (70 ILCS 3720/4) (from Ch. 111 2/3, par. 254)
4 Sec. 4. Taxes.

5 (a) The board of commissioners of any county water
6 commission may, by ordinance, impose throughout the territory
7 of the commission any or all of the taxes provided in this
8 Section for its corporate purposes. However, no county water
9 commission may impose any such tax unless the commission
10 certifies the proposition of imposing the tax to the proper
11 election officials, who shall submit the proposition to the
12 voters residing in the territory at an election in accordance
13 with the general election law, and the proposition has been
14 approved by a majority of those voting on the proposition.

15 The proposition shall be in the form provided in Section 5
16 or shall be substantially in the following form:

17 -----

18	Shall the (insert corporate	
19	name of county water commission)	YES
20	impose (state type of tax or	-----
21	taxes to be imposed) at the	NO
22	rate of 1/4%?	

23 -----

24 Taxes imposed under this Section and civil penalties
25 imposed incident thereto shall be collected and enforced by

1 the State Department of Revenue. The Department shall have the
2 power to administer and enforce the taxes and to determine all
3 rights for refunds for erroneous payments of the taxes.

4 (b) The board of commissioners may impose a County Water
5 Commission Retailers' Occupation Tax upon all persons engaged
6 in the business of selling tangible personal property at
7 retail in the territory of the commission at a rate of 1/4% of
8 the gross receipts from the sales made in the course of such
9 business within the territory. Beginning January 1, 2021, this
10 tax is not imposed on sales of aviation fuel for so long as the
11 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
12 47133 are binding on the District.

13 The tax imposed under this paragraph and all civil
14 penalties that may be assessed as an incident thereof shall be
15 collected and enforced by the State Department of Revenue. The
16 Department shall have full power to administer and enforce
17 this paragraph; to collect all taxes and penalties due
18 hereunder; to dispose of taxes and penalties so collected in
19 the manner hereinafter provided; and to determine all rights
20 to credit memoranda arising on account of the erroneous
21 payment of tax or penalty hereunder. In the administration of,
22 and compliance with, this paragraph, the Department and
23 persons who are subject to this paragraph shall have the same
24 rights, remedies, privileges, immunities, powers and duties,
25 and be subject to the same conditions, restrictions,
26 limitations, penalties, exclusions, exemptions and definitions

1 of terms, and employ the same modes of procedure, as are
2 prescribed in Sections 1, 1a, 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2
3 through 2-65 (in respect to all provisions therein other than
4 the State rate of tax except that tangible personal property
5 taxed at the 1% rate under the Retailers' Occupation Tax Act
6 shall not be subject to tax hereunder), 2c, 3 (except as to the
7 disposition of taxes and penalties collected, and except that
8 the retailer's discount is not allowed for taxes paid on
9 aviation fuel sold on or after December 1, 2019 and through
10 December 31, 2020), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i,
11 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12, and 13 of
12 the Retailers' Occupation Tax Act and Section 3-7 of the
13 Uniform Penalty and Interest Act, as fully as if those
14 provisions were set forth herein.

15 Persons subject to any tax imposed under the authority
16 granted in this paragraph may reimburse themselves for their
17 seller's tax liability hereunder by separately stating the tax
18 as an additional charge, which charge may be stated in
19 combination, in a single amount, with State taxes that sellers
20 are required to collect under the Use Tax Act and under
21 subsection (e) of Section 6.02 ~~4.03~~ of the Metropolitan
22 Mobility Regional Transportation Authority Act, in accordance
23 with such bracket schedules as the Department may prescribe.

24 Whenever the Department determines that a refund should be
25 made under this paragraph to a claimant instead of issuing a
26 credit memorandum, the Department shall notify the State

1 Comptroller, who shall cause the warrant to be drawn for the
2 amount specified, and to the person named, in the notification
3 from the Department. The refund shall be paid by the State
4 Treasurer out of a county water commission tax fund
5 established under subsection (g) of this Section.

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

15 If a tax is imposed under this subsection (b), a tax shall
16 also be imposed under subsections (c) and (d) of this Section.

17 No tax shall be imposed or collected under this subsection
18 on the sale of a motor vehicle in this State to a resident of
19 another state if that motor vehicle will not be titled in this
20 State.

21 Nothing in this paragraph shall be construed to authorize
22 a county water commission to impose a tax upon the privilege of
23 engaging in any business which under the Constitution of the
24 United States may not be made the subject of taxation by this
25 State.

26 (c) If a tax has been imposed under subsection (b), a

1 County Water Commission Service Occupation Tax shall also be
2 imposed upon all persons engaged, in the territory of the
3 commission, in the business of making sales of service, who,
4 as an incident to making the sales of service, transfer
5 tangible personal property within the territory. The tax rate
6 shall be 1/4% of the selling price of tangible personal
7 property so transferred within the territory. Beginning
8 January 1, 2021, this tax is not imposed on sales of aviation
9 fuel for so long as the revenue use requirements of 49 U.S.C.
10 47107(b) and 49 U.S.C. 47133 are binding on the District.

11 The tax imposed under this paragraph and all civil
12 penalties that may be assessed as an incident thereof shall be
13 collected and enforced by the State Department of Revenue. The
14 Department shall have full power to administer and enforce
15 this paragraph; to collect all taxes and penalties due
16 hereunder; to dispose of taxes and penalties so collected in
17 the manner hereinafter provided; and to determine all rights
18 to credit memoranda arising on account of the erroneous
19 payment of tax or penalty hereunder. In the administration of,
20 and compliance with, this paragraph, the Department and
21 persons who are subject to this paragraph shall have the same
22 rights, remedies, privileges, immunities, powers and duties,
23 and be subject to the same conditions, restrictions,
24 limitations, penalties, exclusions, exemptions and definitions
25 of terms, and employ the same modes of procedure, as are
26 prescribed in Sections 1a-1, 2 (except that the reference to

1 State in the definition of supplier maintaining a place of
2 business in this State shall mean the territory of the
3 commission), 2a, 3 through 3-50 (in respect to all provisions
4 therein other than the State rate of tax except that tangible
5 personal property taxed at the 1% rate under the Service
6 Occupation Tax Act shall not be subject to tax hereunder), 4
7 (except that the reference to the State shall be to the
8 territory of the commission), 5, 7, 8 (except that the
9 jurisdiction to which the tax shall be a debt to the extent
10 indicated in that Section 8 shall be the commission), 9
11 (except as to the disposition of taxes and penalties collected
12 and except that the returned merchandise credit for this tax
13 may not be taken against any State tax, and except that the
14 retailer's discount is not allowed for taxes paid on aviation
15 fuel sold on or after December 1, 2019 and through December 31,
16 2020), 10, 11, 12 (except the reference therein to Section 2b
17 of the Retailers' Occupation Tax Act), 13 (except that any
18 reference to the State shall mean the territory of the
19 commission), the first paragraph of Section 15, 15.5, 16, 17,
20 18, 19, and 20 of the Service Occupation Tax Act as fully as if
21 those provisions were set forth herein.

22 Persons subject to any tax imposed under the authority
23 granted in this paragraph may reimburse themselves for their
24 serviceman's tax liability hereunder by separately stating the
25 tax as an additional charge, which charge may be stated in
26 combination, in a single amount, with State tax that

1 servicemen are authorized to collect under the Service Use Tax
2 Act, and any tax for which servicemen may be liable under
3 subsection (m) of Section 6.02 ~~(f) of Section 4.03~~ of the
4 Metropolitan Mobility Regional Transportation Authority Act,
5 in accordance with such bracket schedules as the Department
6 may prescribe.

7 Whenever the Department determines that a refund should be
8 made under this paragraph to a claimant instead of issuing a
9 credit memorandum, the Department shall notify the State
10 Comptroller, who shall cause the warrant to be drawn for the
11 amount specified, and to the person named, in the notification
12 from the Department. The refund shall be paid by the State
13 Treasurer out of a county water commission tax fund
14 established under subsection (g) of this Section.

15 Nothing in this paragraph shall be construed to authorize
16 a county water commission to impose a tax upon the privilege of
17 engaging in any business which under the Constitution of the
18 United States may not be made the subject of taxation by the
19 State.

20 (d) If a tax has been imposed under subsection (b), a tax
21 shall also be imposed upon the privilege of using, in the
22 territory of the commission, any item of tangible personal
23 property that is purchased outside the territory at retail
24 from a retailer, and that is titled or registered with an
25 agency of this State's government, at a rate of 1/4% of the
26 selling price of the tangible personal property within the

1 territory, as "selling price" is defined in the Use Tax Act.
2 The tax shall be collected from persons whose Illinois address
3 for titling or registration purposes is given as being in the
4 territory. The tax shall be collected by the Department of
5 Revenue for a county water commission. The tax must be paid to
6 the State, or an exemption determination must be obtained from
7 the Department of Revenue, before the title or certificate of
8 registration for the property may be issued. The tax or proof
9 of exemption may be transmitted to the Department by way of the
10 State agency with which, or the State officer with whom, the
11 tangible personal property must be titled or registered if the
12 Department and the State agency or State officer determine
13 that this procedure will expedite the processing of
14 applications for title or registration.

15 The Department shall have full power to administer and
16 enforce this paragraph; to collect all taxes, penalties, and
17 interest due hereunder; to dispose of taxes, penalties, and
18 interest so collected in the manner hereinafter provided; and
19 to determine all rights to credit memoranda or refunds arising
20 on account of the erroneous payment of tax, penalty, or
21 interest hereunder. In the administration of and compliance
22 with this paragraph, the Department and persons who are
23 subject to this paragraph shall have the same rights,
24 remedies, privileges, immunities, powers, and duties, and be
25 subject to the same conditions, restrictions, limitations,
26 penalties, exclusions, exemptions, and definitions of terms

1 and employ the same modes of procedure, as are prescribed in
2 Sections 2 (except the definition of "retailer maintaining a
3 place of business in this State"), 3 through 3-80 (except
4 provisions pertaining to the State rate of tax, and except
5 provisions concerning collection or refunding of the tax by
6 retailers), 4, 11, 12, 12a, 14, 15, 19 (except the portions
7 pertaining to claims by retailers and except the last
8 paragraph concerning refunds), 20, 21, and 22 of the Use Tax
9 Act and Section 3-7 of the Uniform Penalty and Interest Act
10 that are not inconsistent with this paragraph, as fully as if
11 those provisions were set forth herein.

12 Whenever the Department determines that a refund should be
13 made under this paragraph to a claimant instead of issuing a
14 credit memorandum, the Department shall notify the State
15 Comptroller, who shall cause the order to be drawn for the
16 amount specified, and to the person named, in the notification
17 from the Department. The refund shall be paid by the State
18 Treasurer out of a county water commission tax fund
19 established under subsection (g) of this Section.

20 (e) A certificate of registration issued by the State
21 Department of Revenue to a retailer under the Retailers'
22 Occupation Tax Act or under the Service Occupation Tax Act
23 shall permit the registrant to engage in a business that is
24 taxed under the tax imposed under subsection (b), (c), or (d)
25 of this Section and no additional registration shall be
26 required under the tax. A certificate issued under the Use Tax

1 Act or the Service Use Tax Act shall be applicable with regard
2 to any tax imposed under subsection (c) of this Section.

3 (f) Any ordinance imposing or discontinuing any tax under
4 this Section shall be adopted and a certified copy thereof
5 filed with the Department on or before June 1, whereupon the
6 Department of Revenue shall proceed to administer and enforce
7 this Section on behalf of the county water commission as of
8 September 1 next following the adoption and filing. Beginning
9 January 1, 1992, an ordinance or resolution imposing or
10 discontinuing the tax hereunder shall be adopted and a
11 certified copy thereof filed with the Department on or before
12 the first day of July, whereupon the Department shall proceed
13 to administer and enforce this Section as of the first day of
14 October next following such adoption and filing. Beginning
15 January 1, 1993, an ordinance or resolution imposing or
16 discontinuing the tax hereunder shall be adopted and a
17 certified copy thereof filed with the Department on or before
18 the first day of October, whereupon the Department shall
19 proceed to administer and enforce this Section as of the first
20 day of January next following such adoption and filing.

21 (g) The State Department of Revenue shall, upon collecting
22 any taxes as provided in this Section, pay the taxes over to
23 the State Treasurer as trustee for the commission. The taxes
24 shall be held in a trust fund outside the State treasury
25 ~~Treasury~~.

26 As soon as possible after the first day of each month,

1 beginning January 1, 2011, upon certification of the
2 Department of Revenue, the Comptroller shall order
3 transferred, and the Treasurer shall transfer, to the STAR
4 Bonds Revenue Fund the local sales tax increment, as defined
5 in the Innovation Development and Economy Act, collected under
6 this Section during the second preceding calendar month for
7 sales within a STAR bond district.

8 After the monthly transfer to the STAR Bonds Revenue Fund,
9 on or before the 25th day of each calendar month, the State
10 Department of Revenue shall prepare and certify to the
11 Comptroller of the State of Illinois the amount to be paid to
12 the commission, which shall be the amount (not including
13 credit memoranda) collected under this Section during the
14 second preceding calendar month by the Department plus an
15 amount the Department determines is necessary to offset any
16 amounts that were erroneously paid to a different taxing body,
17 and not including any amount equal to the amount of refunds
18 made during the second preceding calendar month by the
19 Department on behalf of the commission, and not including any
20 amount that the Department determines is necessary to offset
21 any amounts that were payable to a different taxing body but
22 were erroneously paid to the commission, and less any amounts
23 that are transferred to the STAR Bonds Revenue Fund, less 1.5%
24 of the remainder, which shall be transferred into the Tax
25 Compliance and Administration Fund. The Department, at the
26 time of each monthly disbursement to the commission, shall

1 prepare and certify to the State Comptroller the amount to be
2 transferred into the Tax Compliance and Administration Fund
3 under this subsection. Within 10 days after receipt by the
4 Comptroller of the certification of the amount to be paid to
5 the commission and the Tax Compliance and Administration Fund,
6 the Comptroller shall cause an order to be drawn for the
7 payment for the amount in accordance with the direction in the
8 certification.

9 (h) Beginning June 1, 2016, any tax imposed pursuant to
10 this Section may no longer be imposed or collected, unless a
11 continuation of the tax is approved by the voters at a
12 referendum as set forth in this Section.

13 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
14 100-863, eff. 8-14-18; 100-1171, eff. 1-4-19; 101-10, eff.
15 6-5-19; 101-81, eff. 7-12-19; 101-604, eff. 12-13-19.)

16 Section 20.37. The School Code is amended by changing
17 Sections 29-5 and 34-4 as follows:

18 (105 ILCS 5/29-5) (from Ch. 122, par. 29-5)

19 Sec. 29-5. Reimbursement by State for transportation. Any
20 school district or State-authorized charter school,
21 maintaining a school, transporting resident pupils to another
22 school district's vocational program, offered through a joint
23 agreement approved by the State Board of Education, as
24 provided in Section 10-22.22 or transporting its resident

1 pupils to a school which meets the standards for recognition
2 as established by the State Board of Education which provides
3 transportation meeting the standards of safety, comfort,
4 convenience, efficiency and operation prescribed by the State
5 Board of Education for resident pupils in kindergarten or any
6 of grades 1 through 12 who: (a) reside at least 1 1/2 miles as
7 measured by the customary route of travel, from the school
8 attended; or (b) reside in areas where conditions are such
9 that walking constitutes a hazard to the safety of the child
10 when determined under Section 29-3; and (c) are transported to
11 the school attended from pick-up points at the beginning of
12 the school day and back again at the close of the school day or
13 transported to and from their assigned attendance centers
14 during the school day shall be reimbursed by the State as
15 hereinafter provided in this Section.

16 The State will pay the prorated allowable cost of
17 transporting eligible pupils less the real equalized assessed
18 valuation as computed under paragraph (3) of subsection (d) of
19 Section 18-8.15 in a dual school district maintaining
20 secondary grades 9 to 12 inclusive times a qualifying rate of
21 .05%; in elementary school districts maintaining grades K to 8
22 times a qualifying rate of .06%; and in unit districts
23 maintaining grades K to 12, including partial elementary unit
24 districts formed pursuant to Article 11E, times a qualifying
25 rate of .07%. For a State-authorized charter school, the State
26 shall pay the prorated allowable cost of transporting eligible

1 pupils less a real equalized assessed valuation calculated
2 pursuant to this Section times a qualifying rate. For purposes
3 of calculating the real equalized assessed valuation for a
4 State-authorized charter school whose resident district is not
5 a school district organized under Article 34 of this Code, the
6 State Board of Education shall calculate the average of the
7 number of students in grades kindergarten through 12 reported
8 as enrolled in the charter school in the State Board's Student
9 Information System on October 1 and March 1 of the immediately
10 preceding school year. That value shall be divided by the
11 average of the number of students in grades kindergarten
12 through 12 reported as enrolled in the charter school's
13 resident district on October 1 and March 1 of the immediately
14 preceding school year. That proportion shall be multiplied by
15 the real equalized assessed valuation as computed under
16 paragraph (3) of subsection (d) of Section 18-8.15 for each
17 State-authorized charter school's applicable resident
18 district. A State-authorized charter school whose resident
19 district is organized under Article 34 of this Code shall have
20 a real equalized assessed valuation equal to the real
21 equalized assessed valuation of its resident district as
22 computed under paragraph (3) of subsection (d) of Section
23 18-8.15. A State-authorized charter school's qualifying rate
24 shall be the same as the rate that applies to the charter
25 school's resident district.

26 To be eligible to receive reimbursement in excess of 4/5

1 of the cost to transport eligible pupils, a school district or
2 partial elementary unit district formed pursuant to Article
3 11E shall have a Transportation Fund tax rate of at least .12%.
4 The Transportation Fund tax rate for a partial elementary unit
5 district formed pursuant Article 11E shall be the combined
6 elementary and high school rates pursuant to paragraph (4) of
7 subsection (a) of Section 18-8.15.

8 If a school district or partial elementary unit district
9 formed pursuant to Article 11E does not have a .12%
10 Transportation Fund tax rate, the amount of its claim in
11 excess of $\frac{4}{5}$ of the cost of transporting pupils shall be
12 reduced by the sum arrived at by subtracting the
13 Transportation Fund tax rate from .12% and multiplying that
14 amount by the district's real equalized assessed valuation as
15 computed under paragraph (3) of subsection (d) of Section
16 18-8.15, provided that in no case shall said reduction result
17 in reimbursement of less than $\frac{4}{5}$ of the cost to transport
18 eligible pupils. No such adjustment may be applied to a claim
19 filed by a State-authorized charter school.

20 Subject to the calculation of equalized assessed
21 valuation, an adjustment for an insufficient tax rate, and the
22 use of a qualifying rate as provided in this Section, a
23 State-authorized charter school may make a claim for
24 reimbursement by the State that is calculated in the same
25 manner as a school district.

26 The minimum amount to be received by a district is \$16

1 times the number of eligible pupils transported.

2 When calculating the reimbursement for transportation
3 costs, the State Board of Education may not deduct the number
4 of pupils enrolled in early education programs from the number
5 of pupils eligible for reimbursement if the pupils enrolled in
6 the early education programs are transported at the same time
7 as other eligible pupils.

8 Any such district transporting resident pupils during the
9 school day to an area vocational school or another school
10 district's vocational program more than 1 1/2 miles from the
11 school attended, as provided in Sections 10-22.20a and
12 10-22.22, shall be reimbursed by the State for 4/5 of the cost
13 of transporting eligible pupils.

14 School day means that period of time during which the
15 pupil is required to be in attendance for instructional
16 purposes.

17 If a pupil is at a location within the school district
18 other than his residence for child care purposes at the time
19 for transportation to school, that location may be considered
20 for purposes of determining the 1 1/2 miles from the school
21 attended.

22 Claims for reimbursement that include children who attend
23 any school other than a public school shall show the number of
24 such children transported.

25 Claims for reimbursement under this Section shall not be
26 paid for the transportation of pupils for whom transportation

1 costs are claimed for payment under other Sections of this
2 Act.

3 The allowable direct cost of transporting pupils for
4 regular, vocational, and special education pupil
5 transportation shall be limited to the sum of the cost of
6 physical examinations required for employment as a school bus
7 driver; the salaries of full-time or part-time drivers and
8 school bus maintenance personnel; employee benefits excluding
9 Illinois municipal retirement payments, social security
10 payments, unemployment insurance payments and workers'
11 compensation insurance premiums; expenditures to independent
12 carriers who operate school buses; payments to other school
13 districts for pupil transportation services; pre-approved
14 contractual expenditures for computerized bus scheduling;
15 expenditures for housing assistance and homeless prevention
16 under Sections 1-17 and 1-18 of the Education for Homeless
17 Children Act that are not in excess of the school district's
18 actual costs for providing transportation services and are not
19 otherwise claimed in another State or federal grant that
20 permits those costs to a parent, a legal guardian, any other
21 person who enrolled a pupil, or a homeless assistance agency
22 that is part of the federal McKinney-Vento Homeless Assistance
23 Act's continuum of care for the area in which the district is
24 located; the cost of gasoline, oil, tires, and other supplies
25 necessary for the operation of school buses; the cost of
26 converting buses' gasoline engines to more fuel efficient

1 engines or to engines which use alternative energy sources;
2 the cost of travel to meetings and workshops conducted by the
3 regional superintendent or the State Superintendent of
4 Education pursuant to the standards established by the
5 Secretary of State under Section 6-106 of the Illinois Vehicle
6 Code to improve the driving skills of school bus drivers; the
7 cost of maintenance of school buses including parts and
8 materials used; expenditures for leasing transportation
9 vehicles, except interest and service charges; the cost of
10 insurance and licenses for transportation vehicles;
11 expenditures for the rental of transportation equipment; plus
12 a depreciation allowance of 20% for 5 years for school buses
13 and vehicles approved for transporting pupils to and from
14 school and a depreciation allowance of 10% for 10 years for
15 other transportation equipment so used. Each school year, if a
16 school district has made expenditures to the Metropolitan
17 Mobility Authority ~~Regional Transportation Authority or any of~~
18 ~~its service boards~~, a mass transit district, or an urban
19 transportation district under an intergovernmental agreement
20 with the district to provide for the transportation of pupils
21 and if the public transit carrier received direct payment for
22 services or passes from a school district within its service
23 area during the 2000-2001 school year, then the allowable
24 direct cost of transporting pupils for regular, vocational,
25 and special education pupil transportation shall also include
26 the expenditures that the district has made to the public

1 transit carrier. In addition to the above allowable costs,
2 school districts shall also claim all transportation
3 supervisory salary costs, including Illinois municipal
4 retirement payments, and all transportation related building
5 and building maintenance costs without limitation.

6 Special education allowable costs shall also include
7 expenditures for the salaries of attendants or aides for that
8 portion of the time they assist special education pupils while
9 in transit and expenditures for parents and public carriers
10 for transporting special education pupils when pre-approved by
11 the State Superintendent of Education.

12 Indirect costs shall be included in the reimbursement
13 claim for districts which own and operate their own school
14 buses. Such indirect costs shall include administrative costs,
15 or any costs attributable to transporting pupils from their
16 attendance centers to another school building for
17 instructional purposes. No school district which owns and
18 operates its own school buses may claim reimbursement for
19 indirect costs which exceed 5% of the total allowable direct
20 costs for pupil transportation.

21 The State Board of Education shall prescribe uniform
22 regulations for determining the above standards and shall
23 prescribe forms of cost accounting and standards of
24 determining reasonable depreciation. Such depreciation shall
25 include the cost of equipping school buses with the safety
26 features required by law or by the rules, regulations and

1 standards promulgated by the State Board of Education, and the
2 Department of Transportation for the safety and construction
3 of school buses provided, however, any equipment cost
4 reimbursed by the Department of Transportation for equipping
5 school buses with such safety equipment shall be deducted from
6 the allowable cost in the computation of reimbursement under
7 this Section in the same percentage as the cost of the
8 equipment is depreciated.

9 On or before August 15, annually, the chief school
10 administrator for the district shall certify to the State
11 Superintendent of Education the district's claim for
12 reimbursement for the school year ending on June 30 next
13 preceding. The State Superintendent of Education shall check
14 and approve the claims and prepare the vouchers showing the
15 amounts due for district reimbursement claims. Each fiscal
16 year, the State Superintendent of Education shall prepare and
17 transmit the first 3 vouchers to the Comptroller on the 30th
18 day of September, December and March, respectively, and the
19 final voucher, no later than June 20.

20 If the amount appropriated for transportation
21 reimbursement is insufficient to fund total claims for any
22 fiscal year, the State Board of Education shall reduce each
23 school district's allowable costs and flat grant amount
24 proportionately to make total adjusted claims equal the total
25 amount appropriated.

26 For purposes of calculating claims for reimbursement under

1 this Section for any school year beginning July 1, 2016, the
2 equalized assessed valuation for a school district or partial
3 elementary unit district formed pursuant to Article 11E used
4 to compute reimbursement shall be the real equalized assessed
5 valuation as computed under paragraph (3) of subsection (d) of
6 Section 18-8.15.

7 All reimbursements received from the State shall be
8 deposited into the district's transportation fund or into the
9 fund from which the allowable expenditures were made.

10 Notwithstanding any other provision of law, any school
11 district receiving a payment under this Section or under
12 Section 14-7.02, 14-7.02b, or 14-13.01 of this Code may
13 classify all or a portion of the funds that it receives in a
14 particular fiscal year or from State aid pursuant to Section
15 18-8.15 of this Code as funds received in connection with any
16 funding program for which it is entitled to receive funds from
17 the State in that fiscal year (including, without limitation,
18 any funding program referenced in this Section), regardless of
19 the source or timing of the receipt. The district may not
20 classify more funds as funds received in connection with the
21 funding program than the district is entitled to receive in
22 that fiscal year for that program. Any classification by a
23 district must be made by a resolution of its board of
24 education. The resolution must identify the amount of any
25 payments or general State aid to be classified under this
26 paragraph and must specify the funding program to which the

1 funds are to be treated as received in connection therewith.
2 This resolution is controlling as to the classification of
3 funds referenced therein. A certified copy of the resolution
4 must be sent to the State Superintendent of Education. The
5 resolution shall still take effect even though a copy of the
6 resolution has not been sent to the State Superintendent of
7 Education in a timely manner. No classification under this
8 paragraph by a district shall affect the total amount or
9 timing of money the district is entitled to receive under this
10 Code. No classification under this paragraph by a district
11 shall in any way relieve the district from or affect any
12 requirements that otherwise would apply with respect to that
13 funding program, including any accounting of funds by source,
14 reporting expenditures by original source and purpose,
15 reporting requirements, or requirements of providing services.

16 Any school district with a population of not more than
17 500,000 must deposit all funds received under this Article
18 into the transportation fund and use those funds for the
19 provision of transportation services.

20 (Source: P.A. 102-539, eff. 8-20-21; 102-813, eff. 5-13-22;
21 103-588, eff. 1-1-25.)

22 (105 ILCS 5/34-4) (from Ch. 122, par. 34-4)

23 Sec. 34-4. Eligibility. To be eligible for election or
24 appointment to the Board, a person shall be a citizen of the
25 United States, shall be a registered voter as provided in the

1 Election Code, shall have been, for a period of one year
2 immediately before election or appointment, a resident of the
3 city, district, and subdistrict that the member represents,
4 and shall not be a child sex offender as defined in Section
5 11-9.3 of the Criminal Code of 2012. A person is ineligible for
6 election or appointment to the Board if that person is not in
7 compliance with the provisions of Section 10-9 as referenced
8 in Section 34-3. For the 2024 general election, all persons
9 eligible for election to the Board shall be nominated by a
10 petition signed by at least 1,000 but not more than 3,000 of
11 the voters residing within the electoral district on a
12 petition in order to be placed on the ballot. For the 2026
13 general election and general elections thereafter, persons
14 eligible for election to the Board shall be nominated by a
15 petition signed by at least 500 but no more than 1,500 voters
16 residing within the subdistrict on a petition in order to be
17 placed on the ballot, except that persons eligible for
18 election to the Board at large shall be nominated by a petition
19 signed by no less than 2,500 voters residing within the city.
20 Any registered voter may sign a nominating petition,
21 irrespective of any partisan petition the voter signs or may
22 sign. For the 2024 general election only, the petition
23 circulation period shall begin on March 26, 2024, and the
24 filing period shall be from June 17, 2024 to June 24, 2024.
25 Permanent removal from the city by any member of the Board
26 during the member's term of office constitutes a resignation

1 therefrom and creates a vacancy in the Board. Board members
2 shall serve without any compensation; however, members of the
3 Board shall be reimbursed for expenses incurred while in the
4 performance of their duties upon submission of proper receipts
5 or upon submission of a signed voucher in the case of an
6 expense allowance evidencing the amount of such reimbursement
7 or allowance to the President of the Board for verification
8 and approval. Board members shall not hold other public office
9 under the Federal, State or any local government other than
10 that of Director of the Metropolitan Mobility ~~Regional~~
11 ~~Transportation~~ Authority, member of the economic development
12 commission of a city having a population exceeding 500,000,
13 notary public or member of the National Guard, and by
14 accepting any such office while members of the Board, or by not
15 resigning any such office held at the time of being elected or
16 appointed to the Board within 30 days after such election or
17 appointment, shall be deemed to have vacated their membership
18 in the Board.

19 (Source: P.A. 102-177, eff. 6-1-22; 102-691, eff. 12-17-21;
20 103-584, eff. 3-18-24.)

21 Section 20.38. The Public Utilities Act is amended by
22 changing Section 4-302 and by adding Sections 8-106 and 8-107
23 as follows:

24 (220 ILCS 5/4-302) (from Ch. 111 2/3, par. 4-302)

1 Sec. 4-302. The Commission shall cooperate with the
2 Metropolitan Mobility ~~Regional Transportation~~ Authority
3 created pursuant to the Metropolitan Mobility ~~"Regional~~
4 ~~Transportation~~ Authority Act", ~~enacted by the 78th General~~
5 ~~Assembly,~~ in the exercise of the powers of the Authority as
6 provided in that Act.

7 Transportation agencies ~~Agencies~~ which have any purchase
8 of service agreement with the Authority ~~a Service Board~~ as
9 provided in the Metropolitan Mobility ~~"Regional Transportation~~
10 ~~Authority Act"~~ shall not be subject to this Act as to any
11 public transportation which is the subject of such agreement.
12 Any service and business exempted from this Act pursuant to
13 this Section shall not be considered "intrastate public
14 utility business" as defined in Section 3-120 of this Act.

15 No contract between any transportation agency
16 ~~Transportation Agency~~ and the Authority ~~or a Service Board~~ or
17 acquisition by the Authority ~~or a Service Board~~ of any
18 property, including property of a transportation agency
19 ~~Transportation Agency~~ pursuant to and as defined in the
20 Metropolitan Mobility ~~Regional Transportation~~ Authority Act,
21 shall, except as provided in such Act, be subject to the
22 supervision, regulation or approval of the Commission.

23 If the Metropolitan Mobility Authority determines ~~In the~~
24 ~~event a Service Board shall determine~~ that any Public
25 Transportation service provided by any transportation agency
26 ~~Transportation Agency~~ with which that Authority ~~Service Board~~

1 has a purchase of service agreement ~~Purchase of Service~~
2 ~~Agreement~~ is not necessary for the public interest and shall
3 for that reason decline to enter into any Purchase of Service
4 Agreement for such particular service, all pursuant to and as
5 defined in such Metropolitan Mobility ~~Regional Transportation~~
6 Authority Act, then the discontinuation of such service by
7 such transportation agency ~~Transportation Agency~~ shall not be
8 subject to the supervision, regulation or approval of the
9 Commission.

10 (Source: P.A. 84-617; 84-1025.)

11 (220 ILCS 5/8-106 new)

12 Sec. 8-106. Make-ready tariff.

13 (a) The purpose of this Section is to change the
14 Commission's practice of authorizing the electrical
15 distribution infrastructure located on the utility side of the
16 customer meter needed to charge electric vehicles on a
17 case-by-case basis to a practice of considering that
18 infrastructure and associated design, engineering, and
19 construction work as core utility business, treated the same
20 as other necessary distribution infrastructure authorized on
21 an ongoing basis in the electric utility's multi-year rate
22 plans. The Commission shall continue to require each electric
23 utility to provide an accurate and full accounting of all
24 expenses related to electrical distribution infrastructure as
25 it relates to this Section, and apply appropriate penalties to

1 the extent an electric utility is not accurately tracking all
2 expenses.

3 (b) For purposes of this Section, "electrical distribution
4 infrastructure" includes poles, vaults, service drops,
5 transformers, mounting pads, trenching, conduit, wire, cable,
6 meters, other equipment as necessary, and associated
7 engineering and civil construction work.

8 (c) Not later than the next multi-year rate case, each
9 electric utility shall propose a new tariff or rule that
10 authorizes each electric utility to design and deploy all
11 electrical distribution infrastructure on the utility side of
12 the customer's meter for all customers installing separate or
13 sub-metered infrastructure to support charging stations, other
14 than those in single-family residences. Each electric utility
15 shall recover its revenue requirement for this work through
16 periodic multi-year rate plan proceedings. In those
17 proceedings, the costs shall be treated like those costs
18 incurred for other necessary distribution infrastructure. The
19 new tariff shall replace the line extension rules currently
20 used for electric vehicle infrastructure as of the effective
21 date of the new tariff or rule and any customer allowances
22 established shall be based on the full useful life of the
23 electrical distribution infrastructure. The Commission may
24 revise the policy described in subsection (a) and this
25 subsection after the completion of the multi-year rate plan of
26 the electric utility following the one during which the

1 proposal was filed if a determination is made that a change in
2 the policy is necessary to ensure just and reasonable rates
3 for ratepayers. Moreover, electric utilities and combination
4 gas and electric utilities shall take reasonable efforts to
5 ensure that any infrastructure built pursuant this Section is
6 efficiently sized and operated. Such efforts include, but are
7 not necessarily limited to, considering customers' reasonably
8 foreseeable load management activities and deployments of
9 distributed energy resources.

10 (220 ILCS 5/8-107 new)

11 Sec. 8-107. Inclusive utility investment.

12 (a) The purpose of this Section is for the Commission to
13 require electric utilities to explore a new and complementary
14 mechanism for investments by the electric utility in the
15 electrical distribution infrastructure and equipment located
16 on the customer side of the meter that may be needed to charge
17 electric vehicles. Electrical distribution infrastructure that
18 may be needed on the customer side of the meter includes
19 wiring, panels, breaker panels, conduit up to the charger
20 itself and the electric vehicle charger. The new mechanism is
21 an inclusive utility investment with a site-specific recovery
22 mechanism described in subsection (b). The Commission shall
23 require each electric utility to explore this mechanism as an
24 option to complement other incentives offered (such as charger
25 rebates).

1 (b) Inclusive utility investment is seen by the United
2 States Environmental Protection Agency as a promising approach
3 to expanding access to cost-effective more comprehensive
4 efficiency and electrification upgrades for all utility
5 customers. Inclusive utility investment allows for
6 site-specific investments by the electric utility in
7 electrification measures on the customer side of the meter
8 with site-specific cost recovery through a fixed charge on the
9 utility bill of the customer at the metered location. The
10 fixed charge must be no more than the expected energy cost
11 savings resulting from a customer switching from an internal
12 combustion engine vehicle with associated fuel costs to an
13 electric vehicle with associated electric charging costs on an
14 annual basis, and the cost recovery term must be limited to no
15 more than the useful life of the charging equipment. The fixed
16 charge shall be calculated taking into account equipment,
17 installation, and administrative costs, and all available
18 rebates and incentives should be applied to reduce total
19 project costs.

20 (c) No later than December 1, 2025, each electric utility
21 shall file an advice letter and not later than June 1, 2026,
22 the Commission shall start a process to explore the
23 implementation of inclusive utility investments for investing
24 in the electrical distribution infrastructure on the customer
25 side of the meter, including electric vehicle chargers. For
26 this process, the Commission shall request each electric

1 utility to present a proposal with the estimation of the
2 investments needed. This estimation shall include the costs
3 and energy savings of all the customer-side electric vehicle
4 infrastructure and chargers at the customer's residence. The
5 proposal shall also include the calculation of the tariff
6 required for a cost recovery period equivalent to the warranty
7 of the charger and based on the description of inclusive
8 utility investment in subsection (b). The Commission shall
9 review the proposal as inclusive utility investments and
10 approve the charge proposed as a tariff in the customer's bill
11 ensuring customer protections.

12 Section 20.39. The Telecommunication Devices for the Deaf
13 Act is amended by changing Section 2 as follows:

14 (410 ILCS 55/2) (from Ch. 111 1/2, par. 4202)

15 Sec. 2. As used in this Act, unless the context otherwise
16 requires:

17 (a) "Telecommunication device for the deaf" means a
18 teletypewriter or other instrument for telecommunication in
19 which speaking or hearing is not required for communication.

20 (b) "Public Safety Agency" means any unit of local
21 government or special purpose district within the State which
22 has authority to provide firefighting, police, or other
23 emergency services.

24 (c) "Department" means the Department of Human Services.

1 (d) "Major public transportation site" means any airport
2 or railroad station in the State providing commercial rail or
3 airline service to the general public, that serves and is
4 located within 20 miles of a municipality with a population of
5 25,000 or more, except for any facility under the jurisdiction
6 of the Metropolitan Mobility Authority ~~Commuter Rail Division~~
7 ~~created by the Regional Transportation Authority Act or the~~
8 ~~Chicago Transit Authority created by the Metropolitan Transit~~
9 ~~Authority Act.~~

10 (e) "General traveling public" are individuals making use
11 of the commercial rail and airline services which are provided
12 at major public transportation sites.

13 (Source: P.A. 89-507, eff. 7-1-97.)

14 Section 20.40. The Environmental Protection Act is amended
15 by changing Section 9.15 as follows:

16 (415 ILCS 5/9.15)

17 Sec. 9.15. Greenhouse gases.

18 (a) An air pollution construction permit shall not be
19 required due to emissions of greenhouse gases if the
20 equipment, site, or source is not subject to regulation, as
21 defined by 40 CFR 52.21, as now or hereafter amended, for
22 greenhouse gases or is otherwise not addressed in this Section
23 or by the Board in regulations for greenhouse gases. These
24 exemptions do not relieve an owner or operator from the

1 obligation to comply with other applicable rules or
2 regulations.

3 (b) An air pollution operating permit shall not be
4 required due to emissions of greenhouse gases if the
5 equipment, site, or source is not subject to regulation, as
6 defined by Section 39.5 of this Act, for greenhouse gases or is
7 otherwise not addressed in this Section or by the Board in
8 regulations for greenhouse gases. These exemptions do not
9 relieve an owner or operator from the obligation to comply
10 with other applicable rules or regulations.

11 (c) (Blank).

12 (d) (Blank).

13 (e) (Blank).

14 (f) As used in this Section:

15 "Carbon dioxide emission" means the plant annual CO₂ total
16 output emission as measured by the United States Environmental
17 Protection Agency in its Emissions & Generation Resource
18 Integrated Database (eGrid), or its successor.

19 "Carbon dioxide equivalent emissions" or "CO₂e" means the
20 sum total of the mass amount of emissions in tons per year,
21 calculated by multiplying the mass amount of each of the 6
22 greenhouse gases specified in Section 3.207, in tons per year,
23 by its associated global warming potential as set forth in 40
24 CFR 98, subpart A, table A-1 or its successor, and then adding
25 them all together.

26 "Cogeneration" or "combined heat and power" refers to any

1 system that, either simultaneously or sequentially, produces
2 electricity and useful thermal energy from a single fuel
3 source.

4 "Copollutants" refers to the 6 criteria pollutants that
5 have been identified by the United States Environmental
6 Protection Agency pursuant to the Clean Air Act.

7 "Electric generating unit" or "EGU" means a fossil
8 fuel-fired stationary boiler, combustion turbine, or combined
9 cycle system that serves a generator that has a nameplate
10 capacity greater than 25 MWe and produces electricity for
11 sale.

12 "Environmental justice community" means the definition of
13 that term based on existing methodologies and findings, used
14 and as may be updated by the Illinois Power Agency and its
15 program administrator in the Illinois Solar for All Program.

16 "Equity investment eligible community" or "eligible
17 community" means the geographic areas throughout Illinois that
18 would most benefit from equitable investments by the State
19 designed to combat discrimination and foster sustainable
20 economic growth. Specifically, eligible community means the
21 following areas:

22 (1) areas where residents have been historically
23 excluded from economic opportunities, including
24 opportunities in the energy sector, as defined as R3 areas
25 pursuant to Section 10-40 of the Cannabis Regulation and
26 Tax Act; and

1 (2) areas where residents have been historically
2 subject to disproportionate burdens of pollution,
3 including pollution from the energy sector, as established
4 by environmental justice communities as defined by the
5 Illinois Power Agency pursuant to the Illinois Power
6 Agency Act, excluding any racial or ethnic indicators.

7 "Equity investment eligible person" or "eligible person"
8 means the persons who would most benefit from equitable
9 investments by the State designed to combat discrimination and
10 foster sustainable economic growth. Specifically, eligible
11 person means the following people:

12 (1) persons whose primary residence is in an equity
13 investment eligible community;

14 (2) persons whose primary residence is in a
15 municipality, or a county with a population under 100,000,
16 where the closure of an electric generating unit or mine
17 has been publicly announced or the electric generating
18 unit or mine is in the process of closing or closed within
19 the last 5 years;

20 (3) persons who are graduates of or currently enrolled
21 in the foster care system; or

22 (4) persons who were formerly incarcerated.

23 "Existing emissions" means:

24 (1) for CO₂e, the total average tons-per-year of CO₂e
25 emitted by the EGU or large GHG-emitting unit either in
26 the years 2018 through 2020 or, if the unit was not yet in

1 operation by January 1, 2018, in the first 3 full years of
2 that unit's operation; and

3 (2) for any copollutant, the total average
4 tons-per-year of that copollutant emitted by the EGU or
5 large GHG-emitting unit either in the years 2018 through
6 2020 or, if the unit was not yet in operation by January 1,
7 2018, in the first 3 full years of that unit's operation.

8 "Green hydrogen" means a power plant technology in which
9 an EGU creates electric power exclusively from electrolytic
10 hydrogen, in a manner that produces zero carbon and
11 copollutant emissions, using hydrogen fuel that is
12 electrolyzed using a 100% renewable zero carbon emission
13 energy source.

14 "Large greenhouse gas-emitting unit" or "large
15 GHG-emitting unit" means a unit that is an electric generating
16 unit or other fossil fuel-fired unit that itself has a
17 nameplate capacity or serves a generator that has a nameplate
18 capacity greater than 25 MWe and that produces electricity,
19 including, but not limited to, coal-fired, coal-derived,
20 oil-fired, natural gas-fired, and cogeneration units.

21 "NO_x emission rate" means the plant annual NO_x total output
22 emission rate as measured by the United States Environmental
23 Protection Agency in its Emissions & Generation Resource
24 Integrated Database (eGrid), or its successor, in the most
25 recent year for which data is available.

26 "Public greenhouse gas-emitting units" or "public

1 GHG-emitting unit" means large greenhouse gas-emitting units,
2 including EGUs, that are wholly owned, directly or indirectly,
3 by one or more municipalities, municipal corporations, joint
4 municipal electric power agencies, electric cooperatives, or
5 other governmental or nonprofit entities, whether organized
6 and created under the laws of Illinois or another state.

7 "SO₂ emission rate" means the "plant annual SO₂ total
8 output emission rate" as measured by the United States
9 Environmental Protection Agency in its Emissions & Generation
10 Resource Integrated Database (eGrid), or its successor, in the
11 most recent year for which data is available.

12 (g) All EGUs and large greenhouse gas-emitting units that
13 use coal or oil as a fuel and are not public GHG-emitting units
14 shall permanently reduce all CO₂e and copollutant emissions to
15 zero no later than January 1, 2030.

16 (h) All EGUs and large greenhouse gas-emitting units that
17 use coal as a fuel and are public GHG-emitting units shall
18 permanently reduce CO₂e emissions to zero no later than
19 December 31, 2045. Any source or plant with such units must
20 also reduce their CO₂e emissions by 45% from existing
21 emissions by no later than January 1, 2035. If the emissions
22 reduction requirement is not achieved by December 31, 2035,
23 the plant shall retire one or more units or otherwise reduce
24 its CO₂e emissions by 45% from existing emissions by June 30,
25 2038.

26 (i) All EGUs and large greenhouse gas-emitting units that

1 use gas as a fuel and are not public GHG-emitting units shall
2 permanently reduce all CO₂e and copollutant emissions to zero,
3 including through unit retirement or the use of 100% green
4 hydrogen or other similar technology that is commercially
5 proven to achieve zero carbon emissions, according to the
6 following:

7 (1) No later than January 1, 2030: all EGUs and large
8 greenhouse gas-emitting units that have a NO_x emissions
9 rate of greater than 0.12 lbs/MWh or a SO₂ emission rate of
10 greater than 0.006 lb/MWh, and are located in or within 3
11 miles of an environmental justice community designated as
12 of January 1, 2021 or an equity investment eligible
13 community.

14 (2) No later than January 1, 2040: all EGUs and large
15 greenhouse gas-emitting units that have a NO_x emission
16 rate of greater than 0.12 lbs/MWh or a SO₂ emission rate
17 greater than 0.006 lb/MWh, and are not located in or
18 within 3 miles of an environmental justice community
19 designated as of January 1, 2021 or an equity investment
20 eligible community. After January 1, 2035, each such EGU
21 and large greenhouse gas-emitting unit shall reduce its
22 CO₂e emissions by at least 50% from its existing emissions
23 for CO₂e, and shall be limited in operation to, on average,
24 6 hours or less per day, measured over a calendar year, and
25 shall not run for more than 24 consecutive hours except in
26 emergency conditions, as designated by a Regional

1 Transmission Organization or Independent System Operator.

2 (3) No later than January 1, 2035: all EGUs and large
3 greenhouse gas-emitting units that began operation prior
4 to the effective date of this amendatory Act of the 102nd
5 General Assembly and have a NO_x emission rate of less than
6 or equal to 0.12 lb/MWh and a SO₂ emission rate less than
7 or equal to 0.006 lb/MWh, and are located in or within 3
8 miles of an environmental justice community designated as
9 of January 1, 2021 or an equity investment eligible
10 community. Each such EGU and large greenhouse gas-emitting
11 unit shall reduce its CO₂e emissions by at least 50% from
12 its existing emissions for CO₂e no later than January 1,
13 2030.

14 (4) No later than January 1, 2040: All remaining EGUs
15 and large greenhouse gas-emitting units that have a heat
16 rate greater than or equal to 7000 BTU/kWh. Each such EGU
17 and Large greenhouse gas-emitting unit shall reduce its
18 CO₂e emissions by at least 50% from its existing emissions
19 for CO₂e no later than January 1, 2035.

20 (5) No later than January 1, 2045: all remaining EGUs
21 and large greenhouse gas-emitting units.

22 (j) All EGUs and large greenhouse gas-emitting units that
23 use gas as a fuel and are public GHG-emitting units shall
24 permanently reduce all CO₂e and copollutant emissions to zero,
25 including through unit retirement or the use of 100% green
26 hydrogen or other similar technology that is commercially

1 proven to achieve zero carbon emissions by January 1, 2045.

2 (k) All EGUs and large greenhouse gas-emitting units that
3 utilize combined heat and power or cogeneration technology
4 shall permanently reduce all CO₂e and copollutant emissions to
5 zero, including through unit retirement or the use of 100%
6 green hydrogen or other similar technology that is
7 commercially proven to achieve zero carbon emissions by
8 January 1, 2045.

9 (k-5) No EGU or large greenhouse gas-emitting unit that
10 uses gas as a fuel and is not a public GHG-emitting unit may
11 emit, in any 12-month period, CO₂e or copollutants in excess of
12 that unit's existing emissions for those pollutants.

13 (l) Notwithstanding subsections (g) through (k-5), large
14 GHG-emitting units including EGUs may temporarily continue
15 emitting CO₂e and copollutants after any applicable deadline
16 specified in any of subsections (g) through (k-5) if it has
17 been determined, as described in paragraphs (1) and (2) of
18 this subsection, that ongoing operation of the EGU is
19 necessary to maintain power grid supply and reliability or
20 ongoing operation of large GHG-emitting unit that is not an
21 EGU is necessary to serve as an emergency backup to
22 operations. Up to and including the occurrence of an emission
23 reduction deadline under subsection (i), all EGUs and large
24 GHG-emitting units must comply with the following terms:

25 (1) if an EGU or large GHG-emitting unit that is a
26 participant in a regional transmission organization

1 intends to retire, it must submit documentation to the
2 appropriate regional transmission organization by the
3 appropriate deadline that meets all applicable regulatory
4 requirements necessary to obtain approval to permanently
5 cease operating the large GHG-emitting unit;

6 (2) if any EGU or large GHG-emitting unit that is a
7 participant in a regional transmission organization
8 receives notice that the regional transmission
9 organization has determined that continued operation of
10 the unit is required, the unit may continue operating
11 until the issue identified by the regional transmission
12 organization is resolved. The owner or operator of the
13 unit must cooperate with the regional transmission
14 organization in resolving the issue and must reduce its
15 emissions to zero, consistent with the requirements under
16 subsection (g), (h), (i), (j), (k), or (k-5), as
17 applicable, as soon as practicable when the issue
18 identified by the regional transmission organization is
19 resolved; and

20 (3) any large GHG-emitting unit that is not a
21 participant in a regional transmission organization shall
22 be allowed to continue emitting CO₂e and copollutants
23 after the zero-emission date specified in subsection (g),
24 (h), (i), (j), (k), or (k-5), as applicable, in the
25 capacity of an emergency backup unit if approved by the
26 Illinois Commerce Commission.

1 (m) No variance, adjusted standard, or other regulatory
2 relief otherwise available in this Act may be granted to the
3 emissions reduction and elimination obligations in this
4 Section.

5 (n) By June 30 of each year, beginning in 2025, the Agency
6 shall prepare and publish on its website a report setting
7 forth the actual greenhouse gas emissions from individual
8 units and the aggregate statewide emissions from all units for
9 the prior year.

10 (o) Every 5 years beginning in 2025, the Environmental
11 Protection Agency, Illinois Power Agency, and Illinois
12 Commerce Commission shall jointly prepare, and release
13 publicly, a report to the General Assembly that examines the
14 State's current progress toward its renewable energy resource
15 development goals, the status of CO₂e and copollutant
16 emissions reductions, the current status and progress toward
17 developing and implementing green hydrogen technologies, the
18 current and projected status of electric resource adequacy and
19 reliability throughout the State for the period beginning 5
20 years ahead, and proposed solutions for any findings. The
21 Environmental Protection Agency, Illinois Power Agency, and
22 Illinois Commerce Commission shall consult PJM
23 Interconnection, LLC and Midcontinent Independent System
24 Operator, Inc., or their respective successor organizations
25 regarding forecasted resource adequacy and reliability needs,
26 anticipated new generation interconnection, new transmission

1 development or upgrades, and any announced large GHG-emitting
2 unit closure dates and include this information in the report.
3 The report shall be released publicly by no later than
4 December 15 of the year it is prepared. If the Environmental
5 Protection Agency, Illinois Power Agency, and Illinois
6 Commerce Commission jointly conclude in the report that the
7 data from the regional grid operators, the pace of renewable
8 energy development, the pace of development of energy storage
9 and demand response utilization, transmission capacity, and
10 the CO₂e and copollutant emissions reductions required by
11 subsection (i) or (k-5) reasonably demonstrate that a resource
12 adequacy shortfall will occur, including whether there will be
13 sufficient in-state capacity to meet the zonal requirements of
14 MISO Zone 4 or the PJM ComEd Zone, per the requirements of the
15 regional transmission organizations, or that the regional
16 transmission operators determine that a reliability violation
17 will occur during the time frame the study is evaluating, then
18 the Illinois Power Agency, in conjunction with the
19 Environmental Protection Agency shall develop a plan to reduce
20 or delay CO₂e and copollutant emissions reductions
21 requirements only to the extent and for the duration necessary
22 to meet the resource adequacy and reliability needs of the
23 State, including allowing any plants whose emission reduction
24 deadline has been identified in the plan as creating a
25 reliability concern to continue operating, including operating
26 with reduced emissions or as emergency backup where

1 appropriate. The plan shall also consider the use of renewable
2 energy, energy storage, demand response, transmission
3 development, or other strategies to resolve the identified
4 resource adequacy shortfall or reliability violation.

5 (1) In developing the plan, the Environmental
6 Protection Agency and the Illinois Power Agency shall hold
7 at least one workshop open to, and accessible at a time and
8 place convenient to, the public and shall consider any
9 comments made by stakeholders or the public. Upon
10 development of the plan, copies of the plan shall be
11 posted and made publicly available on the Environmental
12 Protection Agency's, the Illinois Power Agency's, and the
13 Illinois Commerce Commission's websites. All interested
14 parties shall have 60 days following the date of posting
15 to provide comment to the Environmental Protection Agency
16 and the Illinois Power Agency on the plan. All comments
17 submitted to the Environmental Protection Agency and the
18 Illinois Power Agency shall be encouraged to be specific,
19 supported by data or other detailed analyses, and, if
20 objecting to all or a portion of the plan, accompanied by
21 specific alternative wording or proposals. All comments
22 shall be posted on the Environmental Protection Agency's,
23 the Illinois Power Agency's, and the Illinois Commerce
24 Commission's websites. Within 30 days following the end of
25 the 60-day review period, the Environmental Protection
26 Agency and the Illinois Power Agency shall revise the plan

1 as necessary based on the comments received and file its
2 revised plan with the Illinois Commerce Commission for
3 approval.

4 (2) Within 60 days after the filing of the revised
5 plan at the Illinois Commerce Commission, any person
6 objecting to the plan shall file an objection with the
7 Illinois Commerce Commission. Within 30 days after the
8 expiration of the comment period, the Illinois Commerce
9 Commission shall determine whether an evidentiary hearing
10 is necessary. The Illinois Commerce Commission shall also
11 host 3 public hearings within 90 days after the plan is
12 filed. Following the evidentiary and public hearings, the
13 Illinois Commerce Commission shall enter its order
14 approving or approving with modifications the reliability
15 mitigation plan within 180 days.

16 (3) The Illinois Commerce Commission shall only
17 approve the plan if the Illinois Commerce Commission
18 determines that it will resolve the resource adequacy or
19 reliability deficiency identified in the reliability
20 mitigation plan at the least amount of CO₂e and copollutant
21 emissions, taking into consideration the emissions impacts
22 on environmental justice communities, and that it will
23 ensure adequate, reliable, affordable, efficient, and
24 environmentally sustainable electric service at the lowest
25 total cost over time, taking into account the impact of
26 increases in emissions.

1 (4) If the resource adequacy or reliability deficiency
2 identified in the reliability mitigation plan is resolved
3 or reduced, the Environmental Protection Agency and the
4 Illinois Power Agency may file an amended plan adjusting
5 the reduction or delay in CO₂e and copollutant emission
6 reduction requirements identified in the plan.

7 (p) The goals of the State are to reduce greenhouse gas
8 emissions from the transportation sector in the State by at
9 least 80% from the 2005 level and achieve a net-zero emissions
10 transportation sector, both by 2050.

11 (1) An incremental goal of at least a 50% reduction in
12 greenhouse gas emissions from the transportation sector
13 below the year 2005 level by the year 2030 is hereby
14 established.

15 (2) By no later than September 30, 2026, the Agency
16 shall establish greenhouse gas emissions reduction targets
17 for the State transportation sector on a 5-year or more
18 frequent basis that will achieve these goals.

19 (3) The Agency shall set the first such emissions
20 reduction target for no later than 2031, shall use 2005
21 emissions as the baseline year, and shall provide that
22 each 5-year target is at least 15 percentage points lower
23 and no more than 25 percentage points lower than the
24 immediately preceding 5-year target.

25 (4) The emissions reduction targets set by the Agency
26 must be by transportation mode, such as aerial transport

1 and highway transport, as the Agency deems appropriate
2 after consultation with the Department of Transportation.

3 (5) The Agency, in coordination with the Department of
4 Transportation, shall adopt rules establishing policies
5 and programs necessary for the State to achieve the
6 transportation sector greenhouse gas emissions reduction
7 goals and targets set forth in this subsection and in
8 subsection (c) of Section 2705-204 of the Department of
9 Transportation Law of the Civil Administrative Code of
10 Illinois. The rules may make changes to how the Department
11 of Transportation and MPOs plan, program, prioritize, and
12 fund transportation projects so that the State can achieve
13 the greenhouse gas emissions reduction goals and targets
14 set forth in this subsection and in subsection (c) of
15 Section 2705-204 of the Department of Transportation Law
16 of the Civil Administrative Code of Illinois.

17 (6) The Department of Transportation and MPOs in the
18 State shall ensure that their greenhouse gas emissions
19 reporting under Title 23, Part 490, of the Code of Federal
20 Regulations conforms to the greenhouse gas emissions
21 reduction goals and targets set forth in this subsection
22 and in subsection (c) of Section 2705-204 of the
23 Department of Transportation Law of the Civil
24 Administrative Code of Illinois.

25 (g) No later than June 30, 2026, the Agency, by rule, shall
26 establish a social cost of carbon, expressed in terms of

1 dollars per ton of CO₂e.

2 (1) The social cost of carbon shall serve as a
3 monetary estimate of the value of not emitting a ton of
4 greenhouse gas emissions.

5 (2) In developing the social cost of carbon, the
6 Agency shall consider estimates of the social cost of
7 carbon issued or adopted by the federal government,
8 appropriate international bodies, or other appropriate and
9 reputable scientific organizations, but the social cost of
10 carbon adopted by the Agency must not be less than the
11 social cost of carbon adopted by the United States
12 Environmental Protection Agency.

13 (3) The Agency shall periodically update its estimate
14 of the social cost of carbon to reflect changes in data,
15 assumptions, and estimates, and it shall do so at least
16 once every 5 years.

17 (4) Except as otherwise provided by law, State
18 agencies shall use the social cost of carbon figure
19 established by the Agency for purposes of estimating the
20 cost associated with carbon-related emissions.

21 (Source: P.A. 102-662, eff. 9-15-21; 102-1031, eff. 5-27-22.)

22 Section 20.41. The Illinois Highway Code is amended by
23 changing Sections 5-701.8, 6-411.5, and 7-202.14 as follows:

24 (605 ILCS 5/5-701.8) (from Ch. 121, par. 5-701.8)

1 Sec. 5-701.8. Any county board may also turn over a
2 portion of the motor fuel tax funds allotted to it to:

3 (a) a local Mass Transit District if the county created
4 such District pursuant to the "Local Mass Transit District
5 Act", approved July 21, 1959, as now or hereafter amended;

6 (b) a local Transit Commission if such commission is
7 created pursuant to Section 14-101 of The Public Utilities
8 Act; or

9 (c) the Metropolitan Mobility ~~Chicago Transit~~ Authority
10 established pursuant to the Metropolitan Mobility
11 ~~"Metropolitan Transit Authority Act", approved April 12, 1945,~~
12 ~~as now or hereafter amended.~~

13 (Source: P.A. 85-1209.)

14 (605 ILCS 5/6-411.5)

15 Sec. 6-411.5. Contracts for public transportation. The
16 highway commissioner of each road district within the
17 territory of the Metropolitan Mobility ~~Regional Transportation~~
18 Authority shall have authority, with the approval of the
19 township board of trustees, to contract with the Metropolitan
20 Mobility ~~Regional Transportation~~ Authority ~~or a Service Board,~~
21 ~~as defined in the Regional Transportation Authority Act,~~ for
22 the purchase of public transportation services within the
23 district, upon such terms and conditions as may be mutually
24 agreed upon. The expenditure of road funds, collected under a
25 road district tax, to purchase public transportation services

1 constitutes a road purpose under this Code.

2 (Source: P.A. 89-347, eff. 1-1-96.)

3 (605 ILCS 5/7-202.14) (from Ch. 121, par. 7-202.14)

4 Sec. 7-202.14. Any municipality may by ordinance of the
5 corporate authorities turn over a portion of its allotment to:

6 (a) a local Mass Transit District if the municipality
7 created such a District pursuant to the "Local Mass Transit
8 District Act", approved July 21, 1959, as now or hereafter
9 amended;

10 (b) a local Transit Commission if the municipality
11 established such commission pursuant to Section 14-101 of The
12 Public Utilities Act; or

13 (c) the Metropolitan Mobility ~~Chicago Transit~~ Authority
14 established pursuant to the Metropolitan Mobility
15 ~~"Metropolitan Transit Authority Act", approved April 12, 1945,~~
16 ~~as now or hereafter amended.~~

17 (Source: P.A. 85-1209.)

18 Section 20.42. The Toll Highway Act is amended by changing
19 Sections 3 and 19 as follows:

20 (605 ILCS 10/3) (from Ch. 121, par. 100-3)

21 Sec. 3. There is hereby created an Authority to be known as
22 The Illinois State Toll Highway Authority, which is hereby
23 constituted an instrumentality and an administrative agency of

1 the State of Illinois. The said Authority shall consist of the
2 following 11 directors: the Governor, ~~and~~ the Secretary of
3 ~~the Department of Transportation,~~ and the Chair of the
4 Metropolitan Mobility Authority as nonvoting directors ~~ex~~
5 ~~officio,~~ and 9 voting directors appointed by the Governor with
6 the advice and consent of the Senate, ~~from the State at large,~~
7 which said directors and their successors are hereby
8 authorized to carry out the provisions of this Act, and to
9 exercise the powers herein conferred. Of the 9 directors
10 appointed by the Governor, no more than 5 shall be members of
11 the same political party.

12 Notwithstanding any provision of law to the contrary, the
13 term of office of each director of the Authority serving on the
14 effective date of this amendatory Act of the 100th General
15 Assembly, other than the Governor and the Secretary of the
16 Department of Transportation, is abolished and a vacancy in
17 each office is created on the effective date of this
18 amendatory Act of the 100th General Assembly. The Governor
19 shall appoint directors to the Authority for the vacancies
20 created under this amendatory Act of the 100th General
21 Assembly by February 28, 2019. Directors whose terms are
22 abolished under this amendatory Act of the 100th General
23 Assembly shall be eligible for reappointment.

24 Vacancies shall be filled for the unexpired term in the
25 same manner as original appointments. All appointments shall
26 be in writing and filed with the Secretary of State as a public

1 record. It is the intention of this section that the
2 Governor's appointments shall be made with due consideration
3 to the location of proposed toll highway routes so that
4 maximum geographic representation from the areas served by
5 said toll highway routes may be accomplished insofar as
6 practicable. The said Authority shall have the power to
7 contract and be contracted with, to acquire, hold and convey
8 personal and real property or any interest therein including
9 rights-of-way ~~rights-of-way~~, franchises and easements; to have
10 and use a common seal, and to alter the same at will; to make
11 and establish resolutions, by-laws, rules, rates and
12 regulations, and to alter or repeal the same as the Authority
13 shall deem necessary and expedient for the construction,
14 operation, relocation, regulation and maintenance of a system
15 of toll highways within and through the State of Illinois.

16 Appointment of the additional directors provided for by
17 this amendatory Act of 1980 shall be made within 30 days after
18 the effective date of this amendatory Act of 1980.

19 (Source: P.A. 100-1180, eff. 2-28-19.)

20 (605 ILCS 10/19) (from Ch. 121, par. 100-19)

21 Sec. 19. Toll rates. The Authority shall fix and revise
22 from time to time, tolls or charges or rates for the privilege
23 of using each of the toll highways constructed pursuant to
24 this Act. Such tolls shall be so fixed and adjusted at rates
25 calculated to provide the lowest reasonable toll rates that

1 will provide funds sufficient with other revenues of the
2 Authority to pay, (a) the cost of the construction of a toll
3 highway authorized by joint resolution of the General Assembly
4 pursuant to Section 14.1 and the reconstruction, major repairs
5 or improvements of toll highways, (b) the cost of maintaining,
6 repairing, regulating and operating the toll highways
7 including only the necessary expenses of the Authority, and
8 (c) the principal of all bonds, interest thereon and all
9 sinking fund requirements and other requirements provided by
10 resolutions authorizing the issuance of the bonds as they
11 shall become due. In fixing the toll rates pursuant to this
12 Section 19 and Section 10(c) of this Act, the Authority shall
13 take into account the effect of the provisions of this Section
14 19 permitting the use of the toll highway system without
15 payment of the covenants of the Authority contained in the
16 resolutions and trust indentures authorizing the issuance of
17 bonds of the Authority. No such provision permitting the use
18 of the toll highway system without payment of tolls after the
19 date of this amendatory Act of the 95th General Assembly shall
20 be applied in a manner that impairs the rights of bondholders
21 pursuant to any resolution or trust indentures authorizing the
22 issuance of bonds of the Authority. The use and disposition of
23 any sinking or reserve fund shall be subject to such
24 regulation as may be provided in the resolution or trust
25 indenture authorizing the issuance of the bonds. Subject to
26 the provisions of any resolution or trust indenture

1 authorizing the issuance of bonds any moneys in any such
2 sinking fund in excess of an amount equal to one year's
3 interest on the bonds then outstanding secured by such sinking
4 fund may be applied to the purchase or redemption of bonds. All
5 such bonds so redeemed or purchased shall forthwith be
6 cancelled and shall not again be issued. No person shall be
7 permitted to use any toll highway without paying the toll
8 established under this Section except when on official Toll
9 Highway Authority business which includes police and other
10 emergency vehicles. However, any law enforcement agency
11 vehicle, fire department vehicle, public or private ambulance
12 service vehicle engaged in the performance of an emergency
13 service or duty that necessitates the use of the toll highway
14 system, or other emergency vehicle that is plainly marked
15 shall not be required to pay a toll to use a toll highway. A
16 law enforcement, fire protection, or emergency services
17 officer driving a law enforcement, fire protection, emergency
18 services agency vehicle, or public or private ambulance
19 service vehicle engaging in the performance of emergency
20 services or duties that is not plainly marked must present an
21 Official Permit Card which the law enforcement, fire
22 protection, or emergency services officer receives from his or
23 her law enforcement, fire protection, emergency services
24 agency, or public or private ambulance service in order to use
25 a toll highway without paying the toll. A law enforcement,
26 fire protection, emergency services agency, or public or

1 private ambulance service engaging in the performance of
2 emergency services or duties must apply to the Authority to
3 receive a permit, and the Authority shall adopt rules for the
4 issuance of a permit, that allows public or private ambulance
5 service vehicles engaged in the performance of emergency
6 services or duties that necessitate the use of the toll
7 highway system and all law enforcement, fire protection, or
8 emergency services agency vehicles of the law enforcement,
9 fire protection, or emergency services agency to use any toll
10 highway without paying the toll established under this
11 Section. The Authority shall maintain in its office a list of
12 all persons that are authorized to use any toll highway
13 without charge when on official business of the Authority and
14 such list shall be open to the public for inspection. In
15 recognition of the unique role of public transportation in
16 providing effective transportation in the Authority's service
17 region, and to give effect to the exemption set forth in
18 subsection (b) of Section 4.06 ~~2.06~~ of the Metropolitan
19 Mobility ~~Regional Transportation~~ Authority Act, the following
20 vehicles may use any toll highway without paying the toll: (1)
21 a vehicle owned or operated by the ~~Suburban Bus Division of the~~
22 Metropolitan Mobility ~~Regional Transportation~~ Authority that
23 is being used to transport passengers for hire; and (2) any
24 revenue vehicle that is owned or operated by a Mass Transit
25 District created under Section 3 of the Local Mass Transit
26 District Act and running regular scheduled service.

1 Among other matters, this amendatory Act of 1990 is
2 intended to clarify and confirm the prior intent of the
3 General Assembly to allow toll revenues from the toll highway
4 system to be used to pay a portion of the cost of the
5 construction of the North-South Toll Highway authorized by
6 Senate Joint Resolution 122 of the 83rd General Assembly in
7 1984.

8 (Source: P.A. 100-739, eff. 1-1-19.)

9 Section 20.43. The Illinois Aeronautics Act is amended by
10 changing Section 49.1 as follows:

11 (620 ILCS 5/49.1) (from Ch. 15 1/2, par. 22.49a)

12 Sec. 49.1. Creation of hazards. No person may create or
13 construct any airport hazard which obstructs a restricted
14 landing area or residential airport that (1) serves 20 or more
15 based aircraft, and (2) is located within the "metropolitan
16 region" as that term is defined in the Metropolitan Mobility
17 ~~Regional Transportation~~ Authority Act. For the purpose of this
18 Section, "based aircraft" are aircraft that are regularly
19 hangared or tied-down at the restricted landing area or
20 residential airport, or that use it as their primary base of
21 operation. As used in this Section 49.1, "restricted landing
22 area" or "residential airport" shall have the meaning set
23 forth in regulations of the Department in effect on the
24 effective date of this amendatory Act of 1989, but shall not

1 include amendments of the regulations adopted by the
2 Department thereafter.

3 (Source: P.A. 86-963.)

4 Section 20.44. The Illinois Vehicle Code is amended by
5 changing Sections 1-209.3, 8-102, 11-709.2, and 18c-7402 and
6 by adding Sections 12-830, 13C-21, and 18c-1206 as follows:

7 (625 ILCS 5/1-209.3)

8 Sec. 1-209.3. Transit bus. A bus engaged in public
9 transportation as defined by the Metropolitan Mobility
10 ~~Regional Transportation~~ Authority Act and authorized by the
11 Department to be used on specifically designated roadway
12 shoulders.

13 (Source: P.A. 97-292, eff. 8-11-11.)

14 (625 ILCS 5/8-102) (from Ch. 95 1/2, par. 8-102)

15 Sec. 8-102. Alternate methods of giving proof.

16 (a) Except as provided in subsection (b), proof of
17 financial responsibility, when required under Section 8-101 or
18 8-101.1, may be given by filing with the Secretary of State one
19 of the following:

20 1. A bond as provided in Section 8-103;

21 2. An insurance policy or other proof of insurance in
22 a form to be prescribed by the Secretary as provided in
23 Section 8-108;

1 3. A certificate of self-insurance issued by the
2 Director;

3 4. A certificate of self-insurance issued to the
4 Metropolitan Mobility ~~Regional Transportation~~ Authority by
5 the Director naming municipal or non-municipal public
6 carriers included therein;

7 5. A certificate of coverage issued by an
8 intergovernmental risk management association evidencing
9 coverages which meet or exceed the amounts required under
10 this Code.

11 (b) Beginning January 1, 2020, in lieu of filing the
12 documents required by subsection (a), each owner of a vehicle
13 required to obtain minimum liability insurance under Section
14 8-101 or 8-101.1 shall attest that the vehicle is insured in at
15 least the minimum required amount.

16 (1) The Secretary shall create a form on which the
17 vehicle owner shall attest that the vehicle is insured in
18 at least the minimum required amount. The attestation form
19 shall be submitted with each registration application.

20 (2) The attestation form shall be valid for the full
21 registration period; however, if at any time the Secretary
22 has reason to believe that the owner does not have the
23 minimum required amount of insurance for a vehicle, the
24 Secretary may require the owner to file with the Secretary
25 documentation as set forth in subsection (a) of this
26 Section.

1 (3) If the owner fails to provide the required
2 documentation within 7 calendar days after the request is
3 made, the Secretary may suspend the vehicle registration.
4 The registration shall remain suspended until such time as
5 the required documentation is provided to and reviewed by
6 the Secretary.

7 (4) The owner of a vehicle that is self-insured shall
8 attest that the funds available to pay liability claims
9 related to the operation of the vehicle are equivalent to
10 or greater than the minimum liability insurance
11 requirements under Section 8-101 or 8-101.1.

12 (c) The Secretary of State may adopt rules to implement
13 this Section.

14 (Source: P.A. 100-986, eff. 1-1-21.)

15 (625 ILCS 5/11-709.2)

16 Sec. 11-709.2. Bus on shoulder program.

17 (a) The use of specifically designated shoulders of
18 roadways by transit buses may be authorized by the Department
19 in cooperation with the Metropolitan Mobility ~~Regional~~
20 ~~Transportation~~ Authority and the ~~Suburban Bus Division~~ of the
21 ~~Regional Transportation Authority~~. The Department shall
22 prescribe by rule which transit buses are authorized to
23 operate on shoulders, as well as times and locations. The
24 Department may erect signage to indicate times and locations
25 of designated shoulder usage.

1 (b) (Blank).

2 (c) (Blank).

3 (Source: P.A. 98-756, eff. 7-16-14; 98-871, eff. 8-11-14;
4 99-78, eff. 7-20-15.)

5 (625 ILCS 5/12-830 new)

6 Sec. 12-830. Electric school buses.

7 (a) In this Section:

8 "Displaced worker" means any employee whose most recent
9 separation from active service was due to lack of business, a
10 reduction in force, or other economic, nondisciplinary reason
11 related to the transition from the fossil-fuel reliant
12 vehicles to zero-emission or near zero-emissions vehicles.

13 "Individual facing barriers to employment" means either of
14 the following:

15 (A) An individual with a barrier to employment as
16 defined by 29 U.S.C. 3102(24).

17 (B) An individual from a demographic group that
18 represents less than 30% of their relevant industry
19 workforce according to the United States Bureau of Labor
20 Statistics.

21 "Non-temporary job" means a job other than those
22 classified as "day and temporary labor" as defined in the Day
23 and Temporary Labor Services Act.

24 "Repower" means to replace the internal combustion engine
25 in a vehicle with a zero-emission powertrain.

1 "School bus" means every on-road motor vehicle owned or
2 operated by or for the transportation of persons regularly
3 enrolled as students in grade 12 or below in connection with
4 any activity of such entities as defined in Section 1-182 of
5 the Illinois Vehicle Code.

6 "Zero-emission vehicle" means vehicles powered with a
7 zero-emission powertrain that produces zero exhaust emissions
8 of any criteria pollutant, precursor pollutant, or greenhouse
9 gas in any mode of operation or condition, as determined by the
10 Illinois Environmental Protection Agency.

11 (b) Notwithstanding any other provision of law, all school
12 buses newly purchased or leased, including by contractors,
13 after January 1, 2031 must be a manufactured or repowered
14 zero-emission vehicle.

15 (c) On or before January 1, 2043, all school buses
16 operated in the State must be a manufactured or repowered
17 zero-emission vehicle.

18 (d) Notwithstanding the provisions of this Section, a
19 school bus owner may purchase a new internal combustion school
20 bus instead of a zero-emission school bus if, due to both
21 terrain and route constraints, the school bus owner can
22 reasonably demonstrate that a daily planned bus route for
23 transporting pupils to and from school cannot be serviced
24 through available zero-emission technology in the period in
25 which the exemption is sought. A school bus owner may not be
26 penalized for not taking immediate delivery of ordered

1 zero-emission vehicles for one year due to a construction
2 delay beyond the control of the governmental unit.

3 (1) Infrastructure Construction Delay Extension.
4 Excuses the school bus owner from taking immediate
5 delivery of ordered zero-emission vehicles for one year
6 due to a construction delay beyond the owners control.

7 (2) Route Service Exemption. Allows the purchase or
8 contracting of an internal combustion school bus instead
9 of a zero-emission school bus if, due to both terrain and
10 route constraints, the school bus owner can reasonably
11 demonstrate that a daily planned bus route for
12 transporting pupils to and from school cannot be serviced
13 through available zero-emission technology in the period
14 in which the exemption is sought.

15 (e) Beginning January 1, 2027, all master agreements by
16 governmental units for the purchase of electric school buses,
17 and all other contracts by governmental units for the purchase
18 of electric school buses with a base-buy value of \$1,000,000
19 or more, shall be awarded using a competitive best-value
20 procurement process; and shall require bidders to submit a
21 United States Jobs Plan as part of their solicitation
22 responses.

23 (1) The United States Jobs Plan shall include the
24 following information:

25 (A) The number of full-time non-temporary jobs
26 proposed to be retained and created, including an

1 accounting of the positions classified as employees,
2 and positions classified as independent contractors.

3 (B) The number of jobs specifically reserved for
4 individuals facing barriers to employment and the
5 number reserved for displaced workers.

6 (C) The minimum wage levels by job classification
7 for non-supervisory workers.

8 (D) Proposed amounts to be paid for fringe
9 benefits by job classification and the proposed
10 amounts for worker training by job classification.

11 (E) Description of what manuals, trainings, and
12 other resources would be provided to ensure existing
13 public employees are trained on the service,
14 maintenance, and operation of the purchased vehicles.

15 (F) If a federal authority specifically authorizes
16 use of a geographic preference or when State or local
17 funds are used to fund a contract, proposed local jobs
18 created in the State or within an existing facility in
19 the State that are related to the manufacturing of
20 zero-emission and near zero-emissions vehicles and
21 vehicles and related equipment.

22 (2) The United States Jobs Plan shall be scored as a
23 part of the overall application for the covered public
24 contract. The content of United States Jobs Plans shall be
25 incorporated as material terms of the final contract. The
26 United States Jobs Plan and compliance documents shall be

1 made available to the public and subject to full
2 disclosure under the Freedom of Information Act.

3 (3) Contracting entities shall be required to submit
4 annual United States Jobs Plan reports to contracting
5 public agencies demonstrating compliance with their United
6 States Jobs Plan commitments.

7 (f) This Section does not apply to a contract awarded
8 based on a solicitation issued before January 1, 2027.

9 (625 ILCS 5/13C-21 new)

10 Sec. 13C-21. Vehicle emissions testing standards.

11 (a) The purpose of this Section is to establish standards
12 relating to control of emissions from new motor vehicles and
13 motor vehicle engines. Establishing targets for the sale of
14 zero-emission vehicles is needed to meet State goals, address
15 greenhouse gas and criteria pollutant emissions, and provide
16 market certainty to help prepare the grid and alternative
17 fueling infrastructure for the zero-emission vehicle
18 transition.

19 (b) By no later than December 1, 2026, the Illinois
20 Environmental Protection Agency shall adopt rules to implement
21 motor vehicle emission standards that are identical in
22 substance to the following motor vehicle emission standards in
23 force in California on the effective date of this amendatory
24 Act of the 104th General Assembly:

25 (1) the zero-emission vehicle program of the advanced

1 clean cars II program;

2 (2) the low-emission vehicle program of the advanced
3 clean cars II program;

4 (3) the advanced clean trucks program; and

5 (4) the heavy-duty low oxides of nitrogen omnibus
6 program.

7 (c) If the California standards described in subsection
8 (b) are subsequently amended, the Illinois Environmental
9 Protection Agency shall, within 6 months of such amendment,
10 amend its standards to maintain consistency with the amended
11 California standards and Section 177 of the Clean Air Act.

12 (d) In adopting the standards described in subsections (b)
13 and (c), the Illinois Environmental Protection Agency may
14 incorporate the relevant California motor vehicle standards by
15 reference.

16 (625 ILCS 5/18c-1206 new)

17 Sec. 18c-1206. Large fleet reporting requirement.

18 (a) The purpose of this Section is to establish reporting
19 requirements for motor carriers in the State to gather data on
20 the transition of medium and heavy-duty vehicles to
21 zero-emission vehicles over time. This public data will
22 provide regulators and government agencies the information
23 necessary to identify the hardest to electrify sectors and
24 invest public dollars responsibly.

25 (b) In this Section:

1 "Common ownership or control" means being owned,
2 dispatched, or managed on a day-to-day basis by the same
3 person or entity. Vehicles managed by the same directors,
4 officers, or managers, or by distinct corporations that are
5 controlled by the same majority stockholders are considered to
6 be under common ownership or control, even if their titles are
7 held by different business entities or they have different
8 taxpayer identification numbers. Furthermore, a vehicle is
9 considered to be under an entity's control if that entity
10 operates the vehicle using that entity's State or federal
11 operating authority or other registration. Vehicles owned by
12 different entities but operated by using common or shared
13 resources to manage the day-to-day operations by using the
14 same motor carrier number, displaying the same name or logo,
15 or contractors who represent the same company are considered
16 to be under common ownership or control. Common ownership or
17 control of a federal government vehicle shall be the primary
18 responsibility of the governmental agency that is directly
19 responsible for the day-to-day operational control of the
20 vehicle.

21 "Drayage truck" means any in-use on-road vehicle with a
22 GVWR greater than 33,000 lbs. that is used for transporting
23 cargo, such as containerized, bulk, or break-bulk goods that:

24 (A) Operates on or transgresses through an Illinois
25 port, warehouse of 30,000 square feet or larger, or
26 intermodal railyard property to load, unload, or transport

1 cargo, including empty containers and chassis.

2 (B) Operates on off-port or intermodal railyard
3 property transporting cargo or empty containers or chassis
4 that originated from or is destined to a port or
5 intermodal railyard property.

6 "Drayage truck" does not include trucks that are any of
7 the following:

8 (A) Class 6 or smaller.

9 (B) Unibody vehicles that do not have separate tractor
10 and trailers and include but are not limited to dedicated
11 auto transports, dedicated fuel delivery vehicles,
12 concrete mixers, and on-road mobile cranes.

13 (C) Emergency vehicles.

14 (D) Military tactical support vehicles.

15 (E) Off-road vehicles such as a yard truck or a mobile
16 crane.

17 "Fleet" means one or more vehicles owned by a fleet owner
18 or under common ownership or control of a controlling party.
19 It also includes rental or leased vehicles that are considered
20 owned by the "fleet owner."

21 "Fleet owner" means the person or entity that owns the
22 vehicles comprising the fleet. The owner shall be presumed to
23 be either the person registered with the Secretary of State as
24 the owner or lessee of a vehicle, or its equivalent in another
25 state, province, or country; vehicle ownership is based on the
26 vehicle registration document or the vehicle title, except for

1 the following:

2 (A) For vehicles that are owned by the federal
3 government and not registered in any State or local
4 jurisdiction, the owner shall be the department, agency,
5 branch, or other entity of the United States, including
6 the United States Postal Service, to which the vehicles in
7 the fleet are assigned or which has responsibility for
8 maintenance of the vehicles.

9 (B) For vehicles that are rented or leased from a
10 business that is regularly engaged in the trade or
11 business of renting or leasing motor vehicles without
12 drivers, including truck leases that are part of a bundled
13 service agreement, the owner shall be presumed to be the
14 rental or leasing entity for purposes of compliance,
15 unless the rental or lease agreement for the vehicle is
16 for a period of one year or longer and the terms of the
17 rental or lease agreement or other equally reliable
18 evidence identifies the renting operator or lessee of the
19 vehicle as the party responsible for compliance with State
20 laws.

21 "Medium and Heavy-Duty Vehicle" refers to vehicles with a
22 gross vehicle weight rating greater than 8500 lbs.

23 "School bus" means every on-road motor vehicle owned or
24 operated by or for the transportation of persons regularly
25 enrolled as students in grade 12 or below in connection with
26 any activity of such entities as defined in Section 1-182 of

1 the Illinois Motor Vehicle Act.

2 "Transit Bus" means a bus engaged in public transportation
3 as defined by the Regional Transportation Authority Act.

4 (c) By no later than December 1, 2025, the Illinois
5 Commerce Commission shall adopt reporting metrics for large
6 medium and heavy-duty vehicle fleets operating in Illinois.
7 The Commission shall establish rules and processes for the
8 metrics and for eligible entities to report vehicle and fuel
9 information to inform the transition to zero-emission
10 vehicles. The rules must include significant public and
11 stakeholder engagement before finalization. The Commission
12 shall adhere to the following in creating the rules:

13 (1) Establish reporting metrics that prioritize public
14 health and climate outcomes for disadvantaged communities.
15 The final metrics shall provide useful and publicly
16 available information to inform State incentives, utility
17 planning, and infrastructure investments for the
18 zero-emission vehicle transition for communities most
19 burdened by vehicle traffic. At a minimum, required
20 reporting metrics must include:

21 (A) Fleet Size.

22 (B) Vehicle Body Type.

23 (C) Fuel Type.

24 (D) Vehicle Home Base.

25 (2) Establish eligible entities as a fleet that
26 operated a facility in Illinois in 2023 and met, at a

1 minimum, any of the following criteria:

2 (A) had gross annual revenues greater than
3 \$20,000,000 in the United States for the 2023 tax
4 year, including revenues from all subsidiaries,
5 subdivisions, or branches, and had one or more
6 vehicles under common ownership or control that were
7 operated in Illinois in 2023;

8 (B) any fleet owner in the 2023 calendar year that
9 had 5 or more vehicles under common ownership or
10 control;

11 (C) any broker or entity that dispatched 5 or more
12 vehicles into or throughout Illinois, in the 2023
13 calendar year;

14 (D) any State governmental agency, including all
15 State and local municipalities that had one or more
16 vehicles that were operated in Illinois in 2023; or

17 (E) any federal governmental agency that had one
18 or more vehicles that were operated in Illinois in
19 2023.

20 (3) Establish reporting frequency of 2 years for all
21 eligible entities. The results of the reporting are made
22 publicly available in an easy to understand and anonymized
23 form before the subsequent reporting requirement.

24 (4) Establish a specific program for drayage vehicles
25 in this State, with a reporting frequency of one year.

26 (5) Provide opportunity for public comment and

1 engagement before each reporting period begins.

2 (6) Establish penalties for non-compliance.

3 (7) Establish a sunset provision for reporting that is
4 conditioned upon this State reaching 100% zero-emission
5 vehicles.

6 (625 ILCS 5/18c-7402) (from Ch. 95 1/2, par. 18c-7402)

7 Sec. 18c-7402. Safety requirements for railroad
8 operations.

9 (1) Obstruction of crossings.

10 (a) Obstruction of emergency vehicles. Every railroad
11 shall be operated in such a manner as to minimize
12 obstruction of emergency vehicles at crossings. Where such
13 obstruction occurs and the train crew is aware of the
14 obstruction, the train crew shall immediately take any
15 action, consistent with safe operating procedure,
16 necessary to remove the obstruction. In the Chicago and
17 St. Louis switching districts, every railroad dispatcher
18 or other person responsible for the movement of railroad
19 equipment in a specific area who receives notification
20 that railroad equipment is obstructing the movement of an
21 emergency vehicle at any crossing within such area shall
22 immediately notify the train crew through use of existing
23 communication facilities. Upon notification, the train
24 crew shall take immediate action in accordance with this
25 paragraph.

1 (b) Obstruction of highway at-grade ~~at-grade~~ crossing
2 prohibited. It is unlawful for a rail carrier to permit
3 any train, railroad car or engine to obstruct public
4 travel at a railroad-highway grade crossing for a period
5 in excess of 10 minutes, except where such train or
6 railroad car is continuously moving or cannot be moved by
7 reason of circumstances over which the rail carrier has no
8 reasonable control.

9 In a county with a population of greater than
10 1,000,000, as determined by the most recent federal
11 census, during the hours of 7:00 a.m. through 9:00 a.m.
12 and 4:00 p.m. through 6:00 p.m. it is unlawful for a rail
13 carrier to permit any single train or railroad car to
14 obstruct public travel at a railroad-highway grade
15 crossing in excess of a total of 10 minutes during a
16 30-minute ~~30-minute~~ period, except where the train or
17 railroad car cannot be moved by reason or circumstances
18 over which the rail carrier has no reasonable control.
19 Under no circumstances will a moving train be stopped for
20 the purposes of issuing a citation related to this
21 Section.

22 However, no employee acting under the rules or orders
23 of the rail carrier or its supervisory personnel may be
24 prosecuted for a violation of this subsection (b).

25 (c) Punishment for obstruction of grade crossing. Any
26 rail carrier violating paragraph (b) of this subsection

1 shall be guilty of a petty offense and fined not less than
2 \$200 nor more than \$500 if the duration of the obstruction
3 is in excess of 10 minutes but no longer than 15 minutes.
4 If the duration of the obstruction exceeds 15 minutes the
5 violation shall be a business offense and the following
6 fines shall be imposed: if the duration of the obstruction
7 is in excess of 15 minutes but no longer than 20 minutes,
8 the fine shall be \$500; if the duration of the obstruction
9 is in excess of 20 minutes but no longer than 25 minutes,
10 the fine shall be \$700; if the duration of the obstruction
11 is in excess of 25 minutes, but no longer than 30 minutes,
12 the fine shall be \$900; if the duration of the obstruction
13 is in excess of 30 minutes but no longer than 35 minutes,
14 the fine shall be \$1,000; if the duration of the
15 obstruction is in excess of 35 minutes, the fine shall be
16 \$1,000 plus an additional \$500 for each 5 minutes of
17 obstruction in excess of 25 minutes of obstruction.

18 (2) Other operational requirements.

19 (a) Bell and whistle-crossings. Every rail carrier
20 shall cause a bell, and a whistle or horn to be placed and
21 kept on each locomotive, and shall cause the same to be
22 rung or sounded by the engineer or fireman, at the
23 distance of at least 1,320 feet, from the place where the
24 railroad crosses or intersects any public highway, and
25 shall be kept ringing or sounding until the highway is
26 reached; provided that at crossings where the Commission

1 shall by order direct, only after a hearing has been held
2 to determine the public is reasonably and sufficiently
3 protected, the rail carrier may be excused from giving
4 warning provided by this paragraph.

5 (a-5) The requirements of paragraph (a) of this
6 subsection (2) regarding ringing a bell and sounding a
7 whistle or horn do not apply at a railroad crossing that
8 has a permanently installed automated audible warning
9 device authorized by the Commission under Section
10 18c-7402.1 that sounds automatically when an approaching
11 train is at least 1,320 feet from the crossing and that
12 keeps sounding until the lead locomotive has crossed the
13 highway. The engineer or fireman may ring the bell or
14 sound the whistle or horn at a railroad crossing that has a
15 permanently installed audible warning device.

16 (b) Speed limits. Each rail carrier shall operate its
17 trains in compliance with speed limits set by the
18 Commission. The Commission may set train speed limits only
19 where such limits are necessitated by extraordinary
20 circumstances affecting the public safety, and shall
21 maintain such train speed limits in effect only for such
22 time as the extraordinary circumstances prevail.

23 The Commission and the Department of Transportation
24 shall conduct a study of the relation between train speeds
25 and railroad-highway grade crossing safety. The Commission
26 shall report the findings of the study to the General

1 Assembly no later than January 5, 1997.

2 (c) Special speed limit; pilot project. The Commission
3 and the Board of the Metropolitan Mobility Authority
4 ~~Commuter Rail Division of the Regional Transportation~~
5 ~~Authority~~ shall conduct a pilot project in the Village of
6 Fox River Grove, the site of the fatal school bus crash at
7 a railroad crossing on October 25, 1995, in order to
8 improve railroad crossing safety. For this project, the
9 Commission is directed to set the maximum train speed
10 limit for Metropolitan Mobility ~~Regional Transportation~~
11 Authority trains at 50 miles per hour at intersections on
12 that portion of the intrastate rail line located in the
13 Village of Fox River Grove. If the Metropolitan Mobility
14 ~~Regional Transportation~~ Authority deliberately fails to
15 comply with this maximum speed limit, then any entity,
16 governmental or otherwise, that provides capital or
17 operational funds to the Metropolitan Mobility ~~Regional~~
18 ~~Transportation~~ Authority shall appropriately reduce or
19 eliminate that funding. The Commission shall report to the
20 Governor and the General Assembly on the results of this
21 pilot project in January 1999, January 2000, and January
22 2001. The Commission shall also submit a final report on
23 the pilot project to the Governor and the General Assembly
24 in January 2001. The provisions of this subsection (c),
25 other than this sentence, are inoperative after February
26 1, 2001.

1 (d) Freight train crew size. No rail carrier shall
2 operate or cause to operate a train or light engine used in
3 connection with the movement of freight unless it has an
4 operating crew consisting of at least 2 individuals. The
5 minimum freight train crew size indicated in this
6 subsection (d) shall remain in effect until a federal law
7 or rule encompassing the subject matter has been adopted.
8 The Commission, with respect to freight train crew member
9 size under this subsection (d), has the power to conduct
10 evidentiary hearings, make findings, and issue and enforce
11 orders, including sanctions under Section 18c-1704 of this
12 Chapter. As used in this subsection (d), "train or light
13 engine" does not include trains operated by a hostler
14 service or utility employees.

15 (3) Report and investigation of rail accidents.

16 (a) Reports. Every rail carrier shall report to the
17 Commission, by the speediest means possible, whether
18 telephone, telegraph, or otherwise, every accident
19 involving its equipment, track, or other property which
20 resulted in loss of life to any person. In addition, such
21 carriers shall file a written report with the Commission.
22 Reports submitted under this paragraph shall be strictly
23 confidential, shall be specifically prohibited from
24 disclosure, and shall not be admissible in any
25 administrative or judicial proceeding relating to the
26 accidents reported.

1 (b) Investigations. The Commission may investigate all
2 railroad accidents reported to it or of which it acquires
3 knowledge independent of reports made by rail carriers,
4 and shall have the power, consistent with standards and
5 procedures established under the Federal Railroad Safety
6 Act, as amended, to enter such temporary orders as will
7 minimize the risk of future accidents pending notice,
8 hearing, and final action by the Commission.

9 (Source: P.A. 101-294, eff. 1-1-20; 102-982, eff. 7-1-23.)

10 Section 20.45. The Criminal Code of 2012 is amended by
11 changing Section 21-5 as follows:

12 (720 ILCS 5/21-5) (from Ch. 38, par. 21-5)

13 Sec. 21-5. Criminal trespass to State supported land.

14 (a) A person commits criminal trespass to State supported
15 land when he or she enters upon land supported in whole or in
16 part with State funds, or federal funds administered or
17 granted through State agencies or any building on the land,
18 after receiving, prior to the entry, notice from the State or
19 its representative that the entry is forbidden, or remains
20 upon the land or in the building after receiving notice from
21 the State or its representative to depart, and who thereby
22 interferes with another person's lawful use or enjoyment of
23 the building or land.

24 A person has received notice from the State within the

1 meaning of this subsection if he or she has been notified
2 personally, either orally or in writing, or if a printed or
3 written notice forbidding entry to him or her or a group of
4 which he or she is a part, has been conspicuously posted or
5 exhibited at the main entrance to the land or the forbidden
6 part thereof.

7 (a-5) A person commits criminal trespass to State
8 supported land when he or she enters upon a right-of-way ~~right~~
9 ~~of-way~~, including facilities and improvements thereon, owned,
10 leased, or otherwise used by a public body or district
11 organized under ~~the Metropolitan Transit Authority Act~~, the
12 Local Mass Transit District Act, or the Metropolitan Mobility
13 ~~Regional Transportation~~ Authority Act, after receiving, prior
14 to the entry, notice from the public body or district, or its
15 representative, that the entry is forbidden, or the person
16 remains upon the right-of-way ~~right-of-way~~ after receiving
17 notice from the public body or district, or its
18 representative, to depart, and in either of these instances
19 intends to compromise public safety by causing a delay in
20 transit service lasting more than 15 minutes or destroying
21 property.

22 A person has received notice from the public body or
23 district within the meaning of this subsection if he or she has
24 been notified personally, either orally or in writing, or if a
25 printed or written notice forbidding entry to him or her has
26 been conspicuously posted or exhibited at any point of

1 entrance to the right-of-way ~~right-of-way~~ or the forbidden
2 part of the right-of-way ~~right-of-way~~.

3 As used in this subsection (a-5), "right-of-way ~~right-of~~
4 ~~way~~" has the meaning ascribed to it in Section 18c-7502 of the
5 Illinois Vehicle Code.

6 (b) A person commits criminal trespass to State supported
7 land when he or she enters upon land supported in whole or in
8 part with State funds, or federal funds administered or
9 granted through State agencies or any building on the land by
10 presenting false documents or falsely representing his or her
11 identity orally to the State or its representative in order to
12 obtain permission from the State or its representative to
13 enter the building or land; or remains upon the land or in the
14 building by presenting false documents or falsely representing
15 his or her identity orally to the State or its representative
16 in order to remain upon the land or in the building, and who
17 thereby interferes with another person's lawful use or
18 enjoyment of the building or land.

19 This subsection does not apply to a peace officer or other
20 official of a unit of government who enters upon land
21 supported in whole or in part with State funds, or federal
22 funds administered or granted through State agencies or any
23 building on the land in the performance of his or her official
24 duties.

25 (c) Sentence. Criminal trespass to State supported land is
26 a Class A misdemeanor, except a violation of subsection (a-5)

1 of this Section is a Class A misdemeanor for a first violation
2 and a Class 4 felony for a second or subsequent violation.

3 (Source: P.A. 97-1108, eff. 1-1-13; 98-748, eff. 1-1-15.)

4 Section 20.46. The Eminent Domain Act is amended by
5 changing Section 15-5-15 and adding Section 15-5-49 as
6 follows:

7 (735 ILCS 30/15-5-15)

8 Sec. 15-5-15. Eminent domain powers in ILCS Chapters 70
9 through 75. The following provisions of law may include
10 express grants of the power to acquire property by
11 condemnation or eminent domain:

12 (70 ILCS 5/8.02 and 5/9); Airport Authorities Act; airport
13 authorities; for public airport facilities.

14 (70 ILCS 5/8.05 and 5/9); Airport Authorities Act; airport
15 authorities; for removal of airport hazards.

16 (70 ILCS 5/8.06 and 5/9); Airport Authorities Act; airport
17 authorities; for reduction of the height of objects or
18 structures.

19 (70 ILCS 10/4); Interstate Airport Authorities Act; interstate
20 airport authorities; for general purposes.

21 (70 ILCS 15/3); Kankakee River Valley Area Airport Authority
22 Act; Kankakee River Valley Area Airport Authority; for
23 acquisition of land for airports.

1 (70 ILCS 200/2-20); Civic Center Code; civic center
2 authorities; for grounds, centers, buildings, and parking.

3 (70 ILCS 200/5-35); Civic Center Code; Aledo Civic Center
4 Authority; for grounds, centers, buildings, and parking.

5 (70 ILCS 200/10-15); Civic Center Code; Aurora Metropolitan
6 Exposition, Auditorium and Office Building Authority; for
7 grounds, centers, buildings, and parking.

8 (70 ILCS 200/15-40); Civic Center Code; Benton Civic Center
9 Authority; for grounds, centers, buildings, and parking.

10 (70 ILCS 200/20-15); Civic Center Code; Bloomington Civic
11 Center Authority; for grounds, centers, buildings, and
12 parking.

13 (70 ILCS 200/35-35); Civic Center Code; Brownstown Park
14 District Civic Center Authority; for grounds, centers,
15 buildings, and parking.

16 (70 ILCS 200/40-35); Civic Center Code; Carbondale Civic
17 Center Authority; for grounds, centers, buildings, and
18 parking.

19 (70 ILCS 200/55-60); Civic Center Code; Chicago South Civic
20 Center Authority; for grounds, centers, buildings, and
21 parking.

22 (70 ILCS 200/60-30); Civic Center Code; Collinsville
23 Metropolitan Exposition, Auditorium and Office Building
24 Authority; for grounds, centers, buildings, and parking.

25 (70 ILCS 200/70-35); Civic Center Code; Crystal Lake Civic
26 Center Authority; for grounds, centers, buildings, and

1 parking.

2 (70 ILCS 200/75-20); Civic Center Code; Decatur Metropolitan
3 Exposition, Auditorium and Office Building Authority; for
4 grounds, centers, buildings, and parking.

5 (70 ILCS 200/80-15); Civic Center Code; DuPage County
6 Metropolitan Exposition, Auditorium and Office Building
7 Authority; for grounds, centers, buildings, and parking.

8 (70 ILCS 200/85-35); Civic Center Code; Elgin Metropolitan
9 Exposition, Auditorium and Office Building Authority; for
10 grounds, centers, buildings, and parking.

11 (70 ILCS 200/95-25); Civic Center Code; Herrin Metropolitan
12 Exposition, Auditorium and Office Building Authority; for
13 grounds, centers, buildings, and parking.

14 (70 ILCS 200/110-35); Civic Center Code; Illinois Valley Civic
15 Center Authority; for grounds, centers, buildings, and
16 parking.

17 (70 ILCS 200/115-35); Civic Center Code; Jasper County Civic
18 Center Authority; for grounds, centers, buildings, and
19 parking.

20 (70 ILCS 200/120-25); Civic Center Code; Jefferson County
21 Metropolitan Exposition, Auditorium and Office Building
22 Authority; for grounds, centers, buildings, and parking.

23 (70 ILCS 200/125-15); Civic Center Code; Jo Daviess County
24 Civic Center Authority; for grounds, centers, buildings,
25 and parking.

26 (70 ILCS 200/130-30); Civic Center Code; Katherine Dunham

1 Metropolitan Exposition, Auditorium and Office Building
2 Authority; for grounds, centers, buildings, and parking.
3 (70 ILCS 200/145-35); Civic Center Code; Marengo Civic Center
4 Authority; for grounds, centers, buildings, and parking.
5 (70 ILCS 200/150-35); Civic Center Code; Mason County Civic
6 Center Authority; for grounds, centers, buildings, and
7 parking.
8 (70 ILCS 200/155-15); Civic Center Code; Matteson Metropolitan
9 Civic Center Authority; for grounds, centers, buildings,
10 and parking.
11 (70 ILCS 200/160-35); Civic Center Code; Maywood Civic Center
12 Authority; for grounds, centers, buildings, and parking.
13 (70 ILCS 200/165-35); Civic Center Code; Melrose Park
14 Metropolitan Exposition Auditorium and Office Building
15 Authority; for grounds, centers, buildings, and parking.
16 (70 ILCS 200/170-20); Civic Center Code; certain Metropolitan
17 Exposition, Auditorium and Office Building Authorities;
18 for general purposes.
19 (70 ILCS 200/180-35); Civic Center Code; Normal Civic Center
20 Authority; for grounds, centers, buildings, and parking.
21 (70 ILCS 200/185-15); Civic Center Code; Oak Park Civic Center
22 Authority; for grounds, centers, buildings, and parking.
23 (70 ILCS 200/195-35); Civic Center Code; Ottawa Civic Center
24 Authority; for grounds, centers, buildings, and parking.
25 (70 ILCS 200/200-15); Civic Center Code; Pekin Civic Center
26 Authority; for grounds, centers, buildings, and parking.

1 (70 ILCS 200/205-15); Civic Center Code; Peoria Civic Center
2 Authority; for grounds, centers, buildings, and parking.

3 (70 ILCS 200/210-35); Civic Center Code; Pontiac Civic Center
4 Authority; for grounds, centers, buildings, and parking.

5 (70 ILCS 200/215-15); Civic Center Code; Illinois Quad City
6 Civic Center Authority; for grounds, centers, buildings,
7 and parking.

8 (70 ILCS 200/220-30); Civic Center Code; Quincy Metropolitan
9 Exposition, Auditorium and Office Building Authority; for
10 grounds, centers, buildings, and parking.

11 (70 ILCS 200/225-35); Civic Center Code; Randolph County Civic
12 Center Authority; for grounds, centers, buildings, and
13 parking.

14 (70 ILCS 200/230-35); Civic Center Code; River Forest
15 Metropolitan Exposition, Auditorium and Office Building
16 Authority; for grounds, centers, buildings, and parking.

17 (70 ILCS 200/235-40); Civic Center Code; Riverside Civic
18 Center Authority; for grounds, centers, buildings, and
19 parking.

20 (70 ILCS 200/245-35); Civic Center Code; Salem Civic Center
21 Authority; for grounds, centers, buildings, and parking.

22 (70 ILCS 200/255-20); Civic Center Code; Springfield
23 Metropolitan Exposition and Auditorium Authority; for
24 grounds, centers, and parking.

25 (70 ILCS 200/260-35); Civic Center Code; Sterling Metropolitan
26 Exposition, Auditorium and Office Building Authority; for

1 grounds, centers, buildings, and parking.

2 (70 ILCS 200/265-20); Civic Center Code; Vermilion County
3 Metropolitan Exposition, Auditorium and Office Building
4 Authority; for grounds, centers, buildings, and parking.

5 (70 ILCS 200/270-35); Civic Center Code; Waukegan Civic Center
6 Authority; for grounds, centers, buildings, and parking.

7 (70 ILCS 200/275-35); Civic Center Code; West Frankfort Civic
8 Center Authority; for grounds, centers, buildings, and
9 parking.

10 (70 ILCS 200/280-20); Civic Center Code; Will County
11 Metropolitan Exposition and Auditorium Authority; for
12 grounds, centers, and parking.

13 (70 ILCS 210/5); Metropolitan Pier and Exposition Authority
14 Act; Metropolitan Pier and Exposition Authority; for
15 general purposes, including quick-take power.

16 (70 ILCS 405/22.04); Soil and Water Conservation Districts
17 Act; soil and water conservation districts; for general
18 purposes.

19 (70 ILCS 410/10 and 410/12); Conservation District Act;
20 conservation districts; for open space, wildland, scenic
21 roadway, pathway, outdoor recreation, or other
22 conservation benefits.

23 (70 ILCS 503/25); Chanute-Rantoul National Aviation Center
24 Redevelopment Commission Act; Chanute-Rantoul National
25 Aviation Center Redevelopment Commission; for general
26 purposes.

1 (70 ILCS 507/15); Fort Sheridan Redevelopment Commission Act;
2 Fort Sheridan Redevelopment Commission; for general
3 purposes or to carry out comprehensive or redevelopment
4 plans.

5 (70 ILCS 520/8); Southwestern Illinois Development Authority
6 Act; Southwestern Illinois Development Authority; for
7 general purposes, including quick-take power.

8 (70 ILCS 605/4-17 and 605/5-7); Illinois Drainage Code;
9 drainage districts; for general purposes.

10 (70 ILCS 615/5 and 615/6); Chicago Drainage District Act;
11 corporate authorities; for construction and maintenance of
12 works.

13 (70 ILCS 705/10); Fire Protection District Act; fire
14 protection districts; for general purposes.

15 (70 ILCS 750/20); Flood Prevention District Act; flood
16 prevention districts; for general purposes.

17 (70 ILCS 805/6); Downstate Forest Preserve District Act;
18 certain forest preserve districts; for general purposes.

19 (70 ILCS 805/18.8); Downstate Forest Preserve District Act;
20 certain forest preserve districts; for recreational and
21 cultural facilities.

22 (70 ILCS 810/8); Cook County Forest Preserve District Act;
23 Forest Preserve District of Cook County; for general
24 purposes.

25 (70 ILCS 810/38); Cook County Forest Preserve District Act;
26 Forest Preserve District of Cook County; for recreational

1 facilities.

2 (70 ILCS 910/15 and 910/16); Hospital District Law; hospital
3 districts; for hospitals or hospital facilities.

4 (70 ILCS 915/3); Illinois Medical District Act; Illinois
5 Medical District Commission; for general purposes.

6 (70 ILCS 915/4.5); Illinois Medical District Act; Illinois
7 Medical District Commission; quick-take power for the
8 Illinois State Police Forensic Science Laboratory
9 (obsolete).

10 (70 ILCS 920/5); Tuberculosis Sanitarium District Act;
11 tuberculosis sanitarium districts; for tuberculosis
12 sanitariums.

13 (70 ILCS 925/20); Mid-Illinois Medical District Act;
14 Mid-Illinois Medical District; for general purposes.

15 (70 ILCS 930/20); Mid-America Medical District Act;
16 Mid-America Medical District Commission; for general
17 purposes.

18 (70 ILCS 935/20); Roseland Community Medical District Act;
19 medical district; for general purposes.

20 (70 ILCS 1005/7); Mosquito Abatement District Act; mosquito
21 abatement districts; for general purposes.

22 (70 ILCS 1105/8); Museum District Act; museum districts; for
23 general purposes.

24 (70 ILCS 1205/7-1); Park District Code; park districts; for
25 streets and other purposes.

26 (70 ILCS 1205/8-1); Park District Code; park districts; for

1 parks.

2 (70 ILCS 1205/9-2 and 1205/9-4); Park District Code; park
3 districts; for airports and landing fields.

4 (70 ILCS 1205/11-2 and 1205/11-3); Park District Code; park
5 districts; for State land abutting public water and
6 certain access rights.

7 (70 ILCS 1205/11.1-3); Park District Code; park districts; for
8 harbors.

9 (70 ILCS 1225/2); Park Commissioners Land Condemnation Act;
10 park districts; for street widening.

11 (70 ILCS 1230/1 and 1230/1-a); Park Commissioners Water
12 Control Act; park districts; for parks, boulevards,
13 driveways, parkways, viaducts, bridges, or tunnels.

14 (70 ILCS 1250/2); Park Commissioners Street Control (1889)
15 Act; park districts; for boulevards or driveways.

16 (70 ILCS 1290/1); Park District Aquarium and Museum Act;
17 municipalities or park districts; for aquariums or
18 museums.

19 (70 ILCS 1305/2); Park District Airport Zoning Act; park
20 districts; for restriction of the height of structures.

21 (70 ILCS 1310/5); Park District Elevated Highway Act; park
22 districts; for elevated highways.

23 (70 ILCS 1505/15); Chicago Park District Act; Chicago Park
24 District; for parks and other purposes.

25 (70 ILCS 1505/25.1); Chicago Park District Act; Chicago Park
26 District; for parking lots or garages.

1 (70 ILCS 1505/26.3); Chicago Park District Act; Chicago Park
2 District; for harbors.

3 (70 ILCS 1570/5); Lincoln Park Commissioners Land Condemnation
4 Act; Lincoln Park Commissioners; for land and interests in
5 land, including riparian rights.

6 (70 ILCS 1801/30); Alexander-Cairo Port District Act;
7 Alexander-Cairo Port District; for general purposes.

8 (70 ILCS 1805/8); Havana Regional Port District Act; Havana
9 Regional Port District; for general purposes.

10 (70 ILCS 1810/7); Illinois International Port District Act;
11 Illinois International Port District; for general
12 purposes.

13 (70 ILCS 1815/13); Illinois Valley Regional Port District Act;
14 Illinois Valley Regional Port District; for general
15 purposes.

16 (70 ILCS 1820/4); Jackson-Union Counties Regional Port
17 District Act; Jackson-Union Counties Regional Port
18 District; for removal of airport hazards or reduction of
19 the height of objects or structures.

20 (70 ILCS 1820/5); Jackson-Union Counties Regional Port
21 District Act; Jackson-Union Counties Regional Port
22 District; for general purposes.

23 (70 ILCS 1825/4.9); Joliet Regional Port District Act; Joliet
24 Regional Port District; for removal of airport hazards.

25 (70 ILCS 1825/4.10); Joliet Regional Port District Act; Joliet
26 Regional Port District; for reduction of the height of

1 objects or structures.

2 (70 ILCS 1825/4.18); Joliet Regional Port District Act; Joliet
3 Regional Port District; for removal of hazards from ports
4 and terminals.

5 (70 ILCS 1825/5); Joliet Regional Port District Act; Joliet
6 Regional Port District; for general purposes.

7 (70 ILCS 1830/7.1); Kaskaskia Regional Port District Act;
8 Kaskaskia Regional Port District; for removal of hazards
9 from ports and terminals.

10 (70 ILCS 1830/14); Kaskaskia Regional Port District Act;
11 Kaskaskia Regional Port District; for general purposes.

12 (70 ILCS 1831/30); Massac-Metropolis Port District Act;
13 Massac-Metropolis Port District; for general purposes.

14 (70 ILCS 1835/5.10); Mt. Carmel Regional Port District Act;
15 Mt. Carmel Regional Port District; for removal of airport
16 hazards.

17 (70 ILCS 1835/5.11); Mt. Carmel Regional Port District Act;
18 Mt. Carmel Regional Port District; for reduction of the
19 height of objects or structures.

20 (70 ILCS 1835/6); Mt. Carmel Regional Port District Act; Mt.
21 Carmel Regional Port District; for general purposes.

22 (70 ILCS 1837/30); Ottawa Port District Act; Ottawa Port
23 District; for general purposes.

24 (70 ILCS 1845/4.9); Seneca Regional Port District Act; Seneca
25 Regional Port District; for removal of airport hazards.

26 (70 ILCS 1845/4.10); Seneca Regional Port District Act; Seneca

1 Regional Port District; for reduction of the height of
2 objects or structures.

3 (70 ILCS 1845/5); Seneca Regional Port District Act; Seneca
4 Regional Port District; for general purposes.

5 (70 ILCS 1850/4); Shawneetown Regional Port District Act;
6 Shawneetown Regional Port District; for removal of airport
7 hazards or reduction of the height of objects or
8 structures.

9 (70 ILCS 1850/5); Shawneetown Regional Port District Act;
10 Shawneetown Regional Port District; for general purposes.

11 (70 ILCS 1855/4); Southwest Regional Port District Act;
12 Southwest Regional Port District; for removal of airport
13 hazards or reduction of the height of objects or
14 structures.

15 (70 ILCS 1855/5); Southwest Regional Port District Act;
16 Southwest Regional Port District; for general purposes.

17 (70 ILCS 1860/4); Tri-City Regional Port District Act;
18 Tri-City Regional Port District; for removal of airport
19 hazards.

20 (70 ILCS 1860/5); Tri-City Regional Port District Act;
21 Tri-City Regional Port District; for the development of
22 facilities.

23 (70 ILCS 1863/11); Upper Mississippi River International Port
24 District Act; Upper Mississippi River International Port
25 District; for general purposes.

26 (70 ILCS 1865/4.9); Waukegan Port District Act; Waukegan Port

1 District; for removal of airport hazards.

2 (70 ILCS 1865/4.10); Waukegan Port District Act; Waukegan Port
3 District; for restricting the height of objects or
4 structures.

5 (70 ILCS 1865/5); Waukegan Port District Act; Waukegan Port
6 District; for the development of facilities.

7 (70 ILCS 1870/8); White County Port District Act; White County
8 Port District; for the development of facilities.

9 (70 ILCS 1905/16); Railroad Terminal Authority Act; Railroad
10 Terminal Authority (Chicago); for general purposes.

11 (70 ILCS 1915/25); Grand Avenue Railroad Relocation Authority
12 Act; Grand Avenue Railroad Relocation Authority; for
13 general purposes, including quick-take power (now
14 obsolete).

15 (70 ILCS 1935/25); Elmwood Park Grade Separation Authority
16 Act; Elmwood Park Grade Separation Authority; for general
17 purposes.

18 (70 ILCS 2105/9b); River Conservancy Districts Act; river
19 conservancy districts; for general purposes.

20 (70 ILCS 2105/10a); River Conservancy Districts Act; river
21 conservancy districts; for corporate purposes.

22 (70 ILCS 2205/15); Sanitary District Act of 1907; sanitary
23 districts; for corporate purposes.

24 (70 ILCS 2205/18); Sanitary District Act of 1907; sanitary
25 districts; for improvements and works.

26 (70 ILCS 2205/19); Sanitary District Act of 1907; sanitary

1 districts; for access to property.

2 (70 ILCS 2305/8); North Shore Water Reclamation District Act;
3 North Shore Water Reclamation District; for corporate
4 purposes.

5 (70 ILCS 2305/15); North Shore Water Reclamation District Act;
6 North Shore Water Reclamation District; for improvements.

7 (70 ILCS 2405/7.9); Sanitary District Act of 1917; Sanitary
8 District of Decatur; for carrying out agreements to sell,
9 convey, or disburse treated wastewater to a private
10 entity.

11 (70 ILCS 2405/8); Sanitary District Act of 1917; sanitary
12 districts; for corporate purposes.

13 (70 ILCS 2405/15); Sanitary District Act of 1917; sanitary
14 districts; for improvements.

15 (70 ILCS 2405/16.9 and 2405/16.10); Sanitary District Act of
16 1917; sanitary districts; for waterworks.

17 (70 ILCS 2405/17.2); Sanitary District Act of 1917; sanitary
18 districts; for public sewer and water utility treatment
19 works.

20 (70 ILCS 2405/18); Sanitary District Act of 1917; sanitary
21 districts; for dams or other structures to regulate water
22 flow.

23 (70 ILCS 2605/8); Metropolitan Water Reclamation District Act;
24 Metropolitan Water Reclamation District; for corporate
25 purposes.

26 (70 ILCS 2605/16); Metropolitan Water Reclamation District

1 Act; Metropolitan Water Reclamation District; quick-take
2 power for improvements.

3 (70 ILCS 2605/17); Metropolitan Water Reclamation District
4 Act; Metropolitan Water Reclamation District; for bridges.

5 (70 ILCS 2605/35); Metropolitan Water Reclamation District
6 Act; Metropolitan Water Reclamation District; for widening
7 and deepening a navigable stream.

8 (70 ILCS 2805/10); Sanitary District Act of 1936; sanitary
9 districts; for corporate purposes.

10 (70 ILCS 2805/24); Sanitary District Act of 1936; sanitary
11 districts; for improvements.

12 (70 ILCS 2805/26i and 2805/26j); Sanitary District Act of
13 1936; sanitary districts; for drainage systems.

14 (70 ILCS 2805/27); Sanitary District Act of 1936; sanitary
15 districts; for dams or other structures to regulate water
16 flow.

17 (70 ILCS 2805/32k); Sanitary District Act of 1936; sanitary
18 districts; for water supply.

19 (70 ILCS 2805/32l); Sanitary District Act of 1936; sanitary
20 districts; for waterworks.

21 (70 ILCS 2905/2-7); Metro-East Sanitary District Act of 1974;
22 Metro-East Sanitary District; for corporate purposes.

23 (70 ILCS 2905/2-8); Metro-East Sanitary District Act of 1974;
24 Metro-East Sanitary District; for access to property.

25 (70 ILCS 3010/10); Sanitary District Revenue Bond Act;
26 sanitary districts; for sewerage systems.

1 (70 ILCS 3205/12); Illinois Sports Facilities Authority Act;
2 Illinois Sports Facilities Authority; quick-take power for
3 its corporate purposes (obsolete).

4 (70 ILCS 3405/16); Surface Water Protection District Act;
5 surface water protection districts; for corporate
6 purposes.

7 ~~(70 ILCS 3605/7); Metropolitan Transit Authority Act; Chicago~~
8 ~~Transit Authority; for transportation systems.~~

9 ~~(70 ILCS 3605/8); Metropolitan Transit Authority Act; Chicago~~
10 ~~Transit Authority; for general purposes.~~

11 ~~(70 ILCS 3605/10); Metropolitan Transit Authority Act; Chicago~~
12 ~~Transit Authority; for general purposes, including~~
13 ~~railroad property.~~

14 (70 ILCS 3610/3 and 3610/5); Local Mass Transit District Act;
15 local mass transit districts; for general purposes.

16 ~~(70 ILCS 3615/2.13); Regional Transportation Authority Act;~~
17 ~~Regional Transportation Authority; for general purposes.~~

18 (70 ILCS 3705/8 and 3705/12); Public Water District Act;
19 public water districts; for waterworks.

20 (70 ILCS 3705/23a); Public Water District Act; public water
21 districts; for sewerage properties.

22 (70 ILCS 3705/23e); Public Water District Act; public water
23 districts; for combined waterworks and sewerage systems.

24 (70 ILCS 3715/6); Water Authorities Act; water authorities;
25 for facilities to ensure adequate water supply.

26 (70 ILCS 3715/27); Water Authorities Act; water authorities;

1 for access to property.
2 (75 ILCS 5/4-7); Illinois Local Library Act; boards of library
3 trustees; for library buildings.
4 (75 ILCS 16/30-55.80); Public Library District Act of 1991;
5 public library districts; for general purposes.
6 (75 ILCS 65/1 and 65/3); Libraries in Parks Act; corporate
7 authorities of city or park district, or board of park
8 commissioners; for free public library buildings.
9 (Source: Incorporates 98-564, eff. 8-27-13; P.A. 98-756, eff.
10 7-16-14; 99-669, eff. 7-29-16.)

11 (735 ILCS 30/15-5-49 new)
12 Sec. 15-5-49. Eminent domain powers in new Acts. The
13 following provisions of law may include express grants of the
14 power to acquire property by condemnation or eminent domain:
15 Metropolitan Mobility Authority Act; Metropolitan Mobility
16 Authority; for general purposes.

17 Section 20.47. The Local Governmental and Governmental
18 Employees Tort Immunity Act is amended by changing Section
19 2-101 as follows:

20 (745 ILCS 10/2-101) (from Ch. 85, par. 2-101)
21 Sec. 2-101. Nothing in this Act affects the right to
22 obtain relief other than damages against a local public entity

1 or public employee. Nothing in this Act affects the liability,
2 if any, of a local public entity or public employee, based on:

3 a contract;

4 b operation as a common carrier; and this Act does not
5 apply to any entity organized under or subject to the
6 Metropolitan Mobility ~~"Metropolitan Transit Authority Act",~~
7 ~~approved April 12, 1945, as amended;~~

8 c The "Workers' Compensation Act", approved July 9, 1951,
9 as heretofore or hereafter amended;

10 d The "Workers' Occupational Diseases Act", approved July
11 9, 1951, as heretofore or hereafter amended;

12 e Section 1-4-7 of the "Illinois Municipal Code", approved
13 May 29, 1961, as heretofore or hereafter amended.

14 f The "Illinois Uniform Conviction Information Act",
15 enacted by the 85th General Assembly, as heretofore or
16 hereafter amended.

17 (Source: P.A. 85-922.)

18 Section 20.48. The Illinois Wage Payment and Collection
19 Act is amended by changing Section 9 as follows:

20 (820 ILCS 115/9) (from Ch. 48, par. 39m-9)

21 Sec. 9. Except as hereinafter provided, deductions by
22 employers from wages or final compensation are prohibited
23 unless such deductions are (1) required by law; (2) to the
24 benefit of the employee; (3) in response to a valid wage

1 assignment or wage deduction order; (4) made with the express
2 written consent of the employee, given freely at the time the
3 deduction is made; (5) made by a municipality with a
4 population of 500,000 or more, a county with a population of
5 3,000,000 or more, a community college district in a city with
6 a population of 500,000 or more, a housing authority in a
7 municipality with a population of 500,000 or more, the Chicago
8 Park District, the Metropolitan Mobility ~~Metropolitan Transit~~
9 Authority, the Chicago Board of Education, the Cook County
10 Forest Preserve District, or the Metropolitan Water
11 Reclamation District to pay a debt owed by the employee to a
12 municipality with a population of 500,000 or more, a county
13 with a population of 3,000,000 or more, the Cook County Forest
14 Preserve, the Chicago Park District, the Metropolitan Water
15 Reclamation District, ~~the Chicago Transit Authority,~~ the
16 Chicago Board of Education, or a housing authority of a
17 municipality with a population of 500,000 or more; provided,
18 however, that the amount deducted from any one salary or wage
19 payment shall not exceed 25% of the net amount of the payment;
20 or (6) made by a housing authority in a municipality with a
21 population of 500,000 or more or a municipality with a
22 population of 500,000 or more to pay a debt owed by the
23 employee to a housing authority in a municipality with a
24 population of 500,000 or more; provided, however, that the
25 amount deducted from any one salary or wage payment shall not
26 exceed 25% of the net amount of the payment. Before the

1 municipality with a population of 500,000 or more, the
2 community college district in a city with a population of
3 500,000 or more, the Chicago Park District, the Metropolitan
4 Mobility ~~Metropolitan Transit~~ Authority, a housing authority
5 in a municipality with a population of 500,000 or more, the
6 Chicago Board of Education, the county with a population of
7 3,000,000 or more, the Cook County Forest Preserve District,
8 or the Metropolitan Water Reclamation District deducts any
9 amount from any salary or wage of an employee to pay a debt
10 owed to a municipality with a population of 500,000 or more, a
11 county with a population of 3,000,000 or more, the Cook County
12 Forest Preserve District, the Chicago Park District, the
13 Metropolitan Water Reclamation District, ~~the Chicago Transit~~
14 ~~Authority,~~ the Chicago Board of Education, or a housing
15 authority of a municipality with a population of 500,000 or
16 more under this Section, the municipality, the county, the
17 Cook County Forest Preserve District, the Chicago Park
18 District, the Metropolitan Water Reclamation District, ~~the~~
19 ~~Chicago Transit Authority,~~ the Chicago Board of Education, or
20 a housing authority of a municipality with a population of
21 500,000 or more shall certify that (i) the employee has been
22 afforded an opportunity for a hearing to dispute the debt that
23 is due and owing the municipality, the county, the Cook County
24 Forest Preserve District, the Chicago Park District, the
25 Metropolitan Water Reclamation District, ~~the Chicago Transit~~
26 ~~Authority,~~ the Chicago Board of Education, or a housing

1 authority of a municipality with a population of 500,000 or
2 more and (ii) the employee has received notice of a wage
3 deduction order and has been afforded an opportunity for a
4 hearing to object to the order. Before a housing authority in a
5 municipality with a population of 500,000 or more or a
6 municipality with a population of 500,000 or more, a county
7 with a population of 3,000,000 or more, the Cook County Forest
8 Preserve District, the Chicago Park District, the Metropolitan
9 Water Reclamation District, ~~the Chicago Transit Authority,~~ the
10 Chicago Board of Education, or a housing authority of a
11 municipality with a population of 500,000 or more deducts any
12 amount from any salary or wage of an employee to pay a debt
13 owed to a housing authority in a municipality with a
14 population of 500,000 or more under this Section, the housing
15 authority shall certify that (i) the employee has been
16 afforded an opportunity for a hearing to dispute the debt that
17 is due and owing the housing authority and (ii) the employee
18 has received notice of a wage deduction order and has been
19 afforded an opportunity for a hearing to object to the order.
20 For purposes of this Section, "net amount" means that part of
21 the salary or wage payment remaining after the deduction of
22 any amounts required by law to be deducted and "debt due and
23 owing" means (i) a specified sum of money owed to the
24 municipality, county, the Cook County Forest Preserve
25 District, the Chicago Park District, the Metropolitan Water
26 Reclamation District, ~~the Chicago Transit Authority,~~ the

1 Chicago Board of Education, or housing authority for services,
2 work, or goods, after the period granted for payment has
3 expired, or (ii) a specified sum of money owed to the
4 municipality, county, the Cook County Forest Preserve
5 District, the Chicago Park District, the Metropolitan Water
6 Reclamation District, ~~the Chicago Transit Authority,~~ the
7 Chicago Board of Education or housing authority pursuant to a
8 court order or order of an administrative hearing officer
9 after the exhaustion of, or the failure to exhaust, judicial
10 review; (7) the result of an excess payment made due to, but
11 not limited to, a typographical or mathematical error made by
12 a municipality with a population of less than 500,000 or to
13 collect a debt owed to a municipality with a population of less
14 than 500,000 after notice to the employee and an opportunity
15 to be heard; provided, however, that the amount deducted from
16 any one salary or wage payment shall not exceed 15% of the net
17 amount of the payment. Before the municipality deducts any
18 amount from any salary or wage of an employee to pay a debt
19 owed to the municipality, the municipality shall certify that
20 (i) the employee has been afforded an opportunity for a
21 hearing, conducted by the municipality, to dispute the debt
22 that is due and owing the municipality, and (ii) the employee
23 has received notice of a wage deduction order and has been
24 afforded an opportunity for a hearing, conducted by the
25 municipality, to object to the order. For purposes of this
26 Section, "net amount" means that part of the salary or wage

1 payment remaining after the deduction of any amounts required
2 by law to be deducted and "debt due and owing" means (i) a
3 specified sum of money owed to the municipality 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 pursuant to a court order or order of an
7 administrative hearing officer after the exhaustion of, or the
8 failure to exhaust, judicial review. Where the legitimacy of
9 any deduction from wages is in dispute, the amount in question
10 may be withheld if the employer notifies the Department of
11 Labor on the date the payment is due in writing of the amount
12 that is being withheld and stating the reasons for which the
13 payment is withheld. Upon such notification the Department of
14 Labor shall conduct an investigation and render a judgment as
15 promptly as possible, and shall complete such investigation
16 within 30 days of receipt of the notification by the employer
17 that wages have been withheld. The employer shall pay the
18 wages due upon order of the Department of Labor within 15
19 calendar days of issuance of a judgment on the dispute.

20 The Department shall establish rules to protect the
21 interests of both parties in cases of disputed deductions from
22 wages. Such rules shall include reasonable limitations on the
23 amount of deductions beyond those required by law which may be
24 made during any pay period by any employer.

25 In case of a dispute over wages, the employer shall pay,
26 without condition and within the time set by this Act, all

1 wages or parts thereof, conceded by him to be due, leaving to
2 the employee all remedies to which he may otherwise be
3 entitled as to any balance claimed. The acceptance by an
4 employee of a disputed paycheck shall not constitute a release
5 as to the balance of his claim and any release or restrictive
6 endorsement required by an employer as a condition to payment
7 shall be a violation of this Act and shall be void.

8 (Source: P.A. 97-120, eff. 1-1-12.)

9 Section 20.49. The Transportation Benefits Program Act is
10 amended by changing Sections 5, 10, and 15 as follows:

11 (820 ILCS 63/5)

12 Sec. 5. Definitions. As used in this Act:

13 "Covered employee" means any person who performs an
14 average of at least 35 hours of work per week for compensation
15 on a full-time basis.

16 "Covered employer" means any individual, partnership,
17 association, corporation, limited liability company,
18 government, non-profit organization, or business trust that
19 directly or indirectly, or through an agent or any other
20 person, employs or exercises control over wages, hours, or
21 working conditions of an employee, and that:

22 (1) is located in: Cook County; Warren Township in
23 Lake County; Grant Township in Lake County; Frankfort
24 Township in Will County; Wheatland Township in Will

1 County; Addison Township; Bloomingdale Township; York
2 Township; Milton Township; Winfield Township; Downers
3 Grove Township; Lisle Township; Naperville Township;
4 Dundee Township; Elgin Township; St. Charles Township;
5 Geneva Township; Batavia Township; Aurora Township; Zion
6 Township; Benton Township; Waukegan Township; Avon
7 Township; Libertyville Township; Shields Township; Vernon
8 Township; West Deerfield Township; Deerfield Township;
9 McHenry Township; Nunda Township; Algonquin Township;
10 DuPage Township; Homer Township; Lockport Township;
11 Plainfield Township; New Lenox Township; Joliet Township;
12 or Troy Township; and

13 (2) employs 50 or more covered employees in a
14 geographic area specified in paragraph (1) at an address
15 that is located within one mile of fixed-route transit
16 service.

17 "Public transit" means any transportation system within
18 the authority and jurisdiction of the Metropolitan Mobility
19 ~~Regional Transportation~~ Authority.

20 "Transit pass" means any pass, token, fare card, voucher,
21 or similar item entitling a person to transportation on public
22 transit.

23 (Source: P.A. 103-291, eff. 1-1-24.)

24 (820 ILCS 63/10)

25 Sec. 10. Transportation benefits program. All covered

1 employers shall provide a pre-tax commuter benefit to covered
2 employees. The pre-tax commuter benefit shall allow employees
3 to use pre-tax dollars for the purchase of a transit pass, via
4 payroll deduction, such that the costs for such purchases may
5 be excluded from the employee's taxable wages and compensation
6 up to the maximum amount permitted by federal tax law,
7 consistent with 26 U.S.C. 132(f) and the rules and regulations
8 promulgated thereunder. A covered employer may comply with
9 this Section by participating in a program offered by the
10 Metropolitan Mobility ~~Chicago Transit~~ Authority ~~or the~~
11 ~~Regional Transportation Authority~~.

12 This benefit must be offered to all employees starting on
13 the employees' first full pay period after 120 days of
14 employment. All transit agencies shall market the existence of
15 this program and this Act to their riders in order to inform
16 affected employees and their employers.

17 (Source: P.A. 103-291, eff. 1-1-24.)

18 (820 ILCS 63/15)

19 Sec. 15. Regional Transit Authority map. The Metropolitan
20 Mobility ~~Regional Transportation~~ Authority shall make publicly
21 available a searchable map of addresses that are located
22 within one mile of fixed-route transit service.

23 (Source: P.A. 103-291, eff. 1-1-24.)

24 Article XXI. NO ACCELERATION OR DELAY, SEVERABILITY, AND

1

EFFECTIVE DATE

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Section 20.50. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

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Section 20.97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

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Section 20.99. Effective date. This Section; Article XI; Section 8.48 of the State Mandates Act; Sections 8-106 and 8-107 of the Public Utilities Act; and Sections 12-830, 13C-21, and 18c-1206 of the Illinois Vehicle Code take effect upon becoming law.

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 2705/2705-204 new	
21	20 ILCS 2705/2705-300	was 20 ILCS 2705/49.18
22	20 ILCS 2705/2705-305	
23	20 ILCS 2705/2705-310	
24	20 ILCS 2705/2705-315	was 20 ILCS 2705/49.19b
25	20 ILCS 2705/2705-440	was 20 ILCS 2705/49.25h

1	20 ILCS 2705/2705-594 new	
2	20 ILCS 3501/820-50	
3	30 ILCS 5/3-1	from Ch. 15, par. 303-1
4	30 ILCS 5/3-2.3 rep.	
5	30 ILCS 105/5.277	from Ch. 127, par. 141.277
6	30 ILCS 105/5.918	
7	30 ILCS 105/5.1030 new	
8	30 ILCS 105/5.1031 new	
9	30 ILCS 105/6z-17	from Ch. 127, par. 142z-17
10	30 ILCS 105/6z-20	from Ch. 127, par. 142z-20
11	30 ILCS 105/6z-27	
12	30 ILCS 105/6z-109	
13	30 ILCS 105/8.3	
14	30 ILCS 105/8.25g	
15	30 ILCS 230/2a	from Ch. 127, par. 172
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	30 ILCS 805/8.49 new	
21	35 ILCS 105/2b	from Ch. 120, par. 439.2b
22	35 ILCS 105/22	from Ch. 120, par. 439.22
23	35 ILCS 110/20	from Ch. 120, par. 439.50
24	35 ILCS 115/20	from Ch. 120, par. 439.120
25	35 ILCS 120/6	from Ch. 120, par. 445
26	35 ILCS 165/10	

1	35 ILCS 171/2	
2	35 ILCS 200/15-100	
3	35 ILCS 505/8b	
4	35 ILCS 815/1	from Ch. 121 1/2, par. 911
5	40 ILCS 5/8-230.1	from Ch. 108 1/2, par. 8-230.1
6	40 ILCS 5/11-221.1	from Ch. 108 1/2, par. 11-221.1
7	40 ILCS 5/18-112	from Ch. 108 1/2, par. 18-112
8	40 ILCS 5/22-101	from Ch. 108 1/2, par. 22-101
9	40 ILCS 5/22-101B	
10	40 ILCS 5/22-103	
11	40 ILCS 5/22-105	
12	50 ILCS 330/2	from Ch. 85, par. 802
13	55 ILCS 5/6-34000	
14	65 ILCS 5/11-1-11	from Ch. 24, par. 11-1-11
15	65 ILCS 5/11-74.4-3	from Ch. 24, par. 11-74.4-3
16	65 ILCS 5/Art. 11 Div.	
17	122.2 heading	
18	65 ILCS 5/11-122.2-1	from Ch. 24, par. 11-122.2-1
19	70 ILCS 1707/10	
20	70 ILCS 3605/Act rep.	
21	70 ILCS 3610/3.1	from Ch. 111 2/3, par. 353.1
22	70 ILCS 3610/5.05	from Ch. 111 2/3, par. 355.05
23	70 ILCS 3610/8.5	from Ch. 111 2/3, par. 358.5
24	70 ILCS 3615/Act rep.	
25	70 ILCS 3720/4	from Ch. 111 2/3, par. 254
26	105 ILCS 5/29-5	from Ch. 122, par. 29-5

1	105 ILCS 5/34-4	from Ch. 122, par. 34-4
2	220 ILCS 5/4-302	from Ch. 111 2/3, par. 4-302
3	220 ILCS 5/8-106 new	
4	220 ILCS 5/8-107 new	
5	410 ILCS 55/2	from Ch. 111 1/2, par. 4202
6	415 ILCS 5/9.15	
7	605 ILCS 5/5-701.8	from Ch. 121, par. 5-701.8
8	605 ILCS 5/6-411.5	
9	605 ILCS 5/7-202.14	from Ch. 121, par. 7-202.14
10	605 ILCS 10/3	from Ch. 121, par. 100-3
11	605 ILCS 10/19	from Ch. 121, par. 100-19
12	620 ILCS 5/49.1	from Ch. 15 1/2, par. 22.49a
13	625 ILCS 5/1-209.3	
14	625 ILCS 5/8-102	from Ch. 95 1/2, par. 8-102
15	625 ILCS 5/11-709.2	
16	625 ILCS 5/12-830 new	
17	625 ILCS 5/13C-21 new	
18	625 ILCS 5/18c-1206 new	
19	625 ILCS 5/18c-7402	from Ch. 95 1/2, par. 18c-7402
20	720 ILCS 5/21-5	from Ch. 38, par. 21-5
21	735 ILCS 30/15-5-15	
22	735 ILCS 30/15-5-49 new	
23	745 ILCS 10/2-101	from Ch. 85, par. 2-101
24	820 ILCS 115/9	from Ch. 48, par. 39m-9
25	820 ILCS 63/5	
26	820 ILCS 63/10	

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