



Sen. John J. Cullerton

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1 AMENDMENT TO SENATE BILL 1323

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1323 by replacing  
3 everything after the enacting clause with the following:

4 "Article 1.

5 Section 1-1. Short title. This Act may be cited as the  
6 Capital Projects Implementation Act.

7 Section 1-5. Findings; reenactment; base text; validation;  
8 transfer of funds.

9 (a) The General Assembly finds and declares that:

10 (1) Public Act 96-37 is a Budget Implementation Act  
11 (BIMP) that makes changes in State programs that are  
12 necessary to implement the Governor's Fiscal Year 2010  
13 budget recommendations concerning capital. Some, but not  
14 all, of the BIMP consists of trailer amendments and other  
15 provisions relating to and contingent upon Senate Bill 255

1 of the 96th General Assembly becoming law; that Bill became  
2 Public Act 96-34.

3 (2) Public Act 96-34 creates a new capital development  
4 program for Illinois. Public Act 96-34 also contains other  
5 provisions relating to capital projects and to the funding  
6 to be used for capital projects. Section 9999 of P.A. 96-34  
7 contains a provision making the entire Act contingent upon  
8 House Bill 312 of the 96th General Assembly becoming law;  
9 that Bill became Public Act 96-35.

10 (3) Public Act 96-35 includes appropriations for  
11 projects provided by P.A. 96-34 and the BIMP. Section 99  
12 contains a provision making the entire Act contingent upon  
13 Senate Bill 255 of the 96th General Assembly becoming law;  
14 that Bill became Public Act 96-34.

15 (4) Public Act 96-38 is a trailer bill that is  
16 contingent upon and makes changes in the provisions of P.A.  
17 96-34.

18 (5) Public Acts 96-34, 96-37, and 96-38 are all  
19 intended to relate to the subject of capital projects.  
20 Capital projects and their sources of funding are hereby  
21 declared to be of vital concern to the people of this  
22 State, and necessary for the public health, safety, and  
23 welfare.

24 (6) On January 26, 2011, the First District Appellate  
25 Court, in *Wirtz v. Quinn* (Nos. 1-09-3163 and 1-10-0344),  
26 found that Public Act 96-34 violates the single subject

1 rule of Article IV, Section 8 of the Illinois Constitution,  
2 and is therefore void in its entirety. It also found that  
3 Public Acts 96-35, 96-37, and 96-38 "are all contingent on  
4 the enactment of Public Act 96-34", and therefore "cannot  
5 stand". As of the date this Act was prepared, enforcement  
6 of the decision in *Wirtz v. Quinn* had been stayed by the  
7 Illinois Supreme Court pending appeal.

8 (b) This Act reenacts the provisions of Public Act 96-37,  
9 the FY2010 Budget Implementation (Capital) Act, except for  
10 Articles 60 and 85 of that Act. This Act also reenacts portions  
11 of Public Act 96-34 relating to the implementation of capital  
12 projects. Notwithstanding Section 9999 of Public Act 96-34,  
13 this reenactment is not contingent upon House Bill 312 of the  
14 96th General Assembly (now P.A. 96-35), or any other bill,  
15 becoming law.

16 This Act is intended to remove any question about the  
17 validity of the reenacted provisions and actions taken in  
18 reliance on them, and to provide continuity in the  
19 implementation and administration of those provisions. This  
20 reenactment is not intended, and shall not be construed, to  
21 imply that all or any portion of P.A. 96-34, 96-35, 96-37, or  
22 96-38 is invalid.

23 (c) The text of the reenacted material, including any  
24 existing amendments, is shown in this Act as existing text;  
25 striking and underscoring have been used only to indicate new  
26 changes being made to the reenacted text by this Act.

1           In reenacting the BIMP provisions, the Article structure  
2           from P.A. 96-37 has been retained, and the Article headings and  
3           effective date provisions are included in the reenacted base  
4           text in order to maintain consistency between the reenacted  
5           material and the original text as organized in the Illinois  
6           Compiled Statutes.

7           Article 90 of this Act contains material from P.A. 96-34.  
8           The Article headings and the effective date shown as part of  
9           the base text in Section 90-1 are from P.A. 96-34.

10          Article 95 makes related amendatory changes concerning the  
11          Department of the Lottery and the Department of Revenue.

12          (d) All otherwise lawful actions taken before the effective  
13          date of this Act in reasonable reliance on or pursuant to the  
14          provisions reenacted by this Act (as those provisions were set  
15          forth in Public Act 96-34 or 96-37 or had been otherwise  
16          amended at the relevant time) by any officer, employee, agency,  
17          or unit of State or local government or by any other person or  
18          entity are hereby validated.

19          With respect to actions taken before the effective date of  
20          this Act in relation to matters arising under the provisions  
21          reenacted by this Act, a person is rebuttably presumed to have  
22          acted in reasonable reliance on or pursuant to those  
23          provisions, as they had been amended at the relevant time.

24          (e) The reenactment of Section 6z-77 of the State Finance  
25          Act and any other provision directing the transfer or payment  
26          of public funds does not and shall not be construed to require

1 the duplication of any such transfer or payment.

2 Article 5.

3 Section 5-5. The Department of Public Health Powers and  
4 Duties Law of the Civil Administrative Code of Illinois is  
5 amended by reenacting Section 2310-640 as follows:

6 (20 ILCS 2310/2310-640)

7 Sec. 2310-640. Hospital Capital Investment Program.

8 (a) Subject to appropriation, the Department shall  
9 establish and administer a program to award capital grants to  
10 Illinois hospitals licensed under the Hospital Licensing Act.  
11 Grants awarded under this program shall only be used to fund  
12 capital projects to improve or renovate the hospital's facility  
13 or to improve, replace or acquire the hospital's equipment or  
14 technology. Such projects may include, but are not limited to,  
15 projects to satisfy any building code, safety standard or life  
16 safety code; projects to maintain, improve, renovate, expand or  
17 construct buildings or structures; projects to maintain,  
18 establish or improve health information technology; or  
19 projects to maintain or improve patient safety, quality of care  
20 or access to care.

21 The Department shall establish rules necessary to  
22 implement the Hospital Capital Investment Program, including  
23 application standards, requirements for the distribution and

1 obligation of grant funds, accounting for the use of the funds,  
2 reporting the status of funded projects, and standards for  
3 monitoring compliance with standards. In awarding grants under  
4 this Section, the Department shall consider criteria that  
5 include but are not limited to: the financial requirements of  
6 the project and the extent to which the grant makes it possible  
7 to implement the project; the proposed project's likely benefit  
8 in terms of patient safety or quality of care; and the proposed  
9 project's likely benefit in terms of maintaining or improving  
10 access to care.

11 The Department shall approve a hospital's eligibility for a  
12 hospital capital investment grant pursuant to the standards  
13 established by this Section. The Department shall determine  
14 eligible project costs, including but not limited to the use of  
15 funds for the acquisition, development, construction,  
16 reconstruction, rehabilitation, improvement, architectural  
17 planning, engineering, and installation of capital facilities  
18 consisting of buildings, structures, technology and durable  
19 equipment for hospital purposes. No portion of a hospital  
20 capital investment grant awarded by the Department may be used  
21 by a hospital to pay for any on-going operational costs, pay  
22 outstanding debt, or be allocated to an endowment or other  
23 invested fund.

24 Nothing in this Section shall exempt nor relieve any  
25 hospital receiving a grant under this Section from any  
26 requirement of the Illinois Health Facilities Planning Act.

1 (b) Safety Net Hospital Grants. The Department shall make  
2 capital grants to hospitals eligible for safety net hospital  
3 grants under this subsection. The total amount of grants to any  
4 individual hospital shall be no less than \$2,500,000 and no  
5 more than \$7,000,000. The total amount of grants to hospitals  
6 under this subsection shall not exceed \$100,000,000. Hospitals  
7 that satisfy one of the following criteria shall be eligible to  
8 apply for safety net hospital grants:

9 (1) Any general acute care hospital located in a county  
10 of over 3,000,000 inhabitants that has a Medicaid inpatient  
11 utilization rate for the rate year beginning on October 1,  
12 2008 greater than 43%, that is not affiliated with a  
13 hospital system that owns or operates more than 3  
14 hospitals, and that has more than 13,500 Medicaid inpatient  
15 days.

16 (2) Any general acute care hospital that is located in  
17 a county of more than 3,000,000 inhabitants and has a  
18 Medicaid inpatient utilization rate for the rate year  
19 beginning on October 1, 2008 greater than 55% and has  
20 authorized beds for the obstetric-gynecology category of  
21 service as reported in the 2008 Annual Hospital Bed Report,  
22 issued by the Illinois Department of Public Health.

23 (3) Any hospital that is defined in 89 Illinois  
24 Administrative Code Section 149.50(c)(3)(A) and that has  
25 less than 20,000 Medicaid inpatient days.

26 (4) Any general acute care hospital that is located in

1 a county of less than 3,000,000 inhabitants and has a  
2 Medicaid inpatient utilization rate for the rate year  
3 beginning on October 1, 2008 greater than 64%.

4 (5) Any general acute care hospital that is located in  
5 a county of over 3,000,000 inhabitants and a city of less  
6 than 1,000,000 inhabitants, that has a Medicaid inpatient  
7 utilization rate for the rate year beginning on October 1,  
8 2008 greater than 22%, that has more than 12,000 Medicaid  
9 inpatient days, and that has a case mix index greater than  
10 0.71.

11 (c) Community Hospital Grants. The Department shall make a  
12 one-time capital grant to any public or not-for-profit  
13 hospitals located in counties of less than 3,000,000  
14 inhabitants that are not otherwise eligible for a grant under  
15 subsection (b) of this Section and that have a Medicaid  
16 inpatient utilization rate for the rate year beginning on  
17 October 1, 2008 of at least 10%. The total amount of grants  
18 under this subsection shall not exceed \$50,000,000. This grant  
19 shall be the sum of the following payments:

20 (1) For each acute care hospital, a base payment of:

21 (i) \$170,000 if it is located in an urban area; or

22 (ii) \$340,000 if it is located in a rural area.

23 (2) A payment equal to the product of \$45 multiplied by  
24 total Medicaid inpatient days for each hospital.

25 (d) Annual report. The Department of Public Health shall  
26 prepare and submit to the Governor and the General Assembly an



1 annual report by January 1 of each year regarding its  
2 administration of the Hospital Capital Investment Program,  
3 including an overview of the program and information about the  
4 specific purpose and amount of each grant and the status of  
5 funded projects. The report shall include information as to  
6 whether each project is subject to and authorized under the  
7 Illinois Health Facilities Planning Act, if applicable.

8 (e) Definitions. As used in this Section, the following  
9 terms shall be defined as follows:

10 "General acute care hospital" shall have the same meaning  
11 as general acute care hospital in Section 5A-12.2 of the  
12 Illinois Public Aid Code.

13 "Hospital" shall have the same meaning as defined in  
14 Section 3 of the Hospital Licensing Act, but in no event shall  
15 it include a hospital owned or operated by a State agency, a  
16 State university, or a county with a population of 3,000,000 or  
17 more.

18 "Medicaid inpatient day" shall have the same meaning as  
19 defined in Section 5A-12.2(n) of the Illinois Public Aid Code.

20 "Medicaid inpatient utilization rate" shall have the same  
21 meaning as provided in Title 89, Chapter I, subchapter d, Part  
22 148, Section 148.120 of the Illinois Administrative Code.

23 "Rural" shall have the same meaning as provided in Title  
24 89, Chapter I, subchapter d, Part 148, Section 148.25(g)(3) of  
25 the Illinois Administrative Code.

26 "Urban" shall have the same meaning as provided in Title

1 89, Chapter I, subchapter d, Part 148, Section 148.25(g) (4) of  
2 the Illinois Administrative Code.

3 (Source: P.A. 96-37, eff. 7-13-09; 96-1000, eff. 7-2-10.)

4 Article 10.

5 Section 10-0. The Community Health Center Construction Act  
6 is amended by adding Section 10-2 and by reenacting the heading  
7 of Article 10 and Sections 10-1, 10-5, 10-10, 10-15, 10-20, and  
8 10-25 and the heading of Article 99 and Section 99-99 as  
9 follows:

10 (30 ILCS 766/Art. 10 heading)

11 Article 10.

12 (Source: P.A. 96-37, eff. 7-13-09.)

13 (30 ILCS 766/10-1)

14 Sec. 10-1. Short title. This Article may be cited as the  
15 Community Health Center Construction Act, and references in  
16 this Article to "this Act" mean this Article.

17 (Source: P.A. 96-37, eff. 7-13-09.)

18 (30 ILCS 766/10-2 new)

19 Sec. 10-2. Reenactment.

20 (a) This Act has been reenacted by the Capital Projects  
21 Implementation Act. The reenactment is intended to remove any

1 question about the validity of this Act and the actions taken  
2 in reliance on it, and to provide continuity in the  
3 implementation and administration of this Act.

4 (b) This Act and certain actions taken in reliance on this  
5 Act may be affected by Section 1-5 of the Capital Projects  
6 Implementation Act.

7 (30 ILCS 766/10-5)

8 Sec. 10-5. Definitions. In this Act:

9 "Board" means the Illinois Capital Development Board.

10 "Community health center site" means a new physical site  
11 where a community health center will provide primary health  
12 care services either to a medically underserved population or  
13 area or to the uninsured population of this State.

14 "Community provider" means a Federally Qualified Health  
15 Center (FQHC) or FQHC Look-Alike (Community Health Center or  
16 health center), designated as such by the Secretary of the  
17 United States Department of Health and Human Services, that  
18 operates at least one federally designated primary health care  
19 delivery site in the State of Illinois.

20 "Department" means the Illinois Department of Public  
21 Health.

22 "Medically underserved area" means an urban or rural area  
23 designated by the Secretary of the United States Department of  
24 Health and Human Services as an area with a shortage of  
25 personal health services.

1 "Medically underserved population" means (i) the  
2 population of an urban or rural area designated by the  
3 Secretary of the United States Department of Health and Human  
4 Services as an area with a shortage of personal health services  
5 or (ii) a population group designated by the Secretary as  
6 having a shortage of those services.

7 "Primary health care services" means the following:

8 (1) Basic health services consisting of the following:

9 (A) Health services related to family medicine,  
10 internal medicine, pediatrics, obstetrics, or  
11 gynecology that are furnished by physicians and, if  
12 appropriate, physician assistants, nurse  
13 practitioners, and nurse midwives.

14 (B) Diagnostic laboratory and radiologic services.

15 (C) Preventive health services, including the  
16 following:

17 (i) Prenatal and perinatal services.

18 (ii) Screenings for breast, ovarian, and  
19 cervical cancer.

20 (iii) Well-child services.

21 (iv) Immunizations against vaccine-preventable  
22 diseases.

23 (v) Screenings for elevated blood lead levels,  
24 communicable diseases, and cholesterol.

25 (vi) Pediatric eye, ear, and dental screenings  
26 to determine the need for vision and hearing

1 correction and dental care.

2 (vii) Voluntary family planning services.

3 (viii) Preventive dental services.

4 (D) Emergency medical services.

5 (E) Pharmaceutical services as appropriate for  
6 particular health centers.

7 (2) Referrals to providers of medical services and  
8 other health-related services (including substance abuse  
9 and mental health services).

10 (3) Patient case management services (including  
11 counseling, referral, and follow-up services) and other  
12 services designed to assist health center patients in  
13 establishing eligibility for and gaining access to  
14 federal, State, and local programs that provide or  
15 financially support the provision of medical, social,  
16 educational, or other related services.

17 (4) Services that enable individuals to use the  
18 services of the health center (including outreach and  
19 transportation services and, if a substantial number of the  
20 individuals in the population are of limited  
21 English-speaking ability, the services of appropriate  
22 personnel fluent in the language spoken by a predominant  
23 number of those individuals).

24 (5) Education of patients and the general population  
25 served by the health center regarding the availability and  
26 proper use of health services.

1           (6) Additional health services consisting of services  
2           that are appropriate to meet the health needs of the  
3           population served by the health center involved and that  
4           may include the following:

5                   (A) Environmental health services, including the  
6                   following:

7                           (i) Detection and alleviation of unhealthful  
8                           conditions associated with water supply.

9                           (ii) Sewage treatment.

10                          (iii) Solid waste disposal.

11                          (iv) Detection and alleviation of rodent and  
12                          parasite infestation.

13                          (v) Field sanitation.

14                          (vi) Housing.

15                          (vii) Other environmental factors related to  
16                          health.

17                   (B) Special occupation-related health services for  
18                   migratory and seasonal agricultural workers, including  
19                   the following:

20                           (i) Screening for and control of infectious  
21                           diseases, including parasitic diseases.

22                           (ii) Injury prevention programs, which may  
23                           include prevention of exposure to unsafe levels of  
24                           agricultural chemicals, including pesticides.

25           "Uninsured population" means persons who do not own private  
26           health care insurance, are not part of a group insurance plan,

1 and are not eligible for any State or federal  
2 government-sponsored health care program.

3 (Source: P.A. 96-37, eff. 7-13-09.)

4 (30 ILCS 766/10-10)

5 Sec. 10-10. Operation of the grant program.

6 (a) The Board, in consultation with the Department, shall  
7 establish the Community Health Center Construction Grant  
8 Program and may make grants to eligible community providers  
9 subject to appropriations out of funds reserved for capital  
10 improvements or expenditures as provided for in this Act. The  
11 Program shall operate in a manner so that the estimated cost of  
12 the Program during the fiscal year will not exceed the total  
13 appropriation for the Program. The grants shall be for the  
14 purpose of constructing or renovating new community health  
15 center sites, renovating existing community health center  
16 sites, and purchasing equipment to provide primary health care  
17 services to medically underserved populations or areas as  
18 defined in Section 10-5 of this Act or providing primary health  
19 care services to the uninsured population of Illinois.

20 (b) A recipient of a grant to establish a new community  
21 health center site must add each such site to the recipient's  
22 established service area for the purpose of extending federal  
23 FQHC or FQHC Look-Alike status to the new site in accordance  
24 with federal regulations.

25 (Source: P.A. 96-37, eff. 7-13-09.)

1 (30 ILCS 766/10-15)

2 Sec. 10-15. Eligibility for grant. To be eligible for a  
3 grant under this Act, a recipient must be a community provider  
4 as defined in Section 10-5 of this Act.

5 (Source: P.A. 96-37, eff. 7-13-09.)

6 (30 ILCS 766/10-20)

7 Sec. 10-20. Use of grant moneys. A recipient of a grant  
8 under this Act may use the grant moneys to do any one or more of  
9 the following:

10 (1) Purchase equipment.

11 (2) Acquire a new physical location for the purpose of  
12 delivering primary health care services.

13 (3) Construct or renovate new or existing community  
14 health center sites.

15 (Source: P.A. 96-37, eff. 7-13-09.)

16 (30 ILCS 766/10-25)

17 Sec. 10-25. Reporting. Within 60 days after the first year  
18 of a grant under this Act, the grant recipient must submit a  
19 progress report to the Department. The Department may assist  
20 each grant recipient in meeting the goals and objectives stated  
21 in the original grant proposal submitted by the recipient, that  
22 grant moneys are being used for appropriate purposes, and that  
23 residents of the community are being served by the new



1 community health center sites established with grant moneys.

2 (Source: P.A. 96-37, eff. 7-13-09.)

3 (30 ILCS 766/Art. 99 heading)

4 Article 99.

5 (Source: P.A. 96-37, eff. 7-13-09.)

6 (30 ILCS 766/99-99)

7 Sec. 99-99. Effective date. This Act takes effect upon  
8 becoming law.

9 (Source: P.A. 96-37, eff. 7-13-09.)

10 Article 15.

11 Section 15-0. The Public Library Construction Act is  
12 amended by adding Section 15-2 and by reenacting the heading of  
13 Article 15 and Sections 15-1, 15-5, 15-10, 15-15, 15-20, 15-25,  
14 15-30, 15-35, 15-37, 15-40, 15-50, 15-55, and 15-60 and the  
15 heading of Article 99 and Section 99-99 as follows:

16 (30 ILCS 767/Art. 15 heading)

17 Article 15.

18 (Source: P.A. 96-37, eff. 7-13-09.)

19 (30 ILCS 767/15-1)

20 Sec. 15-1. Short title. This Article may be cited as the

1 Public Library Construction Act, and references in this Article  
2 to "this Act" mean this Article.

3 (Source: P.A. 96-37, eff. 7-13-09.)

4 (30 ILCS 767/15-2 new)

5 Sec. 15-2. Reenactment.

6 (a) This Act has been reenacted by the Capital Projects  
7 Implementation Act. The reenactment is intended to remove any  
8 question about the validity of this Act and the actions taken  
9 in reliance on it, and to provide continuity in the  
10 implementation and administration of this Act.

11 (b) This Act and certain actions taken in reliance on this  
12 Act may be affected by Section 1-5 of the Capital Projects  
13 Implementation Act.

14 (30 ILCS 767/15-5)

15 Sec. 15-5. Definitions. As used in this Act:

16 "Grant index" means a figure for each public library equal  
17 to one minus the ratio of the public library's equalized  
18 assessed valuation per capita to the equalized assessed  
19 valuation per capita of the public library located at the 90th  
20 percentile for all public libraries in the State. The grant  
21 index shall be no less than 0.35 and no greater than 0.75 for  
22 each public library; provided that the grant index for public  
23 libraries whose equalized assessed valuation per capita is at  
24 the 99th percentile and above for all public libraries in the

1 State shall be 0.00.

2 "Public library" means the governmental unit of any free  
3 and public library (i) established under the Illinois Local  
4 Library Act, the Public Library District Act of 1991, the  
5 Illinois Library System Act, or the Village Library Act or (ii)  
6 maintained and operated by a unit of local government. "Public  
7 library" does not include any private library.

8 "Public library construction project" means the  
9 acquisition, development, construction, reconstruction,  
10 rehabilitation, improvement, architectural planning,  
11 installation, maintenance, and upkeep of capital facilities  
12 consisting of buildings, structures, durable equipment, and  
13 land for public library purposes.

14 (Source: P.A. 96-37, eff. 7-13-09.)

15 (30 ILCS 767/15-10)

16 Sec. 15-10. Grant awards. The Secretary of State is  
17 authorized to make grants to public libraries for public  
18 library construction projects with funds appropriated for that  
19 purpose from the Build Illinois Bond Fund.

20 (Source: P.A. 96-37, eff. 7-13-09.)

21 (30 ILCS 767/15-15)

22 Sec. 15-15. Grants. The Secretary of State is authorized to  
23 determine grant eligibility for public library construction  
24 projects and shall determine the priority order for public

1 library construction project grants to be made by the Secretary  
2 of State. When a grant eligibility has been determined for a  
3 public library construction project, the Secretary of State  
4 shall notify the public library of the dollar amount of the  
5 public library construction project's cost that the public  
6 library will be required to finance with non-grant funds in  
7 order to qualify to receive a public library construction  
8 project grant under this Act from the Secretary of State. The  
9 Secretary of State shall thereafter determine whether a grant  
10 shall be made.

11 (Source: P.A. 96-37, eff. 7-13-09.)

12 (30 ILCS 767/15-20)

13 Sec. 15-20. Grant application; public library facilities  
14 plan. Public libraries shall apply to the Secretary of State  
15 for public library construction project grants. Public  
16 libraries filing grant applications shall submit to the  
17 Secretary of State a public library facilities plan that shall  
18 include, but not be limited to, an assessment of present and  
19 future public library facility needs as required by present and  
20 anticipated public library programming, the availability of  
21 local financial resources including current revenues, fund  
22 balances, and unused bonding capacity, a fiscal plan for  
23 meeting present and anticipated debt service obligations, and a  
24 maintenance plan and schedule that contain necessary  
25 assurances that new, renovated, and existing facilities are

1 being or will be properly maintained. The Secretary of State  
2 shall review and approve public library facilities plans prior  
3 to determining eligibility and authorizing grants. Each public  
4 library that is determined to be eligible shall annually update  
5 its public library facilities plan and submit the revised plan  
6 to the Secretary of State for approval.

7 (Source: P.A. 96-37, eff. 7-13-09.)

8 (30 ILCS 767/15-25)

9 Sec. 15-25. Eligibility and project standards.

10 (a) The Secretary of State shall establish eligibility  
11 standards for public library construction project grants and  
12 approve a public library's eligibility for a public library  
13 construction project grant pursuant to the established  
14 standards. These standards shall include minimum service  
15 population requirements for construction project grants.

16 (b) The Secretary of State shall establish project  
17 standards for all public library construction project grants  
18 provided pursuant to this Act. These standards shall include  
19 the determination of recognized project costs that shall be  
20 eligible for State financial assistance and enrichment costs  
21 that shall not be eligible for State financial assistance.

22 (Source: P.A. 96-37, eff. 7-13-09.)

23 (30 ILCS 767/15-30)

24 Sec. 15-30. Priority of public library construction

1 projects. The Secretary of State shall develop standards for  
2 the determination of priority needs concerning public library  
3 construction projects based upon approved public library  
4 facilities plans. These standards shall call for  
5 prioritization based on the degree of need and project type in  
6 the following order:

7 (1) Replacement or reconstruction of public library  
8 facilities destroyed or damaged by flood, tornado, fire,  
9 earthquake, or other disasters, either man-made or  
10 produced by nature;

11 (2) Projects designed to address population growth or  
12 to replace aging public library facilities;

13 (3) Replacement or reconstruction of public library  
14 facilities determined to be severe and continuing health or  
15 life safety hazards;

16 (4) Alterations necessary to provide accessibility for  
17 qualified individuals with disabilities; and

18 (5) Other unique solutions to facility needs.

19 (Source: P.A. 96-37, eff. 7-13-09.)

20 (30 ILCS 767/15-35)

21 Sec. 15-35. Public library construction project grant  
22 amounts; permitted use; prohibited use.

23 (a) The product of the public library's grant index and the  
24 recognized project cost, as determined by the Secretary of  
25 State, for an approved public library construction project

1 shall equal the amount of the grant the Secretary of State  
2 shall provide to the eligible public library. The grant index  
3 shall not be used in cases where the General Assembly and the  
4 Governor approve appropriations designated for specifically  
5 identified public library construction projects.

6 (b) In each fiscal year in which public library  
7 construction project grants are awarded, of the total amount  
8 awarded statewide, 20% shall be awarded to the Chicago Public  
9 Library System, provided that the Chicago Public Library System  
10 complies with the provisions of this Act, and 80% shall be  
11 awarded to public libraries outside of the City of Chicago.

12 (c) No portion of a public library construction project  
13 grant awarded by the Secretary of State shall be used by a  
14 public library for any on-going operational costs.

15 (Source: P.A. 96-37, eff. 7-13-09.)

16 (30 ILCS 767/15-37)

17 Sec. 15-37. Carry over projects. If a public library has  
18 been determined eligible for a public library construction  
19 project, has arranged and approved all local financing, and is  
20 eligible to receive a public library construction project grant  
21 award in any fiscal year, but does not receive such award in  
22 that year due to lack of adequate appropriations, those public  
23 library construction projects shall continue to be considered  
24 for grant awards for the following fiscal year.

25 (Source: P.A. 96-37, eff. 7-13-09.)

1 (30 ILCS 767/15-40)

2 Sec. 15-40. Supervision of public library construction  
3 projects. The Secretary of State shall exercise general  
4 supervision over public library construction projects financed  
5 pursuant to this Act. Public libraries, however, must be  
6 allowed to choose the architect and engineer for their public  
7 library construction projects, and no project may be  
8 disapproved by the Secretary of State solely due to a public  
9 library's selection of an architect or engineer.

10 (Source: P.A. 96-37, eff. 7-13-09.)

11 (30 ILCS 767/15-50)

12 Sec. 15-50. Referendum requirements. After the Secretary  
13 of State has approved all or part of a public library's  
14 application and made a determination of eligibility for a  
15 public library construction project grant, the governing body  
16 of the public library shall submit the project or the financing  
17 of the project to a referendum when the referendum is required  
18 by law.

19 (Source: P.A. 96-37, eff. 7-13-09.)

20 (30 ILCS 767/15-55)

21 Sec. 15-55. Rules. The Secretary of State shall promulgate  
22 such rules as it deems necessary for carrying out its  
23 responsibilities under the provisions of this Act.



1 (Source: P.A. 96-37, eff. 7-13-09.)

2 (30 ILCS 767/15-60)

3 Sec. 15-60. Public library capital needs assessment. The  
4 Secretary of State shall file with the General Assembly a  
5 comprehensive assessment report of the capital needs of all  
6 public libraries in this State before January 1, 2010 and every  
7 2 years thereafter. This assessment shall include, without  
8 limitation, an analysis of the 5 categories of capital needs  
9 prioritized in Section 15-30 of this Act.

10 (Source: P.A. 96-37, eff. 7-13-09.)

11 (30 ILCS 767/Art. 99 heading)

12 Article 99.

13 (Source: P.A. 96-37, eff. 7-13-09.)

14 (30 ILCS 767/99-99)

15 Sec. 99-99. Effective date. This Act takes effect upon  
16 becoming law.

17 (Source: P.A. 96-37, eff. 7-13-09.)

18 Article 20.

19 Section 20-0. The Park and Recreational Facility  
20 Construction Act is amended by adding Section 20-2 and by  
21 reenacting the heading of Article 20 and Sections 20-1, 20-5,

1 20-10, 20-15, 20-20, 20-25, 20-30, 20-35, 20-37, 20-40, 20-50,  
2 20-55, and 20-60 and the heading of Article 99 and Section  
3 99-99 as follows:

4 (30 ILCS 768/Art. 20 heading)

5 Article 20.

6 (Source: P.A. 96-37, eff. 7-13-09.)

7 (30 ILCS 768/20-1)

8 Sec. 20-1. Short title. This Article may be cited as the  
9 Park and Recreational Facility Construction Act, and  
10 references in this Article to "this Act" mean this Article.

11 (Source: P.A. 96-37, eff. 7-13-09.)

12 (30 ILCS 768/20-2 new)

13 Sec. 20-2. Reenactment.

14 (a) This Act has been reenacted by the Capital Projects  
15 Implementation Act. The reenactment is intended to remove any  
16 question about the validity of this Act and the actions taken  
17 in reliance on it, and to provide continuity in the  
18 implementation and administration of this Act.

19 (b) This Act and certain actions taken in reliance on this  
20 Act may be affected by Section 1-5 of the Capital Projects  
21 Implementation Act.

22 (30 ILCS 768/20-5)

1           Sec. 20-5. Definitions. As used in this Act:

2           "Department" means the Department of Natural Resources.

3           "Grant index" means a figure for each park or recreation  
4 unit equal to one minus the ratio of the park or recreation  
5 unit's equalized assessed valuation per capita to the equalized  
6 assessed valuation per capita of the park or recreation unit  
7 located at the 90th percentile for all park or recreation units  
8 in the State. The grant index shall be no less than 0.35 and no  
9 greater than 0.75 for each park or recreation unit; provided  
10 that the grant index for park or recreation units whose  
11 equalized assessed valuation per capita is at the 99th  
12 percentile and above for all park or recreation units in the  
13 State shall be 0.00.

14           "Park or recreation unit" means the governmental unit of  
15 any public park, park district, park and recreation district,  
16 recreational facility, or recreation system established under  
17 the Park District Code, the Chicago Park District Act, the  
18 Metro-East Park and Recreation District Act, or the Illinois  
19 Municipal Code or the governmental unit of a forest preserve  
20 district established under the Downstate Forest Preserve  
21 District Act that maintains a zoological park pursuant to the  
22 Forest Preserve Zoological Parks Act.

23           "Park or recreation unit construction project" means the  
24 acquisition, development, construction, reconstruction,  
25 rehabilitation, improvement, architectural planning,  
26 installation, maintenance, and upkeep of (i) capital

1 facilities consisting of buildings, structures, durable  
2 equipment, and land for park or recreation purposes, (ii) open  
3 spaces and natural areas, as those terms are defined in Section  
4 10 of the Illinois Open Land Trust Act, and (iii) zoological  
5 parks established under the Forest Preserve Zoological Parks  
6 Act.

7 (Source: P.A. 96-37, eff. 7-13-09; 96-40, eff. 7-13-09.)

8 (30 ILCS 768/20-10)

9 Sec. 20-10. Grant awards. The Department is authorized to  
10 make grants to park or recreation units for park or recreation  
11 unit construction projects with funds appropriated for that  
12 purpose from the Build Illinois Bond Fund. However, in the case  
13 of a park or recreation unit that is a forest preserve  
14 district, the Department is not authorized to make grants for  
15 purposes other than those enumerated in the Forest Preserve  
16 Zoological Parks Act.

17 (Source: P.A. 96-37, eff. 7-13-09; 96-40, eff. 7-13-09.)

18 (30 ILCS 768/20-15)

19 Sec. 20-15. Grants. The Department is authorized to  
20 determine grant eligibility for park or recreation unit  
21 construction projects and shall determine the priority order  
22 for park or recreation unit construction project grants to be  
23 made by the Department. When grant eligibility has been  
24 determined for a park or recreation unit construction project,

1 the Department shall notify the park or recreation unit of the  
2 dollar amount of the park or recreation unit construction  
3 project's cost that the park or recreation unit will be  
4 required to finance with non-grant funds in order to qualify to  
5 receive a park or recreation unit construction project grant  
6 under this Act from the Department. The Department shall  
7 thereafter determine whether a grant shall be made.

8 (Source: P.A. 96-37, eff. 7-13-09.)

9 (30 ILCS 768/20-20)

10 Sec. 20-20. Grant application; facilities plan. Park or  
11 recreation units shall apply to the Department for park or  
12 recreation unit construction project grants. Park or  
13 recreation units filing grant applications shall submit to the  
14 Department a facilities plan that shall include, but not be  
15 limited to, an assessment of present and future park or  
16 recreation facility needs as required by present and  
17 anticipated park or recreational programming, the availability  
18 of local financial resources including current revenues, fund  
19 balances, and unused bonding capacity, a fiscal plan for  
20 meeting present and anticipated debt service obligations, and a  
21 maintenance plan and schedule that contain necessary  
22 assurances that new, renovated, and existing facilities are  
23 being or will be properly maintained. The Department shall  
24 review and approve park or recreation unit facilities plans  
25 prior to determining eligibility and authorizing grants. Each

1 park or recreation unit that is determined to be eligible shall  
2 annually update its facilities plan and submit the revised plan  
3 to the Department for approval.

4 (Source: P.A. 96-37, eff. 7-13-09.)

5 (30 ILCS 768/20-25)

6 Sec. 20-25. Eligibility and project standards.

7 (a) The Department shall establish eligibility standards  
8 for park or recreation unit construction project grants and  
9 approve a park or recreation unit's eligibility for a park or  
10 recreation unit construction project grant pursuant to the  
11 established standards. These standards shall include minimum  
12 service population requirements for park or recreation unit  
13 construction project grants.

14 (b) The Department shall establish project standards for  
15 all park or recreation unit construction project grants  
16 provided pursuant to this Act. These standards shall include  
17 the determination of recognized project costs that shall be  
18 eligible for State financial assistance and enrichment costs  
19 that shall not be eligible for State financial assistance.

20 (Source: P.A. 96-37, eff. 7-13-09.)

21 (30 ILCS 768/20-30)

22 Sec. 20-30. Priority of construction projects. The  
23 Department shall develop standards for the determination of  
24 priority needs concerning park or recreation unit construction

1 projects based upon approved facilities plans. These standards  
2 shall call for prioritization based on the degree of need and  
3 project type in the following order:

4 (1) Replacement or reconstruction of park or  
5 recreation unit facilities destroyed or damaged by flood,  
6 tornado, fire, earthquake, or other disasters, either  
7 man-made or produced by nature;

8 (2) Projects designed to address population growth or  
9 to replace aging park or recreation unit facilities;

10 (3) Replacement or reconstruction of park or  
11 recreation unit facilities determined to be severe and  
12 continuing health or life safety hazards;

13 (4) Alterations necessary to provide accessibility for  
14 qualified individuals with disabilities; and

15 (5) Other unique solutions to facility needs.

16 (Source: P.A. 96-37, eff. 7-13-09.)

17 (30 ILCS 768/20-35)

18 Sec. 20-35. Grant amounts; permitted use; prohibited use.

19 (a) The product of the park or recreation unit's grant  
20 index and the recognized project cost, as determined by the  
21 Department, for an approved park or recreation unit  
22 construction project shall equal the amount of the grant the  
23 Department shall provide to the eligible park or recreation  
24 unit. The grant index shall not be used in cases where the  
25 General Assembly and the Governor approve appropriations

1 designated for specifically identified park or recreation unit  
2 construction projects.

3 (b) In each fiscal year in which park or recreation unit  
4 construction project grants are awarded, of the total amount  
5 awarded statewide, 20% shall be awarded to the Chicago Park  
6 District, provided that the Chicago Park District complies with  
7 the provisions of this Act, and 80% shall be awarded to park or  
8 recreation units outside of the City of Chicago.

9 (c) No portion of a park or recreation unit construction  
10 project grant awarded by the Department shall be used by a park  
11 or recreation unit for any on-going operational costs.

12 (Source: P.A. 96-37, eff. 7-13-09.)

13 (30 ILCS 768/20-37)

14 Sec. 20-37. Carry over projects. If a park or recreation  
15 unit has been determined eligible for a park or recreation unit  
16 construction project, has arranged and approved all local  
17 financing, and is eligible to receive a park or recreation unit  
18 construction project grant award in any fiscal year, but does  
19 not receive such award in that year due to lack of adequate  
20 appropriations, those park or recreation unit construction  
21 projects shall continue to be considered for grant awards for  
22 the following fiscal year.

23 (Source: P.A. 96-37, eff. 7-13-09.)

24 (30 ILCS 768/20-40)



1           Sec. 20-40. Supervision of park or recreation unit  
2 construction projects. The Department shall exercise general  
3 supervision over park or recreation unit construction projects  
4 financed pursuant to this Act. Park or recreation units,  
5 however, must be allowed to choose the architect and engineer  
6 for their park or recreation unit construction projects, and no  
7 project may be disapproved by the Department solely due to a  
8 park or recreation unit's selection of an architect or  
9 engineer.

10       (Source: P.A. 96-37, eff. 7-13-09.)

11           (30 ILCS 768/20-50)

12           Sec. 20-50. Referendum requirements. After the Department  
13 has approved all or part of a park or recreation unit's  
14 application and made a determination of eligibility for a park  
15 or recreation unit construction project grant, the park or  
16 recreation unit shall submit the project or the financing of  
17 the project to a referendum when the referendum is required by  
18 law.

19       (Source: P.A. 96-37, eff. 7-13-09.)

20           (30 ILCS 768/20-55)

21           Sec. 20-55. Rules. The Department shall promulgate such  
22 rules as it deems necessary for carrying out its  
23 responsibilities under the provisions of this Act.

24       (Source: P.A. 96-37, eff. 7-13-09.)

1 (30 ILCS 768/20-60)

2 Sec. 20-60. Capital needs assessment. The Department shall  
3 file with the General Assembly a comprehensive assessment  
4 report of the capital needs of all park or recreation units in  
5 this State before January 1, 2010 and every 2 years thereafter.  
6 This assessment shall include, without limitation, an analysis  
7 of the 5 categories of capital needs prioritized in Section  
8 20-30 of this Act.

9 (Source: P.A. 96-37, eff. 7-13-09.)

10 (30 ILCS 768/Art. 99 heading)

11 Article 99.

12 (Source: P.A. 96-37, eff. 7-13-09.)

13 (30 ILCS 768/99-99)

14 Sec. 99-99. Effective date. This Act takes effect upon  
15 becoming law.

16 (Source: P.A. 96-37, eff. 7-13-09.)

17 Article 25.

18 Section 25-0. The Private Colleges and Universities  
19 Capital Distribution Formula Act is amended by adding Section  
20 25-2 and by reenacting the heading of Article 25 and Sections  
21 25-1, 25-5, and 25-10 and the heading of Article 99 and Section

1 99-99 as follows:

2 (30 ILCS 769/Art. 25 heading)

3 Article 25.

4 (Source: P.A. 96-37, eff. 7-13-09.)

5 (30 ILCS 769/25-1)

6 Sec. 25-1. Short title. This Article may be cited as the  
7 Private Colleges and Universities Capital Distribution Formula  
8 Act, and references in this Article to "this Act" mean this  
9 Article.

10 (Source: P.A. 96-37, eff. 7-13-09.)

11 (30 ILCS 769/25-2 new)

12 Sec. 25-2. Reenactment.

13 (a) This Act has been reenacted by the Capital Projects  
14 Implementation Act. The reenactment is intended to remove any  
15 question about the validity of this Act and the actions taken  
16 in reliance on it, and to provide continuity in the  
17 implementation and administration of this Act.

18 (b) This Act and certain actions taken in reliance on this  
19 Act may be affected by Section 1-5 of the Capital Projects  
20 Implementation Act.

21 (30 ILCS 769/25-5)

22 Sec. 25-5. Definitions. In this Act:

1 "Independent colleges" means non-public, non-profit  
2 colleges and universities based in Illinois. The term does not  
3 include any institution that primarily or exclusively provided  
4 online education services as of the fall 2008 term.

5 "FTE" means full-time equivalent enrollment based on Fall  
6 2008 Final full-time equivalent enrollment according to the  
7 Illinois Board of Higher Education.

8 (Source: P.A. 96-37, eff. 7-13-09.)

9 (30 ILCS 769/25-10)

10 Sec. 25-10. Distribution. This Act creates a distribution  
11 formula for funds appropriated from the Build Illinois Bond  
12 Fund to the Capital Development Board for the Illinois Board of  
13 Higher Education for grants to various private colleges and  
14 universities.

15 Funds appropriated for this purpose shall be distributed by  
16 the Illinois Board of Higher Education through a formula to  
17 independent colleges that have been given operational approval  
18 by the Illinois Board of Higher Education as of the Fall 2008  
19 term. The distribution formula shall have 2 components: a base  
20 grant portion of the appropriation and an FTE grant portion of  
21 the appropriation. Each independent college shall be awarded  
22 both a base grant portion of the appropriation and an FTE grant  
23 portion of the appropriation.

24 The Illinois Board of Higher Education shall distribute  
25 moneys appropriated for this purpose to independent colleges

1 based on the following base grant criteria: for each  
2 independent college reporting between 1 and 200 FTE a base  
3 grant of \$200,000 shall be awarded; for each independent  
4 college reporting between 201 and 500 FTE a base grant of  
5 \$1,000,000 shall be awarded; for each independent college  
6 reporting between 501 and 4,000 FTE a base grant of \$2,000,000  
7 shall be awarded; and for each independent college reporting  
8 4,001 or more FTE a base grant of \$5,000,000 shall be awarded.

9 The remainder of the moneys appropriated for this purpose  
10 shall be distributed by the Illinois Board of Higher Education  
11 to each independent college on a per capita basis as determined  
12 by the independent college's FTE as reported by the Illinois  
13 Board of Higher Education's most recent fall FTE report.

14 Each independent college shall have up to 5 years from the  
15 date of appropriation to access and utilize its awarded  
16 amounts. If any independent college does not utilize its full  
17 award or a portion thereof after 5 years, the remaining funds  
18 shall be re-distributed to other independent colleges on an FTE  
19 basis.

20 (Source: P.A. 96-37, eff. 7-13-09.)

21 (30 ILCS 769/Art. 99 heading)

22 Article 99.

23 (Source: P.A. 96-37, eff. 7-13-09.)

24 (30 ILCS 769/99-99)

1           Sec. 99-99. Effective date. This Act takes effect upon  
2 becoming law.

3           (Source: P.A. 96-37, eff. 7-13-09.)

4   Article 30.

5           Section 30-5. The Department of Commerce and Economic  
6 Opportunity Law of the Civil Administrative Code of Illinois is  
7 amended by reenacting Section 605-400 as follows:

8           (20 ILCS 605/605-400) (was 20 ILCS 605/46.19c)

9           Sec. 605-400. Office of Urban Assistance. The Department  
10 shall provide for, staff, and administer an Office of Urban  
11 Assistance, which shall plan and coordinate existing State  
12 programs designed to aid and stimulate the economic growth of  
13 depressed urban areas. Among other duties assigned by the  
14 Department, the Office shall have the following duties:

15           (1) To coordinate the activities of the following units  
16 and programs of the Department and all other present and  
17 future units and programs of the Department that impact  
18 depressed urban areas to the extent that they impact upon  
19 or concern urban economics:

20           (A) Enterprise Zone Program.

21           (B) Small Business Development Center Program.

22           (C) Programs that assist in the development of  
23 community infrastructure.

- 1 (D) Illinois House Energy Assistance Program.
- 2 (E) Illinois Home Weatherization Assistance Program.
- 3 (F) Programs financed with Community Services Block  
4 Grant funds.
- 5 (G) Industrial Training Program.
- 6 (H) Technology Transfer and Innovation Program.
- 7 (I) Rental Rehabilitation Program.
- 8 (J) Displaced Homemaker Program.
- 9 (K) Programs under the federal Job Training  
10 Partnership Act.

11 The Office shall convene quarterly meetings of  
12 representatives who are designated by the Department to  
13 represent the units and programs listed in items (A) through  
14 (K).

15 (2) To gather information concerning any State or federal  
16 program that is designed to revitalize or assist depressed  
17 urban areas in the State and to provide this information to  
18 public and private entities upon request.

19 (3) To promote and assist in developing urban inner city  
20 industrial parks.

21 (4) To promote economic parity and the autonomy of citizens  
22 of this State through promoting and assisting the development  
23 of urban inner city small business development centers, urban  
24 youth unemployment projects, small business incubators, family  
25 resource centers, urban developments banks, self managed urban  
26 businesses, and plans for urban infrastructure projects over

1 the next 25 years.

2 (5) To recommend to the General Assembly and the Governor  
3 economic policies for urban areas and planning models that will  
4 result in the reconstruction of the economy of urban areas,  
5 especially those urban areas where economically and socially  
6 disadvantaged people live.

7 (6) To make recommendations to the General Assembly and the  
8 Governor on the establishment of urban economic policy in the  
9 areas of (i) housing, (ii) scientific research, (iii) urban  
10 youth unemployment, (iv) business incubators and family  
11 resource centers in urban inner cities, and (v) alternative  
12 energy resource development, and the need thereof, in urban  
13 areas as part of the department's 5-year plan for economic  
14 development.

15 (7) To make any rules and regulations necessary to carry  
16 out its responsibilities under the Civil Administrative Code of  
17 Illinois.

18 (8) To encourage new industrial enterprises to locate in  
19 urban areas (i) through educational promotions that point out  
20 the opportunities of any such area as a commercial and  
21 industrial field of opportunity and (ii) by the solicitation of  
22 industrial enterprises; and to do other acts that, in the  
23 judgment of the Office, are necessary and proper in fostering  
24 and promoting the industrial development and economic welfare  
25 of any urban area. The Office, however, shall have no power to  
26 require reports from or to regulate any business.



1           (9) To accept grants, loans, or appropriations from the  
2 federal government or the State, or any agency or  
3 instrumentality thereof, to be used for the operating expenses  
4 of the Office or for any purposes of the Office, including the  
5 making of direct loans or grants of those funds for public,  
6 private, experimental, or cooperative housing, scientific  
7 research, urban inner city industrial parks, urban youth  
8 employment projects, business incubators, urban infrastructure  
9 development, alternative energy resource development, food  
10 deserts and community food plots, community facilities needed  
11 in urban areas, and any other purpose related to the  
12 revitalization of urban areas.

13           (Source: P.A. 96-37, eff. 7-13-09.)

14           Section 30-10. The General Obligation Bond Act is amended  
15 by reenacting Sections 3 and 9 as follows:

16           (30 ILCS 330/3) (from Ch. 127, par. 653)

17           Sec. 3. Capital Facilities. The amount of \$7,968,463,443 is  
18 authorized to be used for the acquisition, development,  
19 construction, reconstruction, improvement, financing,  
20 architectural planning and installation of capital facilities  
21 within the State, consisting of buildings, structures, durable  
22 equipment, land, interests in land, and the costs associated  
23 with the purchase and implementation of information  
24 technology, including but not limited to the purchase of

1 hardware and software, for the following specific purposes:

2 (a) \$2,511,228,000 for educational purposes by State  
3 universities and colleges, the Illinois Community College  
4 Board created by the Public Community College Act and for  
5 grants to public community colleges as authorized by  
6 Sections 5-11 and 5-12 of the Public Community College Act;

7 (b) \$1,617,420,000 for correctional purposes at State  
8 prison and correctional centers;

9 (c) \$575,183,000 for open spaces, recreational and  
10 conservation purposes and the protection of land;

11 (d) \$664,917,000 for child care facilities, mental and  
12 public health facilities, and facilities for the care of  
13 disabled veterans and their spouses;

14 (e) \$1,630,990,000 for use by the State, its  
15 departments, authorities, public corporations, commissions  
16 and agencies;

17 (f) \$818,100 for cargo handling facilities at port  
18 districts and for breakwaters, including harbor entrances,  
19 at port districts in conjunction with facilities for small  
20 boats and pleasure crafts;

21 (g) \$248,877,074 for water resource management  
22 projects;

23 (h) \$16,940,269 for the provision of facilities for  
24 food production research and related instructional and  
25 public service activities at the State universities and  
26 public community colleges;

1           (i) \$36,000,000 for grants by the Secretary of State,  
2           as State Librarian, for central library facilities  
3           authorized by Section 8 of the Illinois Library System Act  
4           and for grants by the Capital Development Board to units of  
5           local government for public library facilities;

6           (j) \$25,000,000 for the acquisition, development,  
7           construction, reconstruction, improvement, financing,  
8           architectural planning and installation of capital  
9           facilities consisting of buildings, structures, durable  
10          equipment and land for grants to counties, municipalities  
11          or public building commissions with correctional  
12          facilities that do not comply with the minimum standards of  
13          the Department of Corrections under Section 3-15-2 of the  
14          Unified Code of Corrections;

15          (k) \$5,000,000 for grants in fiscal year 1988 by the  
16          Department of Conservation for improvement or expansion of  
17          aquarium facilities located on property owned by a park  
18          district;

19          (l) \$432,590,000 to State agencies for grants to local  
20          governments for the acquisition, financing, architectural  
21          planning, development, alteration, installation, and  
22          construction of capital facilities consisting of  
23          buildings, structures, durable equipment, and land; and

24          (m) \$203,500,000 for the Illinois Open Land Trust  
25          Program as defined by the Illinois Open Land Trust Act.

26          The amounts authorized above for capital facilities may be

1 used for the acquisition, installation, alteration,  
2 construction, or reconstruction of capital facilities and for  
3 the purchase of equipment for the purpose of major capital  
4 improvements which will reduce energy consumption in State  
5 buildings or facilities.

6 (Source: P.A. 96-36, eff. 7-13-09; 96-37, eff. 7-13-09;  
7 96-1000, eff. 7-2-10.)

8 (30 ILCS 330/9) (from Ch. 127, par. 659)

9 Sec. 9. Conditions for Issuance and Sale of Bonds -  
10 Requirements for Bonds.

11 (a) Except as otherwise provided in this subsection, Bonds  
12 shall be issued and sold from time to time, in one or more  
13 series, in such amounts and at such prices as may be directed  
14 by the Governor, upon recommendation by the Director of the  
15 Governor's Office of Management and Budget. Bonds shall be in  
16 such form (either coupon, registered or book entry), in such  
17 denominations, payable within 25 years from their date, subject  
18 to such terms of redemption with or without premium, bear  
19 interest payable at such times and at such fixed or variable  
20 rate or rates, and be dated as shall be fixed and determined by  
21 the Director of the Governor's Office of Management and Budget  
22 in the order authorizing the issuance and sale of any series of  
23 Bonds, which order shall be approved by the Governor and is  
24 herein called a "Bond Sale Order"; provided however, that  
25 interest payable at fixed or variable rates shall not exceed

1 that permitted in the Bond Authorization Act, as now or  
2 hereafter amended. Bonds shall be payable at such place or  
3 places, within or without the State of Illinois, and may be  
4 made registrable as to either principal or as to both principal  
5 and interest, as shall be specified in the Bond Sale Order.  
6 Bonds may be callable or subject to purchase and retirement or  
7 tender and remarketing as fixed and determined in the Bond Sale  
8 Order. Bonds, other than Bonds issued under Section 3 of this  
9 Act for the costs associated with the purchase and  
10 implementation of information technology, (i) except for  
11 refunding Bonds satisfying the requirements of Section 16 of  
12 this Act and sold during fiscal year 2009, 2010, or 2011, must  
13 be issued with principal or mandatory redemption amounts in  
14 equal amounts, with the first maturity issued occurring within  
15 the fiscal year in which the Bonds are issued or within the  
16 next succeeding fiscal year and (ii) must mature or be subject  
17 to mandatory redemption each fiscal year thereafter up to 25  
18 years, except for refunding Bonds satisfying the requirements  
19 of Section 16 of this Act and sold during fiscal year 2009,  
20 2010, or 2011 which must mature or be subject to mandatory  
21 redemption each fiscal year thereafter up to 16 years. Bonds  
22 issued under Section 3 of this Act for the costs associated  
23 with the purchase and implementation of information technology  
24 must be issued with principal or mandatory redemption amounts  
25 in equal amounts, with the first maturity issued occurring with  
26 the fiscal year in which the respective bonds are issued or

1 with the next succeeding fiscal year, with the respective bonds  
2 issued maturing or subject to mandatory redemption each fiscal  
3 year thereafter up to 10 years. Notwithstanding any provision  
4 of this Act to the contrary, the Bonds authorized by Public Act  
5 96-43 shall be payable within 5 years from their date and must  
6 be issued with principal or mandatory redemption amounts in  
7 equal amounts, with payment of principal or mandatory  
8 redemption beginning in the first fiscal year following the  
9 fiscal year in which the Bonds are issued.

10 In the case of any series of Bonds bearing interest at a  
11 variable interest rate ("Variable Rate Bonds"), in lieu of  
12 determining the rate or rates at which such series of Variable  
13 Rate Bonds shall bear interest and the price or prices at which  
14 such Variable Rate Bonds shall be initially sold or remarketed  
15 (in the event of purchase and subsequent resale), the Bond Sale  
16 Order may provide that such interest rates and prices may vary  
17 from time to time depending on criteria established in such  
18 Bond Sale Order, which criteria may include, without  
19 limitation, references to indices or variations in interest  
20 rates as may, in the judgment of a remarketing agent, be  
21 necessary to cause Variable Rate Bonds of such series to be  
22 remarketable from time to time at a price equal to their  
23 principal amount, and may provide for appointment of a bank,  
24 trust company, investment bank, or other financial institution  
25 to serve as remarketing agent in that connection. The Bond Sale  
26 Order may provide that alternative interest rates or provisions

1 for establishing alternative interest rates, different  
2 security or claim priorities, or different call or amortization  
3 provisions will apply during such times as Variable Rate Bonds  
4 of any series are held by a person providing credit or  
5 liquidity enhancement arrangements for such Bonds as  
6 authorized in subsection (b) of this Section. The Bond Sale  
7 Order may also provide for such variable interest rates to be  
8 established pursuant to a process generally known as an auction  
9 rate process and may provide for appointment of one or more  
10 financial institutions to serve as auction agents and  
11 broker-dealers in connection with the establishment of such  
12 interest rates and the sale and remarketing of such Bonds.

13 (b) In connection with the issuance of any series of Bonds,  
14 the State may enter into arrangements to provide additional  
15 security and liquidity for such Bonds, including, without  
16 limitation, bond or interest rate insurance or letters of  
17 credit, lines of credit, bond purchase contracts, or other  
18 arrangements whereby funds are made available to retire or  
19 purchase Bonds, thereby assuring the ability of owners of the  
20 Bonds to sell or redeem their Bonds. The State may enter into  
21 contracts and may agree to pay fees to persons providing such  
22 arrangements, but only under circumstances where the Director  
23 of the Governor's Office of Management and Budget certifies  
24 that he or she reasonably expects the total interest paid or to  
25 be paid on the Bonds, together with the fees for the  
26 arrangements (being treated as if interest), would not, taken

1 together, cause the Bonds to bear interest, calculated to their  
2 stated maturity, at a rate in excess of the rate that the Bonds  
3 would bear in the absence of such arrangements.

4 The State may, with respect to Bonds issued or anticipated  
5 to be issued, participate in and enter into arrangements with  
6 respect to interest rate protection or exchange agreements,  
7 guarantees, or financial futures contracts for the purpose of  
8 limiting, reducing, or managing interest rate exposure. The  
9 authority granted under this paragraph, however, shall not  
10 increase the principal amount of Bonds authorized to be issued  
11 by law. The arrangements may be executed and delivered by the  
12 Director of the Governor's Office of Management and Budget on  
13 behalf of the State. Net payments for such arrangements shall  
14 constitute interest on the Bonds and shall be paid from the  
15 General Obligation Bond Retirement and Interest Fund. The  
16 Director of the Governor's Office of Management and Budget  
17 shall at least annually certify to the Governor and the State  
18 Comptroller his or her estimate of the amounts of such net  
19 payments to be included in the calculation of interest required  
20 to be paid by the State.

21 (c) Prior to the issuance of any Variable Rate Bonds  
22 pursuant to subsection (a), the Director of the Governor's  
23 Office of Management and Budget shall adopt an interest rate  
24 risk management policy providing that the amount of the State's  
25 variable rate exposure with respect to Bonds shall not exceed  
26 20%. This policy shall remain in effect while any Bonds are



1 outstanding and the issuance of Bonds shall be subject to the  
2 terms of such policy. The terms of this policy may be amended  
3 from time to time by the Director of the Governor's Office of  
4 Management and Budget but in no event shall any amendment cause  
5 the permitted level of the State's variable rate exposure with  
6 respect to Bonds to exceed 20%.

7 (d) "Build America Bonds" in this Section means Bonds  
8 authorized by Section 54AA of the Internal Revenue Code of  
9 1986, as amended ("Internal Revenue Code"), and bonds issued  
10 from time to time to refund or continue to refund "Build  
11 America Bonds".

12 (e) Notwithstanding any other provision of this Section,  
13 Qualified School Construction Bonds shall be issued and sold  
14 from time to time, in one or more series, in such amounts and  
15 at such prices as may be directed by the Governor, upon  
16 recommendation by the Director of the Governor's Office of  
17 Management and Budget. Qualified School Construction Bonds  
18 shall be in such form (either coupon, registered or book  
19 entry), in such denominations, payable within 25 years from  
20 their date, subject to such terms of redemption with or without  
21 premium, and if the Qualified School Construction Bonds are  
22 issued with a supplemental coupon, bear interest payable at  
23 such times and at such fixed or variable rate or rates, and be  
24 dated as shall be fixed and determined by the Director of the  
25 Governor's Office of Management and Budget in the order  
26 authorizing the issuance and sale of any series of Qualified

1 School Construction Bonds, which order shall be approved by the  
2 Governor and is herein called a "Bond Sale Order"; except that  
3 interest payable at fixed or variable rates, if any, shall not  
4 exceed that permitted in the Bond Authorization Act, as now or  
5 hereafter amended. Qualified School Construction Bonds shall  
6 be payable at such place or places, within or without the State  
7 of Illinois, and may be made registrable as to either principal  
8 or as to both principal and interest, as shall be specified in  
9 the Bond Sale Order. Qualified School Construction Bonds may be  
10 callable or subject to purchase and retirement or tender and  
11 remarketing as fixed and determined in the Bond Sale Order.  
12 Qualified School Construction Bonds must be issued with  
13 principal or mandatory redemption amounts or sinking fund  
14 payments into the General Obligation Bond Retirement and  
15 Interest Fund (or subaccount therefor) in equal amounts, with  
16 the first maturity issued, mandatory redemption payment or  
17 sinking fund payment occurring within the fiscal year in which  
18 the Qualified School Construction Bonds are issued or within  
19 the next succeeding fiscal year, with Qualified School  
20 Construction Bonds issued maturing or subject to mandatory  
21 redemption or with sinking fund payments thereof deposited each  
22 fiscal year thereafter up to 25 years. Sinking fund payments  
23 set forth in this subsection shall be permitted only to the  
24 extent authorized in Section 54F of the Internal Revenue Code  
25 or as otherwise determined by the Director of the Governor's  
26 Office of Management and Budget. "Qualified School

1 Construction Bonds" in this subsection means Bonds authorized  
2 by Section 54F of the Internal Revenue Code and for bonds  
3 issued from time to time to refund or continue to refund such  
4 "Qualified School Construction Bonds".

5 (Source: P.A. 96-18, eff. 6-26-09; 96-37, eff. 7-13-09; 96-43,  
6 eff. 7-15-09; 96-828, eff. 12-2-09.)

7 Section 30-11. The General Obligation Bond Act is amended  
8 by reenacting Section 4 as follows:

9 (30 ILCS 330/4) (from Ch. 127, par. 654)

10 Sec. 4. Transportation. The amount of \$9,948,799,000 is  
11 authorized for use by the Department of Transportation for the  
12 specific purpose of promoting and assuring rapid, efficient,  
13 and safe highway, air and mass transportation for the  
14 inhabitants of the State by providing monies, including the  
15 making of grants and loans, for the acquisition, construction,  
16 reconstruction, extension and improvement of the following  
17 transportation facilities and equipment, and for the  
18 acquisition of real property and interests in real property  
19 required or expected to be required in connection therewith as  
20 follows:

21 (a) \$5,432,129,000 for State highways, arterial highways,  
22 freeways, roads, bridges, structures separating highways and  
23 railroads and roads, and bridges on roads maintained by  
24 counties, municipalities, townships or road districts for the

1 following specific purposes:

2 (1) \$3,330,000,000 for use statewide,

3 (2) \$3,677,000 for use outside the Chicago urbanized  
4 area,

5 (3) \$7,543,000 for use within the Chicago urbanized  
6 area,

7 (4) \$13,060,600 for use within the City of Chicago,

8 (5) \$58,987,500 for use within the counties of Cook,  
9 DuPage, Kane, Lake, McHenry and Will,

10 (6) \$18,860,900 for use outside the counties of Cook,  
11 DuPage, Kane, Lake, McHenry and Will, and

12 (7) \$2,000,000,000 for use on projects included in  
13 either (i) the FY09-14 Proposed Highway Improvement  
14 Program as published by the Illinois Department of  
15 Transportation in May 2008 or (ii) the FY10-15 Proposed  
16 Highway Improvement Program to be published by the Illinois  
17 Department of Transportation in the spring of 2009; except  
18 that all projects must be maintenance projects for the  
19 existing State system with the goal of reaching 90%  
20 acceptable condition in the system statewide and further  
21 except that all projects must reflect the generally  
22 accepted historical distribution of projects throughout  
23 the State.

24 (b) \$3,130,070,000 for rail facilities and for mass transit  
25 facilities, as defined in Section 2705-305 of the Department of  
26 Transportation Law (20 ILCS 2705/2705-305), including rapid

1 transit, rail, bus and other equipment used in connection  
2 therewith by the State or any unit of local government, special  
3 transportation district, municipal corporation or other  
4 corporation or public authority authorized to provide and  
5 promote public transportation within the State or two or more  
6 of the foregoing jointly, for the following specific purposes:

7 (1) \$2,034,270,000 statewide,

8 (2) \$83,350,000 for use within the counties of Cook,  
9 DuPage, Kane, Lake, McHenry and Will,

10 (3) \$12,450,000 for use outside the counties of Cook,  
11 DuPage, Kane, Lake, McHenry and Will, and

12 (4) \$1,000,000,000 for use on projects that shall  
13 reflect the generally accepted historical distribution of  
14 projects throughout the State.

15 (c) \$371,600,000 for airport or aviation facilities and any  
16 equipment used in connection therewith, including engineering  
17 and land acquisition costs, by the State or any unit of local  
18 government, special transportation district, municipal  
19 corporation or other corporation or public authority  
20 authorized to provide public transportation within the State,  
21 or two or more of the foregoing acting jointly, and for the  
22 making of deposits into the Airport Land Loan Revolving Fund  
23 for loans to public airport owners pursuant to the Illinois  
24 Aeronautics Act.

25 (d) \$1,015,000,000 for use statewide for State or local  
26 highways, arterial highways, freeways, roads, bridges, and

1 structures separating highways and railroads and roads, and for  
2 grants to counties, municipalities, townships, or road  
3 districts for planning, engineering, acquisition,  
4 construction, reconstruction, development, improvement,  
5 extension, and all construction-related expenses of the public  
6 infrastructure and other transportation improvement projects  
7 which are related to economic development in the State of  
8 Illinois.

9 (Source: P.A. 96-5, eff. 4-3-09; 96-36, eff. 7-13-09; 96-37,  
10 eff. 7-13-09.)

11 Section 30-20. The School Construction Law is amended by  
12 reenacting Sections 5-40, 5-200, 5-300, and 5-400 as follows:

13 (105 ILCS 230/5-40)

14 Sec. 5-40. Supervision of school construction projects;  
15 green projects. The Capital Development Board shall exercise  
16 general supervision over school construction projects financed  
17 pursuant to this Article. School districts, however, must be  
18 allowed to choose the architect and engineer for their school  
19 construction projects, and no project may be disapproved by the  
20 State Board of Education or the Capital Development Board  
21 solely due to a school district's selection of an architect or  
22 engineer.

23 With respect to those school construction projects for  
24 which a school district first applies for a grant on or after

1 July 1, 2007, the school construction project must receive  
2 certification from the United States Green Building Council's  
3 Leadership in Energy and Environmental Design Green Building  
4 Rating System or the Green Building Initiative's Green Globes  
5 Green Building Rating System or must meet green building  
6 standards of the Capital Development Board and its Green  
7 Building Advisory Committee. With respect to those school  
8 construction projects for which a school district applies for a  
9 grant on or after July 1, 2009, the school construction project  
10 must receive silver certification from the United States Green  
11 Building Council's Leadership in Energy and Environmental  
12 Design Green Building Rating System.

13 (Source: P.A. 95-416, eff. 8-24-07; 96-37, eff. 7-13-09.)

14 (105 ILCS 230/5-200)

15 Sec. 5-200. School energy efficiency grants.

16 (a) The State Board of Education is authorized to make  
17 grants to school districts, without regard to enrollment, for  
18 school energy efficiency projects. These grants shall be paid  
19 out of moneys appropriated for that purpose from the School  
20 Infrastructure Fund. No grant under this Section for one fiscal  
21 year shall exceed \$250,000, but a school district may receive  
22 grants for more than one project during one fiscal year. A  
23 school district must provide local matching funds in an amount  
24 equal to the amount of the grant under this Section. A school  
25 district has no entitlement to a grant under this Section.

1 (b) The State Board of Education shall adopt rules to  
2 implement this Section. These rules need not be the same as the  
3 rules for school construction project grants or school  
4 maintenance project grants. The rules may specify:

5 (1) the manner of applying for grants;

6 (2) project eligibility requirements;

7 (3) restrictions on the use of grant moneys;

8 (4) the manner in which school districts must account  
9 for the use of grant moneys; and

10 (5) any other provision that the State Board determines  
11 to be necessary or useful for the administration of this  
12 Section.

13 (c) In each school year in which school energy efficiency  
14 project grants are awarded, 20% of the total amount awarded  
15 shall be awarded to a school district in a city with a  
16 population of more than 500,000, provided that the school  
17 district complies with the requirements of this Section and the  
18 rules adopted under this Section.

19 (Source: P.A. 96-37, eff. 7-13-09; 96-1423, eff. 8-3-10.)

20 (105 ILCS 230/5-300)

21 Sec. 5-300. Early childhood construction grants.

22 (a) The Capital Development Board is authorized to make  
23 grants to public school districts and not-for-profit entities  
24 for early childhood construction projects. These grants shall  
25 be paid out of moneys appropriated for that purpose from the



1 School Construction Fund. No grants may be awarded to entities  
2 providing services within private residences. A public school  
3 district or other eligible entity must provide local matching  
4 funds in an amount equal to 10% of the grant under this  
5 Section. A public school district or other eligible entity has  
6 no entitlement to a grant under this Section.

7 (b) The Capital Development Board shall adopt rules to  
8 implement this Section. These rules need not be the same as the  
9 rules for school construction project grants or school  
10 maintenance project grants. The rules may specify:

11 (1) the manner of applying for grants;

12 (2) project eligibility requirements;

13 (3) restrictions on the use of grant moneys;

14 (4) the manner in which school districts and other  
15 eligible entities must account for the use of grant moneys;

16 (5) requirements that new or improved facilities be  
17 used for early childhood and other related programs for a  
18 period of at least 10 years; and

19 (6) any other provision that the Capital Development  
20 Board determines to be necessary or useful for the  
21 administration of this Section.

22 (b-5) When grants are made to non-profit corporations for  
23 the acquisition or construction of new facilities, the Capital  
24 Development Board or any State agency it so designates shall  
25 hold title to or place a lien on the facility for a period of 10  
26 years after the date of the grant award, after which title to

1 the facility shall be transferred to the non-profit corporation  
2 or the lien shall be removed, provided that the non-profit  
3 corporation has complied with the terms of its grant agreement.  
4 When grants are made to non-profit corporations for the purpose  
5 of renovation or rehabilitation, if the non-profit corporation  
6 does not comply with item (5) of subsection (b) of this  
7 Section, the Capital Development Board or any State agency it  
8 so designates shall recover the grant pursuant to the  
9 procedures outlined in the Illinois Grant Funds Recovery Act.

10 (c) The Capital Development Board, in consultation with the  
11 State Board of Education, shall establish standards for the  
12 determination of priority needs concerning early childhood  
13 projects based on projects located in communities in the State  
14 with the greatest underserved population of young children,  
15 utilizing Census data and other reliable local early childhood  
16 service data.

17 (d) In each school year in which early childhood  
18 construction project grants are awarded, 20% of the total  
19 amount awarded shall be awarded to a school district with a  
20 population of more than 500,000, provided that the school  
21 district complies with the requirements of this Section and the  
22 rules adopted under this Section.

23 (Source: P.A. 96-37, eff. 7-13-09; 96-1402, eff. 7-29-10.)

24 (105 ILCS 230/5-400)

25 Sec. 5-400. Charter school construction grants.

1 (a) The Capital Development Board is authorized to make  
2 grants to charter schools, as authorized by Article 27A of the  
3 School Code, 105 ILCS 5/Art. 27A, for construction projects.  
4 The grants shall be paid out of moneys appropriated for that  
5 purpose from the Build Illinois Bond Fund. A charter school and  
6 other eligible entities have no entitlement to a grant under  
7 this Section.

8 (b) The Capital Development Board shall adopt rules to  
9 implement this Section. These rules need not be the same as the  
10 rules for school construction project grants or school  
11 maintenance project grants. The rules may specify:

12 (1) the manner of applying for grants;

13 (2) project eligibility requirements;

14 (3) restrictions on the use of grant moneys;

15 (4) the manner in which school districts must account  
16 for the use of grant moneys; and

17 (5) any other provision that the Capital Development  
18 Board determines to be necessary or useful for the  
19 administration of this Section.

20 With respect to those school construction projects for  
21 which a charter school applies for a grant on or after July 1,  
22 2009, the school construction project must receive silver  
23 certification from the United States Green Building Council's  
24 Leadership in Energy and Environmental Design Green Building  
25 Rating System.

26 (Source: P.A. 96-37, eff. 7-13-09.)

1 Article 35.

2 Section 35-0. The State Construction Minority and Female  
3 Building Trades Act is amended by adding Section 35-2 and by  
4 reenacting the heading of Article 35 and Sections 35-1, 35-5,  
5 35-10, 35-15, and 35-20 and the heading of Article 99 and  
6 Section 99-99 as follows:

7 (30 ILCS 577/Art. 35 heading)

8 Article 35.

9 (Source: P.A. 96-37, eff. 7-13-09.)

10 (30 ILCS 577/35-1)

11 Sec. 35-1. Short title. This Article may be cited as the  
12 State Construction Minority and Female Building Trades Act.

13 (Source: P.A. 96-37, eff. 7-13-09.)

14 (30 ILCS 577/35-2 new)

15 Sec. 35-2. Reenactment.

16 (a) This Act has been reenacted by the Capital Projects  
17 Implementation Act. The reenactment is intended to remove any  
18 question about the validity of this Act and the actions taken  
19 in reliance on it, and to provide continuity in the  
20 implementation and administration of this Act.

21 (b) This Act and certain actions taken in reliance on this

1 Act may be affected by Section 1-5 of the Capital Projects  
2 Implementation Act.

3 (30 ILCS 577/35-5)

4 Sec. 35-5. Definitions. For the purposes of this Article:

5 "Under-represented minority" means African-American,  
6 Hispanic, and Asian-American as those terms are defined in the  
7 Business Enterprise for Minorities, Females, and Persons with  
8 Disabilities Act.

9 "Construction" means any constructing, altering,  
10 reconstructing, repairing, rehabilitating, refinishing,  
11 refurbishing, remodeling, remediating, renovating, custom  
12 fabricating, maintenance, landscaping, improving, wrecking,  
13 painting, decorating, demolishing, and adding to or  
14 subtracting from any building, structure, highway, roadway,  
15 street, bridge, alley, sewer, ditch, sewage disposal plant,  
16 water works, parking facility, railroad, excavation or other  
17 structure, project, development, real property or improvement,  
18 or to do any part thereof, whether or not the performance of  
19 the work herein described involves the addition to, or  
20 fabrication into, any structure, project, development, real  
21 property or improvement herein described of any material or  
22 article of merchandise. Construction shall also include moving  
23 construction related materials on the job site to or from the  
24 job site.

25 (Source: P.A. 96-37, eff. 7-13-09.)

1 (30 ILCS 577/35-10)

2 Sec. 35-10. Apprenticeship reports. Each labor  
3 organization and other entity in Illinois with one or more  
4 apprenticeship programs for construction trades, whether or  
5 not recognized and certified by the United States Department of  
6 Labor, Bureau of Apprenticeship and Training, must report to  
7 the Illinois Department of Labor the information required to be  
8 reported to the Bureau of Apprenticeship and Training by labor  
9 organizations with recognized and certified apprenticeship  
10 programs that lists the race, gender, ethnicity, and national  
11 origin of apprentices in that labor organization or entity. The  
12 information must be submitted to the Illinois Department of  
13 Labor as provided by rules adopted by the Department. For labor  
14 organizations with recognized and certified apprentice  
15 programs, the reporting requirement of this Section may be met  
16 by providing the Illinois Department of Labor, on a schedule  
17 adopted by the Department by rule, copies of the reports  
18 submitted to the Bureau of Apprenticeship and Training.

19 (Source: P.A. 96-37, eff. 7-13-09.)

20 (30 ILCS 577/35-15)

21 Sec. 35-15. Compilation of building trade data. By March 1  
22 of each year, the Illinois Department of Labor shall publish  
23 and make available on its official website a report compiling  
24 and summarizing demographic trends in the State's building

1 trades apprenticeship programs, with particular attention to  
2 race, gender, ethnicity, and national origin of apprentices in  
3 labor organizations and other entities in Illinois based on the  
4 information submitted to the Department under Section 35-10.

5 (Source: P.A. 96-37, eff. 7-13-09.)

6 (30 ILCS 577/35-20)

7 Sec. 35-20. Construction employment initiative.

8 (a) Each fiscal year, the Department of Commerce and  
9 Economic Opportunity shall identify construction projects that  
10 are:

11 (1) funded by the State or the American Recovery and  
12 Reinvestment Act or funded in part by the State and in part  
13 by the American Recovery and Reinvestment Act;

14 (2) equal to or greater than \$5,000,000 in total value;

15 and

16 (3) located in or within 5 miles of Cook County,  
17 Aurora, Elgin, Joliet, Kankakee, Peoria, Decatur,  
18 Champaign-Urbana, Springfield, East St. Louis, Rockford,  
19 Waukegan, or Cairo.

20 In addition, the Director of Commerce and Economic  
21 Opportunity may designate any other construction project as a  
22 construction employment initiative project if the local  
23 available workforce is sufficient to meet the goals of this  
24 Section.

25 (b) Not less than 20% of the total apprenticeship hours

1 performed on projects identified pursuant to subsection (a) is  
2 established as a goal of those projects to be completed by  
3 members of minority groups currently under-represented in  
4 skilled building trades.

5 (c) Not less than 10% of the total apprenticeship hours  
6 performed on projects identified pursuant to subsection (a) is  
7 established as a goal of those projects to be performed by  
8 women. A woman who is also a member of a minority group shall  
9 be designated to one category or the other by the Department of  
10 Commerce and Economic Opportunity for purposes of this  
11 subsection and subsection (b).

12 (d) An advisory committee for the purposes of this Section  
13 is established as follows:

14 (1) Eight members appointed 2 each by the President and  
15 Minority Leader of the Senate and the Speaker and Minority  
16 Leader of the House of Representatives.

17 (2) The Director of Commerce and Economic Opportunity,  
18 or his or her designee.

19 (3) The Illinois Secretary of Transportation, or his or  
20 her designee.

21 (4) The executive director of the Capital Development  
22 Board, or his or her designee.

23 (5) Three members representing building trades labor  
24 organizations, appointed by the Governor.

25 (6) One member representing vertical construction,  
26 appointed by the Governor.





1 Article 40.

2 Section 40-0. The Urban Weatherization Initiative Act is  
3 amended by adding Section 40-2 and by reenacting the heading of  
4 Articles 40 and 99 and Sections 40-1, 40-5, 40-10, 40-15,  
5 40-20, 40-25, 40-30, 40-35, 40-40, 40-45, and 99-99 as follows:

6 (30 ILCS 738/Art. 40 heading)

7 Article 40.

8 (Source: P.A. 96-37, eff. 7-13-09.)

9 (30 ILCS 738/40-1)

10 Sec. 40-1. Short title. This Article may be cited as the  
11 Urban Weatherization Initiative Act.

12 (Source: P.A. 96-37, eff. 7-13-09.)

13 (30 ILCS 738/40-2 new)

14 Sec. 40-2. Reenactment.

15 (a) This Act has been reenacted by the Capital Projects  
16 Implementation Act. The reenactment is intended to remove any  
17 question about the validity of this Act and the actions taken  
18 in reliance on it, and to provide continuity in the  
19 implementation and administration of this Act.

20 (b) This Act and certain actions taken in reliance on this  
21 Act may be affected by Section 1-5 of the Capital Projects  
22 Implementation Act.

1 (30 ILCS 738/40-5)

2 Sec. 40-5. Definitions. As used in this Article:

3 "Board" means the Weatherization Initiative Board.

4 "Department" means the Department of Commerce and Economic  
5 Opportunity.

6 "Initiative" means the Urban Weatherization Initiative.

7 "Urban metropolitan area" means a municipality with a  
8 population of 5,000 or more or a township with a population of  
9 5,000 or more.

10 (Source: P.A. 96-37, eff. 7-13-09.)

11 (30 ILCS 738/40-10)

12 Sec. 40-10. Urban Weatherization Initiative established;  
13 purpose.

14 (a) The Urban Weatherization Initiative is created. The  
15 Initiative shall be administered by the Department of Commerce  
16 and Economic Opportunity in consultation with other  
17 appropriate State agencies and overseen by the Weatherization  
18 Initiative Board.

19 (b) The purpose of the Urban Weatherization Initiative is  
20 to promote the State's interest in reducing the impact of high  
21 energy costs on low-income households. The Initiative seeks to  
22 increase employment and entrepreneurship opportunities through  
23 the installation and manufacturing of low-cost weatherization  
24 materials. In particular, the Initiative is intended to

1 weatherize owner-occupied, single family homes and  
2 multi-family (6 units or fewer) housing in census tracts with  
3 high rates of unemployment, underemployment, and poverty and to  
4 ensure that residents of those communities are able to access  
5 the work as a local employment engine. The Initiative also  
6 seeks to implement outreach strategies to increase awareness of  
7 cost savings and job training services associated with the  
8 program.

9 (Source: P.A. 96-37, eff. 7-13-09.)

10 (30 ILCS 738/40-15)

11 Sec. 40-15. Grants. The Department is authorized to make  
12 payments for grants awarded pursuant to this Article. These  
13 grants shall be paid out of moneys appropriated for that  
14 purpose from the Build Illinois Bond Fund.

15 (Source: P.A. 96-37, eff. 7-13-09.)

16 (30 ILCS 738/40-20)

17 Sec. 40-20. Award of grants.

18 (a) The Department shall award grants under this Article  
19 using a competitive request-for-proposal process administered  
20 by the Department and overseen by the Board. No more than 2% of  
21 funds used for grants may be retained by the Department for  
22 administrative costs, program evaluation, and technical  
23 assistance activities.

24 (b) The Department must award grants competitively in

1 accordance with the priorities described in this Article.  
2 Grants must be awarded in support of the implementation,  
3 expansion, or implementation and expansion of weatherization  
4 and job training programs consistent with the priorities  
5 described in this Article. Strategies for grant use include,  
6 but are not limited to, the following:

7 (1) Repair or replacement of inefficient heating and  
8 cooling units.

9 (2) Addressing of air infiltration with weather  
10 stripping, caulking, thresholds, minor repairs to walls,  
11 roofs, ceilings, and floors, and window and door  
12 replacement.

13 (3) Repair or replacement of water heaters.

14 (4) Pipe, duct, or pipe and duct insulation.

15 (c) Portions of grant funds may be used for:

16 (1) Work-aligned training in weatherization skill  
17 sets, including skills necessary for career advancement in  
18 the energy efficiency field.

19 (2) Basic skills training, including soft-skill  
20 training, and other workforce development services,  
21 including mentoring, job development, support services,  
22 transportation assistance, and wage subsidies tied to  
23 training and employment in weatherization.

24 (d) All grant applicants must include a comprehensive plan  
25 for local community engagement. Grant recipients may devote a  
26 portion of awarded funds to conduct outreach activities

1 designed to assure that eligible households and relevant  
2 workforce populations are made aware of the opportunities  
3 available under this Article. A portion of outreach activities  
4 must occur in convenient, local intake centers, including but  
5 not limited to churches, local schools, and community centers.

6 (e) Any private, public, and non-profit entities that  
7 provide, or demonstrate desire and ability to provide,  
8 weatherization services that act to decrease the impact of  
9 energy costs on low-income areas and incorporate an effective  
10 local employment strategy are eligible grant applicants.

11 (f) For grant recipients, maximum per unit expenditure  
12 shall not exceed \$6,500.

13 (g) A grant recipient may not be awarded grants totaling  
14 more than \$500,000 per fiscal year.

15 (h) A grant recipient may not use more than 15% of its  
16 total grant amount for administrative expenses.

17 (Source: P.A. 96-37, eff. 7-13-09.)

18 (30 ILCS 738/40-25)

19 Sec. 40-25. Targets. The Department shall award grants  
20 under this Article using the following target areas and  
21 populations, and the Board shall monitor the application of  
22 these targets to the awarding of grants:

23 (1) Census tracts in urban metropolitan areas where 20%  
24 or more of the population is living in poverty and that  
25 suffer from disproportionately high rates of unemployment,

1 underemployment, and poverty as defined by the 2000 Census.

2 (2) Areas with high concentrations of families with  
3 income equal to or less than 60% of the Area Median Income.

4 (3) Areas with the highest energy costs in relation to  
5 income.

6 (Source: P.A. 96-37, eff. 7-13-09.)

7 (30 ILCS 738/40-30)

8 Sec. 40-30. Priority grants. In awarding grants, the  
9 Department must give priority to grant applications that  
10 demonstrate collaboration among local weatherization agencies,  
11 educational institutions, workforce stakeholders, and  
12 community organizations, especially those located in  
13 communities with high rates of unemployment, underemployment,  
14 and poverty.

15 (Source: P.A. 96-37, eff. 7-13-09.)

16 (30 ILCS 738/40-35)

17 Sec. 40-35. Quarterly reports. Grant recipients must  
18 submit quarterly reports of their grant activities to the  
19 Department in accordance with rules adopted under this Article.

20 (Source: P.A. 96-37, eff. 7-13-09.)

21 (30 ILCS 738/40-40)

22 Sec. 40-40. Weatherization Initiative Board.

23 (a) The Weatherization Initiative Board is created within

1 the Department. The Board must approve or deny all grants from  
2 the Fund.

3 (a-5) Notwithstanding any other provision of this Article,  
4 the Board has the authority to direct the Department to  
5 authorize the awarding of grants to applicants serving areas or  
6 populations not included in the target areas and populations  
7 set forth in Section 40-25 if the Board determines that there  
8 are special circumstances involving the areas or populations  
9 served by the applicant.

10 (b) The Board shall consist of 5 voting members appointed  
11 by the Governor with the advice and consent of the Senate. The  
12 initial members shall have terms as follows as designated by  
13 the Governor: one for one year, one for 2 years, one for 3  
14 years, one for 4 years, and one for 5 years, or until a  
15 successor is appointed and qualified. Thereafter, members  
16 shall serve 5-year terms or until a successor is appointed and  
17 qualified. The voting members shall elect a voting member to  
18 serve as chair for a one-year term. Vacancies shall be filled  
19 in the same manner for the balance of a term.

20 (c) The Board shall also have 4 non-voting ex officio  
21 members appointed as follows: one Representative appointed by  
22 the Speaker of the House, one Representative appointed by the  
23 House Minority Leader, one Senator appointed by the President  
24 of the Senate, and one Senator appointed by the Senate Minority  
25 Leader, each to serve at the pleasure of the appointing  
26 authority.



1 (d) Members shall receive no compensation, but may be  
2 reimbursed for necessary expenses from appropriations to the  
3 Department available for that purpose.

4 (e) The Board may adopt rules under the Illinois  
5 Administrative Procedure Act.

6 (f) A quorum of the Board is at least 3 voting members, and  
7 the affirmative vote of at least 3 voting members is required  
8 for Board decisions and adoption of rules.

9 (g) The Department shall provide staff and administrative  
10 assistance to the Board.

11 (h) By December 31 of each year, the Board shall file an  
12 annual report with the Governor and the General Assembly  
13 concerning the Initiative, grants awarded, and grantees and  
14 making recommendations for any changes needed to enhance the  
15 effectiveness of the Initiative.

16 (Source: P.A. 96-37, eff. 7-13-09.)

17 (30 ILCS 738/40-45)

18 Sec. 40-45. Emergency rules. The Department and the Board  
19 shall exercise emergency rulemaking authority under the  
20 Illinois Administrative Procedure Act to adopt necessary  
21 emergency rules for the implementation of this Article.

22 (Source: P.A. 96-37, eff. 7-13-09.)

23 (30 ILCS 738/Art. 99 heading)

24 Article 99.

1 (Source: P.A. 96-37, eff. 7-13-09.)

2 (30 ILCS 738/99-99)

3 Sec. 99-99. Effective date. This Act takes effect upon  
4 becoming law.

5 (Source: P.A. 96-37, eff. 7-13-09.)

6 Article 45.

7 Section 45-5. The Illinois Vehicle Code is amended by  
8 reenacting Section 6-305.3 as follows:

9 (625 ILCS 5/6-305.3)

10 Sec. 6-305.3. Vehicle license cost recovery fee.

11 (a) As used in this Section:

12 "Automobile rental company" means a person or entity whose  
13 primary business is renting private passenger vehicles to the  
14 public for 30 days or less.

15 "Inspect" or "inspection" means a vehicle emissions  
16 inspection under Chapter 13C of this Code.

17 "Rental agreement" means an agreement for 30 days or less  
18 setting forth the terms and conditions governing the use of a  
19 private passenger vehicle provided by a rental company.

20 "Motor vehicle" means passenger vehicles of the first  
21 division and motor vehicles of the second division weighing not  
22 more than 8,000 pounds.

1 "Vehicle license cost recovery fee" or "VLCRF" means a  
2 charge that may be separately stated and charged on a rental  
3 agreement in a vehicle rental transaction originating in  
4 Illinois to recover costs incurred by an automobile rental  
5 company to license, title, register, and inspect motor  
6 vehicles.

7 (b) Automobile rental companies may include a separately  
8 stated mandatory surcharge or fee in a rental agreement for  
9 vehicle license cost recovery fees (VLCRF) and all applicable  
10 taxes.

11 (c) If an automobile rental company includes a VLCRF as  
12 separately stated charge in a rental agreement, the amount of  
13 the fee must represent the automobile rental company's  
14 good-faith estimate of the automobile rental company's daily  
15 charge as calculated by the automobile rental company to  
16 recover its actual total annual motor vehicle titling,  
17 registration, and inspection costs.

18 (d) If the total amount of the VLCRF collected by a  
19 automobile rental company under this Section in any calendar  
20 year exceeds the automobile rental company's actual costs to  
21 license, title, register, and inspect for that calendar year,  
22 the automobile rental company shall do both of the following:

23 (1) Retain the excess amount; and

24 (2) Adjust the estimated average per vehicle titling,  
25 licensing, inspection, and registration charge for the  
26 following calendar year by a corresponding amount.

1 (e) Nothing in subsection (d) of this Section shall prevent  
2 a automobile rental company from making adjustments to the  
3 VLCRF during the calendar year.

4 (Source: P.A. 96-37, eff. 7-13-09.)

5 Article 50.

6 Section 50-5. The State Finance Act is amended by  
7 reenacting Section 13.2 as follows:

8 (30 ILCS 105/13.2) (from Ch. 127, par. 149.2)

9 Sec. 13.2. Transfers among line item appropriations.

10 (a) Transfers among line item appropriations from the same  
11 treasury fund for the objects specified in this Section may be  
12 made in the manner provided in this Section when the balance  
13 remaining in one or more such line item appropriations is  
14 insufficient for the purpose for which the appropriation was  
15 made.

16 (a-1) No transfers may be made from one agency to another  
17 agency, nor may transfers be made from one institution of  
18 higher education to another institution of higher education  
19 except as provided by subsection (a-4).

20 (a-2) Except as otherwise provided in this Section,  
21 transfers may be made only among the objects of expenditure  
22 enumerated in this Section, except that no funds may be  
23 transferred from any appropriation for personal services, from

1 any appropriation for State contributions to the State  
2 Employees' Retirement System, from any separate appropriation  
3 for employee retirement contributions paid by the employer, nor  
4 from any appropriation for State contribution for employee  
5 group insurance. During State fiscal year 2005, an agency may  
6 transfer amounts among its appropriations within the same  
7 treasury fund for personal services, employee retirement  
8 contributions paid by employer, and State Contributions to  
9 retirement systems; notwithstanding and in addition to the  
10 transfers authorized in subsection (c) of this Section, the  
11 fiscal year 2005 transfers authorized in this sentence may be  
12 made in an amount not to exceed 2% of the aggregate amount  
13 appropriated to an agency within the same treasury fund. During  
14 State fiscal year 2007, the Departments of Children and Family  
15 Services, Corrections, Human Services, and Juvenile Justice  
16 may transfer amounts among their respective appropriations  
17 within the same treasury fund for personal services, employee  
18 retirement contributions paid by employer, and State  
19 contributions to retirement systems. During State fiscal year  
20 2010, the Department of Transportation may transfer amounts  
21 among their respective appropriations within the same treasury  
22 fund for personal services, employee retirement contributions  
23 paid by employer, and State contributions to retirement  
24 systems. During State fiscal year 2010 only, an agency may  
25 transfer amounts among its respective appropriations within  
26 the same treasury fund for personal services, employee

1 retirement contributions paid by employer, and State  
2 contributions to retirement systems. Notwithstanding, and in  
3 addition to, the transfers authorized in subsection (c) of this  
4 Section, these transfers may be made in an amount not to exceed  
5 2% of the aggregate amount appropriated to an agency within the  
6 same treasury fund.

7 (a-3) Further, if an agency receives a separate  
8 appropriation for employee retirement contributions paid by  
9 the employer, any transfer by that agency into an appropriation  
10 for personal services must be accompanied by a corresponding  
11 transfer into the appropriation for employee retirement  
12 contributions paid by the employer, in an amount sufficient to  
13 meet the employer share of the employee contributions required  
14 to be remitted to the retirement system.

15 (a-4) Long-Term Care Rebalancing. The Governor may  
16 designate amounts set aside for institutional services  
17 appropriated from the General Revenue Fund or any other State  
18 fund that receives monies for long-term care services to be  
19 transferred to all State agencies responsible for the  
20 administration of community-based long-term care programs,  
21 including, but not limited to, community-based long-term care  
22 programs administered by the Department of Healthcare and  
23 Family Services, the Department of Human Services, and the  
24 Department on Aging, provided that the Director of Healthcare  
25 and Family Services first certifies that the amounts being  
26 transferred are necessary for the purpose of assisting persons

1 in or at risk of being in institutional care to transition to  
2 community-based settings, including the financial data needed  
3 to prove the need for the transfer of funds. The total amounts  
4 transferred shall not exceed 4% in total of the amounts  
5 appropriated from the General Revenue Fund or any other State  
6 fund that receives monies for long-term care services for each  
7 fiscal year. A notice of the fund transfer must be made to the  
8 General Assembly and posted at a minimum on the Department of  
9 Healthcare and Family Services website, the Governor's Office  
10 of Management and Budget website, and any other website the  
11 Governor sees fit. These postings shall serve as notice to the  
12 General Assembly of the amounts to be transferred. Notice shall  
13 be given at least 30 days prior to transfer.

14 (b) In addition to the general transfer authority provided  
15 under subsection (c), the following agencies have the specific  
16 transfer authority granted in this subsection:

17 The Department of Healthcare and Family Services is  
18 authorized to make transfers representing savings attributable  
19 to not increasing grants due to the births of additional  
20 children from line items for payments of cash grants to line  
21 items for payments for employment and social services for the  
22 purposes outlined in subsection (f) of Section 4-2 of the  
23 Illinois Public Aid Code.

24 The Department of Children and Family Services is  
25 authorized to make transfers not exceeding 2% of the aggregate  
26 amount appropriated to it within the same treasury fund for the

1 following line items among these same line items: Foster Home  
2 and Specialized Foster Care and Prevention, Institutions and  
3 Group Homes and Prevention, and Purchase of Adoption and  
4 Guardianship Services.

5 The Department on Aging is authorized to make transfers not  
6 exceeding 2% of the aggregate amount appropriated to it within  
7 the same treasury fund for the following Community Care Program  
8 line items among these same line items: Homemaker and Senior  
9 Companion Services, Alternative Senior Services, Case  
10 Coordination Units, and Adult Day Care Services.

11 The State Treasurer is authorized to make transfers among  
12 line item appropriations from the Capital Litigation Trust  
13 Fund, with respect to costs incurred in fiscal years 2002 and  
14 2003 only, when the balance remaining in one or more such line  
15 item appropriations is insufficient for the purpose for which  
16 the appropriation was made, provided that no such transfer may  
17 be made unless the amount transferred is no longer required for  
18 the purpose for which that appropriation was made.

19 The State Board of Education is authorized to make  
20 transfers from line item appropriations within the same  
21 treasury fund for General State Aid and General State Aid -  
22 Hold Harmless, provided that no such transfer may be made  
23 unless the amount transferred is no longer required for the  
24 purpose for which that appropriation was made, to the line item  
25 appropriation for Transitional Assistance when the balance  
26 remaining in such line item appropriation is insufficient for



1 the purpose for which the appropriation was made.

2 The State Board of Education is authorized to make  
3 transfers between the following line item appropriations  
4 within the same treasury fund: Disabled Student  
5 Services/Materials (Section 14-13.01 of the School Code),  
6 Disabled Student Transportation Reimbursement (Section  
7 14-13.01 of the School Code), Disabled Student Tuition -  
8 Private Tuition (Section 14-7.02 of the School Code),  
9 Extraordinary Special Education (Section 14-7.02b of the  
10 School Code), Reimbursement for Free Lunch/Breakfast Program,  
11 Summer School Payments (Section 18-4.3 of the School Code), and  
12 Transportation - Regular/Vocational Reimbursement (Section  
13 29-5 of the School Code). Such transfers shall be made only  
14 when the balance remaining in one or more such line item  
15 appropriations is insufficient for the purpose for which the  
16 appropriation was made and provided that no such transfer may  
17 be made unless the amount transferred is no longer required for  
18 the purpose for which that appropriation was made.

19 During State fiscal years 2010 and 2011 only, the  
20 Department of Healthcare and Family Services is authorized to  
21 make transfers not exceeding 4% of the aggregate amount  
22 appropriated to it, within the same treasury fund, among the  
23 various line items appropriated for Medical Assistance.

24 (c) The sum of such transfers for an agency in a fiscal  
25 year shall not exceed 2% of the aggregate amount appropriated  
26 to it within the same treasury fund for the following objects:

1 Personal Services; Extra Help; Student and Inmate  
2 Compensation; State Contributions to Retirement Systems; State  
3 Contributions to Social Security; State Contribution for  
4 Employee Group Insurance; Contractual Services; Travel;  
5 Commodities; Printing; Equipment; Electronic Data Processing;  
6 Operation of Automotive Equipment; Telecommunications  
7 Services; Travel and Allowance for Committed, Paroled and  
8 Discharged Prisoners; Library Books; Federal Matching Grants  
9 for Student Loans; Refunds; Workers' Compensation,  
10 Occupational Disease, and Tort Claims; and, in appropriations  
11 to institutions of higher education, Awards and Grants.  
12 Notwithstanding the above, any amounts appropriated for  
13 payment of workers' compensation claims to an agency to which  
14 the authority to evaluate, administer and pay such claims has  
15 been delegated by the Department of Central Management Services  
16 may be transferred to any other expenditure object where such  
17 amounts exceed the amount necessary for the payment of such  
18 claims.

19 (c-1) Special provisions for State fiscal year 2003.  
20 Notwithstanding any other provision of this Section to the  
21 contrary, for State fiscal year 2003 only, transfers among line  
22 item appropriations to an agency from the same treasury fund  
23 may be made provided that the sum of such transfers for an  
24 agency in State fiscal year 2003 shall not exceed 3% of the  
25 aggregate amount appropriated to that State agency for State  
26 fiscal year 2003 for the following objects: personal services,

1 except that no transfer may be approved which reduces the  
2 aggregate appropriations for personal services within an  
3 agency; extra help; student and inmate compensation; State  
4 contributions to retirement systems; State contributions to  
5 social security; State contributions for employee group  
6 insurance; contractual services; travel; commodities;  
7 printing; equipment; electronic data processing; operation of  
8 automotive equipment; telecommunications services; travel and  
9 allowance for committed, paroled, and discharged prisoners;  
10 library books; federal matching grants for student loans;  
11 refunds; workers' compensation, occupational disease, and tort  
12 claims; and, in appropriations to institutions of higher  
13 education, awards and grants.

14 (c-2) Special provisions for State fiscal year 2005.  
15 Notwithstanding subsections (a), (a-2), and (c), for State  
16 fiscal year 2005 only, transfers may be made among any line  
17 item appropriations from the same or any other treasury fund  
18 for any objects or purposes, without limitation, when the  
19 balance remaining in one or more such line item appropriations  
20 is insufficient for the purpose for which the appropriation was  
21 made, provided that the sum of those transfers by a State  
22 agency shall not exceed 4% of the aggregate amount appropriated  
23 to that State agency for fiscal year 2005.

24 (d) Transfers among appropriations made to agencies of the  
25 Legislative and Judicial departments and to the  
26 constitutionally elected officers in the Executive branch

1 require the approval of the officer authorized in Section 10 of  
2 this Act to approve and certify vouchers. Transfers among  
3 appropriations made to the University of Illinois, Southern  
4 Illinois University, Chicago State University, Eastern  
5 Illinois University, Governors State University, Illinois  
6 State University, Northeastern Illinois University, Northern  
7 Illinois University, Western Illinois University, the Illinois  
8 Mathematics and Science Academy and the Board of Higher  
9 Education require the approval of the Board of Higher Education  
10 and the Governor. Transfers among appropriations to all other  
11 agencies require the approval of the Governor.

12 The officer responsible for approval shall certify that the  
13 transfer is necessary to carry out the programs and purposes  
14 for which the appropriations were made by the General Assembly  
15 and shall transmit to the State Comptroller a certified copy of  
16 the approval which shall set forth the specific amounts  
17 transferred so that the Comptroller may change his records  
18 accordingly. The Comptroller shall furnish the Governor with  
19 information copies of all transfers approved for agencies of  
20 the Legislative and Judicial departments and transfers  
21 approved by the constitutionally elected officials of the  
22 Executive branch other than the Governor, showing the amounts  
23 transferred and indicating the dates such changes were entered  
24 on the Comptroller's records.

25 (e) The State Board of Education, in consultation with the  
26 State Comptroller, may transfer line item appropriations for

1 General State Aid between the Common School Fund and the  
2 Education Assistance Fund. With the advice and consent of the  
3 Governor's Office of Management and Budget, the State Board of  
4 Education, in consultation with the State Comptroller, may  
5 transfer line item appropriations between the General Revenue  
6 Fund and the Education Assistance Fund for the following  
7 programs:

8 (1) Disabled Student Personnel Reimbursement (Section  
9 14-13.01 of the School Code);

10 (2) Disabled Student Transportation Reimbursement  
11 (subsection (b) of Section 14-13.01 of the School Code);

12 (3) Disabled Student Tuition - Private Tuition  
13 (Section 14-7.02 of the School Code);

14 (4) Extraordinary Special Education (Section 14-7.02b  
15 of the School Code);

16 (5) Reimbursement for Free Lunch/Breakfast Programs;

17 (6) Summer School Payments (Section 18-4.3 of the  
18 School Code);

19 (7) Transportation - Regular/Vocational Reimbursement  
20 (Section 29-5 of the School Code);

21 (8) Regular Education Reimbursement (Section 18-3 of  
22 the School Code); and

23 (9) Special Education Reimbursement (Section 14-7.03  
24 of the School Code).

25 (Source: P.A. 95-707, eff. 1-11-08; 96-37, eff. 7-13-09;  
26 96-820, eff. 11-18-09; 96-959, eff. 7-1-10; 96-1086, eff.

1 7-16-10; 96-1501, eff. 1-25-11.)

2 Article 55.

3 Section 55-5. The Department of Transportation Law of the  
4 Civil Administrative Code of Illinois is amended by reenacting  
5 Section 2705-245 as follows:

6 (20 ILCS 2705/2705-245) (was 20 ILCS 2705/49.20)

7 Sec. 2705-245. Inspection of property and records of  
8 applicants for and recipients of assistance. The Department at  
9 reasonable times may inspect the property and examine the  
10 books, records, and other information relating to the nature or  
11 adequacy of services, facilities, or equipment of any  
12 municipality, district, or carrier that is receiving or has  
13 applied for assistance under this Law. It may conduct  
14 investigations and hold hearings within or without the State.  
15 This Section shall not affect the regulatory power of any other  
16 State or local agency with respect to transportation rates and  
17 services. Annual statements of assets, revenues, and expenses  
18 and annual audit reports shall be submitted to the Department  
19 by any municipality, district, or carrier receiving or applying  
20 for capital assistance from the State when requested by the  
21 Department as part of an inspection under this Section.

22 (Source: P.A. 96-37, eff. 7-13-09.)

1           Section 55-10. The Architectural, Engineering, and Land  
2 Surveying Qualifications Based Selection Act is amended by  
3 reenacting Section 30 as follows:

4           (30 ILCS 535/30) (from Ch. 127, par. 4151-30)

5           Sec. 30. Evaluation procedure. A State agency shall  
6 evaluate the firms submitting letters of interest and other  
7 prequalified firms, taking into account qualifications; and  
8 the State agency may consider, but shall not be limited to  
9 considering, ability of professional personnel, past record  
10 and experience, performance data on file, willingness to meet  
11 time requirements, location, workload of the firm and any other  
12 qualifications based factors as the State agency may determine  
13 in writing are applicable. The State agency may conduct  
14 discussions with and require public presentations by firms  
15 deemed to be the most qualified regarding their qualifications,  
16 approach to the project and ability to furnish the required  
17 services.

18           A State agency shall establish a committee to select firms  
19 to provide architectural, engineering, and land surveying  
20 services. A selection committee may include at least one public  
21 member nominated by a statewide association of the profession  
22 affected. The public member may not be employed or associated  
23 with any firm holding a contract with the State agency nor may  
24 the public member's firm be considered for a contract with that  
25 State agency while he or she is serving as a public member of

1 the committee.

2 In addition, the Department of Transportation may appoint  
3 public members to selection committees that represent the  
4 geographic, ethnic, and cultural diversity of the population of  
5 the State, including persons nominated by associations  
6 representing minority and female-owned business associations.  
7 Public members shall be licensed in or have received a degree  
8 from an accredited college or university in one of the  
9 professions affected and shall not be employed by, associated  
10 with, or have an ownership interest in any firm holding or  
11 seeking to hold a contract while serving as a public member of  
12 the committee.

13 In no case shall a State agency, prior to selecting a firm  
14 for negotiation under Section 40, seek formal or informal  
15 submission of verbal or written estimates of costs or proposals  
16 in terms of dollars, hours required, percentage of construction  
17 cost, or any other measure of compensation.

18 (Source: P.A. 96-37, eff. 7-13-09; 96-849, eff. 12-23-09.)

19 Section 55-15. The Motor Fuel Tax Law is amended by  
20 reenacting Section 19 as follows:

21 (35 ILCS 505/19) (from Ch. 120, par. 433.2)

22 Sec. 19. A committee is hereby established to advise the  
23 Governor on the administration of the Department's  
24 Disadvantaged Business Enterprise Program, and on the



1 Department's compliance with workforce equal opportunity  
2 goals. The committee shall have 8 members appointed by the  
3 Governor with the concurrence of the Senate, as follows: one  
4 member shall be chosen from a civic organization whose purpose  
5 is to assure equal opportunity in the workforce; and 7 members  
6 shall be chosen from industry, 5 of whom shall be owners of  
7 certified disadvantaged business enterprises.

8 The committee shall report to the Governor semi-annually,  
9 and shall advise the General Assembly annually of the status of  
10 the Department's administration of the Disadvantaged Business  
11 Enterprise Program and on the Department's compliance with  
12 workforce equal opportunity goals.

13 The activities of the committee shall encompass the review  
14 of issues, concerns, questions, policies and procedures  
15 pertaining to the administration of the Disadvantaged Business  
16 Enterprise Program and the Department's compliance with  
17 workforce equal opportunity goals.

18 Members' expenses associated with committee activities  
19 shall be reimbursed at the State rate.

20 (Source: P.A. 96-37, eff. 7-13-09.)

21 Section 55-20. The Permanent Noise Monitoring Act is  
22 amended by reenacting Sections 5, 10, and 15 as follows:

23 (620 ILCS 35/5) (from Ch. 15 1/2, par. 755)

24 Sec. 5. Definitions. As used in this Act:

1 (a) "Airport" means an airport, as defined in Section 6 of  
2 the Illinois Aeronautics Act, that has more than 500,000  
3 aircraft operations (take-offs and landings) per year.

4 (a-1) "Airport sponsor" means any municipality, as defined  
5 in Section 20 of the Illinois Aeronautics Act, that can own and  
6 operate an airport.

7 (b) "Permanent noise monitoring system" or "system" means a  
8 system that includes at least:

9 (1) automated noise monitors capable of recording  
10 noise levels 24 hours per day 365 days per year; and

11 (2) computer equipment sufficient to process the data  
12 from each noise monitor so that permanent noise monitoring  
13 reports in accordance with Section 15 of this Act can be  
14 generated.

15 (c) "Division" means the Division of Aeronautics of the  
16 Illinois Department of Transportation.

17 (d) "Ldn" means day-night average sound level. "Day-night  
18 average sound level" has the meaning ascribed to it in Section  
19 150.7 of Part 150 of Title 14 of the Code of Federal  
20 Regulations.

21 (Source: P.A. 96-37, eff. 7-13-09.)

22 (620 ILCS 35/10) (from Ch. 15 1/2, par. 760)

23 Sec. 10. Establishment of permanent noise monitoring  
24 systems. No later than December 31, 2008, each airport shall  
25 have an operable permanent noise monitoring system. The system

1 shall be operated by the airport sponsor. The airport sponsor  
2 shall be responsible for the construction or the design and  
3 construction of any system not constructed or designed and  
4 constructed as of the effective date of this amendatory Act of  
5 the 96th General Assembly. The cost of the systems and of the  
6 permanent noise monitoring reports under Section 15 of this Act  
7 shall be borne by the airport sponsor.

8 (Source: P.A. 96-37, eff. 7-13-09.)

9 (620 ILCS 35/15) (from Ch. 15 1/2, par. 765)

10 Sec. 15. Permanent noise monitoring reports. Beginning in  
11 1993 and through 2008, the Division shall, on June 30th and  
12 December 31st of each year, prepare a permanent noise  
13 monitoring report and make the report available to the public.  
14 Beginning in 2009, the airport sponsor shall, on June 30th and  
15 December 31st of each year, prepare a permanent noise  
16 monitoring report and make the report available to the public.  
17 Copies of the report shall be submitted to: the Office of the  
18 Governor; the Office of the President of the Senate; the Office  
19 of the Senate Minority Leader; the Office of the Speaker of the  
20 House; the Office of the House Minority Leader; the United  
21 States Environmental Protection Agency, Region V; and the  
22 Illinois Environmental Protection Agency. Beginning in 2009, a  
23 copy of the report shall also be submitted to the division. The  
24 permanent noise monitoring report shall contain all of the  
25 following:

1 (a) Copies of the actual data collected by each permanent  
2 noise monitor in the system.

3 (b) A summary of the data collected by each permanent noise  
4 monitor in the system, showing the data organized by:

5 (1) day of the week;

6 (2) time of day;

7 (3) week of the year;

8 (4) type of aircraft; and

9 (5) the single highest noise event recorded at each  
10 monitor.

11 (c) Noise contour maps showing the 65 Ldn, 70 Ldn and 75  
12 Ldn zones around the airport.

13 (d) Noise contour maps showing the 65 decibel (dBA), 70  
14 dBA, and 75 dBA zones around the airport for:

15 (1) 7:00 a.m. to 10:00 p.m.;

16 (2) 10:00 p.m. to 7:00 a.m.; and

17 (3) types of aircraft.

18 (e) The noise contour maps produced under subsections (c)  
19 and (d) shall also indicate:

20 (1) residential areas (single and multi-family);

21 (2) schools;

22 (3) hospitals and nursing homes;

23 (4) recreational areas, including but not limited to  
24 parks and forest preserves;

25 (5) commercial areas;

26 (6) industrial areas;



1 designating ordinance. The Department shall promptly issue a  
2 certificate for each zone upon its approval. The certificate  
3 shall be signed by the Director of the Department, shall make  
4 specific reference to the designating ordinance, which shall be  
5 attached thereto, and shall be filed in the office of the  
6 Secretary of State. A certified copy of the River Edge  
7 Redevelopment Zone Certificate, or a duplicate original  
8 thereof, shall be recorded in the office of the recorder of  
9 deeds of the county in which the River Edge Redevelopment Zone  
10 lies.

11 (b) A River Edge Redevelopment Zone shall be effective upon  
12 its certification. The Department shall transmit a copy of the  
13 certification to the Department of Revenue, and to the  
14 designating municipality. Upon certification of a River Edge  
15 Redevelopment Zone, the terms and provisions of the designating  
16 ordinance shall be in effect, and may not be amended or  
17 repealed except in accordance with Section 10-5.4.

18 (c) A River Edge Redevelopment Zone shall be in effect for  
19 the period stated in the certificate, which shall in no event  
20 exceed 30 calendar years. Zones shall terminate at midnight of  
21 December 31 of the final calendar year of the certified term,  
22 except as provided in Section 10-5.4.

23 (d) In calendar years 2006 and 2007, the Department may  
24 certify one pilot River Edge Redevelopment Zone in the City of  
25 East St. Louis, one pilot River Edge Redevelopment Zone in the  
26 City of Rockford, and one pilot River Edge Redevelopment Zone

1 in the City of Aurora.

2 In calendar year 2009, the Department may certify one pilot  
3 River Edge Redevelopment Zone in the City of Elgin.

4 Thereafter the Department may not certify any additional  
5 River Edge Redevelopment Zones, but may amend and rescind  
6 certifications of existing River Edge Redevelopment Zones in  
7 accordance with Section 10-5.4.

8 (e) A municipality in which a River Edge Redevelopment Zone  
9 has been certified must submit to the Department, within 60  
10 days after the certification, a plan for encouraging the  
11 participation by minority persons, females, persons with  
12 disabilities, and veterans in the zone. The Department may  
13 assist the municipality in developing and implementing the  
14 plan. The terms "minority person", "female", and "person with a  
15 disability" have the meanings set forth under Section 2 of the  
16 Business Enterprise for Minorities, Females, and Persons with  
17 Disabilities Act. "Veteran" means an Illinois resident who is a  
18 veteran as defined in subsection (h) of Section 1491 of Title  
19 10 of the United States Code.

20 (Source: P.A. 96-37, eff. 7-13-09.)

21 Article 70.

22 Section 70-5. Findings. The General Assembly finds that  
23 parts of Illinois lack access to high-speed information and  
24 communication (broadband) networks. Such networks impact

1 access to jobs, education, health care, public safety and  
2 quality of life in Illinois. The 2009 American Recovery and  
3 Reinvestment Act (ARRA) represents an unprecedented federal  
4 investment in core infrastructure, including over \$7 billion in  
5 competitive grants and loans available through the United  
6 States Departments of Agriculture and Commerce for core  
7 broadband infrastructure. It is the policy of Illinois to  
8 secure every viable stimulus project from undue delays,  
9 especially those awarded competitively, tied to deadlines, and  
10 connected to core infrastructure. Encouraging network  
11 development will help Illinois' public and private entities  
12 compete for and manage broadband infrastructure projects.

13 Section 70-7. The Secretary of State Act is amended by  
14 reenacting Section 5 as follows:

15 (15 ILCS 305/5) (from Ch. 124, par. 5)

16 Sec. 5. It shall be the duty of the Secretary of State:

17 1. To countersign and affix the seal of state to all  
18 commissions required by law to be issued by the Governor.

19 2. To make a register of all appointments by the Governor,  
20 specifying the person appointed, the office conferred, the date  
21 of the appointment, the date when bond or oath is taken and the  
22 date filed. If Senate confirmation is required, the date of the  
23 confirmation shall be included in the register.

24 3. To make proper indexes to public acts, resolutions,



1 papers and documents in his office.

2 3-a. To review all rules of all State agencies adopted in  
3 compliance with the codification system prescribed by the  
4 Secretary. The review shall be for the purposes and include all  
5 the powers and duties provided in the Illinois Administrative  
6 Procedure Act. The Secretary of State shall cooperate with the  
7 Legislative Information System to insure the accuracy of the  
8 text of the rules maintained under the Legislative Information  
9 System Act.

10 4. To give any person requiring the same paying the lawful  
11 fees therefor, a copy of any law, act, resolution, record or  
12 paper in his office, and attach thereto his certificate, under  
13 the seal of the state.

14 5. To take charge of and preserve from waste, and keep in  
15 repair, the houses, lots, grounds and appurtenances, situated  
16 in the City of Springfield, and belonging to or occupied by the  
17 State, the care of which is not otherwise provided for by law,  
18 and to take charge of and preserve from waste, and keep in  
19 repair, the houses, lots, grounds and appurtenances, situated  
20 in the State outside the City of Springfield where such houses,  
21 lots, grounds and appurtenances are occupied by the Secretary  
22 of State and no other State officer or agency.

23 6. To supervise the distribution of the laws.

24 7. To perform such other duties as may be required by law.  
25 The Secretary of State may, within appropriations authorized by  
26 the General Assembly, maintain offices in the State Capital and

1 in such other places in the State as he may deem necessary to  
2 properly carry out the powers and duties vested in him by law.

3 8. In addition to all other authority granted to the  
4 Secretary by law, subject to appropriation, to make grants or  
5 otherwise provide assistance to, among others without  
6 limitation, units of local government, school districts,  
7 educational institutions, private agencies, not-for-profit  
8 organizations, and for-profit entities for the health, safety,  
9 and welfare of Illinois residents for purposes related to  
10 education, transportation, construction, capital improvements,  
11 social services, and any other lawful public purpose. Upon  
12 request of the Secretary, all State agencies are mandated to  
13 provide the Secretary with assistance in administering the  
14 grants.

15 9. To notify the Auditor General of any Public Act filed  
16 with the Office of the Secretary of State making an  
17 appropriation or transfer of funds from the State treasury.  
18 This paragraph (9) applies only through June 30, 2015.

19 (Source: P.A. 96-37, eff. 7-13-09; 96-1496, eff. 1-13-11.)

20 Section 70-15. The Illinois Highway Code is amended by  
21 reenacting Section 9-131 as follows:

22 (605 ILCS 5/9-131)

23 Sec. 9-131. Installation of fiber-optic network conduit.

24 (a) For purposes of this Section:

1 "Fiber-optic network conduit" means a pipe or duct used to  
2 enclose fiber-optic cable facilities buried alongside the  
3 roadway or surface mounted on bridges, overpasses, and other  
4 facilities where below ground placement is impossible or  
5 impractical.

6 (b) In order to ensure affordable high-speed, world-class  
7 core information and communication networks are available  
8 throughout Illinois, the Illinois Department of Transportation  
9 and the Department of Central Management Services shall  
10 collaborate to install fiber-optic network conduit where it  
11 does not already exist in every new State-funded construction  
12 project that opens, bores, or trenches alongside a State-owned  
13 infrastructure, including, but not limited to, roadways and  
14 bridges. The Department of Central Management Services or the  
15 Department of Transportation may permit a third party to manage  
16 the fiber and conduit leasing. The Department of Central  
17 Management Services and the Department of Transportation shall  
18 take reasonable steps to ensure market-based,  
19 non-discriminatory pricing. Public bidding notices for such  
20 projects must describe the need for fiber-optic conduit or  
21 cable. The Department of Transportation shall report annually  
22 to the Governor and the General Assembly on the progress and  
23 any associated costs incurred by this Section. This Section  
24 does not prohibit the State from purchasing or installing  
25 fiber-optic cable within the fiber-optic network conduit.

26 (Source: P.A. 96-37, eff. 7-13-09.)

1 Article 75.

2 Section 75-5. The School Construction Law is amended by  
3 reenacting Sections 5-25, 5-30, and 5-57 as follows:

4 (105 ILCS 230/5-25)

5 Sec. 5-25. Eligibility and project standards.

6 (a) The State Board of Education shall establish  
7 eligibility standards for school construction project grants  
8 and debt service grants. These standards shall include minimum  
9 enrollment requirements for eligibility for school  
10 construction project grants of 200 students for elementary  
11 districts, 200 students for high school districts, and 400  
12 students for unit districts. The total enrollment of member  
13 districts forming a cooperative high school in accordance with  
14 subsection (c) of Section 10-22.22 of the School Code shall  
15 meet the minimum enrollment requirements specified in this  
16 subsection (a). The State Board of Education shall approve a  
17 district's eligibility for a school construction project grant  
18 or a debt service grant pursuant to the established standards.

19 For purposes only of determining a Type 40 area vocational  
20 center's eligibility for an entity included in a school  
21 construction project grant or a school maintenance project  
22 grant, an area vocational center shall be deemed eligible if  
23 one or more of its member school districts satisfy the grant

1 index criteria set forth in this Law. A Type 40 area vocational  
2 center that makes application for school construction funds  
3 after August 25, 2009 (the effective date of Public Act 96-731)  
4 shall be placed on the respective application cycle list. Type  
5 40 area vocational centers must be placed last on the priority  
6 listing of eligible entities for the applicable fiscal year.

7 (b) The Capital Development Board shall establish project  
8 standards for all school construction project grants provided  
9 pursuant to this Article. These standards shall include space  
10 and capacity standards as well as the determination of  
11 recognized project costs that shall be eligible for State  
12 financial assistance and enrichment costs that shall not be  
13 eligible for State financial assistance.

14 (c) The State Board of Education and the Capital  
15 Development Board shall not establish standards that  
16 disapprove or otherwise establish limitations that restrict  
17 the eligibility of (i) a school district with a population  
18 exceeding 500,000 for a school construction project grant based  
19 on the fact that any or all of the school construction project  
20 grant will be used to pay debt service or to make lease  
21 payments, as authorized by subsection (b) of Section 5-35 of  
22 this Law, (ii) a school district located in whole or in part in  
23 a county that imposes a tax for school facility purposes  
24 pursuant to Section 5-1006.7 of the Counties Code, or (iii) a  
25 school district that (1) was organized prior to 1860 and (2) is  
26 located in part in a city originally incorporated prior to

1 1840, based on the fact that all or a part of the school  
2 construction project is owned by a public building commission  
3 and leased to the school district or the fact that any or all  
4 of the school construction project grant will be used to pay  
5 debt service or to make lease payments.

6 (d) A reorganized school district or cooperative high  
7 school may use a school construction application that was  
8 submitted by a school district that formed the reorganized  
9 school district or cooperative high school if that application  
10 has not been entitled for a project by the State Board of  
11 Education and any one or more of the following happen within  
12 the current or prior 2 fiscal years:

13 (1) a new school district is created in accordance with  
14 Article 11E of the School Code;

15 (2) an existing school district annexes all of the  
16 territory of one or more other school districts in  
17 accordance with Article 7 of the School Code; or

18 (3) a cooperative high school is formed in accordance  
19 with subsection (c) of Section 10-22.22 of the School Code.  
20 A new elementary district formed from a school district  
21 conversion, as defined in Section 11E-15 of the School Code,  
22 may use only the application of the dissolved district whose  
23 territory is now included in the new elementary district and  
24 must obtain the written approval of the local school board of  
25 any other school district that includes territory from that  
26 dissolved district. A new high school district formed from a

1 school district conversion, as defined in Section 11E-15 of the  
2 School Code, may use only the application of any dissolved  
3 district whose territory is now included in the new high school  
4 district, but only after obtaining the written approval of the  
5 local school board of any other school district that includes  
6 territory from that dissolved district. A cooperative high  
7 school using this Section must obtain the written approval of  
8 the local school board of the member school district whose  
9 application it is using. All other eligibility and project  
10 standards apply to this Section.

11 (Source: P.A. 96-37, eff. 7-13-09; 96-731, eff. 8-25-09;  
12 96-1000, eff. 7-2-10; 96-1381, eff. 1-1-11; 96-1467, eff.  
13 8-20-10; revised 9-16-10.)

14 (105 ILCS 230/5-30)

15 Sec. 5-30. Priority of school construction projects. The  
16 State Board of Education shall develop standards for the  
17 determination of priority needs concerning school construction  
18 projects based upon approved district facilities plans. Such  
19 standards shall call for prioritization based on the degree of  
20 need and project type in the following order:

21 (1) Replacement or reconstruction of school buildings  
22 destroyed or damaged by flood, tornado, fire, earthquake,  
23 mine subsidence, or other disasters, either man-made or  
24 produced by nature;

25 (2) Projects designed to alleviate a shortage of

1 classrooms due to population growth or to replace aging  
2 school buildings;

3 (3) Projects resulting from interdistrict  
4 reorganization of school districts contingent on local  
5 referenda;

6 (4) Replacement or reconstruction of school facilities  
7 determined to be severe and continuing health or life  
8 safety hazards;

9 (5) Alterations necessary to provide accessibility for  
10 qualified individuals with disabilities; and

11 (6) Other unique solutions to facility needs.

12 Except for those changes absolutely necessary to comply with  
13 the changes made to subsection (c) of Section 5-25 of this Law  
14 by Public Act 96-37, the State Board of Education may not make  
15 any material changes to the standards in effect on May 18,  
16 2004, unless the State Board of Education is specifically  
17 authorized by law.

18 (Source: P.A. 96-37, eff. 7-13-09; 96-102, eff. 7-29-09;  
19 96-1000, eff. 7-2-10.)

20 (105 ILCS 230/5-57)

21 Sec. 5-57. Administration of powers; no changes.  
22 Notwithstanding any other law to the contrary and except for  
23 those changes absolutely necessary to comply with the changes  
24 made to subsection (c) of Section 5-25 of this Law by this  
25 amendatory Act of the 96th General Assembly, the Capital



1 Development Board may not make any material changes in the  
2 administration of its powers granted under this Law from how it  
3 administered those powers on May 18, 2004, unless specifically  
4 authorized by law.

5 (Source: P.A. 96-37, eff. 7-13-09.)

6 Article 80.

7 Section 80-5. The Department of Commerce and Economic  
8 Opportunity Law of the Civil Administrative Code of Illinois is  
9 amended by reenacting Section 605-390 as follows:

10 (20 ILCS 605/605-390)

11 Sec. 605-390. Use of Illinois resident labor. To the extent  
12 permitted by any applicable federal law or regulation, for all  
13 work performed for State construction projects which are funded  
14 in whole or in part by a capital infrastructure bill enacted by  
15 the 96th General Assembly by sums appropriated to the Illinois  
16 Department of Commerce and Economic Opportunity, at least 50%  
17 of the total labor hours must be performed by actual residents  
18 of the State of Illinois. For purposes of this Section, "actual  
19 residents of the State of Illinois" means persons domiciled in  
20 the State of Illinois. The Department of Labor shall promulgate  
21 rules providing for the enforcement of this Section.

22 (Source: P.A. 96-37, eff. 7-13-09.)

1           Section 80-10. The Department of Natural Resources  
2 (Conservation) Law of the Civil Administrative Code of Illinois  
3 is amended by reenacting Section 805-350 as follows:

4           (20 ILCS 805/805-350)

5           Sec. 805-350. Use of Illinois resident labor. To the extent  
6 permitted by any applicable federal law or regulation, for all  
7 work performed for State construction projects which are funded  
8 in whole or in part by a capital infrastructure bill enacted by  
9 the 96th General Assembly by sums appropriated to the Illinois  
10 Department of Natural Resources, at least 50% of the total  
11 labor hours must be performed by actual residents of the State  
12 of Illinois. For purposes of this Section, "actual residents of  
13 the State of Illinois" means persons domiciled in the State of  
14 Illinois. The Department of Labor shall promulgate rules  
15 providing for the enforcement of this Section.

16           (Source: P.A. 96-37, eff. 7-13-09.)

17           Section 80-15. The Department of Natural Resources (Mines  
18 and Minerals) Law of the Civil Administrative Code of Illinois  
19 is amended by reenacting Section 1905-12 as follows:

20           (20 ILCS 1905/1905-12)

21           Sec. 1905-12. Use of Illinois resident labor. To the extent  
22 permitted by any applicable federal law or regulation, for all  
23 work performed for State construction projects which are funded

1 in whole or in part by a capital infrastructure bill enacted by  
2 the 96th General Assembly by sums appropriated to the Illinois  
3 Department of Natural Resources, at least 50% of the total  
4 labor hours must be performed by actual residents of the State  
5 of Illinois. For purposes of this Section, "actual residents of  
6 the State of Illinois" means persons domiciled in the State of  
7 Illinois. The Department of Labor shall promulgate rules  
8 providing for the enforcement of this Section.

9 (Source: P.A. 96-37, eff. 7-13-09.)

10 Section 80-20. The Department of Transportation Law of the  
11 Civil Administrative Code of Illinois is amended by reenacting  
12 Section 2705-260 as follows:

13 (20 ILCS 2705/2705-260)

14 Sec. 2705-260. Use of Illinois resident labor. To the  
15 extent permitted by any applicable federal law or regulation,  
16 for all work performed for State construction projects which  
17 are funded in whole or in part by a capital infrastructure bill  
18 enacted by the 96th General Assembly by sums appropriated to  
19 the Illinois Department of Transportation, at least 50% of the  
20 total labor hours must be performed by actual residents of the  
21 State of Illinois. For purposes of this Section, "actual  
22 residents of the State of Illinois" means persons domiciled in  
23 the State of Illinois. The Department of Labor shall promulgate  
24 rules providing for the enforcement of this Section.

1 (Source: P.A. 96-37, eff. 7-13-09.)

2 Section 80-25. The Capital Development Board Act is amended  
3 by reenacting Section 10.17 as follows:

4 (20 ILCS 3105/10.17)

5 Sec. 10.17. Use of Illinois resident labor. To the extent  
6 permitted by any applicable federal law or regulation, for all  
7 work performed for State construction projects which are funded  
8 in whole or in part by a capital infrastructure bill enacted by  
9 the 96th General Assembly by sums appropriated to the Capital  
10 Development Board, at least 50% of the total labor hours must  
11 be performed by actual residents of the State of Illinois. For  
12 purposes of this Section, "actual residents of the State of  
13 Illinois" means persons domiciled in the State of Illinois. The  
14 Department of Labor shall promulgate rules providing for the  
15 enforcement of this Section.

16 (Source: P.A. 96-37, eff. 7-13-09.)

17 Section 80-30. The Environmental Protection Act is amended  
18 by reenacting Section 4 as follows:

19 (415 ILCS 5/4) (from Ch. 111 1/2, par. 1004)

20 Sec. 4. Environmental Protection Agency; establishment;  
21 duties.

22 (a) There is established in the Executive Branch of the

1 State Government an agency to be known as the Environmental  
2 Protection Agency. This Agency shall be under the supervision  
3 and direction of a Director who shall be appointed by the  
4 Governor with the advice and consent of the Senate. The term of  
5 office of the Director shall expire on the third Monday of  
6 January in odd numbered years, provided that he or she shall  
7 hold office until a successor is appointed and has qualified.  
8 The Director shall receive an annual salary as set by the  
9 Compensation Review Board. The Director, in accord with the  
10 Personnel Code, shall employ and direct such personnel, and  
11 shall provide for such laboratory and other facilities, as may  
12 be necessary to carry out the purposes of this Act. In  
13 addition, the Director may by agreement secure such services as  
14 he or she may deem necessary from any other department, agency,  
15 or unit of the State Government, and may employ and compensate  
16 such consultants and technical assistants as may be required.

17 (b) The Agency shall have the duty to collect and  
18 disseminate such information, acquire such technical data, and  
19 conduct such experiments as may be required to carry out the  
20 purposes of this Act, including ascertainment of the quantity  
21 and nature of discharges from any contaminant source and data  
22 on those sources, and to operate and arrange for the operation  
23 of devices for the monitoring of environmental quality.

24 (c) The Agency shall have authority to conduct a program of  
25 continuing surveillance and of regular or periodic inspection  
26 of actual or potential contaminant or noise sources, of public

1 water supplies, and of refuse disposal sites.

2 (d) In accordance with constitutional limitations, the  
3 Agency shall have authority to enter at all reasonable times  
4 upon any private or public property for the purpose of:

5 (1) Inspecting and investigating to ascertain possible  
6 violations of this Act, any rule or regulation adopted  
7 under this Act, any permit or term or condition of a  
8 permit, or any Board order; or

9 (2) In accordance with the provisions of this Act,  
10 taking whatever preventive or corrective action, including  
11 but not limited to removal or remedial action, that is  
12 necessary or appropriate whenever there is a release or a  
13 substantial threat of a release of (A) a hazardous  
14 substance or pesticide or (B) petroleum from an underground  
15 storage tank.

16 (e) The Agency shall have the duty to investigate  
17 violations of this Act, any rule or regulation adopted under  
18 this Act, any permit or term or condition of a permit, or any  
19 Board order; to issue administrative citations as provided in  
20 Section 31.1 of this Act; and to take such summary enforcement  
21 action as is provided for by Section 34 of this Act.

22 (f) The Agency shall appear before the Board in any hearing  
23 upon a petition for variance, the denial of a permit, or the  
24 validity or effect of a rule or regulation of the Board, and  
25 shall have the authority to appear before the Board in any  
26 hearing under the Act.

1           (g) The Agency shall have the duty to administer, in accord  
2 with Title X of this Act, such permit and certification systems  
3 as may be established by this Act or by regulations adopted  
4 thereunder. The Agency may enter into written delegation  
5 agreements with any department, agency, or unit of State or  
6 local government under which all or portions of this duty may  
7 be delegated for public water supply storage and transport  
8 systems, sewage collection and transport systems, air  
9 pollution control sources with uncontrolled emissions of 100  
10 tons per year or less and application of algicides to waters of  
11 the State. Such delegation agreements will require that the  
12 work to be performed thereunder will be in accordance with  
13 Agency criteria, subject to Agency review, and shall include  
14 such financial and program auditing by the Agency as may be  
15 required.

16           (h) The Agency shall have authority to require the  
17 submission of complete plans and specifications from any  
18 applicant for a permit required by this Act or by regulations  
19 thereunder, and to require the submission of such reports  
20 regarding actual or potential violations of this Act, any rule  
21 or regulation adopted under this Act, any permit or term or  
22 condition of a permit, or any Board order, as may be necessary  
23 for the purposes of this Act.

24           (i) The Agency shall have authority to make recommendations  
25 to the Board for the adoption of regulations under Title VII of  
26 the Act.

1           (j) The Agency shall have the duty to represent the State  
2 of Illinois in any and all matters pertaining to plans,  
3 procedures, or negotiations for interstate compacts or other  
4 governmental arrangements relating to environmental  
5 protection.

6           (k) The Agency shall have the authority to accept, receive,  
7 and administer on behalf of the State any grants, gifts, loans,  
8 indirect cost reimbursements, or other funds made available to  
9 the State from any source for purposes of this Act or for air  
10 or water pollution control, public water supply, solid waste  
11 disposal, noise abatement, or other environmental protection  
12 activities, surveys, or programs. Any federal funds received by  
13 the Agency pursuant to this subsection shall be deposited in a  
14 trust fund with the State Treasurer and held and disbursed by  
15 him in accordance with Treasurer as Custodian of Funds Act,  
16 provided that such monies shall be used only for the purposes  
17 for which they are contributed and any balance remaining shall  
18 be returned to the contributor.

19           The Agency is authorized to promulgate such regulations and  
20 enter into such contracts as it may deem necessary for carrying  
21 out the provisions of this subsection.

22           (l) The Agency is hereby designated as water pollution  
23 agency for the state for all purposes of the Federal Water  
24 Pollution Control Act, as amended; as implementing agency for  
25 the State for all purposes of the Safe Drinking Water Act,  
26 Public Law 93-523, as now or hereafter amended, except Section



1 1425 of that Act; as air pollution agency for the state for all  
2 purposes of the Clean Air Act of 1970, Public Law 91-604,  
3 approved December 31, 1970, as amended; and as solid waste  
4 agency for the state for all purposes of the Solid Waste  
5 Disposal Act, Public Law 89-272, approved October 20, 1965, and  
6 amended by the Resource Recovery Act of 1970, Public Law  
7 91-512, approved October 26, 1970, as amended, and amended by  
8 the Resource Conservation and Recovery Act of 1976, (P.L.  
9 94-580) approved October 21, 1976, as amended; as noise control  
10 agency for the state for all purposes of the Noise Control Act  
11 of 1972, Public Law 92-574, approved October 27, 1972, as  
12 amended; and as implementing agency for the State for all  
13 purposes of the Comprehensive Environmental Response,  
14 Compensation, and Liability Act of 1980 (P.L. 96-510), as  
15 amended; and otherwise as pollution control agency for the  
16 State pursuant to federal laws integrated with the foregoing  
17 laws, for financing purposes or otherwise. The Agency is hereby  
18 authorized to take all action necessary or appropriate to  
19 secure to the State the benefits of such federal Acts, provided  
20 that the Agency shall transmit to the United States without  
21 change any standards adopted by the Pollution Control Board  
22 pursuant to Section 5(c) of this Act. This subsection (l) of  
23 Section 4 shall not be construed to bar or prohibit the  
24 Environmental Protection Trust Fund Commission from accepting,  
25 receiving, and administering on behalf of the State any grants,  
26 gifts, loans or other funds for which the Commission is

1 eligible pursuant to the Environmental Protection Trust Fund  
2 Act. The Agency is hereby designated as the State agency for  
3 all purposes of administering the requirements of Section 313  
4 of the federal Emergency Planning and Community Right-to-Know  
5 Act of 1986.

6 Any municipality, sanitary district, or other political  
7 subdivision, or any Agency of the State or interstate Agency,  
8 which makes application for loans or grants under such federal  
9 Acts shall notify the Agency of such application; the Agency  
10 may participate in proceedings under such federal Acts.

11 (m) The Agency shall have authority, consistent with  
12 Section 5(c) and other provisions of this Act, and for purposes  
13 of Section 303(e) of the Federal Water Pollution Control Act,  
14 as now or hereafter amended, to engage in planning processes  
15 and activities and to develop plans in cooperation with units  
16 of local government, state agencies and officers, and other  
17 appropriate persons in connection with the jurisdiction or  
18 duties of each such unit, agency, officer or person. Public  
19 hearings shall be held on the planning process, at which any  
20 person shall be permitted to appear and be heard, pursuant to  
21 procedural regulations promulgated by the Agency.

22 (n) In accordance with the powers conferred upon the Agency  
23 by Sections 10(g), 13(b), 19, 22(d) and 25 of this Act, the  
24 Agency shall have authority to establish and enforce minimum  
25 standards for the operation of laboratories relating to  
26 analyses and laboratory tests for air pollution, water

1 pollution, noise emissions, contaminant discharges onto land  
2 and sanitary, chemical, and mineral quality of water  
3 distributed by a public water supply. The Agency may enter into  
4 formal working agreements with other departments or agencies of  
5 state government under which all or portions of this authority  
6 may be delegated to the cooperating department or agency.

7 (o) The Agency shall have the authority to issue  
8 certificates of competency to persons and laboratories meeting  
9 the minimum standards established by the Agency in accordance  
10 with Section 4(n) of this Act and to promulgate and enforce  
11 regulations relevant to the issuance and use of such  
12 certificates. The Agency may enter into formal working  
13 agreements with other departments or agencies of state  
14 government under which all or portions of this authority may be  
15 delegated to the cooperating department or agency.

16 (p) Except as provided in Section 17.7, the Agency shall  
17 have the duty to analyze samples as required from each public  
18 water supply to determine compliance with the contaminant  
19 levels specified by the Pollution Control Board. The maximum  
20 number of samples which the Agency shall be required to analyze  
21 for microbiological quality shall be 6 per month, but the  
22 Agency may, at its option, analyze a larger number each month  
23 for any supply. Results of sample analyses for additional  
24 required bacteriological testing, turbidity, residual chlorine  
25 and radionuclides are to be provided to the Agency in  
26 accordance with Section 19. Owners of water supplies may enter

1 into agreements with the Agency to provide for reduced Agency  
2 participation in sample analyses.

3 (q) The Agency shall have the authority to provide notice  
4 to any person who may be liable pursuant to Section 22.2(f) of  
5 this Act for a release or a substantial threat of a release of  
6 a hazardous substance or pesticide. Such notice shall include  
7 the identified response action and an opportunity for such  
8 person to perform the response action.

9 (r) The Agency may enter into written delegation agreements  
10 with any unit of local government under which it may delegate  
11 all or portions of its inspecting, investigating and  
12 enforcement functions. Such delegation agreements shall  
13 require that work performed thereunder be in accordance with  
14 Agency criteria and subject to Agency review. Notwithstanding  
15 any other provision of law to the contrary, no unit of local  
16 government shall be liable for any injury resulting from the  
17 exercise of its authority pursuant to such a delegation  
18 agreement unless the injury is proximately caused by the  
19 willful and wanton negligence of an agent or employee of the  
20 unit of local government, and any policy of insurance coverage  
21 issued to a unit of local government may provide for the denial  
22 of liability and the nonpayment of claims based upon injuries  
23 for which the unit of local government is not liable pursuant  
24 to this subsection (r).

25 (s) The Agency shall have authority to take whatever  
26 preventive or corrective action is necessary or appropriate,

1 including but not limited to expenditure of monies appropriated  
2 from the Build Illinois Bond Fund and the Build Illinois  
3 Purposes Fund for removal or remedial action, whenever any  
4 hazardous substance or pesticide is released or there is a  
5 substantial threat of such a release into the environment. The  
6 State, the Director, and any State employee shall be  
7 indemnified for any damages or injury arising out of or  
8 resulting from any action taken under this subsection. The  
9 Director of the Agency is authorized to enter into such  
10 contracts and agreements as are necessary to carry out the  
11 Agency's duties under this subsection.

12 (t) The Agency shall have authority to distribute grants,  
13 subject to appropriation by the General Assembly, to units of  
14 local government for financing and construction of wastewater  
15 facilities in both incorporated and unincorporated areas. With  
16 respect to all monies appropriated from the Build Illinois Bond  
17 Fund and the Build Illinois Purposes Fund for wastewater  
18 facility grants, the Agency shall make distributions in  
19 conformity with the rules and regulations established pursuant  
20 to the Anti-Pollution Bond Act, as now or hereafter amended.

21 (u) Pursuant to the Illinois Administrative Procedure Act,  
22 the Agency shall have the authority to adopt such rules as are  
23 necessary or appropriate for the Agency to implement Section  
24 31.1 of this Act.

25 (v) (Blank.)

26 (w) Neither the State, nor the Director, nor the Board, nor

1 any State employee shall be liable for any damages or injury  
2 arising out of or resulting from any action taken under  
3 subsection (s).

4 (x)(1) The Agency shall have authority to distribute  
5 grants, subject to appropriation by the General Assembly,  
6 to units of local government for financing and construction  
7 of public water supply facilities. With respect to all  
8 monies appropriated from the Build Illinois Bond Fund or  
9 the Build Illinois Purposes Fund for public water supply  
10 grants, such grants shall be made in accordance with rules  
11 promulgated by the Agency. Such rules shall include a  
12 requirement for a local match of 30% of the total project  
13 cost for projects funded through such grants.

14 (2) The Agency shall not terminate a grant to a unit of  
15 local government for the financing and construction of  
16 public water supply facilities unless and until the Agency  
17 adopts rules that set forth precise and complete standards,  
18 pursuant to Section 5-20 of the Illinois Administrative  
19 Procedure Act, for the termination of such grants. The  
20 Agency shall not make determinations on whether specific  
21 grant conditions are necessary to ensure the integrity of a  
22 project or on whether subagreements shall be awarded, with  
23 respect to grants for the financing and construction of  
24 public water supply facilities, unless and until the Agency  
25 adopts rules that set forth precise and complete standards,  
26 pursuant to Section 5-20 of the Illinois Administrative

1 Procedure Act, for making such determinations. The Agency  
2 shall not issue a stop-work order in relation to such  
3 grants unless and until the Agency adopts precise and  
4 complete standards, pursuant to Section 5-20 of the  
5 Illinois Administrative Procedure Act, for determining  
6 whether to issue a stop-work order.

7 (y) The Agency shall have authority to release any person  
8 from further responsibility for preventive or corrective  
9 action under this Act following successful completion of  
10 preventive or corrective action undertaken by such person upon  
11 written request by the person.

12 (z) To the extent permitted by any applicable federal law  
13 or regulation, for all work performed for State construction  
14 projects which are funded in whole or in part by a capital  
15 infrastructure bill enacted by the 96th General Assembly by  
16 sums appropriated to the Environmental Protection Agency, at  
17 least 50% of the total labor hours must be performed by actual  
18 residents of the State of Illinois. For purposes of this  
19 subsection, "actual residents of the State of Illinois" means  
20 persons domiciled in the State of Illinois. The Department of  
21 Labor shall promulgate rules providing for the enforcement of  
22 this subsection.

23 (Source: P.A. 96-37, eff. 7-13-09; 96-503, eff. 8-14-09;  
24 96-800, eff. 10-30-09; 96-1000, eff. 7-2-10.)

25 Section 80-90. Severability. The provisions of this

1 Article 80 are severable under Section 1.31 of the Statute on  
2 Statutes.

3 Article 90.

4 Section 90-1. The Capital Spending Accountability Law is  
5 amended by adding Section 802, by reenacting the headings of  
6 Articles 800 and 9999 and Sections 801 and 805, and by  
7 reenacting and changing Section 9999 (the effective date  
8 provision of P.A. 96-34) as follows:

9 (20 ILCS 3020/Art. 800 heading)

10 ARTICLE 800.

11 (Source: P.A. 96-34, eff. 7-13-09.)

12 (20 ILCS 3020/801)

13 Sec. 801. Short title. This Article may be cited as the  
14 Capital Spending Accountability Law.

15 (Source: P.A. 96-34, eff. 7-13-09.)

16 (20 ILCS 3020/802 new)

17 Sec. 802. Reenactment.

18 (a) This Law has been reenacted by the Capital Projects  
19 Implementation Act. The reenactment is intended to remove any  
20 question about the validity of this Law and the actions taken  
21 in reliance on it, and to provide continuity in the



1 implementation and administration of this Law.

2 (b) This Law and certain actions taken in reliance on it  
3 may be affected by Section 1-5 of the Capital Projects  
4 Implementation Act.

5 (20 ILCS 3020/805)

6 Sec. 805. Reports on capital spending. On the first day of  
7 each quarterly period in each fiscal year, the Governor's  
8 Office of Management and Budget shall provide to the  
9 Comptroller, the Treasurer, the President and the Minority  
10 Leader of the Senate, and the Speaker and the Minority Leader  
11 of the House of Representatives a report on the status of all  
12 capital projects in the State. The report must be provided in  
13 both written and electronic format. The report must include all  
14 of the following:

15 (1) A brief description or stated purpose of each  
16 capital project where applicable (as referred to in this  
17 Section, "project").

18 (2) The amount and source of funds (whether from bond  
19 funds or other revenues) appropriated for each project,  
20 organized into categories including roads, mass transit,  
21 schools, environment, civic centers and other categories  
22 as applicable (as referred to in this Section, "category or  
23 categories"), with subtotals for each category.

24 (3) The date the appropriation bill relating to each  
25 project was signed by the Governor, organized into

1 categories.

2 (4) The date the written release of the Governor for  
3 each project was submitted to the Comptroller or is  
4 projected to be submitted and, if a release for any project  
5 has not been submitted within 6 months after its  
6 appropriation became law, an explanation why the project  
7 has not yet been released, all organized into categories.

8 (5) The amount of expenditures to date by the State  
9 relating to each project and estimated amount of total  
10 State expenditures and proposed schedule of future State  
11 expenditures relating to each project, all organized into  
12 categories.

13 (6) A timeline for completion of each project,  
14 including the dates, if applicable, of execution by the  
15 State of any grant agreement, any required engineering or  
16 design work or environmental approvals, and the estimated  
17 or actual dates of the start and completion of  
18 construction, all organized into categories. Any  
19 substantial variances on any project from this reported  
20 timeline must be explained in the next quarterly report.

21 (7) A summary report of the status of all projects,  
22 including the amount of undisbursed funds intended to be  
23 held or used in the next quarter.

24 (Source: P.A. 96-34, eff. 7-13-09.)

25 (20 ILCS 3020/Art. 9999 heading)

## 1 ARTICLE 9999.

2 (Source: P.A. 96-34, eff. 7-13-09.)

3 (20 ILCS 3020/9999)

4 Sec. 9999. Effective date. This Act takes effect July 1,  
5 2009, except that the changes to Sections 15-102, 15-107,  
6 15-111, 15-112, 15-113, 15-306, 15-307, and 16-105 of the  
7 Illinois Vehicle Code take effect January 1, 2010, ~~but this Act~~  
8 ~~does not take effect at all unless House Bill 312 of the 96th~~  
9 ~~General Assembly, as amended, becomes law.~~

10 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09.)

11 Section 90-2. The State Finance Act is amended by  
12 reenacting Sections 5.723, 6z-77, and 8.3 as follows:

13 (30 ILCS 105/5.723)

14 Sec. 5.723. The Capital Projects Fund.

15 (Source: P.A. 96-34, eff. 7-13-09; 96-1000, eff. 7-2-10.)

16 (30 ILCS 105/6z-77)

17 Sec. 6z-77. The Capital Projects Fund. The Capital Projects  
18 Fund is created as a special fund in the State Treasury. The  
19 State Comptroller and State Treasurer shall transfer from the  
20 Capital Projects Fund to the General Revenue Fund \$61,294,550  
21 on October 1, 2009, \$122,589,100 on January 1, 2010, and  
22 \$61,294,550 on April 1, 2010. Beginning on July 1, 2010, and on

1 July 1 and January 1 of each year thereafter, the State  
2 Comptroller and State Treasurer shall transfer the sum of  
3 \$122,589,100 from the Capital Projects Fund to the General  
4 Revenue Fund. Subject to appropriation, the Capital Projects  
5 Fund may be used only for capital projects and the payment of  
6 debt service on bonds issued for capital projects. All interest  
7 earned on moneys in the Fund shall be deposited into the Fund.  
8 The Fund shall not be subject to administrative charges or  
9 chargebacks, such as but not limited to those authorized under  
10 Section 8h.

11 (Source: P.A. 96-34, eff. 7-13-09.)

12 (30 ILCS 105/8.3) (from Ch. 127, par. 144.3)

13 Sec. 8.3. Money in the Road Fund shall, if and when the  
14 State of Illinois incurs any bonded indebtedness for the  
15 construction of permanent highways, be set aside and used for  
16 the purpose of paying and discharging annually the principal  
17 and interest on that bonded indebtedness then due and payable,  
18 and for no other purpose. The surplus, if any, in the Road Fund  
19 after the payment of principal and interest on that bonded  
20 indebtedness then annually due shall be used as follows:

21 first -- to pay the cost of administration of Chapters  
22 2 through 10 of the Illinois Vehicle Code, except the cost  
23 of administration of Articles I and II of Chapter 3 of that  
24 Code; and

25 secondly -- for expenses of the Department of

1           Transportation     for     construction,     reconstruction,  
2           improvement,     repair,     maintenance,     operation,     and  
3           administration     of     highways     in     accordance     with     the  
4           provisions     of     laws     relating     thereto,     or     for     any     purpose  
5           related     or     incident     to     and     connected     therewith,     including  
6           the     separation     of     grades     of     those     highways     with     railroads  
7           and     with     highways     and     including     the     payment     of     awards     made  
8           by     the     Illinois     Workers'     Compensation     Commission     under     the  
9           terms     of     the     Workers'     Compensation     Act     or     Workers'  
10          Occupational     Diseases     Act     for     injury     or     death     of     an  
11          employee     of     the     Division     of     Highways     in     the     Department     of  
12          Transportation;     or     for     the     acquisition     of     land     and     the  
13          erection     of     buildings     for     highway     purposes,     including     the  
14          acquisition     of     highway     right-of-way     or     for     investigations  
15          to     determine     the     reasonably     anticipated     future     highway  
16          needs;     or     for     making     of     surveys,     plans,     specifications     and  
17          estimates     for     and     in     the     construction     and     maintenance     of  
18          flight     strips     and     of     highways     necessary     to     provide     access  
19          to     military     and     naval     reservations,     to     defense     industries  
20          and     defense-industry     sites,     and     to     the     sources     of     raw  
21          materials     and     for     replacing     existing     highways     and     highway  
22          connections     shut     off     from     general     public     use     at     military  
23          and     naval     reservations     and     defense-industry     sites,     or     for  
24          the     purchase     of     right-of-way,     except     that     the     State     shall  
25          be     reimbursed     in     full     for     any     expense     incurred     in     building  
26          the     flight     strips;     or     for     the     operating     and     maintaining     of

1 highway garages; or for patrolling and policing the public  
2 highways and conserving the peace; or for the operating  
3 expenses of the Department relating to the administration  
4 of public transportation programs; or for any of those  
5 purposes or any other purpose that may be provided by law.

6 Appropriations for any of those purposes are payable from  
7 the Road Fund. Appropriations may also be made from the Road  
8 Fund for the administrative expenses of any State agency that  
9 are related to motor vehicles or arise from the use of motor  
10 vehicles.

11 Beginning with fiscal year 1980 and thereafter, no Road  
12 Fund monies shall be appropriated to the following Departments  
13 or agencies of State government for administration, grants, or  
14 operations; but this limitation is not a restriction upon  
15 appropriating for those purposes any Road Fund monies that are  
16 eligible for federal reimbursement;

17 1. Department of Public Health;

18 2. Department of Transportation, only with respect to  
19 subsidies for one-half fare Student Transportation and  
20 Reduced Fare for Elderly;

21 3. Department of Central Management Services, except  
22 for expenditures incurred for group insurance premiums of  
23 appropriate personnel;

24 4. Judicial Systems and Agencies.

25 Beginning with fiscal year 1981 and thereafter, no Road  
26 Fund monies shall be appropriated to the following Departments

1 or agencies of State government for administration, grants, or  
2 operations; but this limitation is not a restriction upon  
3 appropriating for those purposes any Road Fund monies that are  
4 eligible for federal reimbursement:

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

7 2. Department of Transportation, only with respect to  
8 Intercity Rail Subsidies and Rail Freight Services.

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

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

26 1. Department of State Police, except not more than 40%

1 of the funds appropriated for the Division of Operations;

2 2. State Officers.

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

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

22 first -- to pay the cost of administration of Chapters  
23 2 through 10 of the Illinois Vehicle Code; and

24 secondly -- no Road Fund monies derived from fees,  
25 excises, or license taxes relating to registration,  
26 operation and use of vehicles on public highways or to



1 fuels used for the propulsion of those vehicles, shall be  
2 appropriated or expended other than for costs of  
3 administering the laws imposing those fees, excises, and  
4 license taxes, statutory refunds and adjustments allowed  
5 thereunder, administrative costs of the Department of  
6 Transportation, including, but not limited to, the  
7 operating expenses of the Department relating to the  
8 administration of public transportation programs, payment  
9 of debts and liabilities incurred in construction and  
10 reconstruction of public highways and bridges, acquisition  
11 of rights-of-way for and the cost of construction,  
12 reconstruction, maintenance, repair, and operation of  
13 public highways and bridges under the direction and  
14 supervision of the State, political subdivision, or  
15 municipality collecting those monies, and the costs for  
16 patrolling and policing the public highways (by State,  
17 political subdivision, or municipality collecting that  
18 money) for enforcement of traffic laws. The separation of  
19 grades of such highways with railroads and costs associated  
20 with protection of at-grade highway and railroad crossing  
21 shall also be permissible.

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

25 Except as provided in this paragraph, beginning with fiscal  
26 year 1991 and thereafter, no Road Fund monies shall be

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

18 In fiscal year 1994, no Road Fund monies shall be  
19 appropriated to the Secretary of State for the purposes of this  
20 Section in excess of the total fiscal year 1991 Road Fund  
21 appropriations to the Secretary of State for those purposes,  
22 plus \$9,800,000. It shall not be lawful to circumvent this  
23 limitation on appropriations by governmental reorganization or  
24 other method.

25 Beginning with fiscal year 1995 and thereafter, no Road  
26 Fund monies shall be appropriated to the Secretary of State for

1 the purposes of this Section in excess of the total fiscal year  
2 1994 Road Fund appropriations to the Secretary of State for  
3 those purposes. It shall not be lawful to circumvent this  
4 limitation on appropriations by governmental reorganization or  
5 other methods.

6 Beginning with fiscal year 2000, total Road Fund  
7 appropriations to the Secretary of State for the purposes of  
8 this Section shall not exceed the amounts specified for the  
9 following fiscal years:

10	Fiscal Year 2000	\$80,500,000;
11	Fiscal Year 2001	\$80,500,000;
12	Fiscal Year 2002	\$80,500,000;
13	Fiscal Year 2003	\$130,500,000;
14	Fiscal Year 2004	\$130,500,000;
15	Fiscal Year 2005	\$130,500,000;
16	Fiscal Year 2006	\$130,500,000;
17	Fiscal Year 2007	\$130,500,000;
18	Fiscal Year 2008	\$130,500,000;
19	Fiscal Year 2009	\$130,500,000.

20 For fiscal year 2010, no road fund moneys shall be  
21 appropriated to the Secretary of State.

22 Beginning in fiscal year 2011, moneys in the Road Fund  
23 shall be appropriated to the Secretary of State for the  
24 exclusive purpose of paying refunds due to overpayment of fees  
25 related to Chapter 3 of the Illinois Vehicle Code unless  
26 otherwise provided for by law.

1           It shall not be lawful to circumvent this limitation on  
2           appropriations by governmental reorganization or other  
3           methods.

4           No new program may be initiated in fiscal year 1991 and  
5           thereafter that is not consistent with the limitations imposed  
6           by this Section for fiscal year 1984 and thereafter, insofar as  
7           appropriation of Road Fund monies is concerned.

8           Nothing in this Section prohibits transfers from the Road  
9           Fund to the State Construction Account Fund under Section 5e of  
10          this Act; nor to the General Revenue Fund, as authorized by  
11          this amendatory Act of the 93rd General Assembly.

12          The additional amounts authorized for expenditure in this  
13          Section by Public Acts 92-0600, 93-0025, 93-0839, and 94-91  
14          shall be repaid to the Road Fund from the General Revenue Fund  
15          in the next succeeding fiscal year that the General Revenue  
16          Fund has a positive budgetary balance, as determined by  
17          generally accepted accounting principles applicable to  
18          government.

19          The additional amounts authorized for expenditure by the  
20          Secretary of State and the Department of State Police in this  
21          Section by this amendatory Act of the 94th General Assembly  
22          shall be repaid to the Road Fund from the General Revenue Fund  
23          in the next succeeding fiscal year that the General Revenue  
24          Fund has a positive budgetary balance, as determined by  
25          generally accepted accounting principles applicable to  
26          government.

1 (Source: P.A. 95-707, eff. 1-11-08; 95-744, eff. 7-18-08;  
2 96-34, eff. 7-13-09; 96-959, eff. 7-1-10.)

3 Section 90-3. The Motor Fuel Tax Law is amended by  
4 reenacting Section 8 as follows:

5 (35 ILCS 505/8) (from Ch. 120, par. 424)

6 Sec. 8. Except as provided in Section 8a, subdivision  
7 (h) (1) of Section 12a, Section 13a.6, and items 13, 14, 15, and  
8 16 of Section 15, all money received by the Department under  
9 this Act, including payments made to the Department by member  
10 jurisdictions participating in the International Fuel Tax  
11 Agreement, shall be deposited in a special fund in the State  
12 treasury, to be known as the "Motor Fuel Tax Fund", and shall  
13 be used as follows:

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

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

22 (c) \$3,500,000 shall be transferred each month to the Grade  
23 Crossing Protection Fund to be used as follows: not less than  
24 \$12,000,000 each fiscal year shall be used for the construction

1 or reconstruction of rail highway grade separation structures;  
2 \$2,250,000 in fiscal years 2004 through 2009 and \$3,000,000 in  
3 fiscal year 2010 and each fiscal year thereafter shall be  
4 transferred to the Transportation Regulatory Fund and shall be  
5 accounted for as part of the rail carrier portion of such funds  
6 and shall be used to pay the cost of administration of the  
7 Illinois Commerce Commission's railroad safety program in  
8 connection with its duties under subsection (3) of Section  
9 18c-7401 of the Illinois Vehicle Code, with the remainder to be  
10 used by the Department of Transportation upon order of the  
11 Illinois Commerce Commission, to pay that part of the cost  
12 apportioned by such Commission to the State to cover the  
13 interest of the public in the use of highways, roads, streets,  
14 or pedestrian walkways in the county highway system, township  
15 and district road system, or municipal street system as defined  
16 in the Illinois Highway Code, as the same may from time to time  
17 be amended, for separation of grades, for installation,  
18 construction or reconstruction of crossing protection or  
19 reconstruction, alteration, relocation including construction  
20 or improvement of any existing highway necessary for access to  
21 property or improvement of any grade crossing and grade  
22 crossing surface including the necessary highway approaches  
23 thereto of any railroad across the highway or public road, or  
24 for the installation, construction, reconstruction, or  
25 maintenance of a pedestrian walkway over or under a railroad  
26 right-of-way, as provided for in and in accordance with Section

1 18c-7401 of the Illinois Vehicle Code. The Commission may order  
2 up to \$2,000,000 per year in Grade Crossing Protection Fund  
3 moneys for the improvement of grade crossing surfaces and up to  
4 \$300,000 per year for the maintenance and renewal of 4-quadrant  
5 gate vehicle detection systems located at non-high speed rail  
6 grade crossings. The Commission shall not order more than  
7 \$2,000,000 per year in Grade Crossing Protection Fund moneys  
8 for pedestrian walkways. In entering orders for projects for  
9 which payments from the Grade Crossing Protection Fund will be  
10 made, the Commission shall account for expenditures authorized  
11 by the orders on a cash rather than an accrual basis. For  
12 purposes of this requirement an "accrual basis" assumes that  
13 the total cost of the project is expended in the fiscal year in  
14 which the order is entered, while a "cash basis" allocates the  
15 cost of the project among fiscal years as expenditures are  
16 actually made. To meet the requirements of this subsection, the  
17 Illinois Commerce Commission shall develop annual and 5-year  
18 project plans of rail crossing capital improvements that will  
19 be paid for with moneys from the Grade Crossing Protection  
20 Fund. The annual project plan shall identify projects for the  
21 succeeding fiscal year and the 5-year project plan shall  
22 identify projects for the 5 directly succeeding fiscal years.  
23 The Commission shall submit the annual and 5-year project plans  
24 for this Fund to the Governor, the President of the Senate, the  
25 Senate Minority Leader, the Speaker of the House of  
26 Representatives, and the Minority Leader of the House of

1 Representatives on the first Wednesday in April of each year;

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

5 (1) the costs of the Department of Revenue in  
6 administering this Act;

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

11 (3) refunds provided for in Section 13, refunds for  
12 overpayment of decal fees paid under Section 13a.4 of this  
13 Act, and refunds provided for under the terms of the  
14 International Fuel Tax Agreement referenced in Section  
15 14a;

16 (4) from October 1, 1985 until June 30, 1994, the  
17 administration of the Vehicle Emissions Inspection Law,  
18 which amount shall be certified monthly by the  
19 Environmental Protection Agency to the State Comptroller  
20 and shall promptly be transferred by the State Comptroller  
21 and Treasurer from the Motor Fuel Tax Fund to the Vehicle  
22 Inspection Fund, and for the period July 1, 1994 through  
23 June 30, 2000, one-twelfth of \$25,000,000 each month, for  
24 the period July 1, 2000 through June 30, 2003, one-twelfth  
25 of \$30,000,000 each month, and \$15,000,000 on July 1, 2003,  
26 and \$15,000,000 on January 1, 2004, and \$15,000,000 on each



1 July 1 and October 1, or as soon thereafter as may be  
2 practical, during the period July 1, 2004 through June 30,  
3 2011, for the administration of the Vehicle Emissions  
4 Inspection Law of 2005, to be transferred by the State  
5 Comptroller and Treasurer from the Motor Fuel Tax Fund into  
6 the Vehicle Inspection Fund;

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

8 (6) payment of motor fuel use taxes due to member  
9 jurisdictions under the terms of the International Fuel Tax  
10 Agreement. The Department shall certify these amounts to  
11 the Comptroller by the 15th day of each month; the  
12 Comptroller shall cause orders to be drawn for such  
13 amounts, and the Treasurer shall administer those amounts  
14 on or before the last day of each month;

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

18 (1) Until January 1, 2000, 58.4%, and beginning January  
19 1, 2000, 45.6% shall be deposited as follows:

20 (A) 37% into the State Construction Account Fund,  
21 and

22 (B) 63% into the Road Fund, \$1,250,000 of which  
23 shall be reserved each month for the Department of  
24 Transportation to be used in accordance with the  
25 provisions of Sections 6-901 through 6-906 of the  
26 Illinois Highway Code;

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

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

5                   (B) 16.74% to the counties of the State having  
6           1,000,000 or more inhabitants,

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

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

10           As soon as may be after the first day of each month the  
11           Department of Transportation shall allot to each municipality  
12           its share of the amount apportioned to the several  
13           municipalities which shall be in proportion to the population  
14           of such municipalities as determined by the last preceding  
15           municipal census if conducted by the Federal Government or  
16           Federal census. If territory is annexed to any municipality  
17           subsequent to the time of the last preceding census the  
18           corporate authorities of such municipality may cause a census  
19           to be taken of such annexed territory and the population so  
20           ascertained for such territory shall be added to the population  
21           of the municipality as determined by the last preceding census  
22           for the purpose of determining the allotment for that  
23           municipality. If the population of any municipality was not  
24           determined by the last Federal census preceding any  
25           apportionment, the apportionment to such municipality shall be  
26           in accordance with any census taken by such municipality. Any

1 municipal census used in accordance with this Section shall be  
2 certified to the Department of Transportation by the clerk of  
3 such municipality, and the accuracy thereof shall be subject to  
4 approval of the Department which may make such corrections as  
5 it ascertains to be necessary.

6 As soon as may be after the first day of each month the  
7 Department of Transportation shall allot to each county its  
8 share of the amount apportioned to the several counties of the  
9 State as herein provided. Each allotment to the several  
10 counties having less than 1,000,000 inhabitants shall be in  
11 proportion to the amount of motor vehicle license fees received  
12 from the residents of such counties, respectively, during the  
13 preceding calendar year. The Secretary of State shall, on or  
14 before April 15 of each year, transmit to the Department of  
15 Transportation a full and complete report showing the amount of  
16 motor vehicle license fees received from the residents of each  
17 county, respectively, during the preceding calendar year. The  
18 Department of Transportation shall, each month, use for  
19 allotment purposes the last such report received from the  
20 Secretary of State.

21 As soon as may be after the first day of each month, the  
22 Department of Transportation shall allot to the several  
23 counties their share of the amount apportioned for the use of  
24 road districts. The allotment shall be apportioned among the  
25 several counties in the State in the proportion which the total  
26 mileage of township or district roads in the respective

1 counties bears to the total mileage of all township and  
2 district roads in the State. Funds allotted to the respective  
3 counties for the use of road districts therein shall be  
4 allocated to the several road districts in the county in the  
5 proportion which the total mileage of such township or district  
6 roads in the respective road districts bears to the total  
7 mileage of all such township or district roads in the county.  
8 After July 1 of any year prior to 2011, no allocation shall be  
9 made for any road district unless it levied a tax for road and  
10 bridge purposes in an amount which will require the extension  
11 of such tax against the taxable property in any such road  
12 district at a rate of not less than either .08% of the value  
13 thereof, based upon the assessment for the year immediately  
14 prior to the year in which such tax was levied and as equalized  
15 by the Department of Revenue or, in DuPage County, an amount  
16 equal to or greater than \$12,000 per mile of road under the  
17 jurisdiction of the road district, whichever is less. Beginning  
18 July 1, 2011 and each July 1 thereafter, an allocation shall be  
19 made for any road district if it levied a tax for road and  
20 bridge purposes. In counties other than DuPage County, if the  
21 amount of the tax levy requires the extension of the tax  
22 against the taxable property in the road district at a rate  
23 that is less than 0.08% of the value thereof, based upon the  
24 assessment for the year immediately prior to the year in which  
25 the tax was levied and as equalized by the Department of  
26 Revenue, then the amount of the allocation for that road

1 district shall be a percentage of the maximum allocation equal  
2 to the percentage obtained by dividing the rate extended by the  
3 district by 0.08%. In DuPage County, if the amount of the tax  
4 levy requires the extension of the tax against the taxable  
5 property in the road district at a rate that is less than the  
6 lesser of (i) 0.08% of the value of the taxable property in the  
7 road district, based upon the assessment for the year  
8 immediately prior to the year in which such tax was levied and  
9 as equalized by the Department of Revenue, or (ii) a rate that  
10 will yield an amount equal to \$12,000 per mile of road under  
11 the jurisdiction of the road district, then the amount of the  
12 allocation for the road district shall be a percentage of the  
13 maximum allocation equal to the percentage obtained by dividing  
14 the rate extended by the district by the lesser of (i) 0.08% or  
15 (ii) the rate that will yield an amount equal to \$12,000 per  
16 mile of road under the jurisdiction of the road district.

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

1 district for an allotment under this Section. Beginning in 2011  
2 and thereafter, if any road district has levied a special tax  
3 for road purposes under Sections 6-601, 6-602, and 6-603 of the  
4 Illinois Highway Code, and the tax was levied in an amount that  
5 would require extension at a rate of not less than 0.08% of the  
6 value of the taxable property of that road district, as  
7 equalized or assessed by the Department of Revenue or, in  
8 DuPage County, an amount equal to or greater than \$12,000 per  
9 mile of road under the jurisdiction of the road district,  
10 whichever is less, that levy shall be deemed a proper  
11 compliance with this Section and shall qualify such road  
12 district for a full, rather than proportionate, allotment under  
13 this Section. If the levy for the special tax is less than  
14 0.08% of the value of the taxable property, or, in DuPage  
15 County if the levy for the special tax is less than the lesser  
16 of (i) 0.08% or (ii) \$12,000 per mile of road under the  
17 jurisdiction of the road district, and if the levy for the  
18 special tax is more than any other levy for road and bridge  
19 purposes, then the levy for the special tax qualifies the road  
20 district for a proportionate, rather than full, allotment under  
21 this Section. If the levy for the special tax is equal to or  
22 less than any other levy for road and bridge purposes, then any  
23 allotment under this Section shall be determined by the other  
24 levy for road and bridge purposes.

25 Prior to 2011, if a township has transferred to the road  
26 and bridge fund money which, when added to the amount of any

1 tax levy of the road district would be the equivalent of a tax  
2 levy requiring extension at a rate of at least .08%, or, in  
3 DuPage County, an amount equal to or greater than \$12,000 per  
4 mile of road under the jurisdiction of the road district,  
5 whichever is less, such transfer, together with any such tax  
6 levy, shall be deemed a proper compliance with this Section and  
7 shall qualify the road district for an allotment under this  
8 Section.

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

1 equal to or greater than \$12,000 per mile of road under the  
2 jurisdiction of the road district, whichever is less.

3 As used in this Section the term "road district" means any  
4 road district, including a county unit road district, provided  
5 for by the Illinois Highway Code; and the term "township or  
6 district road" means any road in the township and district road  
7 system as defined in the Illinois Highway Code. For the  
8 purposes of this Section, "township or district road" also  
9 includes such roads as are maintained by park districts, forest  
10 preserve districts and conservation districts. The Department  
11 of Transportation shall determine the mileage of all township  
12 and district roads for the purposes of making allotments and  
13 allocations of motor fuel tax funds for use in road districts.

14 Payment of motor fuel tax moneys to municipalities and  
15 counties shall be made as soon as possible after the allotment  
16 is made. The treasurer of the municipality or county may invest  
17 these funds until their use is required and the interest earned  
18 by these investments shall be limited to the same uses as the  
19 principal funds.

20 (Source: P.A. 95-744, eff. 7-18-08; 96-34, eff. 7-13-09; 96-45,  
21 eff. 7-15-09; 96-959, eff. 7-1-10; 96-1000, eff. 7-2-10;  
22 96-1024, eff. 7-12-10; 96-1384, eff. 7-29-10; revised 9-2-10.)

23 Section 90-4. The University of Illinois Act is amended by  
24 reenacting Section 12.5 as follows:



1 (110 ILCS 305/12.5)

2 Sec. 12.5. Study of effect of the Lottery on Illinois  
3 families. The University of Illinois at Urbana-Champaign shall  
4 conduct a study, subject to appropriation, on the effect on  
5 Illinois families of members of the family purchasing Illinois  
6 Lottery tickets. The University of Illinois at  
7 Urbana-Champaign shall report its findings to the General  
8 Assembly on or before January 1, 2011.

9 (Source: P.A. 96-34, eff. 7-13-09.)

10 Section 90-5. The Environmental Protection Act is amended  
11 by reenacting Section 57.11 as follows:

12 (415 ILCS 5/57.11)

13 Sec. 57.11. Underground Storage Tank Fund; creation.

14 (a) There is hereby created in the State Treasury a special  
15 fund to be known as the Underground Storage Tank Fund. There  
16 shall be deposited into the Underground Storage Tank Fund all  
17 monies received by the Office of the State Fire Marshal as fees  
18 for underground storage tanks under Sections 4 and 5 of the  
19 Gasoline Storage Act and as fees pursuant to the Motor Fuel Tax  
20 Law. All amounts held in the Underground Storage Tank Fund  
21 shall be invested at interest by the State Treasurer. All  
22 income earned from the investments shall be deposited into the  
23 Underground Storage Tank Fund no less frequently than  
24 quarterly. Moneys in the Underground Storage Tank Fund,

1 pursuant to appropriation, may be used by the Agency and the  
2 Office of the State Fire Marshal for the following purposes:

3 (1) To take action authorized under Section 57.12 to  
4 recover costs under Section 57.12.

5 (2) To assist in the reduction and mitigation of damage  
6 caused by leaks from underground storage tanks, including  
7 but not limited to, providing alternative water supplies to  
8 persons whose drinking water has become contaminated as a  
9 result of those leaks.

10 (3) To be used as a matching amount towards federal  
11 assistance relative to the release of petroleum from  
12 underground storage tanks.

13 (4) For the costs of administering activities of the  
14 Agency and the Office of the State Fire Marshal relative to  
15 the Underground Storage Tank Fund.

16 (5) For payment of costs of corrective action incurred  
17 by and indemnification to operators of underground storage  
18 tanks as provided in this Title.

19 (6) For a total of 2 demonstration projects in amounts  
20 in excess of a \$10,000 deductible charge designed to assess  
21 the viability of corrective action projects at sites which  
22 have experienced contamination from petroleum releases.  
23 Such demonstration projects shall be conducted in  
24 accordance with the provision of this Title.

25 (7) Subject to appropriation, moneys in the  
26 Underground Storage Tank Fund may also be used by the

1 Department of Revenue for the costs of administering its  
2 activities relative to the Fund and for refunds provided  
3 for in Section 13a.8 of the Motor Fuel Tax Act.

4 (b) Moneys in the Underground Storage Tank Fund may,  
5 pursuant to appropriation, be used by the Office of the State  
6 Fire Marshal or the Agency to take whatever emergency action is  
7 necessary or appropriate to assure that the public health or  
8 safety is not threatened whenever there is a release or  
9 substantial threat of a release of petroleum from an  
10 underground storage tank and for the costs of administering its  
11 activities relative to the Underground Storage Tank Fund.

12 (c) Beginning July 1, 1993, the Governor shall certify to  
13 the State Comptroller and State Treasurer the monthly amount  
14 necessary to pay debt service on State obligations issued  
15 pursuant to Section 6 of the General Obligation Bond Act. On  
16 the last day of each month, the Comptroller shall order  
17 transferred and the Treasurer shall transfer from the  
18 Underground Storage Tank Fund to the General Obligation Bond  
19 Retirement and Interest Fund the amount certified by the  
20 Governor, plus any cumulative deficiency in those transfers for  
21 prior months.

22 (d) Except as provided in subsection (c) of this Section,  
23 the Underground Storage Tank Fund is not subject to  
24 administrative charges authorized under Section 8h of the State  
25 Finance Act that would in any way transfer any funds from the  
26 Underground Storage Tank Fund into any other fund of the State.

1           (e) Each fiscal year, subject to appropriation, the Agency  
2 may commit up to \$10,000,000 of the moneys in the Underground  
3 Storage Tank Fund to the payment of corrective action costs for  
4 legacy sites that meet one or more of the following criteria as  
5 a result of the underground storage tank release: (i) the  
6 presence of free product, (ii) contamination within a regulated  
7 recharge area, a wellhead protection area, or the setback zone  
8 of a potable water supply well, (iii) contamination extending  
9 beyond the boundaries of the site where the release occurred,  
10 or (iv) such other criteria as may be adopted in Agency rules.

11           (1) Fund moneys committed under this subsection (e)  
12 shall be held in the Fund for payment of the corrective  
13 action costs for which the moneys were committed.

14           (2) The Agency may adopt rules governing the commitment  
15 of Fund moneys under this subsection (e).

16           (3) This subsection (e) does not limit the use of Fund  
17 moneys at legacy sites as otherwise provided under this  
18 Title.

19           (4) For the purposes of this subsection (e), the term  
20 "legacy site" means a site for which (i) an underground  
21 storage tank release was reported prior to January 1, 2005,  
22 (ii) the owner or operator has been determined eligible to  
23 receive payment from the Fund for corrective action costs,  
24 and (iii) the Agency did not receive any applications for  
25 payment prior to January 1, 2010.

26           (Source: P.A. 96-34, eff. 7-13-09; 96-908, eff. 6-8-10.)

1 Section 90-6. The Illinois Vehicle Code is amended by  
2 reenacting Sections 3-806.8, 15-102, 15-107, 15-111, 15-112,  
3 15-113, 15-306, 15-307, and 16-105 as follows:

4 (625 ILCS 5/3-806.8)

5 Sec. 3-806.8. Graduated registration fee; study. The  
6 Secretary of State, in cooperation with the Department of  
7 Revenue, shall complete a feasibility study for the  
8 implementation and enforcement of a graduated registration fee  
9 based on the manufacturer's suggested retail price of motor  
10 vehicles of the first division, and second division vehicles  
11 weighing 8,000 pounds or less. This study shall include, but  
12 shall not be limited to the costs associated with design and  
13 maintenance of all systems and database applications required;  
14 suggested fee structures to create a revenue neutral graduated  
15 registration fee system; and consideration of annual  
16 depreciation of vehicles, reflective of fair market value.

17 The findings of this feasibility study shall be delivered  
18 to the Senate President, Speaker of the House of  
19 Representatives, Minority Leader of the Senate, and the  
20 Minority Leader of the House of Representatives no later than  
21 January 31, 2010.

22 (Source: P.A. 96-34, eff. 7-13-09; 96-1000, eff. 7-2-10.)

23 (625 ILCS 5/15-102) (from Ch. 95 1/2, par. 15-102)

1           Sec. 15-102. Width of Vehicles.

2           (a) On Class III and non-designated State and local  
3 highways, the total outside width of any vehicle or load  
4 thereon shall not exceed 8 feet 6 inches.

5           (b) Except during those times when, due to insufficient  
6 light or unfavorable atmospheric conditions, persons and  
7 vehicles on the highway are not clearly discernible at a  
8 distance of 1000 feet, the following vehicles may exceed the 8  
9 feet 6 inch limitation during the period from a half hour  
10 before sunrise to a half hour after sunset:

11           (1) Loads of hay, straw or other similar farm products  
12 provided that the load is not more than 12 feet wide.

13           (2) Implements of husbandry being transported on  
14 another vehicle and the transporting vehicle while loaded.

15           The following requirements apply to the transportation  
16 on another vehicle of an implement of husbandry wider than  
17 8 feet 6 inches on the National System of Interstate and  
18 Defense Highways or other highways in the system of State  
19 highways:

20           (A) The driver of a vehicle transporting an  
21 implement of husbandry that exceeds 8 feet 6 inches in  
22 width shall obey all traffic laws and shall check the  
23 roadways prior to making a movement in order to ensure  
24 that adequate clearance is available for the movement.  
25 It is prima facie evidence that the driver of a vehicle  
26 transporting an implement of husbandry has failed to

1 check the roadway prior to making a movement if the  
2 vehicle is involved in a collision with a bridge,  
3 overpass, fixed structure, or properly placed traffic  
4 control device or if the vehicle blocks traffic due to  
5 its inability to proceed because of a bridge, overpass,  
6 fixed structure, or properly placed traffic control  
7 device.

8 (B) Flags shall be displayed so as to wave freely  
9 at the extremities of overwidth objects and at the  
10 extreme ends of all protrusions, projections, and  
11 overhangs. All flags shall be clean, bright red flags  
12 with no advertising, wording, emblem, or insignia  
13 inscribed upon them and at least 18 inches square.

14 (C) "OVERSIZE LOAD" signs are mandatory on the  
15 front and rear of all vehicles with loads over 10 feet  
16 wide. These signs must have 12-inch high black letters  
17 with a 2-inch stroke on a yellow sign that is 7 feet  
18 wide by 18 inches high.

19 (D) One civilian escort vehicle is required for a  
20 load that exceeds 14 feet 6 inches in width and 2  
21 civilian escort vehicles are required for a load that  
22 exceeds 16 feet in width on the National System of  
23 Interstate and Defense Highways or other highways in  
24 the system of State highways.

25 (E) The requirements for a civilian escort vehicle  
26 and driver are as follows:

1           (1) The civilian escort vehicle shall be a  
2 passenger car or a second division vehicle not  
3 exceeding a gross vehicle weight of 8,000 pounds  
4 that is designed to afford clear and unobstructed  
5 vision to both front and rear.

6           (2) The escort vehicle driver must be properly  
7 licensed to operate the vehicle.

8           (3) While in use, the escort vehicle must be  
9 equipped with illuminated rotating, oscillating,  
10 or flashing amber lights or flashing amber strobe  
11 lights mounted on top that are of sufficient  
12 intensity to be visible at 500 feet in normal  
13 sunlight.

14           (4) "OVERSIZE LOAD" signs are mandatory on all  
15 escort vehicles. The sign on an escort vehicle  
16 shall have 8-inch high black letters on a yellow  
17 sign that is 5 feet wide by 12 inches high.

18           (5) When only one escort vehicle is required  
19 and it is operating on a two-lane highway, the  
20 escort vehicle shall travel approximately 300 feet  
21 ahead of the load. The rotating, oscillating, or  
22 flashing lights or flashing amber strobe lights  
23 and an "OVERSIZE LOAD" sign shall be displayed on  
24 the escort vehicle and shall be visible from the  
25 front. When only one escort vehicle is required and  
26 it is operating on a multilane divided highway, the



1 escort vehicle shall travel approximately 300 feet  
2 behind the load and the sign and lights shall be  
3 visible from the rear.

4 (6) When 2 escort vehicles are required, one  
5 escort shall travel approximately 300 feet ahead  
6 of the load and the second escort shall travel  
7 approximately 300 feet behind the load. The  
8 rotating, oscillating, or flashing lights or  
9 flashing amber strobe lights and an "OVERSIZE  
10 LOAD" sign shall be displayed on the escort  
11 vehicles and shall be visible from the front on the  
12 lead escort and from the rear on the trailing  
13 escort.

14 (7) When traveling within the corporate limits  
15 of a municipality, the escort vehicle shall  
16 maintain a reasonable and proper distance from the  
17 oversize load, consistent with existing traffic  
18 conditions.

19 (8) A separate escort shall be provided for  
20 each load hauled.

21 (9) The driver of an escort vehicle shall obey  
22 all traffic laws.

23 (10) The escort vehicle must be in safe  
24 operational condition.

25 (11) The driver of the escort vehicle must be  
26 in radio contact with the driver of the vehicle

1 carrying the oversize load.

2 (F) A transport vehicle while under load of more  
3 than 8 feet 6 inches in width must be equipped with an  
4 illuminated rotating, oscillating, or flashing amber  
5 light or lights or a flashing amber strobe light or  
6 lights mounted on the top of the cab that are of  
7 sufficient intensity to be visible at 500 feet in  
8 normal sunlight. If the load on the transport vehicle  
9 blocks the visibility of the amber lighting from the  
10 rear of the vehicle, the vehicle must also be equipped  
11 with an illuminated rotating, oscillating, or flashing  
12 amber light or lights or a flashing amber strobe light  
13 or lights mounted on the rear of the load that are of  
14 sufficient intensity to be visible at 500 feet in  
15 normal sunlight.

16 (G) When a flashing amber light is required on the  
17 transport vehicle under load and it is operating on a  
18 two-lane highway, the transport vehicle shall display  
19 to the rear at least one rotating, oscillating, or  
20 flashing light or a flashing amber strobe light and an  
21 "OVERSIZE LOAD" sign. When a flashing amber light is  
22 required on the transport vehicle under load and it is  
23 operating on a multilane divided highway, the sign and  
24 light shall be visible from the rear.

25 (H) Maximum speed shall be 45 miles per hour on all  
26 such moves or 5 miles per hour above the posted minimum

1 speed limit, whichever is greater, but the vehicle  
2 shall not at any time exceed the posted maximum speed  
3 limit.

4 (3) Portable buildings designed and used for  
5 agricultural and livestock raising operations that are not  
6 more than 14 feet wide and with not more than a 1 foot  
7 overhang along the left side of the hauling vehicle.  
8 However, the buildings shall not be transported more than  
9 10 miles and not on any route that is part of the National  
10 System of Interstate and Defense Highways.

11 All buildings when being transported shall display at least  
12 2 red cloth flags, not less than 12 inches square, mounted as  
13 high as practicable on the left and right side of the building.

14 A State Police escort shall be required if it is necessary  
15 for this load to use part of the left lane when crossing any 2  
16 laned State highway bridge.

17 (c) Vehicles propelled by electric power obtained from  
18 overhead trolley wires operated wholly within the corporate  
19 limits of a municipality are also exempt from the width  
20 limitation.

21 (d) (Blank).

22 (d-1) A recreational vehicle, as defined in Section 1-169,  
23 may exceed 8 feet 6 inches in width if:

24 (1) the excess width is attributable to appurtenances  
25 that extend 6 inches or less beyond either side of the body  
26 of the vehicle; and

1           (2) the roadway on which the vehicle is traveling has  
2           marked lanes for vehicular traffic that are at least 11  
3           feet in width.

4           As used in this subsection (d-1) and in subsection (d-2),  
5           the term appurtenance includes (i) a retracted awning and its  
6           support hardware and (ii) any appendage that is intended to be  
7           an integral part of a recreation vehicle.

8           (d-2) A recreational vehicle that exceeds 8 feet 6 inches  
9           in width as provided in subsection (d-1) may travel any roadway  
10          of the State if the vehicle is being operated between a roadway  
11          permitted under subsection (d-1) and:

12           (1) the location where the recreation vehicle is  
13           garaged;

14           (2) the destination of the recreation vehicle; or

15           (3) a facility for food, fuel, repair, services, or  
16           rest.

17          (e) A vehicle and load traveling upon the National System  
18          of Interstate and Defense Highways or any other highway in the  
19          system of State highways that has been designated as a Class I  
20          or Class II highway by the Department, or any street or highway  
21          designated by local authorities, may have a total outside width  
22          of 8 feet 6 inches, provided that certain safety devices that  
23          the Department determines as necessary for the safe and  
24          efficient operation of motor vehicles shall not be included in  
25          the calculation of width.

26          Section 5-35 of the Illinois Administrative Procedure Act

1 relating to procedures for rulemaking shall not apply to the  
2 designation of highways under this paragraph (e).

3 (f) Mirrors required by Section 12-502 of this Code and  
4 other safety devices identified by the Department may project  
5 up to 14 inches beyond each side of a bus and up to 6 inches  
6 beyond each side of any other vehicle, and that projection  
7 shall not be deemed a violation of the width restrictions of  
8 this Section.

9 (g) Any person who is convicted of violating this Section  
10 is subject to the penalty as provided in paragraph (b) of  
11 Section 15-113.

12 (Source: P.A. 96-34, eff. 1-1-10; 96-37, eff. 7-13-09; 96-220,  
13 eff. 1-1-10; 96-1000, eff. 7-2-10.)

14 (625 ILCS 5/15-107) (from Ch. 95 1/2, par. 15-107)

15 Sec. 15-107. Length of vehicles.

16 (a) The maximum length of a single vehicle on any highway  
17 of this State may not exceed 42 feet except the following:

18 (1) Semitrailers.

19 (2) Charter or regulated route buses may be up to 45  
20 feet in length, not including energy absorbing bumpers.

21 (a-1) A motor home as defined in Section 1-145.01 may be up  
22 to 45 feet in length, not including energy absorbing bumpers.  
23 The length limitations described in this subsection (a-1) shall  
24 be exclusive of energy-absorbing bumpers and rear view mirrors.

25 (b) On all non-State highways, the maximum length of

1 vehicles in combinations is as follows:

2 (1) A truck tractor in combination with a semitrailer  
3 may not exceed 55 feet overall dimension.

4 (2) A truck tractor-semitrailer-trailer may not exceed  
5 60 feet overall dimension.

6 (3) Combinations specially designed to transport motor  
7 vehicles or boats may not exceed 60 feet overall dimension.

8 Vehicles operating during daylight hours when transporting  
9 poles, pipes, machinery, or other objects of a structural  
10 nature that cannot readily be dismembered are exempt from  
11 length limitations, provided that no object may exceed 80 feet  
12 in length and the overall dimension of the vehicle including  
13 the load may not exceed 100 feet. This exemption does not apply  
14 to operation on a Saturday, Sunday, or legal holiday. Legal  
15 holidays referred to in this Section are the days on which the  
16 following traditional holidays are celebrated: New Year's Day;  
17 Memorial Day; Independence Day; Labor Day; Thanksgiving Day;  
18 and Christmas Day.

19 Vehicles and loads operated by a public utility while en  
20 route to make emergency repairs to public service facilities or  
21 properties are exempt from length limitations, provided that  
22 during night operations every vehicle and its load must be  
23 equipped with a sufficient number of clearance lamps on both  
24 sides and marker lamps on the extreme ends of any projecting  
25 load to clearly mark the dimensions of the load.

26 A tow truck in combination with a disabled vehicle or

1 combination of disabled vehicles, as provided in paragraph (6)  
2 of subsection (c) of this Section, is exempt from length  
3 limitations.

4 All other combinations not listed in this subsection (b)  
5 may not exceed 60 feet overall dimension.

6 (c) Except as provided in subsections (c-1) and (c-2),  
7 combinations of vehicles may not exceed a total of 2 vehicles  
8 except the following:

9 (1) A truck tractor semitrailer may draw one trailer.

10 (2) A truck tractor semitrailer may draw one converter  
11 dolly.

12 (3) A truck tractor semitrailer may draw one vehicle  
13 that is defined in Chapter 1 as special mobile equipment,  
14 provided the overall dimension does not exceed 60 feet.

15 (4) A truck in transit may draw 3 trucks in transit  
16 coupled together by the triple saddlemount method.

17 (5) Recreational vehicles consisting of 3 vehicles,  
18 provided the following:

19 (A) The total overall dimension does not exceed 60  
20 feet.

21 (B) The towing vehicle is a properly registered  
22 vehicle capable of towing another vehicle using a  
23 fifth-wheel type assembly.

24 (C) The second vehicle in the combination of  
25 vehicles is a recreational vehicle that is towed by a  
26 fifth-wheel assembly. This vehicle must be properly

1 registered and must be equipped with brakes,  
2 regardless of weight.

3 (D) The third vehicle must be the lightest of the 3  
4 vehicles and be a trailer or semitrailer designed or  
5 used for transporting a boat, all-terrain vehicle,  
6 personal watercraft, or motorcycle.

7 (E) The towed vehicles may be only for the use of  
8 the operator of the towing vehicle.

9 (F) All vehicles must be properly equipped with  
10 operating brakes and safety equipment required by this  
11 Code, except the additional brake requirement in  
12 subdivision (C) of this subparagraph (5).

13 (6) A tow truck in combination with a disabled vehicle  
14 or combination of disabled vehicles, provided the towing  
15 vehicle:

16 (A) Is specifically designed as a tow truck having  
17 a gross vehicle weight rating of at least 18,000 pounds  
18 and equipped with air brakes, provided that air brakes  
19 are required only if the towing vehicle is towing a  
20 vehicle, semitrailer, or tractor-trailer combination  
21 that is equipped with air brakes. For the purpose of  
22 this subsection, gross vehicle weight rating, or GVWR,  
23 means the value specified by the manufacturer as the  
24 loaded weight of the tow truck.

25 (B) Is equipped with flashing, rotating, or  
26 oscillating amber lights, visible for at least 500 feet



1 in all directions.

2 (C) Is capable of utilizing the lighting and  
3 braking systems of the disabled vehicle or combination  
4 of vehicles.

5 (D) Does not engage a tow exceeding 50 highway  
6 miles from the initial point of wreck or disablement to  
7 a place of repair. Any additional movement of the  
8 vehicles may occur only upon issuance of authorization  
9 for that movement under the provisions of Sections  
10 15-301 through 15-319 of this Code.

11 The Department may by rule or regulation prescribe  
12 additional requirements regarding length limitations for a  
13 tow truck towing another vehicle.

14 For purposes of this Section, a tow-dolly that merely  
15 serves as substitute wheels for another legally licensed  
16 vehicle is considered part of the licensed vehicle and not  
17 a separate vehicle.

18 (7) Commercial vehicles consisting of 3 vehicles,  
19 provided the following:

20 (A) The total overall dimension does not exceed 65  
21 feet.

22 (B) The towing vehicle is a properly registered  
23 vehicle capable of towing another vehicle using a  
24 fifth-wheel type assembly or a goose-neck hitch ball.

25 (C) The third vehicle must be the lightest of the 3  
26 vehicles and be a trailer or semitrailer.

1 (D) All vehicles must be properly equipped with  
2 operating brakes and safety equipment required by this  
3 Code.

4 (E) The combination of vehicles must be operated by  
5 a person who holds a commercial driver's license (CDL).

6 (F) The combination of vehicles must be en route to  
7 a location where new or used trailers are sold by an  
8 Illinois or out-of-state licensed new or used trailer  
9 dealer.

10 (c-1) A combination of 3 vehicles is allowed access to any  
11 State designated highway if:

12 (1) the length of neither towed vehicle exceeds 28.5  
13 feet;

14 (2) the overall wheel base of the combination of  
15 vehicles does not exceed 62 feet; and

16 (3) the combination of vehicles is en route to a  
17 location where new or used trailers are sold by an Illinois  
18 or out-of-state licensed new or used trailer dealer.

19 (c-2) A combination of 3 vehicles is allowed access from  
20 any State designated highway onto any county, township, or  
21 municipal highway for a distance of 5 highway miles for the  
22 purpose of delivery or collection of one or both of the towed  
23 vehicles if:

24 (1) the length of neither towed vehicle exceeds 28.5  
25 feet;

26 (2) the combination of vehicles does not exceed 40,000

1 pounds in gross weight and 8 feet 6 inches in width;

2 (3) there is no sign prohibiting that access;

3 (4) the route is not being used as a thoroughfare  
4 between State designated highways; and

5 (5) the combination of vehicles is en route to a  
6 location where new or used trailers are sold by an Illinois  
7 or out-of-state licensed new or used trailer dealer.

8 (d) On Class I highways there are no overall length  
9 limitations on motor vehicles operating in combinations  
10 provided:

11 (1) The length of a semitrailer, unladen or with load,  
12 in combination with a truck tractor may not exceed 53 feet.

13 (2) The distance between the kingpin and the center of  
14 the rear axle of a semitrailer longer than 48 feet, in  
15 combination with a truck tractor, may not exceed 45 feet 6  
16 inches.

17 (3) The length of a semitrailer or trailer, unladen or  
18 with load, operated in a truck tractor-semitrailer-trailer  
19 combination, may not exceed 28 feet 6 inches.

20 (4) Maxi-cube combinations, as defined in Chapter 1,  
21 may not exceed 65 feet overall dimension.

22 (5) Combinations of vehicles specifically designed to  
23 transport motor vehicles or boats may not exceed 65 feet  
24 overall dimension. The length limitation is inclusive of  
25 front and rear bumpers but exclusive of the overhang of the  
26 transported vehicles, as provided in paragraph (i) of this

1 Section.

2 (6) Stinger steered semitrailer vehicles as defined in  
3 Chapter 1, specifically designed to transport motor  
4 vehicles or boats, may not exceed 75 feet overall  
5 dimension. The length limitation is inclusive of front and  
6 rear bumpers but exclusive of the overhang of the  
7 transported vehicles, as provided in paragraph (i) of this  
8 Section.

9 (7) A truck in transit transporting 3 trucks coupled  
10 together by the triple saddlemount method may not exceed 75  
11 feet overall dimension.

12 Vehicles operating during daylight hours when transporting  
13 poles, pipes, machinery, or other objects of a structural  
14 nature that cannot readily be dismembered are exempt from  
15 length limitations, provided that no object may exceed 80 feet  
16 in length and the overall dimension of the vehicle including  
17 the load may not exceed 100 feet. This exemption does not apply  
18 to operation on a Saturday, Sunday, or legal holiday. Legal  
19 holidays referred to in this Section are the days on which the  
20 following traditional holidays are celebrated: New Year's Day;  
21 Memorial Day; Independence Day; Labor Day; Thanksgiving Day;  
22 and Christmas Day.

23 Vehicles and loads operated by a public utility while en  
24 route to make emergency repairs to public service facilities or  
25 properties are exempt from length limitations, provided that  
26 during night operations every vehicle and its load must be

1 equipped with a sufficient number of clearance lamps on both  
2 sides and marker lamps on the extreme ends of any projecting  
3 load to clearly mark the dimensions of the load.

4 A tow truck in combination with a disabled vehicle or  
5 combination of disabled vehicles, as provided in paragraph (6)  
6 of subsection (c) of this Section, is exempt from length  
7 limitations.

8 The length limitations described in this paragraph (d)  
9 shall be exclusive of safety and energy conservation devices,  
10 such as bumpers, refrigeration units or air compressors and  
11 other devices, that the Department may interpret as necessary  
12 for safe and efficient operation; except that no device  
13 excluded under this paragraph shall have by its design or use  
14 the capability to carry cargo.

15 Section 5-35 of the Illinois Administrative Procedure Act  
16 relating to procedures for rulemaking shall not apply to the  
17 designation of highways under this paragraph (d).

18 (e) On Class II highways there are no overall length  
19 limitations on motor vehicles operating in combinations,  
20 provided:

21 (1) The length of a semitrailer, unladen or with load,  
22 in combination with a truck tractor, may not exceed 53 feet  
23 overall dimension.

24 (2) The distance between the kingpin and the center of  
25 the rear axle of a semitrailer longer than 48 feet, in  
26 combination with a truck tractor, may not exceed 45 feet 6

1 inches.

2 (3) A truck tractor-semitrailer-trailer combination  
3 may not exceed 65 feet in dimension from front axle to rear  
4 axle.

5 (4) The length of a semitrailer or trailer, unladen or  
6 with load, operated in a truck tractor-semitrailer-trailer  
7 combination, may not exceed 28 feet 6 inches.

8 (5) Maxi-cube combinations, as defined in Chapter 1,  
9 may not exceed 65 feet overall dimension.

10 (6) A combination of vehicles, specifically designed  
11 to transport motor vehicles or boats, may not exceed 65  
12 feet overall dimension. The length limitation is inclusive  
13 of front and rear bumpers but exclusive of the overhang of  
14 the transported vehicles, as provided in paragraph (i) of  
15 this Section.

16 (7) Stinger steered semitrailer vehicles, as defined  
17 in Chapter 1, specifically designed to transport motor  
18 vehicles or boats, may not exceed 75 feet overall  
19 dimension. The length limitation is inclusive of front and  
20 rear bumpers but exclusive of the overhang of the  
21 transported vehicles, as provided in paragraph (i) of this  
22 Section.

23 (8) A truck in transit transporting 3 trucks coupled  
24 together by the triple saddlemount method may not exceed 75  
25 feet overall dimension.

26 Vehicles operating during daylight hours when transporting

1 poles, pipes, machinery, or other objects of a structural  
2 nature that cannot readily be dismembered are exempt from  
3 length limitations, provided that no object may exceed 80 feet  
4 in length and the overall dimension of the vehicle including  
5 the load may not exceed 100 feet. This exemption does not apply  
6 to operation on a Saturday, Sunday, or legal holiday. Legal  
7 holidays referred to in this Section are the days on which the  
8 following traditional holidays are celebrated: New Year's Day;  
9 Memorial Day; Independence Day; Labor Day; Thanksgiving Day;  
10 and Christmas Day.

11 Vehicles and loads operated by a public utility while en  
12 route to make emergency repairs to public service facilities or  
13 properties are exempt from length limitations, provided that  
14 during night operations every vehicle and its load must be  
15 equipped with a sufficient number of clearance lamps on both  
16 sides and marker lamps on the extreme ends of any projecting  
17 load to clearly mark the dimensions of the load.

18 A tow truck in combination with a disabled vehicle or  
19 combination of disabled vehicles, as provided in paragraph (6)  
20 of subsection (c) of this Section, is exempt from length  
21 limitations.

22 Local authorities, with respect to streets and highways  
23 under their jurisdiction, may also by ordinance or resolution  
24 allow length limitations of this subsection (e).

25 The length limitations described in this paragraph (e)  
26 shall be exclusive of safety and energy conservation devices,

1 such as bumpers, refrigeration units or air compressors and  
2 other devices, that the Department may interpret as necessary  
3 for safe and efficient operation; except that no device  
4 excluded under this paragraph shall have by its design or use  
5 the capability to carry cargo.

6 Section 5-35 of the Illinois Administrative Procedure Act  
7 relating to procedures for rulemaking shall not apply to the  
8 designation of highways under this paragraph (e).

9 (e-1) Combinations of vehicles not exceeding 65 feet  
10 overall length are allowed access as follows:

11 (1) From any State designated highway onto any county,  
12 township, or municipal highway for a distance of 5 highway  
13 miles for the purpose of loading and unloading, provided:

14 (A) The vehicle does not exceed 80,000 pounds in  
15 gross weight and 8 feet 6 inches in width.

16 (B) There is no sign prohibiting that access.

17 (C) The route is not being used as a thoroughfare  
18 between State designated highways.

19 (2) From any State designated highway onto any county  
20 or township highway for a distance of 5 highway miles or  
21 onto any municipal highway for a distance of one highway  
22 mile for the purpose of food, fuel, repairs, and rest,  
23 provided:

24 (A) The vehicle does not exceed 80,000 pounds in  
25 gross weight and 8 feet 6 inches in width.

26 (B) There is no sign prohibiting that access.



1           (C) The route is not being used as a thoroughfare  
2           between State designated highways.

3           (e-2) Except as provided in subsection (e-3), combinations  
4 of vehicles over 65 feet in length, with no overall length  
5 limitation except as provided in subsections (d) and (e) of  
6 this Section, are allowed access as follows:

7           (1) From a Class I highway onto any street or highway  
8           for a distance of one highway mile for the purpose of  
9           loading, unloading, food, fuel, repairs, and rest,  
10          provided there is no sign prohibiting that access.

11          (2) From a Class I or Class II highway onto any State  
12          highway or any locally designated highway for a distance of  
13          5 highway miles for the purpose of loading, unloading,  
14          food, fuel, repairs, and rest.

15          (e-3) Combinations of vehicles over 65 feet in length  
16          operated by household goods carriers, with no overall length  
17          limitations except as provided in subsections (d) and (e) of  
18          this Section, have unlimited access to points of loading and  
19          unloading.

20          (f) On Class III and other non-designated State highways,  
21          the length limitations for vehicles in combination are as  
22          follows:

23               (1) Truck tractor-semitrailer combinations, must  
24               comply with either a maximum 55 feet overall wheel base or  
25               a maximum 65 feet extreme overall dimension.

26               (2) Semitrailers, unladen or with load, may not exceed

1 53 feet overall dimension.

2 (3) No truck tractor-semitrailer-trailer combination  
3 may exceed 60 feet extreme overall dimension.

4 (4) The distance between the kingpin and the center  
5 axle of a semitrailer longer than 48 feet, in combination  
6 with a truck tractor, may not exceed 42 feet 6 inches.

7 (g) Length limitations in the preceding subsections of this  
8 Section 15-107 do not apply to the following:

9 (1) Vehicles operated in the daytime, except on  
10 Saturdays, Sundays, or legal holidays, when transporting  
11 poles, pipe, machinery, or other objects of a structural  
12 nature that cannot readily be dismembered, provided the  
13 overall length of vehicle and load may not exceed 100 feet  
14 and no object exceeding 80 feet in length may be  
15 transported unless a permit has been obtained as authorized  
16 in Section 15-301.

17 (2) Vehicles and loads operated by a public utility  
18 while en route to make emergency repairs to public service  
19 facilities or properties, but during night operation every  
20 vehicle and its load must be equipped with a sufficient  
21 number of clearance lamps on both sides and marker lamps  
22 upon the extreme ends of any projecting load to clearly  
23 mark the dimensions of the load.

24 (3) A tow truck in combination with a disabled vehicle  
25 or combination of disabled vehicles, provided the towing  
26 vehicle meets the following conditions:

1           (A) It is specifically designed as a tow truck  
2           having a gross vehicle weight rating of at least 18,000  
3           pounds and equipped with air brakes, provided that air  
4           brakes are required only if the towing vehicle is  
5           towing a vehicle, semitrailer, or tractor-trailer  
6           combination that is equipped with air brakes.

7           (B) It is equipped with flashing, rotating, or  
8           oscillating amber lights, visible for at least 500 feet  
9           in all directions.

10          (C) It is capable of utilizing the lighting and  
11          braking systems of the disabled vehicle or combination  
12          of vehicles.

13          (D) It does not engage in a tow exceeding 50 miles  
14          from the initial point of wreck or disablement.

15          The Department may by rule or regulation prescribe  
16          additional requirements regarding length limitations for a tow  
17          truck towing another vehicle. The towing vehicle, however, may  
18          tow any disabled vehicle from the initial point of wreck or  
19          disablement to a point where repairs are actually to occur.  
20          This movement shall be valid only on State routes. The tower  
21          must abide by posted bridge weight limits.

22          For the purpose of this subsection, gross vehicle weight  
23          rating, or GVWR, shall mean the value specified by the  
24          manufacturer as the loaded weight of the tow truck. Legal  
25          holidays referred to in this Section shall be specified as the  
26          day on which the following traditional holidays are celebrated:

1           New Year's Day;  
2           Memorial Day;  
3           Independence Day;  
4           Labor Day;  
5           Thanksgiving Day; and  
6           Christmas Day.

7           (h) The load upon any vehicle operated alone, or the load  
8           upon the front vehicle of a combination of vehicles, shall not  
9           extend more than 3 feet beyond the front wheels of the vehicle  
10          or the front bumper of the vehicle if it is equipped with a  
11          front bumper. The provisions of this subsection (h) shall not  
12          apply to any vehicle or combination of vehicles specifically  
13          designed for the collection and transportation of waste,  
14          garbage, or recyclable materials during the vehicle's  
15          operation in the course of collecting garbage, waste, or  
16          recyclable materials if the vehicle is traveling at a speed not  
17          in excess of 15 miles per hour during the vehicle's operation  
18          and in the course of collecting garbage, waste, or recyclable  
19          materials. However, in no instance shall the load extend more  
20          than 7 feet beyond the front wheels of the vehicle or the front  
21          bumper of the vehicle if it is equipped with a front bumper.

22          (i) The load upon the front vehicle of a combination of  
23          vehicles specifically designed to transport motor vehicles  
24          shall not extend more than 3 feet beyond the foremost part of  
25          the transporting vehicle and the load upon the rear  
26          transporting vehicle shall not extend more than 4 feet beyond

1 the rear of the bed or body of the vehicle. This paragraph  
2 shall only be applicable upon highways designated in paragraphs  
3 (d) and (e) of this Section.

4 (j) Articulated vehicles comprised of 2 sections, neither  
5 of which exceeds a length of 42 feet, designed for the carrying  
6 of more than 10 persons, may be up to 60 feet in length, not  
7 including energy absorbing bumpers, provided that the vehicles  
8 are:

9 1. operated by or for any public body or motor carrier  
10 authorized by law to provide public transportation  
11 services; or

12 2. operated in local public transportation service by  
13 any other person and the municipality in which the service  
14 is to be provided approved the operation of the vehicle.

15 (j-1) (Blank).

16 (k) Any person who is convicted of violating this Section  
17 is subject to the penalty as provided in paragraph (b) of  
18 Section 15-113.

19 (l) (Blank).

20 (Source: P.A. 96-34, eff. 1-1-10; 96-37, eff. 7-13-09; 96-1352,  
21 eff. 7-28-10.)

22 (625 ILCS 5/15-111) (from Ch. 95 1/2, par. 15-111)

23 Sec. 15-111. Wheel and axle loads and gross weights.

24 (a) On non-designated highways, no vehicle or combination  
25 of vehicles equipped with pneumatic tires may be operated,

1 unladen or with load, when the total weight transmitted to the  
2 road surface exceeds 20,000 pounds on a single axle or 34,000  
3 pounds on a tandem axle with no axle within the tandem  
4 exceeding 20,000 pounds except:

5 (1) when a different limit is established and posted in  
6 accordance with Section 15-316 of this Code;

7 (2) vehicles for which the Department of  
8 Transportation and local authorities issue overweight  
9 permits under authority of Section 15-301 of this Code;

10 (3) tow trucks subject to the conditions provided in  
11 subsection (d) may not exceed 24,000 pounds on a single  
12 rear axle or 44,000 pounds on a tandem rear axle;

13 (4) any single axle of a 2-axle truck weighing 36,000  
14 pounds or less and not a part of a combination of vehicles,  
15 shall not exceed 20,000 pounds;

16 (5) any single axle of a 2-axle truck equipped with a  
17 personnel lift or digger derrick, weighing 36,000 pounds or  
18 less, owned and operated by a public utility, shall not  
19 exceed 20,000 pounds;

20 (6) any single axle of a 2-axle truck specially  
21 equipped with a front loading compactor used exclusively  
22 for garbage, refuse, or recycling may not exceed 20,000  
23 pounds per axle, provided that the gross weight of the  
24 vehicle does not exceed 40,000 pounds;

25 (7) a truck, not in combination and specially equipped  
26 with a selfcompactor or an industrial roll-off hoist and

1 roll-off container, used exclusively for garbage or refuse  
2 operations may, when laden, transmit upon the road surface  
3 the following maximum weights: 22,000 pounds on a single  
4 axle; 40,000 pounds on a tandem axle;

5 (8) a truck, not in combination and used exclusively  
6 for the collection of rendering materials, may, when laden,  
7 transmit upon the road surface the following maximum  
8 weights: 22,000 pounds on a single axle; 40,000 pounds on a  
9 tandem axle;

10 (9) tandem axles on a 3-axle truck registered as a  
11 Special Hauling Vehicle, manufactured prior to or in the  
12 model year of 2014 and first registered in Illinois prior  
13 to January 1, 2015, with a distance greater than 72 inches  
14 but not more than 96 inches between any series of 2 axles,  
15 is allowed a combined weight on the series not to exceed  
16 36,000 pounds and neither axle of the series may exceed  
17 20,000 pounds. Any vehicle of this type manufactured after  
18 the model year of 2014 or first registered in Illinois  
19 after December 31, 2014 may not exceed a combined weight of  
20 34,000 pounds through the series of 2 axles and neither  
21 axle of the series may exceed 20,000 pounds;

22 (10) a 4-axle truck mixer registered as a Special  
23 Hauling Vehicle, used exclusively for the mixing and  
24 transportation of concrete in the plastic state and  
25 manufactured prior to or in the model year of 2014 and  
26 first registered in Illinois prior to January 1, 2015, is

1           allowed the following maximum weights: 20,000 pounds on any  
2           single axle; 36,000 pounds on any series of 2 axles greater  
3           than 72 inches but not more than 96 inches; and 34,000  
4           pounds on any series of 2 axles greater than 40 inches but  
5           not more than 72 inches;

6           (11) 4-axle vehicles or a 5 or more axle combination of  
7           vehicles: The weight transmitted upon the road surface  
8           through any series of 3 axles whose centers are more than  
9           96 inches apart, measured between extreme axles in the  
10          series, may not exceed those allowed in the table contained  
11          in subsection (f) of this Section. No axle or tandem axle  
12          of the series may exceed the maximum weight permitted under  
13          this Section for a single or tandem axle.

14          No vehicle or combination of vehicles equipped with other  
15          than pneumatic tires may be operated, unladen or with load,  
16          upon the highways of this State when the gross weight on the  
17          road surface through any wheel exceeds 800 pounds per inch  
18          width of tire tread or when the gross weight on the road  
19          surface through any axle exceeds 16,000 pounds.

20          (b) On non-designated highways, the gross weight of  
21          vehicles and combination of vehicles including the weight of  
22          the vehicle or combination and its maximum load shall be  
23          subject to the federal bridge formula provided in subsection  
24          (f) of this Section.

25          VEHICLES OPERATING ON CRAWLER TYPE TRACKS   .... 40,000 pounds



1 TRUCKS EQUIPPED WITH SELFCOMPACTORS  
2 OR ROLL-OFF HOISTS AND ROLL-OFF CONTAINERS FOR GARBAGE,  
3 REFUSE, OR RECYCLING HAULS ONLY AND TRUCKS USED FOR  
4 THE COLLECTION OF RENDERING MATERIALS  
5 On Highway Not Part of National System  
6 of Interstate and Defense Highways  
7 with 2 axles 36,000 pounds  
8 with 3 axles 54,000 pounds

9 TWO AXLE TRUCKS EQUIPPED WITH  
10 A FRONT LOADING COMPACTOR USED EXCLUSIVELY  
11 FOR THE COLLECTION OF GARBAGE, REFUSE, OR RECYCLING  
12 with 2 axles 40,000 pounds

13 A 4-axle truck mixer registered as a Special Hauling  
14 Vehicle, used exclusively for mixing and transportation of  
15 concrete in the plastic state, manufactured before or in the  
16 model year of 2014, and first registered in Illinois before  
17 January 1, 2015, is allowed a maximum gross weight listed in  
18 the table of subsection (f) of this Section for 4 axles. This  
19 vehicle, while loaded with concrete in the plastic state, is  
20 not subject to the series of 3 axles requirement provided for  
21 in subdivision (a)(11) of this Section, but no axle or tandem  
22 axle of the series may exceed the maximum weight permitted  
23 under subdivision (a)(10) of this Section.

1 (b-1) As used in this Section, a "recycling haul" or  
2 "recycling operation" means the hauling of segregated,  
3 non-hazardous, non-special, homogeneous non-putrescible  
4 materials, such as paper, glass, cans, or plastic, for  
5 subsequent use in the secondary materials market.

6 (c) Cities having a population of more than 50,000 may  
7 permit by ordinance axle loads on 2 axle motor vehicles 33 1/2%  
8 above those provided for herein, but the increase shall not  
9 become effective until the city has officially notified the  
10 Department of the passage of the ordinance and shall not apply  
11 to those vehicles when outside of the limits of the city, nor  
12 shall the gross weight of any 2 axle motor vehicle operating  
13 over any street of the city exceed 40,000 pounds.

14 (d) Weight limitations shall not apply to vehicles  
15 (including loads) operated by a public utility when  
16 transporting equipment required for emergency repair of public  
17 utility facilities or properties or water wells.

18 A combination of vehicles, including a tow truck and a  
19 disabled vehicle or disabled combination of vehicles, that  
20 exceeds the weight restriction imposed by this Code, may be  
21 operated on a public highway in this State provided that  
22 neither the disabled vehicle nor any vehicle being towed nor  
23 the tow truck itself shall exceed the weight limitations  
24 permitted under this Chapter. During the towing operation,  
25 neither the tow truck nor the vehicle combination shall exceed  
26 24,000 pounds on a single rear axle and 44,000 pounds on a

1 tandem rear axle, provided the towing vehicle:

2 (1) is specifically designed as a tow truck having a  
3 gross vehicle weight rating of at least 18,000 pounds and  
4 is equipped with air brakes, provided that air brakes are  
5 required only if the towing vehicle is towing a vehicle,  
6 semitrailer, or tractor-trailer combination that is  
7 equipped with air brakes;

8 (2) is equipped with flashing, rotating, or  
9 oscillating amber lights, visible for at least 500 feet in  
10 all directions;

11 (3) is capable of utilizing the lighting and braking  
12 systems of the disabled vehicle or combination of vehicles;  
13 and

14 (4) does not engage in a tow exceeding 20 miles from  
15 the initial point of wreck or disablement. Any additional  
16 movement of the vehicles may occur only upon issuance of  
17 authorization for that movement under the provisions of  
18 Sections 15-301 through 15-319 of this Code. The towing  
19 vehicle, however, may tow any disabled vehicle from the  
20 initial point of wreck or disablement to a point where  
21 repairs are actually to occur. This movement shall be valid  
22 only on State routes. The tower must abide by posted bridge  
23 weight limits.

24 Gross weight limits shall not apply to the combination of  
25 the tow truck and vehicles being towed. The tow truck license  
26 plate must cover the operating empty weight of the tow truck

1 only. The weight of each vehicle being towed shall be covered  
2 by a valid license plate issued to the owner or operator of the  
3 vehicle being towed and displayed on that vehicle. If no valid  
4 plate issued to the owner or operator of that vehicle is  
5 displayed on that vehicle, or the plate displayed on that  
6 vehicle does not cover the weight of the vehicle, the weight of  
7 the vehicle shall be covered by the third tow truck plate  
8 issued to the owner or operator of the tow truck and  
9 temporarily affixed to the vehicle being towed. If a roll-back  
10 carrier is registered and being used as a tow truck, however,  
11 the license plate or plates for the tow truck must cover the  
12 gross vehicle weight, including any load carried on the bed of  
13 the roll-back carrier.

14 The Department may by rule or regulation prescribe  
15 additional requirements. However, nothing in this Code shall  
16 prohibit a tow truck under instructions of a police officer  
17 from legally clearing a disabled vehicle, that may be in  
18 violation of weight limitations of this Chapter, from the  
19 roadway to the berm or shoulder of the highway. If in the  
20 opinion of the police officer that location is unsafe, the  
21 officer is authorized to have the disabled vehicle towed to the  
22 nearest place of safety.

23 For the purpose of this subsection, gross vehicle weight  
24 rating, or GVWR, shall mean the value specified by the  
25 manufacturer as the loaded weight of the tow truck.

26 (e) No vehicle or combination of vehicles equipped with

1 pneumatic tires shall be operated, unladen or with load, upon  
 2 the highways of this State in violation of the provisions of  
 3 any permit issued under the provisions of Sections 15-301  
 4 through 15-319 of this Chapter.

5 (f) No vehicle or combination of vehicles with pneumatic  
 6 tires may be operated, unladen or with load, when the total  
 7 weight on the road surface exceeds the following: 20,000 pounds  
 8 on a single axle; 34,000 pounds on a tandem axle with no axle  
 9 within the tandem exceeding 20,000 pounds; 80,000 pounds gross  
 10 weight for vehicle combinations of 5 or more axles; or a total  
 11 weight on a group of 2 or more consecutive axles in excess of  
 12 that weight produced by the application of the following  
 13 formula:  $W = 500 \text{ times the sum of } (LN \text{ divided by } N-1) + 12N +$   
 14  $36$ , where "W" equals overall total weight on any group of 2 or  
 15 more consecutive axles to the nearest 500 pounds, "L" equals  
 16 the distance measured to the nearest foot between extremes of  
 17 any group of 2 or more consecutive axles, and "N" equals the  
 18 number of axles in the group under consideration.

19 The above formula when expressed in tabular form results in  
 20 allowable loads as follows:

21	Distance measured	
22	to the nearest	
23	foot between the	
24	extremes of any	Maximum weight in pounds
25	group of 2 or	of any group of

1	more consecutive	2 or more consecutive axles				
2	axles					
3	feet	2 axles	3 axles	4 axles	5 axles	6 axles
4	4	34,000				
5	5	34,000				
6	6	34,000				
7	7	34,000				
8	8	38,000*	42,000			
9	9	39,000	42,500			
10	10	40,000	43,500			
11	11		44,000			
12	12		45,000	50,000		
13	13		45,500	50,500		
14	14		46,500	51,500		
15	15		47,000	52,000		
16	16		48,000	52,500	58,000	
17	17		48,500	53,500	58,500	
18	18		49,500	54,000	59,000	
19	19		50,000	54,500	60,000	
20	20		51,000	55,500	60,500	66,000
21	21		51,500	56,000	61,000	66,500
22	22		52,500	56,500	61,500	67,000
23	23		53,000	57,500	62,500	68,000
24	24		54,000	58,000	63,000	68,500
25	25		54,500	58,500	63,500	69,000
26	26		55,500	59,500	64,000	69,500

1	27	56,000	60,000	65,000	70,000
2	28	57,000	60,500	65,500	71,000
3	29	57,500	61,500	66,000	71,500
4	30	58,500	62,000	66,500	72,000
5	31	59,000	62,500	67,500	72,500
6	32	60,000	63,500	68,000	73,000
7	33		64,000	68,500	74,000
8	34		64,500	69,000	74,500
9	35		65,500	70,000	75,000
10	36		66,000	70,500	75,500
11	37		66,500	71,000	76,000
12	38		67,500	72,000	77,000
13	39		68,000	72,500	77,500
14	40		68,500	73,000	78,000
15	41		69,500	73,500	78,500
16	42		70,000	74,000	79,000
17	43		70,500	75,000	80,000
18	44		71,500	75,500	
19	45		72,000	76,000	
20	46		72,500	76,500	
21	47		73,500	77,500	
22	48		74,000	78,000	
23	49		74,500	78,500	
24	50		75,500	79,000	
25	51		76,000	80,000	
26	52		76,500		

1	53	77,500
2	54	78,000
3	55	78,500
4	56	79,500
5	57	80,000

6 \*If the distance between 2 axles is 96 inches or less, the 2  
7 axles are tandem axles and the maximum total weight may not  
8 exceed 34,000 pounds, notwithstanding the higher limit  
9 resulting from the application of the formula.

10 Vehicles not in a combination having more than 4 axles may  
11 not exceed the weight in the table in this subsection (f) for 4  
12 axles measured between the extreme axles of the vehicle.

13 Vehicles in a combination having more than 6 axles may not  
14 exceed the weight in the table in this subsection (f) for 6  
15 axles measured between the extreme axles of the combination.

16 Local authorities, with respect to streets and highways  
17 under their jurisdiction, without additional fees, may also by  
18 ordinance or resolution allow the weight limitations of this  
19 subsection, provided the maximum gross weight on any one axle  
20 shall not exceed 20,000 pounds and the maximum total weight on  
21 any tandem axle shall not exceed 34,000 pounds, on designated  
22 highways when appropriate regulatory signs giving notice are  
23 erected upon the street or highway or portion of any street or  
24 highway affected by the ordinance or resolution.

25 The following are exceptions to the above formula:

26 (1) Two consecutive sets of tandem axles may carry a



1 total weight of 34,000 pounds each if the overall distance  
2 between the first and last axles of the consecutive sets of  
3 tandem axles is 36 feet or more.

4 (2) Vehicles for which a different limit is established  
5 and posted in accordance with Section 15-316 of this Code.

6 (3) Vehicles for which the Department of  
7 Transportation and local authorities issue overweight  
8 permits under authority of Section 15-301 of this Code.  
9 These vehicles are not subject to the bridge formula.

10 (4) Tow trucks subject to the conditions provided in  
11 subsection (d) may not exceed 24,000 pounds on a single  
12 rear axle or 44,000 pounds on a tandem rear axle.

13 (5) A tandem axle on a 3-axle truck registered as a  
14 Special Hauling Vehicle, manufactured prior to or in the  
15 model year of 2014, and registered in Illinois prior to  
16 January 1, 2015, with a distance between 2 axles in a  
17 series greater than 72 inches but not more than 96 inches  
18 may not exceed a total weight of 36,000 pounds and neither  
19 axle of the series may exceed 20,000 pounds.

20 (6) A truck not in combination, equipped with a self  
21 compactor or an industrial roll-off hoist and roll-off  
22 container, used exclusively for garbage, refuse, or  
23 recycling operations, may, when laden, transmit upon the  
24 road surface, except when on part of the National System of  
25 Interstate and Defense Highways, the following maximum  
26 weights: 22,000 pounds on a single axle; 40,000 pounds on a

1 tandem axle; 36,000 pounds gross weight on a 2-axle  
2 vehicle; 54,000 pounds gross weight on a 3-axle vehicle.  
3 This vehicle is not subject to the bridge formula.

4 (7) Combinations of vehicles, registered as Special  
5 Hauling Vehicles that include a semitrailer manufactured  
6 prior to or in the model year of 2014, and registered in  
7 Illinois prior to January 1, 2015, having 5 axles with a  
8 distance of 42 feet or less between extreme axles, may not  
9 exceed the following maximum weights: 20,000 pounds on a  
10 single axle; 34,000 pounds on a tandem axle; and 72,000  
11 pounds gross weight. This combination of vehicles is not  
12 subject to the bridge formula. For all those combinations  
13 of vehicles that include a semitrailer manufactured after  
14 the effective date of this amendatory Act of the 92nd  
15 General Assembly, the overall distance between the first  
16 and last axles of the 2 sets of tandems must be 18 feet 6  
17 inches or more. Any combination of vehicles that has had  
18 its cargo container replaced in its entirety after December  
19 31, 2014 may not exceed the weights allowed by the bridge  
20 formula.

21 (8) A 4-axle truck mixer registered as a Special  
22 Hauling Vehicle, used exclusively for the mixing and  
23 transportation of concrete in the plastic state,  
24 manufactured before or in the model year of 2014, first  
25 registered in Illinois before January 1, 2015, and not  
26 operated on a highway that is part of the National System

1 of Interstate Highways, is allowed the following maximum  
2 weights: 20,000 pounds on any single axle; 36,000 pounds on  
3 a series of axles greater than 72 inches but not more than  
4 96 inches; and 34,000 pounds on any series of 2 axles  
5 greater than 40 inches but not more than 72 inches. The  
6 gross weight of this vehicle may not exceed the weights  
7 allowed by the bridge formula for 4 axles. The bridge  
8 formula does not apply to any series of 3 axles while the  
9 vehicle is transporting concrete in the plastic state, but  
10 no axle or tandem axle of the series may exceed the maximum  
11 weight permitted under this subsection (f).

12 No vehicle or combination of vehicles equipped with other  
13 than pneumatic tires may be operated, unladen or with load,  
14 upon the highways of this State when the gross weight on the  
15 road surface through any wheel exceeds 800 pounds per inch  
16 width of tire tread or when the gross weight on the road  
17 surface through any axle exceeds 16,000 pounds.

18 (f-1) A vehicle and load not exceeding 80,000 pounds is  
19 allowed travel on non-designated highways so long as there is  
20 no sign prohibiting that access.

21 (g) No person shall operate a vehicle or combination of  
22 vehicles over a bridge or other elevated structure constituting  
23 part of a highway with a gross weight that is greater than the  
24 maximum weight permitted by the Department, when the structure  
25 is sign posted as provided in this Section.

26 (h) The Department upon request from any local authority

1 shall, or upon its own initiative may, conduct an investigation  
2 of any bridge or other elevated structure constituting a part  
3 of a highway, and if it finds that the structure cannot with  
4 safety to itself withstand the weight of vehicles otherwise  
5 permissible under this Code the Department shall determine and  
6 declare the maximum weight of vehicles that the structures can  
7 withstand, and shall cause or permit suitable signs stating  
8 maximum weight to be erected and maintained before each end of  
9 the structure. No person shall operate a vehicle or combination  
10 of vehicles over any structure with a gross weight that is  
11 greater than the posted maximum weight.

12 (i) Upon the trial of any person charged with a violation  
13 of subsections (g) or (h) of this Section, proof of the  
14 determination of the maximum allowable weight by the Department  
15 and the existence of the signs, constitutes conclusive evidence  
16 of the maximum weight that can be maintained with safety to the  
17 bridge or structure.

18 (Source: P.A. 95-51, eff. 1-1-08; 96-34, eff. 1-1-10; 96-37,  
19 eff. 7-13-09.)

20 (625 ILCS 5/15-112) (from Ch. 95 1/2, par. 15-112)

21 Sec. 15-112. Officers to weigh vehicles and require removal  
22 of excess loads.

23 (a) Any police officer having reason to believe that the  
24 weight of a vehicle and load is unlawful shall require the  
25 driver to stop and submit to a weighing of the same either by

1 means of a portable or stationary scales that have been tested  
2 and approved at a frequency prescribed by the Illinois  
3 Department of Agriculture, or for those scales operated by the  
4 State, when such tests are requested by the Department of State  
5 Police, whichever is more frequent. If such scales are not  
6 available at the place where such vehicle is stopped, the  
7 police officer shall require that such vehicle be driven to the  
8 nearest available scale that has been tested and approved  
9 pursuant to this Section by the Illinois Department of  
10 Agriculture. Notwithstanding any provisions of the Weights and  
11 Measures Act or the United States Department of Commerce NIST  
12 handbook 44, multi or single draft weighing is an acceptable  
13 method of weighing by law enforcement for determining a  
14 violation of Chapter 3 or 15 of this Code. Law enforcement is  
15 exempt from the requirements of commercial weighing  
16 established in NIST handbook 44.

17 Within 18 months after the effective date of this  
18 amendatory Act of the 91st General Assembly, all municipal and  
19 county officers, technicians, and employees who set up and  
20 operate portable scales for wheel load or axle load or both and  
21 issue citations based on the use of portable scales for wheel  
22 load or axle load or both and who have not successfully  
23 completed initial classroom and field training regarding the  
24 set up and operation of portable scales, shall attend and  
25 successfully complete initial classroom and field training  
26 administered by the Illinois Law Enforcement Training

1 Standards Board.

2 (b) Whenever an officer, upon weighing a vehicle and the  
3 load, determines that the weight is unlawful, such officer  
4 shall require the driver to stop the vehicle in a suitable  
5 place and remain standing until such portion of the load is  
6 removed as may be necessary to reduce the weight of the vehicle  
7 to the limit permitted under this Chapter, or to the limit  
8 permitted under the terms of a permit issued pursuant to  
9 Sections 15-301 through 15-318 and shall forthwith arrest the  
10 driver or owner. All material so unloaded shall be cared for by  
11 the owner or operator of the vehicle at the risk of such owner  
12 or operator; however, whenever a 3 or 4 axle vehicle with a  
13 tandem axle dimension greater than 72 inches, but less than 96  
14 inches and registered as a Special Hauling Vehicle is  
15 transporting asphalt or concrete in the plastic state that  
16 exceeds axle weight or gross weight limits by less than 4,000  
17 pounds, the owner or operator of the vehicle shall accept the  
18 arrest ticket or tickets for the alleged violations under this  
19 Section and proceed without shifting or reducing the load being  
20 transported or may shift or reduce the load under the  
21 provisions of subsection (d) or (e) of this Section, when  
22 applicable. Any fine imposed following an overweight violation  
23 by a vehicle registered as a Special Hauling Vehicle  
24 transporting asphalt or concrete in the plastic state shall be  
25 paid as provided in subsection 4 of paragraph (a) of Section  
26 16-105 of this Code.

1 (c) The Department of Transportation may, at the request of  
2 the Department of State Police, erect appropriate regulatory  
3 signs on any State highway directing second division vehicles  
4 to a scale. The Department of Transportation may also, at the  
5 direction of any State Police officer, erect portable  
6 regulating signs on any highway directing second division  
7 vehicles to a portable scale. Every such vehicle, pursuant to  
8 such sign, shall stop and be weighed.

9 (d) Whenever any axle load of a vehicle exceeds the axle or  
10 tandem axle weight limits permitted by paragraph (a) or (f) of  
11 Section 15-111 by 2000 pounds or less, the owner or operator of  
12 the vehicle must shift or remove the excess so as to comply  
13 with paragraph (a) or (f) of Section 15-111. No overweight  
14 arrest ticket shall be issued to the owner or operator of the  
15 vehicle by any officer if the excess weight is shifted or  
16 removed as required by this paragraph.

17 (e) Whenever the gross weight of a vehicle with a  
18 registered gross weight of 80,000 pounds or less exceeds the  
19 weight limits of paragraph (b) or (f) of Section 15-111 of this  
20 Chapter by 2000 pounds or less, the owner or operator of the  
21 vehicle must remove the excess. Whenever the gross weight of a  
22 vehicle with a registered gross weight of 80,000 pounds or more  
23 exceeds the weight limits of paragraph (b) or (f) of Section  
24 15-111 by 1,000 pounds or less or 2,000 pounds or less if  
25 weighed on wheel load weighers, the owner or operator of the  
26 vehicle must remove the excess. In either case no arrest ticket

1 for any overweight violation of this Code shall be issued to  
2 the owner or operator of the vehicle by any officer if the  
3 excess weight is removed as required by this paragraph. A  
4 person who has been granted a special permit under Section  
5 15-301 of this Code shall not be granted a tolerance on wheel  
6 load weighers.

7 (f) Whenever an axle load of a vehicle exceeds axle weight  
8 limits allowed by the provisions of a permit an arrest ticket  
9 shall be issued, but the owner or operator of the vehicle may  
10 shift the load so as to comply with the provisions of the  
11 permit. Where such shifting of a load to comply with the permit  
12 is accomplished, the owner or operator of the vehicle may then  
13 proceed.

14 (g) Any driver of a vehicle who refuses to stop and submit  
15 his vehicle and load to weighing after being directed to do so  
16 by an officer or removes or causes the removal of the load or  
17 part of it prior to weighing is guilty of a business offense  
18 and shall be fined not less than \$500 nor more than \$2,000.

19 (Source: P.A. 96-34, eff. 1-1-10.)

20 (625 ILCS 5/15-113) (from Ch. 95 1/2, par. 15-113)

21 Sec. 15-113. Violations; Penalties.

22 (a) Whenever any vehicle is operated in violation of the  
23 provisions of Section 15-111 or subsection (d) of Section  
24 3-401, the owner or driver of such vehicle shall be deemed  
25 guilty of such violation and either the owner or the driver of



1 such vehicle may be prosecuted for such violation. Any person  
2 charged with a violation of any of these provisions who pleads  
3 not guilty shall be present in court for the trial on the  
4 charge. Any person, firm or corporation convicted of any  
5 violation of Section 15-111 including, but not limited to, a  
6 maximum axle or gross limit specified on a regulatory sign  
7 posted in accordance with paragraph (g) or (h) of Section  
8 15-111, shall be fined according to the following schedule:

9 Up to and including 2000 pounds overweight, the fine is \$100

10 From 2001 through 2500 pounds overweight, the fine is \$270

11 From 2501 through 3000 pounds overweight, the fine is \$330

12 From 3001 through 3500 pounds overweight, the fine is \$520

13 From 3501 through 4000 pounds overweight, the fine is \$600

14 From 4001 through 4500 pounds overweight, the fine is \$850

15 From 4501 through 5000 pounds overweight, the fine is \$950

16 From 5001 or more pounds overweight, the fine shall be computed  
17 by assessing \$1500 for the first 5000 pounds overweight and  
18 \$150 for each additional increment of 500 pounds overweight or

1 fraction thereof.

2 In addition any person, firm or corporation convicted of 4  
3 or more violations of Section 15-111 within any 12 month period  
4 shall be fined an additional amount of \$5,000 for the fourth  
5 and each subsequent conviction within the 12 month period.  
6 Provided, however, that with regard to a firm or corporation, a  
7 fourth or subsequent conviction shall mean a fourth or  
8 subsequent conviction attributable to any one employee-driver.

9 (b) Whenever any vehicle is operated in violation of the  
10 provisions of Sections 15-102, 15-103 or 15-107, the owner or  
11 driver of such vehicle shall be deemed guilty of such violation  
12 and either may be prosecuted for such violation. Any person,  
13 firm or corporation convicted of any violation of Sections  
14 15-102, 15-103 or 15-107 shall be fined for the first or second  
15 conviction an amount equal to not less than \$50 nor more than  
16 \$500, and for the third and subsequent convictions by the same  
17 person, firm or corporation within a period of one year after  
18 the date of the first offense, not less than \$500 nor more than  
19 \$1,000.

20 (c) All proceeds of the additional fines imposed by this  
21 amendatory Act of the 96th General Assembly shall be deposited  
22 into the Capital Projects Fund.

23 (Source: P.A. 96-34, eff. 1-1-10; 96-1000, eff. 7-2-10.)

24 (625 ILCS 5/15-306) (from Ch. 95 1/2, par. 15-306)

1           Sec. 15-306. Fees for Overweight-Axle Loads. Fees for  
 2 special permits to move legal gross weight vehicles,  
 3 combinations of vehicles and loads with overweight-axle loads  
 4 shall be paid by the applicant to the Department as follows:

5           For each overweight single axle or tandem axle group, the  
 6 flat rate fees herein scheduled for increments of 45 miles or  
 7 fraction thereof including issuance fee predicated upon a  
 8 20,000 pound single axle equivalency.

9                           20,000 Pound Single Axle Equivalency Fees

10 Axle weight	2-Axle	3-Axle	
11 in excess	Single Axle	Tandem	Tandem
12 of legal			
13 1-6000 lbs.	\$5	\$5	\$5
14 6001-11,000 lbs.	8	7	6
15 11,001-17,000 lbs.	not permitted	8	7
16 17,001-22,000 lbs.	not permitted	not permitted	9
17 22,001-29,000 lbs.	not permitted	not permitted	11

18           (Source: P.A. 96-34, eff. 1-1-10 (see Section 60-50 of P.A.  
 19 96-37 for effective date of changes made by P.A. 96-34).)

20           (625 ILCS 5/15-307) (from Ch. 95 1/2, par. 15-307)

21           Sec. 15-307. Fees for Overweight-Gross Loads. Fees for  
 22 special permits to move vehicles, combinations of vehicles and  
 23 loads with overweight-gross loads shall be paid at the flat  
 24 rate fees established in this Section for weights in excess of  
 25 legal gross weights, by the applicant to the Department.

1 (a) With respect to fees for overweight-gross loads listed  
 2 in this Section and for overweight-axle loads listed in Section  
 3 15-306, one fee only shall be charged, whichever is the  
 4 greater, but not for both.

5 (b) In lieu of the fees stated in this Section and Section  
 6 15-306, with respect to combinations of vehicles consisting of  
 7 a 3-axle truck tractor with a tandem axle composed of 2  
 8 consecutive axles drawing a semitrailer, or other vehicle  
 9 approved by the Department, equipped with a tandem axle  
 10 composed of 3 consecutive axles, weighing over 80,000 pounds  
 11 but not more than 88,000 pounds gross weight, the fees shall be  
 12 at the following rates:

13	Distance	Rate
14	For the first 45 miles	\$10
15	From 45 miles to 90 miles	12.50
16	From 90 miles to 135 miles	15.00
17	From 135 miles to 180 miles	17.50
18	From 180 miles to 225 miles	20.00
19	For each additional 45 miles or part	
20	thereof in excess of the rate for	
21	225 miles, an additional	2.50

22 For such combinations weighing over 88,000 pounds but not  
 23 more than 100,000 pounds gross weight, the fees shall be at the  
 24 following rates:

25	Distance	Rate
26	For the first 45 miles	15

1	From 45 miles to 90 miles	25
2	From 90 miles to 135 miles	35
3	From 135 miles to 180 miles	45
4	From 180 miles to 225 miles	55

5 For each additional 45 miles or part  
6 thereof in excess of the rate for  
7 225 miles, an additional 10

8 For such combination weighing over 100,000 pounds but not  
9 more than 110,000 pounds gross weight, the fees shall be at the  
10 following rates:

11	Distance	Rate
12	For the first 45 miles	\$20
13	From 45 miles to 90 miles	32.50
14	From 90 miles to 135 miles	45
15	From 135 miles to 180 miles	57.50
16	From 180 miles to 225 miles	70

17 For each additional 45 miles or part  
18 thereof in excess of the rate for  
19 225 miles an additional 12.50

20 For such combinations weighing over 110,000 pounds but not  
21 more than 120,000 pounds gross weight, the fees shall be at the  
22 following rates:

23	Distance	Rate
24	For the first 45 miles	\$30
25	From 46 miles to 90 miles	55
26	From 90 miles to 135 miles	80

1	From 135 miles to 180 miles	105
2	From 180 miles to 225 miles	130
3	For each additional 45 miles or part	
4	thereof in excess of the rate	
5	for 225 miles an additional	25

6 Payment of overweight fees for the above combinations also  
 7 shall include fees for overwidth dimensions of 4 feet or less,  
 8 overheight and overlength. Any overwidth in excess of 4 feet  
 9 shall be charged an additional fee of \$15.

10 (c) In lieu of the fees stated in this Section and Section  
 11 15-306 of this Chapter, with respect to combinations of  
 12 vehicles consisting of a 3-axle truck tractor with a tandem  
 13 axle composed of 2 consecutive axles drawing a semitrailer, or  
 14 other vehicle approved by the Department, equipped with a  
 15 tandem axle composed of 2 consecutive axles, weighing over  
 16 80,000 pounds but not more than 88,000 pounds gross weight, the  
 17 fees shall be at the following rates:

18	Distance	Rate
19	For the first 45 miles	\$20
20	From 45 miles to 90 miles	32.50
21	From 90 miles to 135 miles	45
22	From 135 miles to 180 miles	57.50
23	From 180 miles to 225 miles	70
24	For each additional 60 miles or part	
25	thereof in excess of the rate for	
26	225 miles an additional	12.50

1           For such combination weighing over 88,000 pounds but not  
2 more than 100,000 pounds gross weight, the fees shall be at the  
3 following rates:

4           Distance	Rate
5   For the first 45 miles	\$30
6   From 46 miles to 90 miles	55
7   From 90 miles to 135 miles	80
8   From 135 miles to 180 miles	105
9   From 180 miles to 225 miles	130
10   For each additional 45 miles or part	
11   thereof in excess of the rate for	
12   225 miles an additional	25

13           Payment of overweight fees for the above combinations also  
14 shall include fees for overwidth dimension of 4 feet or less,  
15 overheight and overlength. Any overwidth in excess of 4 feet  
16 shall be charged an additional overwidth fee of \$15.

17           (d) In lieu of the fees stated in this Section and in  
18 Section 15-306 of this Chapter, with respect to a 3 (or more)  
19 axle mobile crane or water well-drilling vehicle consisting of  
20 a single axle and a tandem axle or 2 tandem axle groups  
21 composed of 2 consecutive axles each, with a distance of  
22 extreme axles not less than 18 feet, weighing not more than  
23 60,000 pounds gross with no single axle weighing more than  
24 21,000 pounds, or any tandem axle group to exceed 40,000  
25 pounds, the fees shall be at the following rates:

26           Distance	Rate
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1 For the first 45 miles \$12.50  
 2 For each additional 45 miles or portion thereof 9.00

3 For such vehicles weighing over 60,000 pounds but not more  
 4 than 68,000 pounds with no single axle weighing more than  
 5 21,000 pounds and no tandem axle group exceeding 48,000 pounds,  
 6 the fees shall be at the following rates:

7 Distance	Rate
8 For the first 45 miles	\$20
9 For each additional 45 miles or portion thereof	12.50

10 Payment of overweight fees for the above vehicle shall  
 11 include overwidth dimension of 4 feet or less, overheight and  
 12 overlength. Any overwidth in excess of 4 feet shall be charged  
 13 an additional overwidth fee of \$15.

14 (e) In lieu of the fees stated in this Section and in  
 15 Section 15-306 of this Chapter, with respect to a 4 (or more)  
 16 axle mobile crane or water well drilling vehicle consisting of  
 17 2 sets of tandem axles composed of 2 or more consecutive axles  
 18 each with a distance between extreme axles of not less than 23  
 19 feet weighing not more than 72,000 pounds with axle weights on  
 20 one set of tandem axles not more than 34,000 pounds, and weight  
 21 in the other set of tandem axles not to exceed 40,000 pounds,  
 22 the fees shall be at the following rates:

23 Distance	Rate
24 For the first 45 miles	\$15
25 For each additional 45 miles or portion thereof	10



1           For such vehicles weighing over 72,000 pounds but not more  
2 than 76,000 pounds with axle weights on either set of tandem  
3 axles not more than 44,000 pounds, the fees shall be at the  
4 following rates:

5           Distance	Rate
6   For the first 45 miles	\$20
7   For each additional 45 miles or portion thereof	12.50

8           Payment of overweight fees for the above vehicle shall  
9 include overwidth dimension of 4 feet or less, overheight and  
10 overlength. Any overwidth in excess of 4 feet shall be charged  
11 an additional fee of \$15.

12           (f) In lieu of fees stated in this Section and in Section  
13 15-306 of this Chapter, with respect to a two axle mobile crane  
14 or water well-drilling vehicle consisting of 2 single axles  
15 weighing not more than 48,000 pounds with no single axle  
16 weighing more than 25,000 pounds, the fees shall be at the  
17 following rates:

18           Distance	Rate
19   For the first 45 miles	\$15
20   For each additional 45 miles or portion thereof	10

21           For such vehicles weighing over 48,000 pounds but not more  
22 than 54,000 pounds with no single axle weighing more than  
23 28,000 pounds, the fees shall be at the following rates:

24           Distance	Rate
25   For the first 45 miles	\$20
26   For each additional 45 miles or portion thereof	12.50

1 Payment of overweight fees for the above vehicle shall  
2 include overwidth dimension of 4 feet or less, overheight and  
3 overlength. Any overwidth in excess of 4 feet shall be charged  
4 an additional overwidth fee of \$15.

5 (g) Fees for special permits to move vehicles, combinations  
6 of vehicles, and loads with overweight gross loads not included  
7 in the fee categories shall be paid by the applicant to the  
8 Department at the rate of \$50 plus 3.5 cents per ton-mile in  
9 excess of legal weight.

10 With respect to fees for overweight gross loads not  
11 included in the schedules specified in paragraphs (a) through  
12 (e) of Section 15-307 and for overweight axle loads listed in  
13 Section 15-306, one fee only shall be charged, whichever is the  
14 greater, but not both. An additional fee in accordance with the  
15 schedule set forth in Section 15-305 shall be charged for each  
16 overdimension.

17 (h) Fees for special permits for continuous limited  
18 operation authorizing the applicant to operate vehicles that  
19 exceed the weight limits provided for in subsection (d) of  
20 Section 15-111.

21 All single axles excluding the steer axle and axles within  
22 a tandem are limited to 24,000 pounds or less unless otherwise  
23 noted in this subsection (h). Loads up to 12 feet wide and 110  
24 feet in length shall be included within this permit. Fees shall  
25 be \$250 for a quarterly and \$1,000 for an annual permit. Front  
26 tag axle and double tandem trailers are not eligible.

1           The following configurations qualify for the quarterly and  
2 annual permits:

3           (1) 3 or more axles, total gross weight of 68,000  
4 pounds or less, front tandem or axle 21,000 pounds or less,  
5 rear tandem 48,000 pounds or less on 2 or 3 axles, 25,000  
6 pounds or less on single axle;

7           (2) 4 or more axles, total gross weight of 76,000  
8 pounds or less, front tandem 44,000 pounds or less on 2  
9 axles, front axle 20,000 pounds or less, rear tandem 44,000  
10 pounds or less on 2 axles and 23,000 pounds or less on  
11 single axle or 48,000 pounds or less on 3 axles, 25,000  
12 pounds or less on single axle;

13           (3) 5 or more axles, total gross weight of 100,000  
14 pounds or less, front tandem 48,000 pounds or less on 2  
15 axles, front axle 20,000 pounds or less, 25,000 pounds or  
16 less on single axle, rear tandem 48,000 pounds or less on 2  
17 axles, 25,000 pounds or less on single axle;

18           (4) 6 or more axles, total gross weight of 120,000  
19 pounds or less, front tandem 48,000 pounds or less on 2  
20 axles, front axle 20,000 pounds or less, single axle 25,000  
21 pounds or less, or rear tandem 60,000 pounds or less on 3  
22 axles, 21,000 pounds or less on single axles within a  
23 tandem.

24 (Source: P.A. 96-34, eff. 1-1-10.)

25 (625 ILCS 5/16-105) (from Ch. 95 1/2, par. 16-105)

1           Sec. 16-105. Disposition of fines and forfeitures.

2           (a) Except as provided in Section 15-113 and Section  
3 16-104a of this Act and except for those amounts required to be  
4 paid into the Traffic and Criminal Conviction Surcharge Fund in  
5 the State Treasury pursuant to Section 9.1 of the Illinois  
6 Police Training Act and Section 5-9-1 of the Unified Code of  
7 Corrections and except those amounts subject to disbursement by  
8 the circuit clerk under Section 27.5 of the Clerks of Courts  
9 Act, fines and penalties recovered under the provisions of  
10 Chapters 11 through 16 inclusive of this Code shall be paid and  
11 used as follows:

12           1. For offenses committed upon a highway within the  
13 limits of a city, village, or incorporated town or under  
14 the jurisdiction of any park district, to the treasurer of  
15 the particular city, village, incorporated town or park  
16 district, if the violator was arrested by the authorities  
17 of the city, village, incorporated town or park district,  
18 provided the police officers and officials of cities,  
19 villages, incorporated towns and park districts shall  
20 seasonably prosecute for all fines and penalties under this  
21 Code. If the violation is prosecuted by the authorities of  
22 the county, any fines or penalties recovered shall be paid  
23 to the county treasurer. Provided further that if the  
24 violator was arrested by the State Police, fines and  
25 penalties recovered under the provisions of paragraph (a)  
26 of Section 15-113 of this Code or paragraph (e) of Section

1 15-316 of this Code shall be paid over to the Department of  
2 State Police which shall thereupon remit the amount of the  
3 fines and penalties so received to the State Treasurer who  
4 shall deposit the amount so remitted in the special fund in  
5 the State treasury known as the Road Fund except that if  
6 the violation is prosecuted by the State's Attorney, 10% of  
7 the fine or penalty recovered shall be paid to the State's  
8 Attorney as a fee of his office and the balance shall be  
9 paid over to the Department of State Police for remittance  
10 to and deposit by the State Treasurer as hereinabove  
11 provided.

12 2. Except as provided in paragraph 4, for offenses  
13 committed upon any highway outside the limits of a city,  
14 village, incorporated town or park district, to the county  
15 treasurer of the county where the offense was committed  
16 except if such offense was committed on a highway  
17 maintained by or under the supervision of a township,  
18 township district, or a road district to the Treasurer  
19 thereof for deposit in the road and bridge fund of such  
20 township or other district; Provided, that fines and  
21 penalties recovered under the provisions of paragraph (a)  
22 of Section 15-113, paragraph (d) of Section 3-401, or  
23 paragraph (e) of Section 15-316 of this Code shall be paid  
24 over to the Department of State Police which shall  
25 thereupon remit the amount of the fines and penalties so  
26 received to the State Treasurer who shall deposit the

1 amount so remitted in the special fund in the State  
2 treasury known as the Road Fund except that if the  
3 violation is prosecuted by the State's Attorney, 10% of the  
4 fine or penalty recovered shall be paid to the State's  
5 Attorney as a fee of his office and the balance shall be  
6 paid over to the Department of State Police for remittance  
7 to and deposit by the State Treasurer as hereinabove  
8 provided.

9 3. Notwithstanding subsections 1 and 2 of this  
10 paragraph, for violations of overweight and overload  
11 limits found in Sections 15-101 through 15-203 of this  
12 Code, which are committed upon the highways belonging to  
13 the Illinois State Toll Highway Authority, fines and  
14 penalties shall be paid over to the Illinois State Toll  
15 Highway Authority for deposit with the State Treasurer into  
16 that special fund known as the Illinois State Toll Highway  
17 Authority Fund, except that if the violation is prosecuted  
18 by the State's Attorney, 10% of the fine or penalty  
19 recovered shall be paid to the State's Attorney as a fee of  
20 his office and the balance shall be paid over to the  
21 Illinois State Toll Highway Authority for remittance to and  
22 deposit by the State Treasurer as hereinabove provided.

23 4. With regard to violations of overweight and overload  
24 limits found in Sections 15-101 through 15-203 of this Code  
25 committed by operators of vehicles registered as Special  
26 Hauling Vehicles, for offenses committed upon a highway

1 within the limits of a city, village, or incorporated town  
2 or under the jurisdiction of any park district, all fines  
3 and penalties shall be paid over or retained as required in  
4 paragraph 1. However, with regard to the above offenses  
5 committed by operators of vehicles registered as Special  
6 Hauling Vehicles upon any highway outside the limits of a  
7 city, village, incorporated town or park district, fines  
8 and penalties shall be paid over or retained by the entity  
9 having jurisdiction over the road or highway upon which the  
10 offense occurred, except that if the violation is  
11 prosecuted by the State's Attorney, 10% of the fine or  
12 penalty recovered shall be paid to the State's Attorney as  
13 a fee of his office.

14 (b) Failure, refusal or neglect on the part of any judicial  
15 or other officer or employee receiving or having custody of any  
16 such fine or forfeiture either before or after a deposit with  
17 the proper official as defined in paragraph (a) of this  
18 Section, shall constitute misconduct in office and shall be  
19 grounds for removal therefrom.

20 (Source: P.A. 96-34, eff. 1-1-10.)

21 ARTICLE 95.

22 Section 95-5. The Executive Reorganization Implementation  
23 Act is amended by changing Section 3.1 as follows:

1 (15 ILCS 15/3.1) (from Ch. 127, par. 1803.1)

2 Sec. 3.1. "Agency directly responsible to the Governor" or  
3 "agency" means any office, officer, division, or part thereof,  
4 and any other office, nonelective officer, department,  
5 division, bureau, board, or commission in the executive branch  
6 of State government, except that it does not apply to any  
7 agency whose primary function is service to the General  
8 Assembly or the Judicial Branch of State government, or to any  
9 agency administered by the Attorney General, Secretary of  
10 State, State Comptroller or State Treasurer. In addition the  
11 term does not apply to the following agencies created by law  
12 with the primary responsibility of exercising regulatory or  
13 adjudicatory functions independently of the Governor:

- 14 (1) the State Board of Elections;  
15 (2) the State Board of Education;  
16 (3) the Illinois Commerce Commission;  
17 (4) the Illinois Workers' Compensation Commission;  
18 (5) the Civil Service Commission;  
19 (6) the Fair Employment Practices Commission;  
20 (7) the Pollution Control Board;  
21 (8) the Department of State Police Merit Board;  
22 (9) the Illinois Racing Board;  
23 (10) the Department of the Lottery.

24 (Source: P.A. 96-796, eff. 10-29-09.)

25 Section 95-10. The Civil Administrative Code of Illinois is



1 amended by changing Sections 5-20 and 5-175 as follows:

2 (20 ILCS 5/5-20) (was 20 ILCS 5/4)

3 Sec. 5-20. Heads of departments. Each department shall have  
4 an officer as its head who shall be known as director or  
5 secretary and who shall, subject to the provisions of the Civil  
6 Administrative Code of Illinois, execute the powers and  
7 discharge the duties vested by law in his or her respective  
8 department.

9 The following officers are hereby created:

10 Director of Aging, for the Department on Aging.

11 Director of Agriculture, for the Department of  
12 Agriculture.

13 Director of Central Management Services, for the  
14 Department of Central Management Services.

15 Director of Children and Family Services, for the  
16 Department of Children and Family Services.

17 Director of Commerce and Economic Opportunity, for the  
18 Department of Commerce and Economic Opportunity.

19 Director of Corrections, for the Department of  
20 Corrections.

21 Director of the Illinois Emergency Management Agency, for  
22 the Illinois Emergency Management Agency.

23 Director of Employment Security, for the Department of  
24 Employment Security.

25 Secretary of Financial and Professional Regulation, for

1 the Department of Financial and Professional Regulation.

2 Director of Healthcare and Family Services, for the  
3 Department of Healthcare and Family Services.

4 Director of Human Rights, for the Department of Human  
5 Rights.

6 Secretary of Human Services, for the Department of Human  
7 Services.

8 Director of the Illinois Power Agency, for the Illinois  
9 Power Agency.

10 Director of Juvenile Justice, for the Department of  
11 Juvenile Justice.

12 Director of Labor, for the Department of Labor.

13 ~~Director of the Lottery, for the Department of the Lottery.~~

14 Director of Natural Resources, for the Department of  
15 Natural Resources.

16 Director of Public Health, for the Department of Public  
17 Health.

18 Director of Revenue, for the Department of Revenue.

19 Director of State Police, for the Department of State  
20 Police.

21 Secretary of Transportation, for the Department of  
22 Transportation.

23 Director of Veterans' Affairs, for the Department of  
24 Veterans' Affairs.

25 (Source: P.A. 95-331, eff. 8-21-07; 95-481, eff. 8-28-07;  
26 95-777, eff. 8-4-08; 96-328, eff. 8-11-09.)

1 (20 ILCS 5/5-175) (was 20 ILCS 5/5.12)

2 Sec. 5-175. In the Department of Revenue. Assistant  
3 Director of Revenue, ~~and State Lottery Superintendent.~~

4 (Source: P.A. 91-239, eff. 1-1-00.)

5 Section 95-15. The Department of Public Health Powers and  
6 Duties Law of the Civil Administrative Code of Illinois is  
7 amended by changing Section 2310-348 as follows:

8 (20 ILCS 2310/2310-348)

9 Sec. 2310-348. The Quality of Life Board.

10 (a) The Quality of Life Board is created as an advisory  
11 board within the Department. The Board shall consist of 11  
12 members as follows: 2 members appointed by the President of the  
13 Senate; one member appointed by the Minority Leader of the  
14 Senate; 2 members appointed by the Speaker of the House of  
15 Representatives; one member appointed by the Minority Leader of  
16 the House of Representatives; 2 members appointed by the  
17 Governor, one of whom shall be designated as chair of the Board  
18 at the time of appointment; and 3 members appointed by the  
19 Director who represent organizations that advocate for the  
20 healthcare needs of the first and second highest HIV/AIDS risk  
21 groups, one each from the northern Illinois region, the central  
22 Illinois region, and the southern Illinois region.

23 The Board members shall serve one 2-year term. If a vacancy

1 occurs in the Board membership, the vacancy shall be filled in  
2 the same manner as the initial appointment.

3 (b) Board members shall serve without compensation but may  
4 be reimbursed for their reasonable travel expenses from funds  
5 appropriated for that purpose. The Department shall provide  
6 staff and administrative support services to the Board.

7 (c) The Board must:

8 (i) consult with the Department of the Lottery Revenue  
9 in designing and promoting the Quality of Life special  
10 instant scratch-off lottery game; and

11 (ii) review grant applications, make recommendations  
12 and comments, and consult with the Department of Public  
13 Health in making grants, from amounts appropriated from the  
14 Quality of Life Endowment Fund, to public or private  
15 entities in Illinois for the purpose of  
16 HIV/AIDS-prevention education and for making grants to  
17 public or private entities in Illinois for the purpose of  
18 funding organizations that serve the highest at-risk  
19 categories for contracting HIV or developing AIDS in  
20 accordance with Section 21.7 of the Illinois Lottery Law.

21 (d) The Board is discontinued on June 30, 2013.

22 (Source: P.A. 95-674, eff. 10-11-07.)

23 Section 95-20. The Illinois Department of Revenue Sunshine  
24 Act is amended by changing Section 2.3 as follows:

1 (20 ILCS 2515/2.3) (from Ch. 127, par. 2002.3)

2 Sec. 2.3. "Revenue laws" means any statutes, rules or  
3 regulations administered or promulgated by the Department  
4 ~~including those concerning the Illinois Lottery Law.~~

5 (Source: P.A. 82-727.)

6 (20 ILCS 5/5-370 rep.)

7 Section 95-25. The Civil Administrative Code of Illinois is  
8 amended by repealing Section 5-370.

9 Article 99.

10 Section 99-99. Effective date. This Act takes effect upon  
11 becoming law."