



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5852

by Rep. Luis Arroyo

SYNOPSIS AS INTRODUCED:

See Index

Creates the O'Hare Transformation Act. Provides the findings and purposes for the creation of the Act. Defines terms. Provides that no airport property may be subject to taking by condemnation or otherwise by any unit of local government other than any agency, instrumentality, or political subdivision of this State. Provides that airport property shall not be subject to the laws of any unit of local government unless provided by ordinance of the City of Chicago. Provides that all City contracts for the O'Hare Transformation Program shall be subject to all applicable ordinances of the City and statutes of the State. Creates an advisory committee of 14 members to monitor, review, and report the utilization of minority-owned business enterprises and women-owned business enterprises during the O'Hare Transformation project. Preempts home rule powers with respect to the regulation and supervision of the City's implementation of the O'Hare Transformation Program. Repeals the O'Hare Modernization Act. Makes corresponding changes in the Archaeological and Paleontological Resources Act, the Human Skeletal Remains Protection Act, the Property Tax Code, the Local Government Facility Lease Act, the Downstate Forest Preserve District Act, the Cemetery Oversight Act, the Vital Records Act, the Illinois Aeronautics Act, the Code of Civil Procedure, the Eminent Domain Act, and the Religious Freedom Restoration Act. Effective immediately.

LRB100 21390 LNS 37825 b

HOME RULE NOTE
ACT MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

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

4 Section 1. Short title. This Act may be cited as the O'Hare
5 Transformation Act.

6 Section 5. Findings and purposes.

7 (a) The Illinois General Assembly finds and determines:

8 (1) The reliability and efficiency of the State and
9 national air transportation systems significantly depend
10 on the efficiency of the Chicago O'Hare International
11 Airport. O'Hare has an essential role in air transportation
12 for this State. The reliability and efficiency of air
13 transportation for residents and businesses in Illinois
14 and other States depends on efficient air traffic
15 operations at O'Hare.

16 (2) O'Hare cannot efficiently perform its role in the
17 State and national air transportation systems unless it is
18 reconfigured with multiple parallel runways.

19 (3) The O'Hare Transformation Program will enhance the
20 economic welfare of this State and its residents by
21 creating thousands of jobs and business opportunities.

22 (4) O'Hare provides, and will continue to provide,
23 unique air transportation functions that cannot be

1 replaced by any other airport in this State.

2 (5) For the reasons stated in paragraphs (1), (2), (3),
3 and (4), it is essential that the O'Hare Transformation
4 Program be completed efficiently and without unnecessary
5 delay.

6 (6) For the reasons stated in paragraphs (1), (2), (3),
7 and (4), it is essential that acquisition of property as
8 required for the O'Hare Transformation Program be
9 completed as expeditiously as practicable.

10 (7) The General Assembly recognizes that the planning,
11 construction, and use of O'Hare and the planning,
12 construction, and use of the O'Hare Transformation Program
13 will be subject to intensive regulatory scrutiny by the
14 United States and that no purpose would be served by
15 duplicative or redundant regulation of the safety and
16 impacts of the airport or the O'Hare Transformation
17 Program.

18 (8) The General Assembly recognizes that the City of
19 Chicago has enacted and successfully implemented
20 ordinances that combat past and ongoing discrimination
21 against minorities and women in the market that competes
22 for contracts with the City. These ordinances have made
23 progress in combating discrimination against minorities
24 and women throughout northeastern Illinois.

25 (b) It is the intent of the General Assembly that all
26 agencies of this State and its subdivisions shall facilitate

1 the efficient and expeditious completion of the O'Hare
2 Transformation Program to the extent not specifically
3 prohibited by law, and that legal impediments to the completion
4 of the project be eliminated.

5 Section 10. Definitions. As used in this Act:

6 "Airport property" means: (i) any property or interest in
7 property that is, or hereafter becomes, part of O'Hare
8 International Airport and (ii) any property or interest in
9 property that is not part of O'Hare International Airport, but
10 that is acquired by the City for purposes of air navigation or
11 air safety in accordance with standards established by the
12 Federal Aviation Administration.

13 "City" means the City of Chicago.

14 "O'Hare" means Chicago O'Hare International Airport.

15 "O'Hare Transformation Program" means the plan for
16 transformation of O'Hare International Airport by: (i)
17 construction and reconfiguration of runways, taxiways, and
18 facilities for movement and servicing of aircraft; (ii)
19 construction, rehabilitation, and reconfiguration of roadways,
20 terminals, passenger transportation facilities, parking
21 facilities, and cargo facilities; (iii) hotel expansion and
22 development; (iv) expansion of runway 9C/27C; and (v) provision
23 for air navigation and air safety outside that area in
24 accordance with standards established by the Federal Aviation
25 Administration.

1 Section 15. Condemnation by other governmental units. No
2 airport property may be subject to taking by condemnation or
3 otherwise by any unit of local government other than any
4 agency, instrumentality, or political subdivision of the
5 State.

6 Section 20. Jurisdiction over airport property. Airport
7 property is not subject to the laws of any unit of local
8 government except as provided by ordinance of the City. Plans
9 of all public agencies that may affect the O'Hare
10 Transformation Program shall be consistent with the O'Hare
11 Transformation Program, and to the extent that any plan of any
12 public agency or unit or division of State or local government
13 is inconsistent with the O'Hare Transformation Program, that
14 plan is void.

15 Section 25. Minority and women-owned businesses and
16 workers. All City contracts for the O'Hare Transformation
17 Program shall be subject to all applicable ordinances of the
18 City and statutes of the State governing contracting with
19 minority and women-owned businesses and prohibiting
20 discrimination and requiring appropriate affirmative action
21 with respect to minority and women participants in the
22 workforce, including, but not limited to, Section 2-92-330 of
23 the Municipal Code of the City of Chicago (relating to hiring

1 of Chicago residents), Section 2-92-390 of the Municipal Code
2 of the City of Chicago (relating to hiring of women and
3 minorities), and Sections 2-92-420 through 2-92-570 of the
4 Municipal Code of the City of Chicago (relating to contracting
5 with minority-owned and women-owned business enterprises), to
6 the extent permitted by law and federal funding restrictions.
7 The City shall file semi-annual reports with the General
8 Assembly documenting compliance with such ordinances with
9 respect to work performed as part of the O'Hare Transformation
10 Program and disclosing the extent to which that work is
11 performed by minority and women workers and minority-owned and
12 women-owned business enterprises.

13 Section 30. Advisory Committee. The O'Hare Transformation
14 Advisory Committee is established to monitor, review, and
15 report the utilization of minority-owned business enterprises
16 and women-owned business enterprises, as defined in Section
17 2-92-420 of the Municipal Code of the City of Chicago, the
18 employment of women, and the employment of minorities, as
19 defined in Section 2-92-420 of the Municipal Code of the City
20 of Chicago, during the O'Hare Transformation project. The City
21 shall work with the advisory committee in accumulating
22 necessary information for the committee to submit reports, as
23 necessary, to the General Assembly and the City. The committee
24 shall consist of 14 members: 4 members selected by the Mayor of
25 the City; 3 members selected by the President of the Senate; 3

1 members selected by the Speaker of the House of
2 Representatives; 2 members selected by the Minority Leader of
3 the Senate; and 2 members selected by the Minority Leader of
4 the House of Representatives.

5 The advisory committee shall meet periodically and shall
6 report the information gathered to the Mayor of the City and to
7 the General Assembly by December 31st of every year.

8 Section 35. Home Rule. The regulation and supervision of
9 the City's implementation of the O'Hare Transformation Program
10 is an exclusive power and function of the State. A home rule
11 unit may not regulate or supervise the City's implementation of
12 the O'Hare Transformation Program. This Section is a denial and
13 limitation of home rule powers and functions under paragraph
14 (h) of Section 6 of Article VII of the Illinois Constitution.

15 Section 40. The Archaeological and Paleontological
16 Resources Protection Act is amended by changing Section 1.5 as
17 follows:

18 (20 ILCS 3435/1.5)

19 Sec. 1.5. O'Hare Transformation ~~Modernization~~. Nothing in
20 this Act limits the authority of the City of Chicago to
21 exercise its powers under the O'Hare Transformation
22 ~~Modernization~~ Act or requires that City, or any person acting
23 on behalf of that City, to obtain a permit under this Act when

1 ~~acquiring property or otherwise~~ exercising its powers under the
2 O'Hare Transformation ~~Modernization~~ Act.

3 (Source: P.A. 93-450, eff. 8-6-03.)

4 Section 45. The Human Skeletal Remains Protection Act is
5 amended by changing Section 4.5 as follows:

6 (20 ILCS 3440/4.5)

7 Sec. 4.5. O'Hare Transformation ~~Modernization~~. Nothing in
8 this Act limits the authority of the City of Chicago to
9 exercise its powers under the O'Hare Transformation
10 ~~Modernization~~ Act or requires that City, or any person acting
11 on behalf of that City, to obtain a permit under this Act when
12 ~~acquiring property or otherwise~~ exercising its powers under the
13 O'Hare Transformation ~~Modernization~~ Act.

14 (Source: P.A. 93-450, eff. 8-6-03.)

15 Section 50. The Property Tax Code is amended by changing
16 Section 15-185 as follows:

17 (35 ILCS 200/15-185)

18 Sec. 15-185. Exemption for leaseback property and
19 qualified leased property.

20 (a) Notwithstanding anything in this Code to the contrary,
21 all property owned by a municipality with a population of over
22 500,000 inhabitants, a unit of local government whose

1 jurisdiction includes territory located in whole or in part
2 within a municipality with a population of over 500,000
3 inhabitants, or a municipality with home rule powers that is
4 contiguous to a municipality with a population of over 500,000
5 inhabitants, shall remain exempt from taxation and any
6 leasehold interest in that property shall not be subject to
7 taxation under Section 9-195 if the property is directly or
8 indirectly leased, sold, or otherwise transferred to another
9 entity whose property is not exempt and immediately thereafter
10 is the subject of a leaseback or other agreement that directly
11 or indirectly gives the municipality or unit of local
12 government (i) a right to use, control, and possess the
13 property or (ii) a right to require the other entity, or the
14 other entity's designee or assignee, to use the property in the
15 performance of services for the municipality or unit of local
16 government. Property shall no longer be exempt under this
17 subsection as of the date when the right of the municipality or
18 unit of local government to use, control, and possess the
19 property or to require the performance of services is
20 terminated and the municipality or unit of local government no
21 longer has any option to purchase or otherwise reacquire the
22 interest in the property which was transferred by the
23 municipality or unit of local government.

24 (b) Notwithstanding anything in this Code to the contrary,
25 all property owned by a municipality with a population of over
26 500,000 inhabitants, a unit of local government whose

1 jurisdiction includes territory located in whole or in part
2 within a municipality with a population of over 500,000
3 inhabitants, or a municipality with home rule powers that is
4 contiguous to a municipality with a population of over 500,000
5 inhabitants, shall remain exempt from taxation and any
6 leasehold interest in that property is not subject to taxation
7 under Section 9-195 if the property, including dedicated public
8 property, is used by a municipality or other unit of local
9 government for the purpose of an airport or parking or for
10 waste disposal or processing and is leased for continued use
11 for the same purpose to another entity whose property is not
12 exempt.

13 For the purposes of this subsection (b), "airport" does not
14 include any airport property, as defined under Section 10 of
15 the O'Hare Transformation Modernization Act.

16 Any transaction described under this subsection must be
17 undertaken in accordance with all appropriate federal laws and
18 regulations.

19 (c) For purposes of this Section, "municipality" means a
20 municipality as defined in Section 1-1-2 of the Illinois
21 Municipal Code, and "unit of local government" means a unit of
22 local government as defined in Article VII, Section 1 of the
23 Constitution of the State of Illinois. The provisions of this
24 Section supersede and control over any conflicting provisions
25 of this Code.

26 (Source: P.A. 96-779, eff. 8-28-09.)

1 Section 55. The Local Government Facility Lease Act is
2 amended by changing Section 5 as follows:

3 (50 ILCS 615/5)

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

5 "Facility property" means property owned by a municipality
6 with a population of over 500,000 inhabitants, or a unit of
7 local government whose jurisdiction includes territory located
8 in whole or in part within a municipality with a population of
9 over 500,000 inhabitants, that is used by the municipality or
10 other unit of local government for the purpose of an airport,
11 parking, or waste disposal or processing. "Airport", however,
12 does not include any airport property, as defined under Section
13 10 of the O'Hare Transformation ~~Modernization~~ Act.

14 "Leased facility property" means facility property that is
15 leased to a private entity for continued use for the same
16 airport, parking, or waste disposal or processing purpose.

17 (Source: P.A. 94-750, eff. 5-9-06.)

18 Section 60. The Illinois Municipal Code is amended by
19 changing Sections 11-51-1, 11-102-2, and 11-102-4 as follows:

20 (65 ILCS 5/11-51-1) (from Ch. 24, par. 11-51-1)

21 Sec. 11-51-1. Cemetery removal. Whenever any cemetery is
22 embraced within the limits of any city, village, or

1 incorporated town, the corporate authorities thereof, if, in
2 their opinion, any good cause exists why such cemetery should
3 be removed, may cause the remains of all persons interred
4 therein to be removed to some other suitable place. However,
5 the corporate authorities shall first obtain the assent of the
6 trustees or other persons having the control or ownership of
7 such cemetery, or a majority thereof. When such cemetery is
8 owned by one or more private parties, or private corporation or
9 chartered society, the corporate authorities of such city may
10 require the removal of such cemetery to be done at the expense
11 of such private parties, or private corporation or chartered
12 society, if such removal be based upon their application.
13 ~~Nothing in this Section limits the powers of the City of~~
14 ~~Chicago to acquire property or otherwise exercise its powers~~
15 ~~under Section 15 of the O'Hare Modernization Act.~~

16 (Source: P.A. 93-450, eff. 8-6-03.)

17 (65 ILCS 5/11-102-2) (from Ch. 24, par. 11-102-2)

18 Sec. 11-102-2. Every municipality specified in Section
19 11-102-1 may purchase, construct, reconstruct, expand and
20 improve landing fields, landing strips, landing floats,
21 hangars, terminal buildings and other structures relating
22 thereto and may provide terminal facilities for public
23 airports; may construct, reconstruct and improve causeways,
24 roadways, and bridges for approaches to or connections with the
25 landing fields, landing strips and landing floats; and may

1 construct and maintain breakwaters for the protection of such
2 airports with a water front. Before any work of construction is
3 commenced in, over or upon any public waters of the state, the
4 plans and specifications therefor shall be submitted to and
5 approved by the Department of Transportation of the state.
6 Submission to and approval by the Department of Transportation
7 is not required for any work or construction undertaken as part
8 of the O'Hare Transformation ~~Modernization~~ Program as defined
9 in Section 10 of the O'Hare Transformation ~~Modernization~~ Act.

10 (Source: P.A. 100-201, eff. 8-18-17.)

11 (65 ILCS 5/11-102-4) (from Ch. 24, par. 11-102-4)

12 Sec. 11-102-4. Every municipality specified in Section
13 11-102-1 may contract for the removal or relocation of all
14 buildings, railways, mains, pipes, conduits, wires, poles, and
15 all other structures, facilities and equipment which may
16 interfere with the location, expansion or improvement of any
17 public airport, or with the safe approach thereto or take-off
18 therefrom by aircraft, and may acquire by gift, grant, lease,
19 purchase, condemnation or otherwise any private property,
20 public property or property devoted to any public use or rights
21 or easements therein for any purpose authorized by this Section
22 and Sections 11-102-1 through 11-102-3. ~~Nothing in this Section~~
23 ~~limits the powers of the City of Chicago to acquire property or~~
24 ~~otherwise exercise its powers under Section 15 of the O'Hare~~
25 ~~Modernization Act.~~

1 (Source: P.A. 93-450, eff. 8-6-03.)

2 Section 65. The Downstate Forest Preserve District Act is
3 amended by changing Section 5e as follows:

4 (70 ILCS 805/5e) (from Ch. 96 1/2, par. 6308e)

5 Sec. 5e. Property owned by a forest preserve district and
6 property in which a forest preserve district is the grantee of
7 a conservation easement or the grantee of a conservation right
8 as defined in Section 1(a) of the Real Property Conservation
9 Rights Act shall not be subject to eminent domain or
10 condemnation proceedings, except as otherwise provided in
11 ~~Section 15 of the O'Hare Modernization Act~~ and Section 2-100 of
12 the Public-Private Agreements for the South Suburban Airport
13 Act.

14 (Source: P.A. 98-109, eff. 7-25-13.)

15 Section 70. The Cemetery Oversight Act is amended by
16 changing Section 5-20 as follows:

17 (225 ILCS 411/5-20)

18 (Section scheduled to be repealed on January 1, 2021)

19 Sec. 5-20. Exemptions.

20 (a) Full exemption. Except as provided in this subsection,
21 this Act does not apply to (1) any cemetery authority operating
22 as a family burying ground or religious burying ground, (2) any

1 cemetery authority that has not engaged in an interment,
2 inurnment, or entombment of human remains within the last 10
3 years, or (3) any cemetery authority that is less than 3 acres.
4 For purposes of determining the applicability of this
5 subsection, the number of interments, inurnments, and
6 entombments shall be aggregated for each calendar year. A
7 cemetery authority claiming a full exemption shall apply for
8 exempt status as provided for in Section 10-20 of this Act. A
9 cemetery authority claiming a full exemption shall be subject
10 to Sections 10-40, 10-55, and 10-60 of this Act. A cemetery
11 authority that performs activities that would disqualify it
12 from a full exemption is required to apply for licensure within
13 one year following the date on which its activities would
14 disqualify it for a full exemption. A cemetery authority that
15 previously qualified for and maintained a full exemption that
16 fails to timely apply for licensure shall be deemed to have
17 engaged in unlicensed practice and shall be subject to
18 discipline in accordance with Article 25 of this Act.

19 (b) Partial exemption. If a cemetery authority does not
20 qualify for a full exemption and (1) engages in 25 or fewer
21 interments, inurnments, or entombments of human remains for
22 each of the preceding 2 calendar years, (2) operates as a
23 public cemetery, or (3) operates as a religious cemetery, then
24 the cemetery authority is partially exempt from this Act but
25 shall be required to comply with Sections 10-23, 10-40, 10-55,
26 10-60, subsections (a), (b), (b-5), (c), (d), and (h) of

1 Section 20-5, Sections 20-6, 20-8, 20-10, 20-12, 20-30, 20-35,
2 20-40, 25-3, and 25-120, and Article 35 of this Act. Cemetery
3 authorities claiming a partial exemption shall apply for the
4 partial exemption as provided in Section 10-20 of this Act. A
5 cemetery authority that changes to a status that would
6 disqualify it from a partial exemption is required to apply for
7 licensure within one year following the date on which it
8 changes its status. A cemetery authority that maintains a
9 partial exemption that fails to timely apply for licensure
10 shall be deemed to have engaged in unlicensed practice and
11 shall be subject to discipline in accordance with Article 25 of
12 this Act.

13 (c) Nothing in this Act applies to the City of Chicago in
14 its exercise of its powers under the O'Hare Transformation
15 ~~Modernization~~ Act or limits the authority of the City of
16 Chicago to ~~acquire property or otherwise~~ exercise its powers
17 under the O'Hare Transformation ~~Modernization~~ Act, or requires
18 the City of Chicago, or any person acting on behalf of the City
19 of Chicago, to comply with the licensing, regulation,
20 investigation, or mediation requirements of this Act in
21 exercising its powers under the O'Hare Transformation
22 ~~Modernization~~ Act.

23 (Source: P.A. 96-863, eff. 3-1-10; 97-679, eff. 2-6-12.)

24 Section 75. The Vital Records Act is amended by changing
25 Section 21 as follows:

1 (410 ILCS 535/21) (from Ch. 111 1/2, par. 73-21)

2 Sec. 21. (1) The funeral director or person acting as such
3 who first assumes custody of a dead body or fetus shall make a
4 written report to the registrar of the district in which death
5 occurred or in which the body or fetus was found within 24
6 hours after taking custody of the body or fetus on a form
7 prescribed and furnished by the State Registrar and in
8 accordance with the rules promulgated by the State Registrar.
9 Except as specified in paragraph (2) of this Section, the
10 written report shall serve as a permit to transport, bury or
11 entomb the body or fetus within this State, provided that the
12 funeral director or person acting as such shall certify that
13 the physician in charge of the patient's care for the illness
14 or condition which resulted in death has been contacted and has
15 affirmatively stated that he will sign the medical certificate
16 of death or the fetal death certificate. If a funeral director
17 fails to file written reports under this Section in a timely
18 manner, the local registrar may suspend the funeral director's
19 privilege of filing written reports by mail. In a county with a
20 population greater than 3,000,000, if a funeral director or
21 person acting as such interrs or entombs a dead body without
22 having previously certified that the physician in charge of the
23 patient's care for the illness or condition that resulted in
24 death has been contacted and has affirmatively stated that he
25 or she will sign the medical certificate of death, then that

1 funeral director or person acting as such is responsible for
2 payment of the specific costs incurred by the county medical
3 examiner in disinterring and reintering or reentombing the
4 dead body.

5 (2) The written report as specified in paragraph (1) of
6 this Section shall not serve as a permit to:

7 (a) Remove body or fetus from this State;

8 (b) Cremate the body or fetus; or

9 (c) Make disposal of any body or fetus in any manner
10 when death is subject to the coroner's or medical
11 examiner's investigation.

12 (3) In accordance with the provisions of paragraph (2) of
13 this Section the funeral director or person acting as such who
14 first assumes custody of a dead body or fetus shall obtain a
15 permit for disposition of such dead human body prior to final
16 disposition or removal from the State of the body or fetus.
17 Such permit shall be issued by the registrar of the district
18 where death occurred or the body or fetus was found. No such
19 permit shall be issued until a properly completed certificate
20 of death has been filed with the registrar. The registrar shall
21 insure the issuance of a permit for disposition within an
22 expedited period of time to accommodate Sunday or holiday
23 burials of decedents whose time of death and religious tenets
24 or beliefs necessitate Sunday or holiday burials.

25 (4) A permit which accompanies a dead body or fetus brought
26 into this State shall be authority for final disposition of the

1 body or fetus in this State, except in municipalities where
2 local ordinance requires the issuance of a local permit prior
3 to disposition.

4 (5) A permit for disposition of a dead human body shall be
5 required prior to disinterment of a dead body or fetus, and
6 when the disinterred body is to be shipped by a common carrier.
7 Such permit shall be issued to a licensed funeral director or
8 person acting as such, upon proper application, by the local
9 registrar of the district in which disinterment is to be made.
10 In the case of disinterment, proper application shall include a
11 statement providing the name and address of any surviving
12 spouse of the deceased, or, if none, any surviving children of
13 the deceased, or if no surviving spouse or children, a parent,
14 brother, or sister of the deceased. The application shall
15 indicate whether the applicant is one of these parties and, if
16 so, whether the applicant is a surviving spouse or a surviving
17 child. Prior to the issuance of a permit for disinterment, the
18 local registrar shall, by certified mail, notify the surviving
19 spouse, unless he or she is the applicant, or if there is no
20 surviving spouse, all surviving children except for the
21 applicant, of the application for the permit. The person or
22 persons notified shall have 30 days from the mailing of the
23 notice to object by obtaining an injunction enjoining the
24 issuance of the permit. After the 30-day period has expired,
25 the local registrar shall issue the permit unless he or she has
26 been enjoined from doing so or there are other statutory

1 grounds for refusal. The notice to the spouse or surviving
2 children shall inform the person or persons being notified of
3 the right to seek an injunction within 30 days. Notwithstanding
4 any other provision of this subsection (5), a court may order
5 issuance of a permit for disinterment without notice or prior
6 to the expiration of the 30-day period where the petition is
7 made by an agency of any governmental unit and good cause is
8 shown for disinterment without notice or for the early order.
9 Nothing in this subsection (5) limits the authority of the City
10 of Chicago to ~~acquire property or otherwise~~ exercise its powers
11 under the O'Hare Transformation ~~Modernization~~ Act or requires
12 that City, or any person acting on behalf of that City, to
13 obtain a permit under this subsection (5) when exercising
14 powers under the O'Hare Transformation ~~Modernization~~ Act. The
15 Illinois Department of Transportation, and any person acting on
16 its behalf under a public-private agreement entered into in
17 accordance with the Public-Private Agreements for the South
18 Suburban Airport Act, is exempt from this subsection (5),
19 provided that the Illinois Department of Transportation, or any
20 such person, takes reasonable steps to comply with the
21 provisions of this subsection (5) so long as compliance does
22 not interfere with the design, development, operation, or
23 maintenance of the South Suburban Airport or the exercise of
24 their powers under the Public-Private Agreements for the South
25 Suburban Airport Act.

26 (Source: P.A. 98-109, eff. 7-25-13.)

1 Section 80. The Illinois Aeronautics Act is amended by
2 changing Sections 38.01, 47, and 47.1 as follows:

3 (620 ILCS 5/38.01) (from Ch. 15 1/2, par. 22.38a)

4 Sec. 38.01. Project applications.

5 (a) No municipality or political subdivision in this state,
6 whether acting alone or jointly with another municipality or
7 political subdivision or with the state, shall submit any
8 project application under the provisions of the Airport and
9 Airway Improvement Act of 1982, or any amendment thereof,
10 unless the project and the project application have been first
11 approved by the Department. No such municipality or political
12 subdivision shall directly accept, receive, or disburse any
13 funds granted by the United States under the Airport and Airway
14 Improvement Act of 1982, but it shall designate the Department
15 as its agent to accept, receive, and disburse such funds,
16 provided, however, nothing in this Section shall be construed
17 to prohibit any municipality or any political subdivision of
18 more than 500,000 inhabitants from disbursing such funds
19 through its corporate authorities. It shall enter into an
20 agreement with the Department prescribing the terms and
21 conditions of such agency in accordance with federal laws,
22 rules and regulations and applicable laws of this state. This
23 subsection (a) does not apply to any project application
24 submitted in connection with the O'Hare Transformation

1 ~~Modernization~~ Program as defined in Section 10 of the O'Hare
2 Transformation ~~Modernization~~ Act.

3 (b) The City of Chicago may submit a project application
4 under the provisions of the Airport and Airway Improvement Act
5 of 1982, as now or hereafter amended, or any other federal law
6 providing for airport planning or development, if the
7 application is submitted in connection with the O'Hare
8 Transformation ~~Modernization~~ Program as defined in Section 10
9 of the O'Hare Transformation ~~Modernization~~ Act, and the City
10 may directly accept, receive, and disburse any such funds.

11 (Source: P.A. 92-341, eff. 8-10-01; 93-450, eff. 8-6-03.)

12 (620 ILCS 5/47) (from Ch. 15 1/2, par. 22.47)

13 Sec. 47. Operation without certificate of approval
14 unlawful; applications.→ An application for a certificate of
15 approval of an airport or restricted landing area, or the
16 alteration or extension thereof, shall set forth, among other
17 things, the location of all railways, mains, pipes, conduits,
18 wires, cables, poles and other facilities and structures of
19 public service corporations or municipal or quasi-municipal
20 corporations, located within the area proposed to be acquired
21 or restricted, and the names of persons owning the same, to the
22 extent that such information can be reasonably ascertained by
23 the applicant.

24 It shall be unlawful for any municipality or other
25 political subdivision, or officer or employee thereof, or for

1 any person, to make any alteration or extension of an existing
2 airport or restricted landing area, or to use or operate any
3 airport or restricted landing area, for which a certificate of
4 approval has not been issued by the Department; provided, that
5 no certificate of approval shall be required for an airport or
6 restricted landing area which was in existence and approved by
7 the Illinois Aeronautics Commission, whether or not being
8 operated, on or before July 1, 1945, or for the O'Hare
9 Transformation Modernization Program as defined in Section 10
10 of the O'Hare Transformation Modernization Act; except that a
11 certificate of approval shall be required under this Section
12 for construction of a new runway at O'Hare International
13 Airport with a geographical orientation that varies from a
14 geographical east-west orientation by more than 10 degrees, or
15 for construction of a new runway at that airport that would
16 result in more than 10 runways being available for aircraft
17 operations at that airport. The Department shall supervise,
18 monitor, and enforce compliance with the O'Hare Transformation
19 ~~Modernization~~ Act by all other departments, agencies, and units
20 of State and local government.

21 Provisions of this Section do not apply to special purpose
22 aircraft designated as such by the Department when operating to
23 or from uncertificated areas other than their principal base of
24 operations, provided mutually acceptable arrangements are made
25 with the property owner, and provided the owner or operator of
26 the aircraft assumes liabilities which may arise out of such

1 operations.

2 (Source: P.A. 99-202, eff. 1-1-16; revised 10-12-17.)

3 (620 ILCS 5/47.1)

4 Sec. 47.1. Review by Department of O'Hare Transformation
5 ~~Modernization~~ Program. The Department shall monitor the
6 design, planning, financing, and construction of the O'Hare
7 Transformation ~~Modernization~~ Program as defined in Section 10
8 of the O'Hare Transformation ~~Modernization~~ Act in order to
9 ensure that the O'Hare Transformation ~~Modernization~~ Program
10 proceeds in a timely, efficient, and safe manner, and shall
11 monitor the effects of the O'Hare Transformation ~~Modernization~~
12 Program on units of local government throughout the State. The
13 Department shall file reports with the General Assembly as the
14 Department deems appropriate concerning the design, planning,
15 financing, and construction of the O'Hare Transformation
16 ~~Modernization~~ Program as defined in Section 10 of the O'Hare
17 Transformation ~~Modernization~~ Act, and the effects of the O'Hare
18 Transformation ~~Modernization~~ Program on units of local
19 government.

20 (Source: P.A. 93-450, eff. 8-6-03.)

21 Section 85. The Code of Civil Procedure is amended by
22 changing Section 2-103 as follows:

23 (735 ILCS 5/2-103) (from Ch. 110, par. 2-103)

1 Sec. 2-103. Public corporations - Local actions - Libel -
2 Insurance companies.

3 (a) Actions must be brought against a public, municipal,
4 governmental or quasi-municipal corporation in the county in
5 which its principal office is located or in the county in which
6 the transaction or some part thereof occurred out of which the
7 cause of action arose. Except as otherwise provided in Section
8 7-102 of this Code, if the cause of action is related to an
9 airport owned by a unit of local government or the property or
10 aircraft operations thereof, ~~however,~~ including an action
11 challenging the constitutionality of Public Act 93-450 or this
12 Amendatory Act of the 100th General Assembly ~~this amendatory~~
13 ~~Act of the 93rd General Assembly~~, the action must be brought in
14 the county in which the unit of local government's principal
15 office is located. Actions to recover damage to real estate
16 which may be overflowed or otherwise damaged by reason of any
17 act of the corporation may be brought in the county where the
18 real estate or some part of it is situated, or in the county
19 where the corporation is located, at the option of the party
20 claiming to be injured. Except as otherwise provided in Section
21 7-102 of this Code, any cause of action that is related to an
22 airport owned by a unit of local government, and that is
23 pending on or after the effective date of Public Act 93-450
24 ~~this amendatory Act of the 93rd General Assembly~~ in a county
25 other than the county in which the unit of local government's
26 principal office is located, shall be transferred, upon motion

1 of any party under Section 2-106 of this Code, to the county in
2 which the unit of local government's principal office is
3 located.

4 (b) Any action to quiet title to real estate, or to
5 partition or recover possession thereof or to foreclose a
6 mortgage or other lien thereon, must be brought in the county
7 in which the real estate or some part of it is situated.

8 (c) Any action which is made local by any statute must be
9 brought in the county designated in the statute.

10 (d) Every action against any owner, publisher, editor,
11 author or printer of a newspaper or magazine of general
12 circulation for libel contained in that newspaper or magazine
13 may be commenced only in the county in which the defendant
14 resides or has his, her or its principal office or in which the
15 article was composed or printed, except when the defendant
16 resides or the article was printed without this State, in
17 either of which cases the action may be commenced in any county
18 in which the libel was circulated or published.

19 (e) Actions against any insurance company incorporated
20 under the law of this State or doing business in this State may
21 also be brought in any county in which the plaintiff or one of
22 the plaintiffs may reside.

23 (f) The changes made to this Section by this amendatory Act
24 of the 100th General Assembly apply to cases pending on or
25 after the effective date of this amendatory Act of the 100th
26 General Assembly.

1 (Source: P.A. 93-450, eff. 8-6-03.)

2 Section 90. The Eminent Domain Act is amended by changing
3 Sections 1-1-5, 5-5-5, 10-5-60, 10-5-62, 10-5-105, 10-5-110,
4 15-1-5, 15-5-35, and 25-7-103.149 as follows:

5 (735 ILCS 30/1-1-5)

6 Sec. 1-1-5. Definitions. As used in this Act, except with
7 respect to the acquisition or damaging of property authorized
8 under the O'Hare Transformation ~~Modernization~~ Act:

9 "Acquisition of property", unless the context otherwise
10 requires, includes the acquisition, damaging, or use of
11 property or any right to or interest in property.

12 "Blighted area", "blight", and "blighted" have the same
13 meanings as under the applicable statute authorizing the
14 condemning authority to exercise the power of eminent domain
15 or, if those terms have no defined meaning under the applicable
16 statute, then the same meanings as under Section 11-74.4-3 of
17 the Illinois Municipal Code.

18 "Condemning authority" means the State or any unit of local
19 government, school district, or other entity authorized to
20 exercise the power of eminent domain.

21 (Source: P.A. 94-1055, eff. 1-1-07.)

22 (735 ILCS 30/5-5-5)

23 Sec. 5-5-5. Exercise of the power of eminent domain; public

1 use; blight.

2 (a) In addition to all other limitations and requirements,
3 a condemning authority may not take or damage property by the
4 exercise of the power of eminent domain unless it is for a
5 public use, as set forth in this Section.

6 (a-5) (Blank). ~~Subsections (b), (c), (d), (e), and (f) of~~
7 ~~this Section do not apply to the acquisition of property under~~
8 ~~the O'Hare Modernization Act. A condemning authority may~~
9 ~~exercise the power of eminent domain for the acquisition or~~
10 ~~damaging of property under the O'Hare Modernization Act as~~
11 ~~provided for by law in effect prior to the effective date of~~
12 ~~this Act.~~

13 (a-10) Subsections (b), (c), (d), (e), and (f) of this
14 Section do not apply to the acquisition or damaging of property
15 in furtherance of the goals and objectives of an existing tax
16 increment allocation redevelopment plan. A condemning
17 authority may exercise the power of eminent domain for the
18 acquisition of property in furtherance of an existing tax
19 increment allocation redevelopment plan as provided for by law
20 in effect prior to the effective date of this Act.

21 As used in this subsection, "existing tax increment
22 allocation redevelopment plan" means a redevelopment plan that
23 was adopted under the Tax Increment Allocation Redevelopment
24 Act (Article 11, Division 74.4 of the Illinois Municipal Code)
25 prior to April 15, 2006 and for which property assembly costs
26 were, before that date, included as a budget line item in the

1 plan or described in the narrative portion of the plan as part
2 of the redevelopment project, but does not include (i) any
3 additional area added to the redevelopment project area on or
4 after April 15, 2006, (ii) any subsequent extension of the
5 completion date of a redevelopment plan beyond the estimated
6 completion date established in that plan prior to April 15,
7 2006, (iii) any acquisition of property in a conservation area
8 for which the condemnation complaint is filed more than 12
9 years after the effective date of this Act, or (iv) any
10 acquisition of property in an industrial park conservation
11 area.

12 As used in this subsection, "conservation area" and
13 "industrial park conservation area" have the same meanings as
14 under Section 11-74.4-3 of the Illinois Municipal Code.

15 (b) If the exercise of eminent domain authority is to
16 acquire property for public ownership and control, then the
17 condemning authority must prove that (i) the acquisition of the
18 property is necessary for a public purpose and (ii) the
19 acquired property will be owned and controlled by the
20 condemning authority or another governmental entity.

21 (c) Except when the acquisition is governed by subsection
22 (b) or is primarily for one of the purposes specified in
23 subsection (d), (e), or (f) and the condemning authority elects
24 to proceed under one of those subsections, if the exercise of
25 eminent domain authority is to acquire property for private
26 ownership or control, or both, then the condemning authority

1 must prove by clear and convincing evidence that the
2 acquisition of the property for private ownership or control is
3 (i) primarily for the benefit, use, or enjoyment of the public
4 and (ii) necessary for a public purpose.

5 An acquisition of property primarily for the purpose of the
6 elimination of blight is rebuttably presumed to be for a public
7 purpose and primarily for the benefit, use, or enjoyment of the
8 public under this subsection.

9 Any challenge to the existence of blighting factors alleged
10 in a complaint to condemn under this subsection shall be raised
11 within 6 months of the filing date of the complaint to condemn,
12 and if not raised within that time the right to challenge the
13 existence of those blighting factors shall be deemed waived.

14 Evidence that the Illinois Commerce Commission has granted
15 a certificate or otherwise made a finding of public convenience
16 and necessity for an acquisition of property (or any right or
17 interest in property) for private ownership or control
18 (including, without limitation, an acquisition for which the
19 use of eminent domain is authorized under the Public Utilities
20 Act, the Telephone Company Act, or the Electric Supplier Act)
21 to be used for utility purposes creates a rebuttable
22 presumption that such acquisition of that property (or right or
23 interest in property) is (i) primarily for the benefit, use, or
24 enjoyment of the public and (ii) necessary for a public
25 purpose.

26 In the case of an acquisition of property (or any right or

1 interest in property) for private ownership or control to be
2 used for utility, pipeline, or railroad purposes for which no
3 certificate or finding of public convenience and necessity by
4 the Illinois Commerce Commission is required, evidence that the
5 acquisition is one for which the use of eminent domain is
6 authorized under one of the following laws creates a rebuttable
7 presumption that the acquisition of that property (or right or
8 interest in property) is (i) primarily for the benefit, use, or
9 enjoyment of the public and (ii) necessary for a public
10 purpose:

11 (1) the Public Utilities Act,

12 (2) the Telephone Company Act,

13 (3) the Electric Supplier Act,

14 (4) the Railroad Terminal Authority Act,

15 (5) the Grand Avenue Railroad Relocation Authority
16 Act,

17 (6) the West Cook Railroad Relocation and Development
18 Authority Act,

19 (7) Section 4-505 of the Illinois Highway Code,

20 (8) Section 17 or 18 of the Railroad Incorporation Act,

21 (9) Section 18c-7501 of the Illinois Vehicle Code.

22 (d) If the exercise of eminent domain authority is to
23 acquire property for private ownership or control and if the
24 primary basis for the acquisition is the elimination of blight
25 and the condemning authority elects to proceed under this
26 subsection, then the condemning authority must: (i) prove by a

1 preponderance of the evidence that acquisition of the property
2 for private ownership or control is necessary for a public
3 purpose; (ii) prove by a preponderance of the evidence that the
4 property to be acquired is located in an area that is currently
5 designated as a blighted area or conservation area under an
6 applicable statute; (iii) if the existence of blight or
7 blighting factors is challenged in an appropriate motion filed
8 within 6 months after the date of filing of the complaint to
9 condemn, prove by a preponderance of the evidence that the
10 required blighting factors existed in the area so designated
11 (but not necessarily in the particular property to be acquired)
12 at the time of the designation under item (ii) or at any time
13 thereafter; and (iv) prove by a preponderance of the evidence
14 at least one of the following:

15 (A) that it has entered into an express written
16 agreement in which a private person or entity agrees to
17 undertake a development project within the blighted area
18 that specifically details the reasons for which the
19 property or rights in that property are necessary for the
20 development project;

21 (B) that the exercise of eminent domain power and the
22 proposed use of the property by the condemning authority
23 are consistent with a regional plan that has been adopted
24 within the past 5 years in accordance with Section 5-14001
25 of the Counties Code or Section 11-12-6 of the Illinois
26 Municipal Code or with a local land resource management

1 plan adopted under Section 4 of the Local Land Resource
2 Management Planning Act; or

3 (C) that (1) the acquired property will be used in the
4 development of a project that is consistent with the land
5 uses set forth in a comprehensive redevelopment plan
6 prepared in accordance with the applicable statute
7 authorizing the condemning authority to exercise the power
8 of eminent domain and is consistent with the goals and
9 purposes of that comprehensive redevelopment plan, and (2)
10 an enforceable written agreement, deed restriction, or
11 similar encumbrance has been or will be executed and
12 recorded against the acquired property to assure that the
13 project and the use of the property remain consistent with
14 those land uses, goals, and purposes for a period of at
15 least 40 years, which execution and recording shall be
16 included as a requirement in any final order entered in the
17 condemnation proceeding.

18 The existence of an ordinance, resolution, or other
19 official act designating an area as blighted is not prima facie
20 evidence of the existence of blight. A finding by the court in
21 a condemnation proceeding that a property or area has not been
22 proven to be blighted does not apply to any other case or
23 undermine the designation of a blighted area or conservation
24 area or the determination of the existence of blight for any
25 other purpose or under any other statute, including without
26 limitation under the Tax Increment Allocation Redevelopment

1 Act (Article 11, Division 74.4 of the Illinois Municipal Code).

2 Any challenge to the existence of blighting factors alleged
3 in a complaint to condemn under this subsection shall be raised
4 within 6 months of the filing date of the complaint to condemn,
5 and if not raised within that time the right to challenge the
6 existence of those blighting factors shall be deemed waived.

7 (e) If the exercise of eminent domain authority is to
8 acquire property for private ownership or control and if the
9 primary purpose of the acquisition is one of the purposes
10 specified in item (iii) of this subsection and the condemning
11 authority elects to proceed under this subsection, then the
12 condemning authority must prove by a preponderance of the
13 evidence that: (i) the acquisition of the property is necessary
14 for a public purpose; (ii) an enforceable written agreement,
15 deed restriction, or similar encumbrance has been or will be
16 executed and recorded against the acquired property to assure
17 that the project and the use of the property remain consistent
18 with the applicable purpose specified in item (iii) of this
19 subsection for a period of at least 40 years, which execution
20 and recording shall be included as a requirement in any final
21 order entered in the condemnation proceeding; and (iii) the
22 acquired property will be one of the following:

23 (1) included in the project site for a residential
24 project, or a mixed-use project including residential
25 units, where not less than 20% of the residential units in
26 the project are made available, for at least 15 years, by

1 deed restriction, long-term lease, regulatory agreement,
2 extended use agreement, or a comparable recorded
3 encumbrance, to low-income households and very low-income
4 households, as defined in Section 3 of the Illinois
5 Affordable Housing Act;

6 (2) used primarily for public airport, road, parking,
7 or mass transportation purposes and sold or leased to a
8 private party in a sale-leaseback, lease-leaseback, or
9 similar structured financing;

10 (3) owned or used by a public utility or electric
11 cooperative for utility purposes;

12 (4) owned or used by a railroad for passenger or
13 freight transportation purposes;

14 (5) sold or leased to a private party that operates a
15 water supply, waste water, recycling, waste disposal,
16 waste-to-energy, or similar facility;

17 (6) sold or leased to a not-for-profit corporation
18 whose purposes include the preservation of open space, the
19 operation of park space, and similar public purposes;

20 (7) used as a library, museum, or related facility, or
21 as infrastructure related to such a facility;

22 (8) used by a private party for the operation of a
23 charter school open to the general public; or

24 (9) a historic resource, as defined in Section 3 of the
25 Illinois State Agency Historic Resources Preservation Act,
26 a landmark designated as such under a local ordinance, or a

1 contributing structure within a local landmark district
2 listed on the National Register of Historic Places, that is
3 being acquired for purposes of preservation or
4 rehabilitation.

5 (f) If the exercise of eminent domain authority is to
6 acquire property for public ownership and private control and
7 if the primary purpose of the acquisition is one of the
8 purposes specified in item (iii) of this subsection and the
9 condemning authority elects to proceed under this subsection,
10 then the condemning authority must prove by a preponderance of
11 the evidence that: (i) the acquisition of the property is
12 necessary for a public purpose; (ii) the acquired property will
13 be owned by the condemning authority or another governmental
14 entity; and (iii) the acquired property will be controlled by a
15 private party that operates a business or facility related to
16 the condemning authority's operation of a university, medical
17 district, hospital, exposition or convention center, mass
18 transportation facility, or airport, including, but not
19 limited to, a medical clinic, research and development center,
20 food or commercial concession facility, social service
21 facility, maintenance or storage facility, cargo facility,
22 rental car facility, bus facility, taxi facility, flight
23 kitchen, fixed based operation, parking facility, refueling
24 facility, water supply facility, and railroad tracks and
25 stations.

26 (g) This Article is a limitation on the exercise of the

1 power of eminent domain, but is not an independent grant of
2 authority to exercise the power of eminent domain.

3 (Source: P.A. 94-1055, eff. 1-1-07.)

4 (735 ILCS 30/10-5-60) (was 735 ILCS 5/7-121)

5 Sec. 10-5-60. Value. Except as to property designated as
6 possessing a special use, the fair cash market value of
7 property in a proceeding in eminent domain shall be the amount
8 of money that a purchaser, willing, but not obligated, to buy
9 the property, would pay to an owner willing, but not obliged,
10 to sell in a voluntary sale.

11 ~~For the acquisition or damaging of property under the~~
12 ~~O'Hare Modernization Act, the amount shall be determined as of~~
13 ~~the date of filing the complaint to condemn.~~

14 The ~~For the acquisition of other property, the~~ amount shall
15 be determined and ascertained as of the date of filing the
16 complaint to condemn, except that:

17 (i) in the case of property not being acquired under
18 Article 20 (quick-take), if the trial commences more than 2
19 years after the date of filing the complaint to condemn,
20 the court may, in the interest of justice and equity,
21 declare a valuation date no sooner than the date of filing
22 the complaint to condemn and no later than the date of
23 commencement of the trial; and

24 (ii) in the case of property that is being acquired
25 under Article 20 (quick-take), if the trial commences more

1 than 2 years after the date of filing the complaint to
2 condemn, the court may, in the interest of justice and
3 equity, declare a valuation date no sooner than the date of
4 filing the complaint to condemn and no later than the date
5 on which the condemning authority took title to the
6 property.

7 In the condemnation of property for a public improvement,
8 there shall be excluded from the fair cash market value of the
9 property any appreciation in value proximately caused by the
10 improvement and any depreciation in value proximately caused by
11 the improvement. However, such appreciation or depreciation
12 shall not be excluded when property is condemned for a separate
13 project conceived independently of and subsequent to the
14 original project.

15 (Source: P.A. 94-1055, eff. 1-1-07.)

16 (735 ILCS 30/10-5-62)

17 Sec. 10-5-62. Relocation costs. Except when federal funds
18 are available for the payment of direct financial assistance to
19 persons displaced by the acquisition of their real property, in
20 all condemnation proceedings for the taking or damaging of real
21 property under the exercise of the power of eminent domain, the
22 condemning authority shall pay to displaced persons
23 reimbursement for their reasonable relocation costs,
24 determined in the same manner as under the federal Uniform
25 Relocation Assistance and Real Property Acquisition Policies

1 Act of 1970, as amended from time to time, and as implemented
2 by regulations promulgated under that Act. ~~This Section does~~
3 ~~not apply to the acquisition or damaging of property under the~~
4 ~~O'Hare Modernization Act.~~

5 (Source: P.A. 94-1055, eff. 1-1-07.)

6 (735 ILCS 30/10-5-105)

7 Sec. 10-5-105. Sale of certain property acquired by
8 condemnation.

9 (a) This Section applies only to property that (i) has been
10 acquired after the effective date of this Act by condemnation
11 or threat of condemnation, (ii) was acquired for public
12 ownership and control by the condemning authority or another
13 public entity, and (iii) has been under the ownership and
14 control of the condemning authority or that other public entity
15 for a total of less than 5 years.

16 As used in this Section, "threat of condemnation" means
17 that the condemning authority has made an offer to purchase
18 property and has the authority to exercise the power of eminent
19 domain with respect to that property.

20 (b) Any governmental entity seeking to dispose of property
21 to which this Section applies must dispose of that property in
22 accordance with this Section, unless disposition of that
23 property is otherwise specifically authorized or prohibited by
24 law enacted by the General Assembly before, on, or after the
25 effective date of this Act.

1 (c) The sale or public auction by the State of property to
2 which this Section applies must be conducted in the manner
3 provided in the State Property Control Act for the disposition
4 of surplus property.

5 (d) The sale or public auction by a municipality of
6 property to which this Section applies must be conducted in
7 accordance with Section 11-76-4.1 or 11-76-4.2 of the Illinois
8 Municipal Code.

9 (e) The sale or public auction by any other unit of local
10 government or school district of property to which this Section
11 applies must be conducted in accordance with this subsection
12 (e). The corporate authorities of the unit of local government
13 or school district, by resolution, may authorize the sale or
14 public auction of the property as surplus public real estate.
15 The value of the real estate shall be determined by a written
16 MAI-certified appraisal or by a written certified appraisal of
17 a State-certified or State-licensed real estate appraiser. The
18 appraisal shall be available for public inspection. The
19 resolution may direct the sale to be conducted by the staff of
20 the unit of local government or school district; by listing
21 with local licensed real estate agencies, in which case the
22 terms of the agent's compensation shall be included in the
23 resolution; or by public auction. The resolution shall be
24 published at the first opportunity following its passage in a
25 newspaper or newspapers published in the county or counties in
26 which the unit of local government or school district is

1 located. The resolution shall also contain pertinent
2 information concerning the size, use, and zoning of the real
3 estate and the terms of sale. The corporate authorities of the
4 unit of local government or school district may accept any
5 contract proposal determined by them to be in the best interest
6 of the unit of local government or school district by a vote of
7 two-thirds of the members of the corporate authority of the
8 unit of local government or school district then holding
9 office, but in no event at a price less than 80% of the
10 appraised value.

11 (f) (Blank). ~~This Section does not apply to the acquisition~~
12 ~~or damaging of property under the O'Hare Modernization Act.~~

13 (Source: P.A. 94-1055, eff. 1-1-07; 95-331, eff. 8-21-07.)

14 (735 ILCS 30/10-5-110)

15 Sec. 10-5-110. Offers of settlement by defendant;
16 attorney's fees and litigation expenses.

17 (a) This Section applies only to proceedings for the
18 acquisition of property for private ownership or control that
19 are subject to subsection (c), (d), (e), or (f) of Section
20 5-5-5.

21 (b) At any time between (i) the close of discovery in
22 accordance with Supreme Court Rule 218(c), as now or hereafter
23 amended, or another date set by the court or agreed to by the
24 parties, and (ii) 14 days before the commencement of trial to
25 determine final just compensation, any defendant may serve upon

1 the plaintiff a written offer setting forth the amount of
2 compensation that the defendant will accept for the taking of
3 that defendant's interest in the property. If the defendant
4 does not make such an offer, the defendant shall not be
5 entitled to the attorney's fees and other reimbursement
6 provided under subsection (e) of this Section.

7 (c) If, within 10 days after service of the offer, the
8 plaintiff serves written notice upon that defendant that the
9 offer is accepted, then either of those parties may file a copy
10 of the offer and a copy of the notice of acceptance together
11 with proof of service of the notice. The court shall then enter
12 judgment.

13 (d) An offer that is not accepted within the 10-day period
14 is deemed to be withdrawn and evidence of the offer is not
15 admissible at trial.

16 (e) If a plaintiff does not accept an offer as provided in
17 subsection (c) and if the final just compensation for the
18 defendant's interest is determined by the trier of fact to be
19 equal to or in excess of the amount of the defendant's last
20 written offer under subsection (b), then the court must order
21 the plaintiff to pay to the defendant that defendant's
22 attorney's fees as calculated under subsection (f) of this
23 Section. The plaintiff shall also pay to the defendant that
24 defendant's reasonable costs and litigation expenses,
25 including, without limitation, expert witness and appraisal
26 fees, incurred after the making of the defendant's last written

1 offer under subsection (b).

2 (f) Any award of attorney's fees under this Section shall
3 be based solely on the net benefit achieved for the property
4 owner, except that the court may also consider any non-monetary
5 benefits obtained for the property owner through the efforts of
6 the attorney to the extent that the non-monetary benefits are
7 specifically identified by the court and can be quantified by
8 the court with a reasonable degree of certainty. "Net benefit"
9 means the difference, exclusive of interest, between the final
10 judgment or settlement and the last written offer made by the
11 condemning authority before the filing date of the condemnation
12 complaint. The award shall be calculated as follows, subject to
13 the Illinois Rules of Professional Conduct:

14 (1) 33% of the net benefit if the net benefit is
15 \$250,000 or less;

16 (2) 25% of the net benefit if the net benefit is more
17 than \$250,000 but less than \$1 million; or

18 (3) 20% of the net benefit if the net benefit is \$1
19 million or more.

20 (g) (Blank). ~~This Section does not apply to the acquisition~~
21 ~~of property under the O'Hare Modernization Act.~~

22 (Source: P.A. 94-1055, eff. 1-1-07.)

23 (735 ILCS 30/15-1-5)

24 Sec. 15-1-5. Grants of power in other statutes; this Act
25 controls. The State of Illinois and its various subdivisions

1 and agencies, and all units of local government, school
2 districts, and other entities, have the powers of condemnation
3 and eminent domain that are (i) expressly provided in this Act
4 or (ii) expressly provided in any other provision of law. Those
5 powers may be exercised, however, only in accordance with this
6 Act. If any power of condemnation or eminent domain that arises
7 under any other provision of law is in conflict with this Act,
8 this Act controls. ~~This Section does not apply to the~~
9 ~~acquisition or damaging of property under the O'Hare~~
10 ~~Modernization Act.~~

11 (Source: P.A. 94-1055, eff. 1-1-07.)

12 (735 ILCS 30/15-5-35)

13 Sec. 15-5-35. Eminent domain powers in ILCS Chapters 605
14 through 625. The following provisions of law may include
15 express grants of the power to acquire property by condemnation
16 or eminent domain:

17 (605 ILCS 5/4-501); Illinois Highway Code; Department of
18 Transportation and counties; for highway purposes.

19 (605 ILCS 5/4-502); Illinois Highway Code; Department of
20 Transportation; for ditches and drains.

21 (605 ILCS 5/4-505); Illinois Highway Code; Department of
22 Transportation; for replacement of railroad and public
23 utility property taken for highway purposes.

24 (605 ILCS 5/4-509); Illinois Highway Code; Department of

1 Transportation; for replacement of property taken for
2 highway purposes.

3 (605 ILCS 5/4-510); Illinois Highway Code; Department of
4 Transportation; for rights-of-way for future highway
5 purposes.

6 (605 ILCS 5/4-511); Illinois Highway Code; Department of
7 Transportation; for relocation of structures taken for
8 highway purposes.

9 (605 ILCS 5/5-107); Illinois Highway Code; counties; for county
10 highway relocation.

11 (605 ILCS 5/5-801); Illinois Highway Code; counties; for
12 highway purposes.

13 (605 ILCS 5/5-802); Illinois Highway Code; counties; for
14 ditches and drains.

15 (605 ILCS 5/6-309); Illinois Highway Code; highway
16 commissioners or county superintendents; for township or
17 road district roads.

18 (605 ILCS 5/6-801); Illinois Highway Code; highway
19 commissioners; for road district or township roads.

20 (605 ILCS 5/6-802); Illinois Highway Code; highway
21 commissioners; for ditches and drains.

22 (605 ILCS 5/8-102); Illinois Highway Code; Department of
23 Transportation, counties, and municipalities; for limiting
24 freeway access.

25 (605 ILCS 5/8-103); Illinois Highway Code; Department of
26 Transportation, counties, and municipalities; for freeway

1 purposes.

2 (605 ILCS 5/8-106); Illinois Highway Code; Department of
3 Transportation and counties; for relocation of existing
4 crossings for freeway purposes.

5 (605 ILCS 5/9-113); Illinois Highway Code; highway
6 authorities; for utility and other uses in rights-of-ways.

7 (605 ILCS 5/10-302); Illinois Highway Code; counties; for
8 bridge purposes.

9 (605 ILCS 5/10-602); Illinois Highway Code; municipalities;
10 for ferry and bridge purposes.

11 (605 ILCS 5/10-702); Illinois Highway Code; municipalities;
12 for bridge purposes.

13 (605 ILCS 5/10-901); Illinois Highway Code; Department of
14 Transportation; for ferry property.

15 (605 ILCS 10/9); Toll Highway Act; Illinois State Toll Highway
16 Authority; for toll highway purposes.

17 (605 ILCS 10/9.5); Toll Highway Act; Illinois State Toll
18 Highway Authority; for its authorized purposes.

19 (605 ILCS 10/10); Toll Highway Act; Illinois State Toll Highway
20 Authority; for property of a municipality or political
21 subdivision for toll highway purposes.

22 (605 ILCS 115/14); Toll Bridge Act; counties; for toll bridge
23 purposes.

24 (605 ILCS 115/15); Toll Bridge Act; counties; for the purpose
25 of taking a toll bridge to make it a free bridge.

26 (605 ILCS 130/80); Public Private Agreements for the Illiana

1 Expressway Act; Department of Transportation; for the
2 Illiana Expressway project.

3 (610 ILCS 5/17); Railroad Incorporation Act; railroad
4 corporation; for real estate for railroad purposes.

5 (610 ILCS 5/18); Railroad Incorporation Act; railroad
6 corporations; for materials for railways.

7 (610 ILCS 5/19); Railroad Incorporation Act; railways; for land
8 along highways.

9 (610 ILCS 70/1); Railroad Powers Act; purchasers and lessees of
10 railroad companies; for railroad purposes.

11 (610 ILCS 115/2 and 115/3); Street Railroad Right of Way Act;
12 street railroad companies; for street railroad purposes.

13 (615 ILCS 5/19); Rivers, Lakes, and Streams Act; Department of
14 Natural Resources; for land along public waters for
15 pleasure, recreation, or sport purposes.

16 (615 ILCS 10/7.8); Illinois Waterway Act; Department of Natural
17 Resources; for waterways and appurtenances.

18 (615 ILCS 15/7); Flood Control Act of 1945; Department of
19 Natural Resources; for the purposes of the Act.

20 (615 ILCS 30/9); Illinois and Michigan Canal Management Act;
21 Department of Natural Resources; for dams, locks, and
22 improvements.

23 (615 ILCS 45/10); Illinois and Michigan Canal Development Act;
24 Department of Natural Resources; for development and
25 management of the canal.

26 (620 ILCS 5/72); Illinois Aeronautics Act; Division of

1 Aeronautics of the Department of Transportation; for
2 airport purposes.

3 (620 ILCS 5/73); Illinois Aeronautics Act; Division of
4 Aeronautics of the Department of Transportation; for
5 removal of airport hazards.

6 (620 ILCS 5/74); Illinois Aeronautics Act; Division of
7 Aeronautics of the Department of Transportation; for
8 airport purposes.

9 (620 ILCS 25/33); Airport Zoning Act; Division of Aeronautics
10 of the Department of Transportation; for air rights.

11 (620 ILCS 40/2 and 40/3); General County Airport and Landing
12 Field Act; counties; for airport purposes.

13 (620 ILCS 40/5); General County Airport and Landing Field Act;
14 counties; for removing hazards.

15 (620 ILCS 45/6 and 45/7); County Airport Law of 1943; boards of
16 directors of airports and landing fields; for airport and
17 landing field purposes.

18 (620 ILCS 50/22 and 50/31); County Airports Act; counties; for
19 airport purposes.

20 (620 ILCS 50/24); County Airports Act; counties; for removal of
21 airport hazards.

22 (620 ILCS 50/26); County Airports Act; counties; for
23 acquisition of airport protection privileges.

24 (620 ILCS 52/15); County Air Corridor Protection Act; counties;
25 for airport zones.

26 (620 ILCS 55/1); East St. Louis Airport Act; Department of

1 Transportation; for airport in East St. Louis metropolitan
2 area.

3 ~~(620 ILCS 65/15); O'Hare Modernization Act; Chicago; for the~~
4 ~~O'Hare modernization program, including quick-take power.~~

5 (620 ILCS 75/2-15 and 75/2-90); Public-Private Agreements for
6 the South Suburban Airport Act; Department of
7 Transportation; for South Suburban Airport purposes.

8 (625 ILCS 5/2-105); Illinois Vehicle Code; Secretary of State;
9 for general purposes.

10 (625 ILCS 5/18c-7501); Illinois Vehicle Code; rail carriers;
11 for railroad purposes, including quick-take power.

12 (Source: P.A. 97-808, eff. 7-13-12; incorporates 98-109, eff.
13 7-25-13; 98-756, eff. 7-16-14.)

14 (735 ILCS 30/25-7-103.149) (was 735 ILCS 5/7-103.149)

15 Sec. 25-7-103.149. Quick-take; O'Hare Transformation
16 ~~Modernization~~ Program purposes. Quick-take proceedings under
17 Article 20 may be used by the City of Chicago for the purpose
18 of acquiring property within the area bounded on the north,
19 between Carmen Drive and the Union Pacific/Canadian Pacific
20 Railroad, by Old Higgins Road, and between Old Higgins Road and
21 Touhy Avenue, by the Union Pacific/Canadian Pacific Railroad,
22 and east of the Union Pacific/Canadian Pacific Railroad by the
23 northern boundary of O'Hare existing on January 1, 2003; on the
24 east by the eastern boundary of O'Hare existing on January 1,
25 2003; on the southeast by the southeastern boundary of O'Hare

1 existing on January 1, 2003; on the south between the eastern
2 boundary of O'Hare and the Union Pacific Railroad by the
3 southern boundary of O'Hare existing on January 1, 2003; on the
4 south, between the Union Pacific Railroad and the east boundary
5 of York Road by the Canadian Pacific railroad yard; on the
6 west, between the Canadian Pacific Railroad Yard and the
7 railroad spur intersecting York Road between Arthur and Pratt
8 Avenues, by the east boundary of York Road; and on the
9 northwest, between York Road and the Union Pacific/Canadian
10 Pacific Railroad, by the railroad spur, and between the
11 railroad spur and the point at which the extended eastern
12 boundary of Carmen Drive intersects the Union Pacific/Canadian
13 Pacific Railroad, by the Union Pacific/Canadian Pacific
14 Railroad, and between the Union Pacific/Canadian Pacific
15 Railroad and Old Higgins Road, by the extended eastern boundary
16 of Carmen Drive and by Carmen Drive, for the O'Hare
17 Transformation ~~Modernization~~ Program as defined in Section 10
18 of the O'Hare Transformation ~~Modernization~~ Act.

19 (Source: P.A. 93-450, eff. 8-6-03; 94-1055, eff. 1-1-07.)

20 Section 95. The Religious Freedom Restoration Act is
21 amended by changing Section 30 as follows:

22 (775 ILCS 35/30)

23 Sec. 30. O'Hare Transformation ~~Modernization~~ and South
24 Suburban Airport. Nothing in this Act limits the authority of

1 the City of Chicago to exercise its powers under the O'Hare
2 Transformation ~~Modernization~~ Act, or the Department of
3 Transportation to exercise its powers under the Public-Private
4 Agreements for the South Suburban Airport Act, for the purposes
5 of relocation of cemeteries or the graves located therein.

6 (Source: P.A. 98-109, eff. 7-25-13.)

7 (620 ILCS 65/Act rep.)

8 Section 100. The O'Hare Modernization Act is repealed.

9 Section 999. Effective date. This Act takes effect upon
10 becoming law.

1	INDEX	
2	Statutes amended in order of appearance	
3	New Act	
4	20 ILCS 3435/1.5	
5	20 ILCS 3440/4.5	
6	35 ILCS 200/15-185	
7	50 ILCS 615/5	
8	65 ILCS 5/11-51-1	from Ch. 24, par. 11-51-1
9	65 ILCS 5/11-102-2	from Ch. 24, par. 11-102-2
10	65 ILCS 5/11-102-4	from Ch. 24, par. 11-102-4
11	70 ILCS 805/5e	from Ch. 96 1/2, par. 6308e
12	225 ILCS 411/5-20	
13	410 ILCS 535/21	from Ch. 111 1/2, par. 73-21
14	620 ILCS 5/38.01	from Ch. 15 1/2, par. 22.38a
15	620 ILCS 5/47	from Ch. 15 1/2, par. 22.47
16	620 ILCS 5/47.1	
17	735 ILCS 5/2-103	from Ch. 110, par. 2-103
18	735 ILCS 30/1-1-5	
19	735 ILCS 30/5-5-5	
20	735 ILCS 30/10-5-60	was 735 ILCS 5/7-121
21	735 ILCS 30/10-5-62	
22	735 ILCS 30/10-5-105	
23	735 ILCS 30/10-5-110	
24	735 ILCS 30/15-1-5	
25	735 ILCS 30/15-5-35	

- 1 735 ILCS 30/25-7-103.149 was 735 ILCS 5/7-103.149
- 2 775 ILCS 35/30
- 3 620 ILCS 65/Act rep.