



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB1764

Introduced 2/26/2021, by Sen. Christopher Belt

SYNOPSIS AS INTRODUCED:

620 ILCS 5/34
620 ILCS 5/38.01

from Ch. 15 1/2, par. 22.34
from Ch. 15 1/2, par. 22.38a

Amends the Illinois Aeronautics Act. Provides that the Division of Aeronautics of the Department of Transportation shall not render financial assistance in connection with the planning, construction, reconstruction, extension, development or improvement of hangars or other airport buildings, or in connection with the subsequent operation or maintenance of such air navigation facilities unless such facilities are for public use and of public benefit. Provides that nothing in a provision concerning project applications shall be construed to prohibit any municipality or any political subdivision owning or operating a commercial service airport serving at least 10,000 annual enplanements from accepting, receiving, or dispersing funds directly from the federal government. Provides that any municipality or political subdivision may submit a project application under the Airport and Airway Improvement Act of 1982 or any other federal law providing for airport planning or development, if the application is submitted in connection with an airport serving at least 10,000 annual enplanements. Provides that any federal money awarded to airports in the State under the Airport and Airway Improvement Act of 1982 that include project applications approved by the Department also shall include a State match to the local share of the application for all costs eligible under the Airport and Airway Improvement Act of 1982. Makes other changes.

LRB102 16310 RAM 21695 b

FISCAL 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 Act 5. The Illinois Aeronautics Act is amended by changing
5 Acts 34 and 38.01 as follows:

6 (620 ILCS 5/34) (from Ch. 15 1/2, par. 22.34)

7 Sec. 34. Financial assistance to municipalities and
8 others. The Department, subject to the provisions of Section
9 41 of this Act, may render financial assistance in the
10 planning, construction, reconstruction, extension,
11 development, and improvement of air navigation facilities
12 including acquisition of land, rights in land, easements
13 including aviation easements necessary for clear zones or
14 clear areas, costs of obstruction removal and airport approach
15 aids owned, controlled, or operated, or to be owned,
16 controlled, or operated by municipalities, other political
17 subdivisions of this State, or privately owned commercially
18 operated airports in Illinois, out of appropriations made by
19 the General Assembly for any such purpose. The Department
20 shall not render such financial assistance in connection with
21 the planning, construction, reconstruction, extension,
22 development or improvement of hangars or other airport
23 buildings, or in connection with the subsequent operation or

1 maintenance of such air navigation facilities unless such
2 facilities are for public use and of public benefit. The
3 municipality, other political subdivision, or privately owned
4 commercially operated airports in Illinois, to which such
5 financial assistance is being extended by the Department,
6 before such financial assistance is given, shall satisfy the
7 Department that (a) such air navigation facility will be owned
8 or effectively controlled, operated, repaired and maintained
9 adequately during its full useful life, for the benefit of the
10 public, and (b) in connection with the operation of such air
11 navigation facility, during its full useful life, the public
12 will not be deprived of its rightful, fair, equal and uniform
13 use thereof. The owners and operators of an airport receiving
14 financial assistance under this Act must adequately control,
15 operate, repair, and maintain the airport during its full
16 useful life for the benefit of the public. The owners and
17 operators of an airport receiving financial assistance must
18 ensure that the public will not be deprived of its rightful,
19 fair, equal, and uniform use of the airport during its full
20 useful life. For the purposes of this paragraph, the full
21 useful life of an airport is not less than 20 years after the
22 financial assistance is received by the owners and operators
23 of the airport. Nothing in this Section, however, imposes any
24 obligation that is inconsistent with any judgment, order,
25 injunction, or decree of any court that was rendered before
26 the effective date of this amendatory Act of the 92nd General

1 Assembly.

2 Any commercial airport, in order to qualify under the
3 provisions of this Section must be included in the State
4 Airport Plan as prepared or revised from time to time by the
5 Illinois Department of Transportation. In the case of
6 commercial public use airports which are not publicly owned
7 airports, no such development or planning may be proposed
8 except in connection with reliever airports included in the
9 current National Airport System Plan.

10 Improvements to privately owned commercial airports
11 qualifying under this Section shall be contracted for and
12 constructed or developed under the supervision or direction of
13 the Department or such other Department, agency, officer or
14 employee of this State as the Department may designate.

15 If a privately owned commercially operated airport
16 receives assistance under this Section and ceases operations
17 before the predetermined life of the improvements made with
18 such assistance, the State shall be reimbursed for the unused
19 portion of such predetermined life and such claim shall be a
20 lien on the airport property.

21 (Source: P.A. 92-341, eff. 8-10-01.)

22 (620 ILCS 5/38.01) (from Ch. 15 1/2, par. 22.38a)

23 Sec. 38.01. Project applications.

24 (a) No municipality or political subdivision in this State
25 ~~state~~, whether acting alone or jointly with another

1 municipality or political subdivision or with the State ~~state~~,
2 shall submit any project application under the provisions of
3 the Airport and Airway Improvement Act of 1982, or any
4 amendment thereof, unless the project and the project
5 application have been first reviewed ~~approved~~ by the
6 Department. Except as provided in subAct (b) or (c), no ~~No~~ such
7 municipality or political subdivision shall directly accept,
8 receive, or disburse any funds granted by the United States
9 under the Airport and Airway Improvement Act of 1982, but it
10 shall designate the Department as its agent to accept,
11 receive, and disburse such funds, provided, however, nothing
12 in this Section shall be construed to prohibit:

13 (1) Any ~~any~~ municipality or any political subdivision
14 of more than 500,000 inhabitants from disbursing such
15 funds through its corporate authorities.

16 (2) Any municipality or any political subdivision
17 owning or operating a commercial service airport serving
18 at least 10,000 annual enplanements from accepting,
19 receiving, or dispersing funds directly from the federal
20 government.

21 It shall enter into an agreement with the Department
22 prescribing the terms and conditions of such agency in
23 accordance with federal laws, rules and regulations and
24 applicable laws of this state. This subsection (a) does not
25 apply to any project application submitted in connection with
26 the O'Hare Modernization Program as defined in Section 10 of

1 the O'Hare Modernization Act, O'Hare International Airport,
2 Midway International Airport, or airports with commercial
3 airline service serving at least 10,000 enplanements annually.

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

13 (c) Any municipality or political subdivision may submit a
14 project application under the Airport and Airway Improvement
15 Act of 1982 or any other federal law providing for airport
16 planning or development, if the application is submitted in
17 connection with an airport serving at least 10,000 annual
18 enplanements.

19 (d) Any federal money awarded to airports in the State
20 under the Airport and Airway Improvement Act of 1982 that
21 include project applications approved by the Department also
22 shall include a State match to the local share of the
23 application for all costs eligible under the Airport and
24 Airway Improvement Act of 1982.

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