



Sen. Christopher Belt

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10200SB1764sam001

LRB102 16310 RAM 25384 a

1 AMENDMENT TO SENATE BILL 1764

2 AMENDMENT NO. _____. Amend Senate Bill 1764 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Aeronautics Act is amended by
5 changing Sections 34, 34a, 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

1 subdivisions of this State, or privately owned commercially
2 operated airports in Illinois, out of appropriations made by
3 the General Assembly for any such purpose. The Department
4 shall not render such financial assistance in connection with
5 the planning, construction, reconstruction, extension,
6 development or improvement of hangars or other airport
7 buildings, or in connection with the subsequent operation or
8 maintenance of such air navigation facilities unless such
9 facilities are for public use, publicly owned, and of public
10 benefit. As used in this Section, "of public benefit" includes
11 aircraft hangars, fixed-based operator buildings, and aircraft
12 maintenance buildings at nonprimary airports included within
13 the State Airport Plan. The municipality, other political
14 subdivision, or privately owned commercially operated airports
15 in Illinois, to which such financial assistance is being
16 extended by the Department, before such financial assistance
17 is given, shall satisfy the Department that (a) such air
18 navigation facility will be owned or effectively controlled,
19 operated, repaired and maintained adequately during its full
20 useful life, for the benefit of the public, and (b) in
21 connection with the operation of such air navigation facility,
22 during its full useful life, the public will not be deprived of
23 its rightful, fair, equal and uniform use thereof. The owners
24 and operators of an airport receiving financial assistance
25 under this Act must adequately control, operate, repair, and
26 maintain the airport during its full useful life for the

1 benefit of the public. The owners and operators of an airport
2 receiving financial assistance must ensure that the public
3 will not be deprived of its rightful, fair, equal, and uniform
4 use of the airport during its full useful life. For the
5 purposes of this paragraph, the full useful life of an airport
6 is not less than 20 years after the financial assistance is
7 received by the owners and operators of the airport. Nothing
8 in this Section, however, imposes any obligation that is
9 inconsistent with any judgment, order, injunction, or decree
10 of any court that was rendered before the effective date of
11 this amendatory Act of the 92nd General Assembly.

12 Any commercial airport, in order to qualify under the
13 provisions of this Section must be included in the State
14 Airport Plan as prepared or revised from time to time by the
15 Illinois Department of Transportation. In the case of
16 commercial public use airports which are not publicly owned
17 airports, no such development or planning may be proposed
18 except in connection with reliever airports included in the
19 current National Airport System Plan.

20 Improvements to privately owned commercial airports
21 qualifying under this Section shall be contracted for and
22 constructed or developed under the supervision or direction of
23 the Department or such other Department, agency, officer or
24 employee of this State as the Department may designate.

25 If a privately owned commercially operated airport
26 receives assistance under this Section and ceases operations

1 before the predetermined life of the improvements made with
2 such assistance, the State shall be reimbursed for the unused
3 portion of such predetermined life and such claim shall be a
4 lien on the airport property.

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

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

7 Sec. 34a. Financial assistance under Section 34 may also
8 include reimbursement to eligible airport sponsors for the
9 construction or upgrading of Automated Weather Observation
10 Systems (AWOS) financed in whole or in part by State monies.
11 Costs of constructing or upgrading Automated Weather
12 Observation Systems prior to the effective date of this
13 amendatory Act of the 98th General Assembly are eligible for
14 State reimbursements provided that all required State
15 procedures were followed at the time the project was approved
16 by the Department. Financial assistance under Section 34 may
17 also include reimbursements to eligible airport sponsors for
18 land acquisition costs directly related to projects financed
19 either in whole or in part by federal and State monies, and for
20 engineering and construction costs directly related to
21 projects financed in whole or in part by State monies;
22 provided, (1) such engineering, construction, or land
23 acquisition costs were approved by the Department prior to the
24 payment of these costs by the airport sponsor, (2) no State or
25 federal monies have previously been expended for such purposes

1 on such projects, and (3) no State monies shall be expended as
2 reimbursement on any project for engineering or land
3 acquisition unless construction costs for that project are
4 funded by the State. Approval of engineering, construction, or
5 land acquisition costs by the Department prior to the payment
6 of such costs by an airport sponsor shall qualify those costs
7 for State reimbursement but shall not constitute an obligation
8 of State funds in consideration of available appropriation and
9 eligibility of appropriation. Costs of land acquisition by
10 airport sponsors prior to the effective date of this
11 amendatory act of 1982 are qualified for State reimbursement
12 provided all federal and State procedures were followed at the
13 time of acquisition.

14 (Source: P.A. 98-215, eff. 8-9-13.)

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

16 Sec. 38.01. Project applications.

17 (a) No municipality or political subdivision in this State
18 ~~state~~, whether acting alone or jointly with another
19 municipality or political subdivision or with the State ~~state~~,
20 shall submit any project application under the provisions of
21 the Airport and Airway Improvement Act of 1982, or any
22 amendment thereof, unless the project and the project
23 application have been first approved by the Department. Except
24 as provided in subsections (b) or (c) below, no ~~no~~ such
25 municipality or political subdivision shall directly accept,

1 receive, or disburse any funds granted by the United States
2 under the Airport and Airway Improvement Act of 1982, but it
3 shall designate the Department as its agent to accept,
4 receive, and disburse such funds, provided further, however,
5 nothing in this Section shall be construed to prohibit the
6 following:

7 i. Any ~~any~~ municipality or any political subdivision
8 of more than 500,000 inhabitants from disbursing such
9 funds through its corporate authorities.

10 ii. Any municipality or any political subdivision
11 owning a primary commercial service airport serving at
12 least 10,000 annual enplanements from accepting,
13 receiving, or disbursing funds directly from the federal
14 government.

15 It shall enter into an agreement with the Department
16 prescribing the terms and conditions of such agency in
17 accordance with federal laws, rules and regulations and
18 applicable laws of this State ~~state~~. This subsection (a) does
19 not apply to any project application submitted in connection
20 with the O'Hare Modernization Program as defined in Section 10
21 of the O'Hare Modernization Act, with O'Hare International
22 Airport, or with Midway International Airport.

23 (b) The City of Chicago may submit a project application
24 under the provisions of the Airport and Airway Improvement Act
25 of 1982, as now or hereafter amended, or any other federal law
26 providing for airport planning or development, if the

1 application is submitted in connection with (i) the O'Hare
2 Modernization Program as defined in Section 10 of the O'Hare
3 Modernization Act, (ii) O'Hare International Airport, or (iii)
4 Midway International Airport; and the City may directly
5 accept, receive, and disburse any such funds.

6 (c) Any federal money awarded to airports in the State
7 under the Airport and Airway Improvement Act of 1982, or any
8 amendment thereof, that includes project applications approved
9 by the Department where the Department is designated the as
10 agent to accept, receive, and disburse such funds shall also
11 include a State match to the local share of the application for
12 all costs eligible under the Airport and Airway Improvement
13 Act of 1982, or any amendment thereof, subject to the
14 provisions of Section 34 and Section 41 of this Act and
15 available eligible appropriation.

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