



Sen. Michael E. Hastings

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10300HB4615sam002

LRB103 37800 AWJ 74205 a

1 AMENDMENT TO HOUSE BILL 4615

2 AMENDMENT NO. _____. Amend House Bill 4615, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Administrative Procedure Act is
6 amended by renumbering and changing Section 5-45.35 as added
7 by Public Act 103-568 as follows:

8 (5 ILCS 100/5-45.52)

9 (Section scheduled to be repealed on December 8, 2024)

10 Sec. 5-45.52 ~~5-45.35~~. Emergency rulemaking; Public Act
11 103-568 ~~this amendatory Act of the 103rd General Assembly~~. To
12 provide for the expeditious and timely implementation of
13 Public Act 103-568 ~~this amendatory Act of the 103rd General~~
14 ~~Assembly~~, emergency rules implementing Public Act 103-568 ~~this~~
15 ~~amendatory Act of the 103rd General Assembly~~ may be adopted in
16 accordance with Section 5-45 by the Department of Financial

1 and Professional Regulation. The adoption of emergency rules
2 authorized by Section 5-45 and this Section is deemed to be
3 necessary for the public interest, safety, and welfare.

4 This Section is repealed on August 4, 2025 ~~one year after~~
5 ~~the effective date of this amendatory Act of the 103rd General~~
6 ~~Assembly.~~

7 (Source: P.A. 103-568, eff. 12-8-23; revised 12-22-23.)

8 Section 10. The Department of Professional Regulation Law
9 of the Civil Administrative Code of Illinois is amended by
10 changing Section 2105-380 as follows:

11 (20 ILCS 2105/2105-380)

12 (Section scheduled to be repealed on December 8, 2024)

13 Sec. 2105-380. Extension of expiration dates or renewal
14 periods for specified licenses, registrations, or
15 certificates.

16 (a) If the Secretary finds that there is a significant
17 operational need to do so or that it is necessary to do so to
18 avoid undue hardship on a class of individuals whose
19 professional licenses, registrations, or certificates are
20 issued by the Department, then the Secretary shall extend the
21 expiration date or renewal period of the license,
22 registration, or certificate of those individuals for a period
23 not to exceed the standard renewal period for those licenses,
24 registrations, or certificates. Factors that may be considered

1 by the Secretary when determining whether to extend the
2 expiration date or renewal period shall include, but are not
3 limited to:

4 (1) the number of applications pending;

5 (2) the percentage of applicants or licensees,
6 registrants, or certificate holders waiting for Department
7 action on their applications compared to the number of
8 licensees, registrants, or certificate holders in the
9 profession;

10 (3) the number of licenses, registrations, or
11 certificates that have expired while pending Department
12 action on renewal;

13 (4) whether there is a shortage of licensees,
14 registrants, or certificate holders providing the
15 professional service;

16 (5) the potential impact on the Department's
17 operational budget; and

18 (6) any other licensing-related factors that are
19 deemed relevant by the Department and are prescribed by
20 rule.

21 (b) The Secretary shall waive the payment of late fees for
22 a licensee, registrant, or certificate holder in a profession
23 whose expiration date or renewal period has been extended
24 under this Section and in those cases where Department
25 processing delays result in the expiration of a license,
26 registration, or certificate.

1 (c) The Department may adopt rules or emergency rules to
2 implement and administer this Section.

3 (d) This Section is repealed January 1, 2026 ~~one year~~
4 ~~after the effective date of this amendatory Act of the 103rd~~
5 ~~General Assembly.~~

6 (Source: P.A. 103-568, eff. 12-8-23.)

7 Section 15. The Illinois Grant Funds Recovery Act is
8 amended by changing Section 5.1 as follows:

9 (30 ILCS 705/5.1)

10 (Section scheduled to be repealed on July 31, 2024)

11 Sec. 5.1. Restoration of grant award.

12 (a) A grantee who received an award pursuant to the Open
13 Space Lands Acquisition and Development Act who was unable to
14 complete the project within the 2 years required by Section 5
15 due to the COVID-19 public health emergency, and whose grant
16 agreement expired between January 1, 2021 and July 29, 2021,
17 shall be eligible for an award under the same terms as the
18 expired grant agreement, subject to the availability of
19 appropriated moneys in the fund from which the original
20 disbursement to the grantee was made. The grantee must
21 demonstrate prior compliance with the terms and conditions of
22 the expired award to be eligible for funding under this
23 Section.

24 (b) Any grant funds not expended or legally obligated by

1 the expiration of the newly executed agreement must be
2 returned to the grantor agency within 45 days, if the funds are
3 not already on deposit with the grantor agency or the State
4 Treasurer. Such returned funds shall be deposited into the
5 fund from which the original grant disbursement to the grantee
6 was made.

7 (c) This Section is repealed on July 1, 2025 ~~July 31, 2024~~.
8 (Source: P.A. 102-699, eff. 4-19-22.)

9 Section 20. The Small Wireless Facilities Deployment Act
10 is amended by changing Sections 15, 25, and 90 as follows:

11 (50 ILCS 840/15) (was 50 ILCS 835/15)

12 (Section scheduled to be repealed on December 31, 2024)

13 Sec. 15. Regulation of small wireless facilities.

14 (a) This Section applies to activities of a wireless
15 provider within or outside rights-of-way.

16 (b) Except as provided in this Section, an authority may
17 not prohibit, regulate, or charge for the collocation of small
18 wireless facilities.

19 (c) Small wireless facilities shall be classified as
20 permitted uses and subject to administrative review in
21 conformance with this Act, except as provided in paragraph (5)
22 of subsection (d) of this Section regarding height exceptions
23 or variances, but not subject to zoning review or approval if
24 they are collocated (i) in rights-of-way in any zone, or (ii)

1 outside rights-of-way in property zoned exclusively for
2 commercial or industrial use.

3 (d) An authority may require an applicant to obtain one or
4 more permits to collocate a small wireless facility. An
5 authority shall receive applications for, process, and issue
6 permits subject to the following requirements:

7 (1) An authority may not directly or indirectly
8 require an applicant to perform services unrelated to the
9 collocation for which approval is sought, such as in-kind
10 contributions to the authority, including reserving fiber,
11 conduit, or utility pole space for the authority on the
12 wireless provider's utility pole. An authority may reserve
13 space on authority utility poles for future public safety
14 uses or for the authority's electric utility uses, but a
15 reservation of space may not preclude the collocation of a
16 small wireless facility unless the authority reasonably
17 determines that the authority utility pole cannot
18 accommodate both uses.

19 (2) An applicant shall not be required to provide more
20 information to obtain a permit than the authority requires
21 of a communications service provider that is not a
22 wireless provider that requests to attach facilities to a
23 structure; however, a wireless provider may be required to
24 provide the following information when seeking a permit to
25 collocate small wireless facilities on a utility pole or
26 wireless support structure:

1 (A) site specific structural integrity and, for an
2 authority utility pole, make-ready analysis prepared
3 by a structural engineer, as that term is defined in
4 Section 4 of the Structural Engineering Practice Act
5 of 1989;

6 (B) the location where each proposed small
7 wireless facility or utility pole would be installed
8 and photographs of the location and its immediate
9 surroundings depicting the utility poles or structures
10 on which each proposed small wireless facility would
11 be mounted or location where utility poles or
12 structures would be installed;

13 (C) specifications and drawings prepared by a
14 structural engineer, as that term is defined in
15 Section 4 of the Structural Engineering Practice Act
16 of 1989, for each proposed small wireless facility
17 covered by the application as it is proposed to be
18 installed;

19 (D) the equipment type and model numbers for the
20 antennas and all other wireless equipment associated
21 with the small wireless facility;

22 (E) a proposed schedule for the installation and
23 completion of each small wireless facility covered by
24 the application, if approved;

25 (F) certification that the collocation complies
26 with paragraph (6) to the best of the applicant's

1 knowledge; and

2 (G) the wireless provider's certification from a
3 radio engineer that it operates the small wireless
4 facility within all applicable FCC standards.

5 (3) Subject to paragraph (6), an authority may not
6 require the placement of small wireless facilities on any
7 specific utility pole, or category of utility poles, or
8 require multiple antenna systems on a single utility pole;
9 however, with respect to an application for the
10 collocation of a small wireless facility associated with a
11 new utility pole, an authority may propose that the small
12 wireless facility be collocated on an existing utility
13 pole or existing wireless support structure within 200
14 feet of the proposed collocation, which the applicant
15 shall accept if it has the right to use the alternate
16 structure on reasonable terms and conditions and the
17 alternate location and structure does not impose technical
18 limits or additional material costs as determined by the
19 applicant. The authority may require the applicant to
20 provide a written certification describing the property
21 rights, technical limits or material cost reasons the
22 alternate location does not satisfy the criteria in this
23 paragraph (3).

24 (4) Subject to paragraph (6), an authority may not
25 limit the placement of small wireless facilities mounted
26 on a utility pole or a wireless support structure by

1 minimum horizontal separation distances.

2 (5) An authority may limit the maximum height of a
3 small wireless facility to 10 feet above the utility pole
4 or wireless support structure on which the small wireless
5 facility is collocated. Subject to any applicable waiver,
6 zoning, or other process that addresses wireless provider
7 requests for an exception or variance and does not
8 prohibit granting of such exceptions or variances, the
9 authority may limit the height of new or replacement
10 utility poles or wireless support structures on which
11 small wireless facilities are collocated to the higher of:
12 (i) 10 feet in height above the tallest existing utility
13 pole, other than a utility pole supporting only wireless
14 facilities, that is in place on the date the application
15 is submitted to the authority, that is located within 300
16 feet of the new or replacement utility pole or wireless
17 support structure and that is in the same right-of-way
18 within the jurisdictional boundary of the authority,
19 provided the authority may designate which intersecting
20 right-of-way within 300 feet of the proposed utility pole
21 or wireless support structures shall control the height
22 limitation for such facility; or (ii) 45 feet above ground
23 level.

24 (6) An authority may require that:

25 (A) the wireless provider's operation of the small
26 wireless facilities does not interfere with the

1 frequencies used by a public safety agency for public
2 safety communications; a wireless provider shall
3 install small wireless facilities of the type and
4 frequency that will not cause unacceptable
5 interference with a public safety agency's
6 communications equipment; unacceptable interference
7 will be determined by and measured in accordance with
8 industry standards and the FCC's regulations
9 addressing unacceptable interference to public safety
10 spectrum or any other spectrum licensed by a public
11 safety agency; if a small wireless facility causes
12 such interference, and the wireless provider has been
13 given written notice of the interference by the public
14 safety agency, the wireless provider, at its own
15 expense, shall take all reasonable steps necessary to
16 correct and eliminate the interference, including, but
17 not limited to, powering down the small wireless
18 facility and later powering up the small wireless
19 facility for intermittent testing, if necessary; the
20 authority may terminate a permit for a small wireless
21 facility based on such interference if the wireless
22 provider is not making a good faith effort to remedy
23 the problem in a manner consistent with the abatement
24 and resolution procedures for interference with public
25 safety spectrum established by the FCC including 47
26 CFR 22.970 through 47 CFR 22.973 and 47 CFR 90.672

1 through 47 CFR 90.675;

2 (B) the wireless provider comply with requirements
3 that are imposed by a contract between an authority
4 and a private property owner that concern design or
5 construction standards applicable to utility poles and
6 ground-mounted equipment located in the right-of-way;

7 (C) the wireless provider comply with applicable
8 spacing requirements in applicable codes and
9 ordinances concerning the location of ground-mounted
10 equipment located in the right-of-way if the
11 requirements include a waiver, zoning, or other
12 process that addresses wireless provider requests for
13 exception or variance and do not prohibit granting of
14 such exceptions or variances;

15 (D) the wireless provider comply with local code
16 provisions or regulations concerning undergrounding
17 requirements that prohibit the installation of new or
18 the modification of existing utility poles in a
19 right-of-way without prior approval if the
20 requirements include a waiver, zoning, or other
21 process that addresses requests to install such new
22 utility poles or modify such existing utility poles
23 and do not prohibit the replacement of utility poles;

24 (E) the wireless provider comply with generally
25 applicable standards that are consistent with this Act
26 and adopted by an authority for construction and

1 public safety in the rights-of-way, including, but not
2 limited to, reasonable and nondiscriminatory wiring
3 and cabling requirements, grounding requirements,
4 utility pole extension requirements, acoustic
5 regulations, and signage limitations; and shall comply
6 with reasonable and nondiscriminatory requirements
7 that are consistent with this Act and adopted by an
8 authority regulating the location, size, surface area
9 and height of small wireless facilities, or the
10 abandonment and removal of small wireless facilities;

11 (F) the wireless provider not collocate small
12 wireless facilities on authority utility poles that
13 are part of an electric distribution or transmission
14 system within the communication worker safety zone of
15 the pole or the electric supply zone of the pole;
16 however, the antenna and support equipment of the
17 small wireless facility may be located in the
18 communications space on the authority utility pole and
19 on the top of the pole, if not otherwise unavailable,
20 if the wireless provider complies with applicable
21 codes for work involving the top of the pole; for
22 purposes of this subparagraph (F), the terms
23 "communications space", "communication worker safety
24 zone", and "electric supply zone" have the meanings
25 given to those terms in the National Electric Safety
26 Code as published by the Institute of Electrical and

1 Electronics Engineers;

2 (G) the wireless provider comply with the
3 applicable codes and local code provisions or
4 regulations that concern public safety;

5 (H) the wireless provider comply with written
6 design standards that are generally applicable for
7 decorative utility poles, or reasonable stealth,
8 concealment, and aesthetic requirements that are
9 identified by the authority in an ordinance, written
10 policy adopted by the governing board of the
11 authority, a comprehensive plan, or other written
12 design plan that applies to other occupiers of the
13 rights-of-way, including on a historic landmark or in
14 a historic district;

15 (I) subject to subsection (c) of this Section, and
16 except for facilities excluded from evaluation for
17 effects on historic properties under 47 CFR
18 1.1307(a)(4), reasonable, technically feasible and
19 non-discriminatory design or concealment measures in a
20 historic district or historic landmark; any such
21 design or concealment measures, including restrictions
22 on a specific category of poles, may not have the
23 effect of prohibiting any provider's technology; such
24 design and concealment measures shall not be
25 considered a part of the small wireless facility for
26 purposes of the size restrictions of a small wireless

1 facility; this paragraph may not be construed to limit
2 an authority's enforcement of historic preservation in
3 conformance with the requirements adopted pursuant to
4 the Illinois State Agency Historic Resources
5 Preservation Act or the National Historic Preservation
6 Act of 1966, 54 U.S.C. Section 300101 et seq., and the
7 regulations adopted to implement those laws; and

8 (J) When a wireless provider replaces or adds a
9 new radio transceiver or antennas to an existing small
10 wireless facility, certification by the wireless
11 provider from a radio engineer that the continuing
12 operation of the small wireless facility complies with
13 all applicable FCC standards.

14 (7) Within 30 days after receiving an application, an
15 authority must determine whether the application is
16 complete and notify the applicant. If an application is
17 incomplete, an authority must specifically identify the
18 missing information. An application shall be deemed
19 complete if the authority fails to provide notification to
20 the applicant within 30 days after when all documents,
21 information, and fees specifically enumerated in the
22 authority's permit application form are submitted by the
23 applicant to the authority. Processing deadlines are
24 tolled from the time the authority sends the notice of
25 incompleteness to the time the applicant provides the
26 missing information.

1 (8) An authority shall process applications as
2 follows:

3 (A) an application to collocate a small wireless
4 facility on an existing utility pole or wireless
5 support structure shall be processed on a
6 nondiscriminatory basis and deemed approved if the
7 authority fails to approve or deny the application
8 within 90 days; however, if an applicant intends to
9 proceed with the permitted activity on a deemed
10 approved basis, the applicant must notify the
11 authority in writing of its intention to invoke the
12 deemed approved remedy no sooner than 75 days after
13 the submission of a completed application; the permit
14 shall be deemed approved on the latter of the 90th day
15 after submission of the complete application or the
16 10th day after the receipt of the deemed approved
17 notice by the authority; the receipt of the deemed
18 approved notice shall not preclude the authority's
19 denial of the permit request within the time limits as
20 provided under this Act; and

21 (B) an application to collocate a small wireless
22 facility that includes the installation of a new
23 utility pole shall be processed on a nondiscriminatory
24 basis and deemed approved if the authority fails to
25 approve or deny the application within 120 days;
26 however, if an applicant intends to proceed with the

1 permitted activity on a deemed approved basis, the
2 applicant must notify the authority in writing of its
3 intention to invoke the deemed approved remedy no
4 sooner than 105 days after the submission of a
5 completed application; the permit shall be deemed
6 approved on the latter of the 120th day after
7 submission of the complete application or the 10th day
8 after the receipt of the deemed approved notice by the
9 authority; the receipt of the deemed approved notice
10 shall not preclude the authority's denial of the
11 permit request within the time limits as provided
12 under this Act.

13 (9) An authority shall approve an application unless
14 the application does not meet the requirements of this
15 Act. If an authority determines that applicable codes,
16 local code provisions or regulations that concern public
17 safety, or the requirements of paragraph (6) require that
18 the utility pole or wireless support structure be replaced
19 before the requested collocation, approval may be
20 conditioned on the replacement of the utility pole or
21 wireless support structure at the cost of the provider.
22 The authority must document the basis for a denial,
23 including the specific code provisions or application
24 conditions on which the denial was based, and send the
25 documentation to the applicant on or before the day the
26 authority denies an application. The applicant may cure

1 the deficiencies identified by the authority and resubmit
2 the revised application once within 30 days after notice
3 of denial is sent to the applicant without paying an
4 additional application fee. The authority shall approve or
5 deny the revised application within 30 days after the
6 applicant resubmits the application or it is deemed
7 approved; however, the applicant must notify the authority
8 in writing of its intention to proceed with the permitted
9 activity on a deemed approved basis, which may be
10 submitted with the resubmitted application. Any subsequent
11 review shall be limited to the deficiencies cited in the
12 denial. However, this revised application cure does not
13 apply if the cure requires the review of a new location,
14 new or different structure to be collocated upon, new
15 antennas, or other wireless equipment associated with the
16 small wireless facility.

17 (10) The time period for applications may be further
18 tolled by:

19 (A) the express agreement in writing by both the
20 applicant and the authority; or

21 (B) a local, State, or federal disaster
22 declaration or similar emergency that causes the
23 delay.

24 (11) An applicant seeking to collocate small wireless
25 facilities within the jurisdiction of a single authority
26 shall be allowed, at the applicant's discretion, to file a

1 consolidated application and receive a single permit for
2 the collocation of up to 25 small wireless facilities if
3 the collocations each involve substantially the same type
4 of small wireless facility and substantially the same type
5 of structure. If an application includes multiple small
6 wireless facilities, the authority may remove small
7 wireless facility collocations from the application and
8 treat separately small wireless facility collocations for
9 which incomplete information has been provided or that do
10 not qualify for consolidated treatment or that are denied.
11 The authority may issue separate permits for each
12 collocation that is approved in a consolidated
13 application.

14 (12) Collocation for which a permit is granted shall
15 be completed within 180 days after issuance of the permit,
16 unless the authority and the wireless provider agree to
17 extend this period or a delay is caused by make-ready work
18 for an authority utility pole or by the lack of commercial
19 power or backhaul availability at the site, provided the
20 wireless provider has made a timely request within 60 days
21 after the issuance of the permit for commercial power or
22 backhaul services, and the additional time to complete
23 installation does not exceed 360 days after issuance of
24 the permit. Otherwise, the permit shall be void unless the
25 authority grants an extension in writing to the applicant.

26 (13) The duration of a permit shall be for a period of

1 not less than 5 years, and the permit shall be renewed for
2 equivalent durations unless the authority makes a finding
3 that the small wireless facilities or the new or modified
4 utility pole do not comply with the applicable codes or
5 local code provisions or regulations in paragraphs (6) and
6 (9). If this Act is repealed as provided in Section 90,
7 renewals of permits shall be subject to the applicable
8 authority code provisions or regulations in effect at the
9 time of renewal.

10 (14) An authority may not prohibit, either expressly
11 or de facto, the (i) filing, receiving, or processing
12 applications, or (ii) issuing of permits or other
13 approvals, if any, for the collocation of small wireless
14 facilities unless there has been a local, State, or
15 federal disaster declaration or similar emergency that
16 causes the delay.

17 (15) Applicants shall submit applications, supporting
18 information, and notices by personal delivery or as
19 otherwise required by the authority. An authority may
20 require that permits, supporting information, and notices
21 be submitted by personal delivery at the authority's
22 designated place of business, by regular mail postmarked
23 on the date due, or by any other commonly used means,
24 including electronic mail, as required by the authority.

25 (e) Application fees are subject to the following
26 requirements:

1 (1) An authority may charge an application fee of up
2 to \$650 for an application to collocate a single small
3 wireless facility on an existing utility pole or wireless
4 support structure and up to \$350 for each small wireless
5 facility addressed in an application to collocate more
6 than one small wireless facility on existing utility poles
7 or wireless support structures.

8 (2) An authority may charge an application fee of
9 \$1,000 for each small wireless facility addressed in an
10 application that includes the installation of a new
11 utility pole for such collocation.

12 (3) Notwithstanding any contrary provision of State
13 law or local ordinance, applications pursuant to this
14 Section must be accompanied by the required application
15 fee.

16 (4) Within 2 months after the effective date of this
17 Act, an authority shall make available application fees
18 consistent with this subsection, through ordinance, or in
19 a written schedule of permit fees adopted by the
20 authority.

21 (5) Notwithstanding any provision of this Act to the
22 contrary, an authority may charge recurring rates and
23 application fees up to the amount permitted by the Federal
24 Communication Commission in its Declaratory Ruling and
25 Third Report and Order adopted on September 26, 2018 in WT
26 Docket Nos. 17-70, 17-84 and cited as 33 FCC Rcd 9088,

1 9129, or any subsequent ruling, order, or guidance issued
2 by the Federal Communication Commission regarding fees and
3 recurring rates.

4 (f) An authority shall not require an application,
5 approval, or permit, or require any fees or other charges,
6 from a communications service provider authorized to occupy
7 the rights-of-way, for: (i) routine maintenance; (ii) the
8 replacement of wireless facilities with wireless facilities
9 that are substantially similar, the same size, or smaller if
10 the wireless provider notifies the authority at least 10 days
11 prior to the planned replacement and includes equipment
12 specifications for the replacement of equipment consistent
13 with the requirements of subparagraph (D) of paragraph (2) of
14 subsection (d) of this Section; or (iii) the installation,
15 placement, maintenance, operation, or replacement of micro
16 wireless facilities that are suspended on cables that are
17 strung between existing utility poles in compliance with
18 applicable safety codes. However, an authority may require a
19 permit to work within rights-of-way for activities that affect
20 traffic patterns or require lane closures.

21 (g) Nothing in this Act authorizes a person to collocate
22 small wireless facilities on: (1) property owned by a private
23 party or property owned or controlled by a unit of local
24 government that is not located within rights-of-way, subject
25 to subsection (j) of this Section, or a privately owned
26 utility pole or wireless support structure without the consent

1 of the property owner; (2) property owned, leased, or
2 controlled by a park district, forest preserve district, or
3 conservation district for public park, recreation, or
4 conservation purposes without the consent of the affected
5 district, excluding the placement of facilities on
6 rights-of-way located in an affected district that are under
7 the jurisdiction and control of a different unit of local
8 government as provided by the Illinois Highway Code; or (3)
9 property owned by a rail carrier registered under Section
10 18c-7201 of the Illinois Vehicle Code, Metra Commuter Rail or
11 any other public commuter rail service, or an electric utility
12 as defined in Section 16-102 of the Public Utilities Act,
13 without the consent of the rail carrier, public commuter rail
14 service, or electric utility. The provisions of this Act do
15 not apply to an electric or gas public utility or such
16 utility's wireless facilities if the facilities are being
17 used, developed, and maintained consistent with the provisions
18 of subsection (i) of Section 16-108.5 of the Public Utilities
19 Act.

20 For the purposes of this subsection, "public utility" has
21 the meaning given to that term in Section 3-105 of the Public
22 Utilities Act. Nothing in this Act shall be construed to
23 relieve any person from any requirement (1) to obtain a
24 franchise or a State-issued authorization to offer cable
25 service or video service or (2) to obtain any required
26 permission to install, place, maintain, or operate

1 communications facilities, other than small wireless
2 facilities subject to this Act.

3 (h) Agreements between authorities and wireless providers
4 that relate to the collocation of small wireless facilities in
5 the right-of-way, including the collocation of small wireless
6 facilities on authority utility poles, that are in effect on
7 the effective date of this Act remain in effect for all small
8 wireless facilities collocated on the authority's utility
9 poles pursuant to applications submitted to the authority
10 before the effective date of this Act, subject to applicable
11 termination provisions. Such agreements entered into after the
12 effective date of the Act shall comply with the Act.

13 (i) An authority shall allow the collocation of small
14 wireless facilities on authority utility poles subject to the
15 following:

16 (1) An authority may not enter into an exclusive
17 arrangement with any person for the right to attach small
18 wireless facilities to authority utility poles.

19 (2) The rates and fees for collocations on authority
20 utility poles shall be nondiscriminatory regardless of the
21 services provided by the collocating person.

22 (3) An authority may charge an annual recurring rate
23 to collocate a small wireless facility on an authority
24 utility pole located in a right-of-way that equals (i)
25 \$270 ~~\$200~~ per year or (ii) the actual, direct, and
26 reasonable costs related to the wireless provider's use of

1 space on the authority utility pole. Rates for collocation
2 on authority utility poles located outside of a
3 right-of-way are not subject to these limitations. In any
4 controversy concerning the appropriateness of a cost-based
5 rate for an authority utility pole located within a
6 right-of-way, the authority shall have the burden of
7 proving that the rate does not exceed the actual, direct,
8 and reasonable costs for the applicant's proposed use of
9 the authority utility pole. Nothing in this paragraph (3)
10 prohibits a wireless provider and an authority from
11 mutually agreeing to an annual recurring rate of less than
12 \$270 ~~\$200~~ to collocate a small wireless facility on an
13 authority utility pole.

14 (4) Authorities or other persons owning or controlling
15 authority utility poles within the right-of-way shall
16 offer rates, fees, and other terms that comply with
17 subparagraphs (A) through (E) of this paragraph (4).
18 Within 2 months after the effective date of this Act, an
19 authority or a person owning or controlling authority
20 utility poles shall make available, through ordinance or
21 an authority utility pole attachment agreement, license or
22 other agreement that makes available to wireless
23 providers, the rates, fees, and terms for the collocation
24 of small wireless facilities on authority utility poles
25 that comply with this Act and with subparagraphs (A)
26 through (E) of this paragraph (4). In the absence of such

1 an ordinance or agreement that complies with this Act, and
2 until such a compliant ordinance or agreement is adopted,
3 wireless providers may collocate small wireless facilities
4 and install utility poles under the requirements of this
5 Act.

6 (A) The rates, fees, and terms must be
7 nondiscriminatory, competitively neutral, and
8 commercially reasonable, and may address, among other
9 requirements, the requirements in subparagraphs (A)
10 through (I) of paragraph (6) of subsection (d) of this
11 Section; subsections (e), (i), and (k) of this
12 Section; Section 30; and Section 35, and must comply
13 with this Act.

14 (B) For authority utility poles that support
15 aerial facilities used to provide communications
16 services or electric service, wireless providers shall
17 comply with the process for make-ready work under 47
18 U.S.C. 224 and its implementing regulations, and the
19 authority shall follow a substantially similar process
20 for make-ready work except to the extent that the
21 timing requirements are otherwise addressed in this
22 Act. The good-faith estimate of the person owning or
23 controlling the authority utility pole for any
24 make-ready work necessary to enable the pole to
25 support the requested collocation shall include
26 authority utility pole replacement, if necessary.

1 (C) For authority utility poles that do not
2 support aerial facilities used to provide
3 communications services or electric service, the
4 authority shall provide a good-faith estimate for any
5 make-ready work necessary to enable the authority
6 utility pole to support the requested collocation,
7 including pole replacement, if necessary, within 90
8 days after receipt of a complete application.
9 Make-ready work, including any authority utility pole
10 replacement, shall be completed within 60 days of
11 written acceptance of the good-faith estimate by the
12 applicant at the wireless provider's sole cost and
13 expense. Alternatively, if the authority determines
14 that applicable codes or public safety regulations
15 require the authority utility pole to be replaced to
16 support the requested collocation, the authority may
17 require the wireless provider to replace the authority
18 utility pole at the wireless provider's sole cost and
19 expense.

20 (D) The authority shall not require more
21 make-ready work than required to meet applicable codes
22 or industry standards. Make-ready work may include
23 work needed to accommodate additional public safety
24 communications needs that are identified in a
25 documented and approved plan for the deployment of
26 public safety equipment as specified in paragraph (1)

1 of subsection (d) of this Section and included in an
2 existing or preliminary authority or public service
3 agency budget for attachment within one year of the
4 application. Fees for make-ready work, including any
5 authority utility pole replacement, shall not exceed
6 actual costs or the amount charged to communications
7 service providers for similar work and shall not
8 include any consultants' fees or expenses for
9 authority utility poles that do not support aerial
10 facilities used to provide communications services or
11 electric service. Make-ready work, including any pole
12 replacement, shall be completed within 60 days of
13 written acceptance of the good-faith estimate by the
14 wireless provider, at its sole cost and expense.

15 (E) A wireless provider that has an existing
16 agreement with the authority on the effective date of
17 the Act may accept the rates, fees, and terms that an
18 authority makes available under this Act for the
19 collocation of small wireless facilities or the
20 installation of new utility poles for the collocation
21 of small wireless facilities that are the subject of
22 an application submitted 2 or more years after the
23 effective date of the Act as provided in this
24 paragraph (4) by notifying the authority that it opts
25 to accept such rates, fees, and terms. The existing
26 agreement remains in effect, subject to applicable

1 termination provisions, for the small wireless
2 facilities the wireless provider has collocated on the
3 authority's utility poles pursuant to applications
4 submitted to the authority before the wireless
5 provider provides such notice and exercises its option
6 under this subparagraph.

7 (5) Notwithstanding any provision of this Act to the
8 contrary, an authority may charge recurring rates and
9 application fees up to the amount permitted by the Federal
10 Communication Commission in its Declaratory Ruling and
11 Third Report and Order adopted on September 26, 2018 in WT
12 Docket Nos. 17-70, 17-84 and cited as 33 FCC Rcd 9088,
13 9129, or any subsequent ruling, order, or guidance issued
14 by the Federal Communication Commission regarding fees and
15 recurring rates.

16 (j) An authority shall authorize the collocation of small
17 wireless facilities on utility poles owned or controlled by
18 the authority that are not located within rights-of-way to the
19 same extent the authority currently permits access to utility
20 poles for other commercial projects or uses. The collocations
21 shall be subject to reasonable and nondiscriminatory rates,
22 fees, and terms as provided in an agreement between the
23 authority and the wireless provider.

24 (k) Nothing in this Section precludes an authority from
25 adopting reasonable rules with respect to the removal of
26 abandoned small wireless facilities. A small wireless facility

1 that is not operated for a continuous period of 12 months shall
2 be considered abandoned and the owner of the facility must
3 remove the small wireless facility within 90 days after
4 receipt of written notice from the authority notifying the
5 owner of the abandonment. The notice shall be sent by
6 certified or registered mail, return receipt requested, by the
7 authority to the owner at the last known address of the owner.
8 If the small wireless facility is not removed within 90 days of
9 such notice, the authority may remove or cause the removal of
10 the facility pursuant to the terms of its pole attachment
11 agreement for authority utility poles or through whatever
12 actions are provided for abatement of nuisances or by other
13 law for removal and cost recovery. An authority may require a
14 wireless provider to provide written notice to the authority
15 if it sells or transfers small wireless facilities subject to
16 this Act within the jurisdictional boundary of the authority.
17 Such notice shall include the name and contact information of
18 the new wireless provider.

19 (1) Nothing in this Section requires an authority to
20 install or maintain any specific utility pole or to continue
21 to install or maintain utility poles in any location if the
22 authority makes a non-discriminatory decision to eliminate
23 above-ground utility poles of a particular type generally,
24 such as electric utility poles, in all or a significant
25 portion of its geographic jurisdiction. For authority utility
26 poles with collocated small wireless facilities in place when

1 an authority makes a decision to eliminate above-ground
2 utility poles of a particular type generally, the authority
3 shall either (i) continue to maintain the authority utility
4 pole or install and maintain a reasonable alternative utility
5 pole or wireless support structure for the collocation of the
6 small wireless facility, or (ii) offer to sell the utility
7 pole to the wireless provider at a reasonable cost or allow the
8 wireless provider to install its own utility pole so it can
9 maintain service from that location.

10 (Source: P.A. 102-9, eff. 6-3-21; 102-21, eff. 6-25-21.)

11 (50 ILCS 840/25) (was 50 ILCS 835/25)

12 (Section scheduled to be repealed on December 31, 2024)

13 Sec. 25. Dispute resolution. A circuit court has
14 jurisdiction to resolve all disputes arising under this Act.
15 Pending resolution of a dispute concerning rates for
16 collocation of small wireless facilities on authority utility
17 poles within the right-of-way, the authority shall allow the
18 collocating person to collocate on its poles at annual rates
19 of no more than \$270 ~~\$200~~ per year per authority utility pole,
20 with rates to be determined upon final resolution of the
21 dispute.

22 (Source: P.A. 102-21, eff. 6-25-21.)

23 (50 ILCS 840/90) (was 50 ILCS 835/90)

24 (Section scheduled to be repealed on December 31, 2024)

1 Sec. 90. Repeal. This Act is repealed on January 1, 2030
2 ~~December 31, 2024~~.

3 (Source: P.A. 102-9, eff. 6-3-21; 102-21, eff. 6-25-21.)

4 Section 25. The Illinois Municipal Code is amended by
5 changing Sections 8-3-14b and 8-3-14c as follows:

6 (65 ILCS 5/8-3-14b)

7 (Section scheduled to be repealed on January 1, 2025)

8 Sec. 8-3-14b. Municipal hotel operators' tax in DuPage
9 County. For any municipality located within DuPage County that
10 belongs to a not-for-profit organization headquartered in
11 DuPage County that is recognized by the Department of Commerce
12 and Economic Opportunity as a certified local tourism and
13 convention bureau entitled to receive State tourism grant
14 funds, not less than 75% of the amounts collected pursuant to
15 Section 8-3-14 shall be expended by the municipality to
16 promote tourism and conventions within that municipality or
17 otherwise to attract nonresident overnight visitors to the
18 municipality, and the remainder of the amounts collected by a
19 municipality within DuPage County pursuant to Section 8-3-14
20 may be expended by the municipality for economic development
21 or capital infrastructure.

22 This Section is repealed on January 1, 2027 ~~2025~~.

23 (Source: P.A. 101-204, eff. 8-2-19; 102-699, eff. 4-19-22.)

1 (65 ILCS 5/8-3-14c)

2 (Section scheduled to be repealed on January 1, 2025)

3 Sec. 8-3-14c. Municipal hotel use tax in DuPage County.
4 For any municipality located within DuPage County that belongs
5 to a not-for-profit organization headquartered in DuPage
6 County that is recognized by the Department of Commerce and
7 Economic Opportunity as a certified local tourism and
8 convention bureau entitled to receive State tourism grant
9 funds, not less than 75% of the amounts collected pursuant to
10 Section 8-3-14a shall be expended by the municipality to
11 promote tourism and conventions within that municipality or
12 otherwise to attract nonresident overnight visitors to the
13 municipality, and the remainder of the amounts collected by a
14 municipality within DuPage County pursuant to Section 8-3-14a
15 may be expended by the municipality for economic development
16 or capital infrastructure.

17 This Section is repealed on January 1, 2027 ~~2025~~.

18 (Source: P.A. 101-204, eff. 8-2-19; 102-699, eff. 4-19-22.)

19 Section 30. The School Code is amended by changing Section
20 17-2A as follows:

21 (105 ILCS 5/17-2A) (from Ch. 122, par. 17-2A)

22 Sec. 17-2A. Interfund transfers.

23 (a) The school board of any district having a population
24 of less than 500,000 inhabitants may, by proper resolution

1 following a public hearing set by the school board or the
2 president of the school board (that is preceded (i) by at least
3 one published notice over the name of the clerk or secretary of
4 the board, occurring at least 7 days and not more than 30 days
5 prior to the hearing, in a newspaper of general circulation
6 within the school district and (ii) by posted notice over the
7 name of the clerk or secretary of the board, at least 48 hours
8 before the hearing, at the principal office of the school
9 board or at the building where the hearing is to be held if a
10 principal office does not exist, with both notices setting
11 forth the time, date, place, and subject matter of the
12 hearing), transfer money from (1) the Educational Fund to the
13 Operations and Maintenance Fund or the Transportation Fund,
14 (2) the Operations and Maintenance Fund to the Educational
15 Fund or the Transportation Fund, (3) the Transportation Fund
16 to the Educational Fund or the Operations and Maintenance
17 Fund, or (4) the Tort Immunity Fund to the Operations and
18 Maintenance Fund of said district, provided that, except
19 during the period from July 1, 2003 through June 30, 2026 ~~2024~~,
20 such transfer is made solely for the purpose of meeting
21 one-time, non-recurring expenses. Except during the period
22 from July 1, 2003 through June 30, 2026 and except as otherwise
23 provided in subsection (b) of this Section, any other
24 permanent interfund transfers authorized by any provision or
25 judicial interpretation of this Code for which the transferee
26 fund is not precisely and specifically set forth in the

1 provision of this Code authorizing such transfer shall be made
2 to the fund of the school district most in need of the funds
3 being transferred, as determined by resolution of the school
4 board.

5 (b) (Blank).

6 (c) Notwithstanding subsection (a) of this Section or any
7 other provision of this Code to the contrary, the school board
8 of any school district (i) that is subject to the Property Tax
9 Extension Limitation Law, (ii) that is an elementary district
10 servicing students in grades K through 8, (iii) whose
11 territory is in one county, (iv) that is eligible for Section
12 7002 Federal Impact Aid, and (v) that has no more than \$81,000
13 in funds remaining from refinancing bonds that were refinanced
14 a minimum of 5 years prior to January 20, 2017 (the effective
15 date of Public Act 99-926) may make a one-time transfer of the
16 funds remaining from the refinancing bonds to the Operations
17 and Maintenance Fund of the district by proper resolution
18 following a public hearing set by the school board or the
19 president of the school board, with notice as provided in
20 subsection (a) of this Section, so long as the district meets
21 the qualifications set forth in this subsection (c) on January
22 20, 2017 (the effective date of Public Act 99-926).

23 (d) Notwithstanding subsection (a) of this Section or any
24 other provision of this Code to the contrary, the school board
25 of any school district (i) that is subject to the Property Tax
26 Extension Limitation Law, (ii) that is a community unit school

1 district servicing students in grades K through 12, (iii)
2 whose territory is in one county, (iv) that owns property
3 designated by the United States as a Superfund site pursuant
4 to the federal Comprehensive Environmental Response,
5 Compensation and Liability Act of 1980 (42 U.S.C. 9601 et
6 seq.), and (v) that has an excess accumulation of funds in its
7 bond fund, including funds accumulated prior to July 1, 2000,
8 may make a one-time transfer of those excess funds accumulated
9 prior to July 1, 2000 to the Operations and Maintenance Fund of
10 the district by proper resolution following a public hearing
11 set by the school board or the president of the school board,
12 with notice as provided in subsection (a) of this Section, so
13 long as the district meets the qualifications set forth in
14 this subsection (d) on August 4, 2017 (the effective date of
15 Public Act 100-32).

16 (Source: P.A. 101-643, eff. 6-18-20; 102-671, eff. 11-30-21;
17 102-895, eff. 5-23-22.)

18 Section 35. The Public Utilities Act is amended by
19 changing Sections 13-1200 and 21-1601 as follows:

20 (220 ILCS 5/13-1200)

21 (Section scheduled to be repealed on December 31, 2026)

22 Sec. 13-1200. Repealer. This Article is repealed January
23 1, 2030 ~~December 31, 2026~~.

24 (Source: P.A. 101-639, eff. 6-12-20; 102-9, eff. 6-3-21.)

1 (220 ILCS 5/21-1601)

2 Sec. 21-1601. Repealer. Sections 21-101 through 21-1501 of
3 this Article are repealed January 1, 2030 ~~December 31, 2026~~.

4 (Source: P.A. 101-639, eff. 6-12-20; 102-9, eff. 6-3-21.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law."