

1 AN ACT concerning capital projects.

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

4 Article 1.

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

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

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

10 (1) Public Act 96-37 is a Budget Implementation Act  
11 (BIMP) that makes changes in State programs that are  
12 necessary to implement the Governor's Fiscal Year 2010  
13 budget recommendations concerning capital. Some, but not  
14 all, of the BIMP consists of trailer amendments and other  
15 provisions relating to and contingent upon Senate Bill 255  
16 of the 96th General Assembly becoming law; that Bill became  
17 Public Act 96-34.

18 (2) Public Act 96-34 creates a new capital development  
19 program for Illinois. Public Act 96-34 also contains other  
20 provisions relating to capital projects and to the funding  
21 to be used for capital projects. Section 9999 of P.A. 96-34  
22 contains a provision making the entire Act contingent upon

1 House Bill 312 of the 96th General Assembly becoming law;  
2 that Bill became Public Act 96-35.

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

8 (4) Public Act 96-38 is a trailer bill that is  
9 contingent upon and makes changes in the provisions of P.A.  
10 96-34.

11 (5) Public Acts 96-34, 96-37, and 96-38 are all  
12 intended to relate to the subject of capital projects.  
13 Capital projects and their sources of funding are hereby  
14 declared to be of vital concern to the people of this  
15 State, and necessary for the public health, safety, and  
16 welfare.

17 (6) On January 26, 2011, the First District Appellate  
18 Court, in *Wirtz v. Quinn* (Nos. 1-09-3163 and 1-10-0344),  
19 found that Public Act 96-34 violates the single subject  
20 rule of Article IV, Section 8 of the Illinois Constitution,  
21 and is therefore void in its entirety. It also found that  
22 Public Acts 96-35, 96-37, and 96-38 "are all contingent on  
23 the enactment of Public Act 96-34", and therefore "cannot  
24 stand". As of the date this Act was prepared, enforcement  
25 of the decision in *Wirtz v. Quinn* had been stayed by the  
26 Illinois Supreme Court pending appeal.

1           (b) This Act reenacts the provisions of Public Act 96-37,  
2 the FY2010 Budget Implementation (Capital) Act, except for  
3 Articles 60 and 85 of that Act. This Act also reenacts portions  
4 of Public Act 96-34 relating to the implementation of capital  
5 projects. Notwithstanding Section 9999 of Public Act 96-34,  
6 this reenactment is not contingent upon House Bill 312 of the  
7 96th General Assembly (now P.A. 96-35), or any other bill,  
8 becoming law.

9           This Act is intended to remove any question about the  
10 validity of the reenacted provisions and actions taken in  
11 reliance on them, and to provide continuity in the  
12 implementation and administration of those provisions. This  
13 reenactment is not intended, and shall not be construed, to  
14 imply that all or any portion of P.A. 96-34, 96-35, 96-37, or  
15 96-38 is invalid.

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

20           In reenacting the BIMP provisions, the Article structure  
21 from P.A. 96-37 has been retained, and the Article headings and  
22 effective date provisions are included in the reenacted base  
23 text in order to maintain consistency between the reenacted  
24 material and the original text as organized in the Illinois  
25 Compiled Statutes.

26           Article 90 of this Act contains material from P.A. 96-34.

1 The Article headings and the effective date shown as part of  
2 the base text in Section 90-1 are from P.A. 96-34.

3 Article 95 makes related amendatory changes concerning the  
4 Department of the Lottery and the Department of Revenue.

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

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

17 (e) The reenactment of Section 6z-77 of the State Finance  
18 Act and any other provision directing the transfer or payment  
19 of public funds does not and shall not be construed to require  
20 the duplication of any such transfer or payment.

21 Article 5.

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

1 (20 ILCS 2310/2310-640)

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

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

16 The Department shall establish rules necessary to  
17 implement the Hospital Capital Investment Program, including  
18 application standards, requirements for the distribution and  
19 obligation of grant funds, accounting for the use of the funds,  
20 reporting the status of funded projects, and standards for  
21 monitoring compliance with standards. In awarding grants under  
22 this Section, the Department shall consider criteria that  
23 include but are not limited to: the financial requirements of  
24 the project and the extent to which the grant makes it possible  
25 to implement the project; the proposed project's likely benefit

1 in terms of patient safety or quality of care; and the proposed  
2 project's likely benefit in terms of maintaining or improving  
3 access to care.

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

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

20 (b) Safety Net Hospital Grants. The Department shall make  
21 capital grants to hospitals eligible for safety net hospital  
22 grants under this subsection. The total amount of grants to any  
23 individual hospital shall be no less than \$2,500,000 and no  
24 more than \$7,000,000. The total amount of grants to hospitals  
25 under this subsection shall not exceed \$100,000,000. Hospitals  
26 that satisfy one of the following criteria shall be eligible to

1 apply for safety net hospital grants:

2 (1) Any general acute care hospital located in a county  
3 of over 3,000,000 inhabitants that has a Medicaid inpatient  
4 utilization rate for the rate year beginning on October 1,  
5 2008 greater than 43%, that is not affiliated with a  
6 hospital system that owns or operates more than 3  
7 hospitals, and that has more than 13,500 Medicaid inpatient  
8 days.

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

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

19 (4) Any general acute care hospital that is located in  
20 a county of less than 3,000,000 inhabitants and has a  
21 Medicaid inpatient utilization rate for the rate year  
22 beginning on October 1, 2008 greater than 64%.

23 (5) Any general acute care hospital that is located in  
24 a county of over 3,000,000 inhabitants and a city of less  
25 than 1,000,000 inhabitants, that has a Medicaid inpatient  
26 utilization rate for the rate year beginning on October 1,

1           2008 greater than 22%, that has more than 12,000 Medicaid  
2           inpatient days, and that has a case mix index greater than  
3           0.71.

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

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

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

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

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

18           (d) Annual report. The Department of Public Health shall  
19          prepare and submit to the Governor and the General Assembly an  
20          annual report by January 1 of each year regarding its  
21          administration of the Hospital Capital Investment Program,  
22          including an overview of the program and information about the  
23          specific purpose and amount of each grant and the status of  
24          funded projects. The report shall include information as to  
25          whether each project is subject to and authorized under the  
26          Illinois Health Facilities Planning Act, if applicable.

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

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

6 "Hospital" shall have the same meaning as defined in  
7 Section 3 of the Hospital Licensing Act, but in no event shall  
8 it include a hospital owned or operated by a State agency, a  
9 State university, or a county with a population of 3,000,000 or  
10 more.

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

13 "Medicaid inpatient utilization rate" shall have the same  
14 meaning as provided in Title 89, Chapter I, subchapter d, Part  
15 148, Section 148.120 of the Illinois Administrative Code.

16 "Rural" shall have the same meaning as provided in Title  
17 89, Chapter I, subchapter d, Part 148, Section 148.25(g)(3) of  
18 the Illinois Administrative Code.

19 "Urban" shall have the same meaning as provided in Title  
20 89, Chapter I, subchapter d, Part 148, Section 148.25(g)(4) of  
21 the Illinois Administrative Code.

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

23 Article 10.

24 Section 10-0. The Community Health Center Construction Act

1 is amended by adding Section 10-2 and by reenacting the heading  
2 of Article 10 and Sections 10-1, 10-5, 10-10, 10-15, 10-20, and  
3 10-25 and the heading of Article 99 and Section 99-99 as  
4 follows:

5 (30 ILCS 766/Art. 10 heading)

6 Article 10.

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

8 (30 ILCS 766/10-1)

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

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

13 (30 ILCS 766/10-2 new)

14 Sec. 10-2. Reenactment.

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

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

1 (30 ILCS 766/10-5)

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

3 "Board" means the Illinois Capital Development Board.

4 "Community health center site" means a new physical site  
5 where a community health center will provide primary health  
6 care services either to a medically underserved population or  
7 area or to the uninsured population of this State.

8 "Community provider" means a Federally Qualified Health  
9 Center (FQHC) or FQHC Look-Alike (Community Health Center or  
10 health center), designated as such by the Secretary of the  
11 United States Department of Health and Human Services, that  
12 operates at least one federally designated primary health care  
13 delivery site in the State of Illinois.

14 "Department" means the Illinois Department of Public  
15 Health.

16 "Medically underserved area" means an urban or rural area  
17 designated by the Secretary of the United States Department of  
18 Health and Human Services as an area with a shortage of  
19 personal health services.

20 "Medically underserved population" means (i) the  
21 population of an urban or rural area designated by the  
22 Secretary of the United States Department of Health and Human  
23 Services as an area with a shortage of personal health services  
24 or (ii) a population group designated by the Secretary as  
25 having a shortage of those services.

26 "Primary health care services" means the following:

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

2 (A) Health services related to family medicine,  
3 internal medicine, pediatrics, obstetrics, or  
4 gynecology that are furnished by physicians and, if  
5 appropriate, physician assistants, nurse  
6 practitioners, and nurse midwives.

7 (B) Diagnostic laboratory and radiologic services.

8 (C) Preventive health services, including the  
9 following:

10 (i) Prenatal and perinatal services.

11 (ii) Screenings for breast, ovarian, and  
12 cervical cancer.

13 (iii) Well-child services.

14 (iv) Immunizations against vaccine-preventable  
15 diseases.

16 (v) Screenings for elevated blood lead levels,  
17 communicable diseases, and cholesterol.

18 (vi) Pediatric eye, ear, and dental screenings  
19 to determine the need for vision and hearing  
20 correction and dental care.

21 (vii) Voluntary family planning services.

22 (viii) Preventive dental services.

23 (D) Emergency medical services.

24 (E) Pharmaceutical services as appropriate for  
25 particular health centers.

26 (2) Referrals to providers of medical services and

1 other health-related services (including substance abuse  
2 and mental health services).

3 (3) Patient case management services (including  
4 counseling, referral, and follow-up services) and other  
5 services designed to assist health center patients in  
6 establishing eligibility for and gaining access to  
7 federal, State, and local programs that provide or  
8 financially support the provision of medical, social,  
9 educational, or other related services.

10 (4) Services that enable individuals to use the  
11 services of the health center (including outreach and  
12 transportation services and, if a substantial number of the  
13 individuals in the population are of limited  
14 English-speaking ability, the services of appropriate  
15 personnel fluent in the language spoken by a predominant  
16 number of those individuals).

17 (5) Education of patients and the general population  
18 served by the health center regarding the availability and  
19 proper use of health services.

20 (6) Additional health services consisting of services  
21 that are appropriate to meet the health needs of the  
22 population served by the health center involved and that  
23 may include the following:

24 (A) Environmental health services, including the  
25 following:

26 (i) Detection and alleviation of unhealthful

1 conditions associated with water supply.

2 (ii) Sewage treatment.

3 (iii) Solid waste disposal.

4 (iv) Detection and alleviation of rodent and  
5 parasite infestation.

6 (v) Field sanitation.

7 (vi) Housing.

8 (vii) Other environmental factors related to  
9 health.

10 (B) Special occupation-related health services for  
11 migratory and seasonal agricultural workers, including  
12 the following:

13 (i) Screening for and control of infectious  
14 diseases, including parasitic diseases.

15 (ii) Injury prevention programs, which may  
16 include prevention of exposure to unsafe levels of  
17 agricultural chemicals, including pesticides.

18 "Uninsured population" means persons who do not own private  
19 health care insurance, are not part of a group insurance plan,  
20 and are not eligible for any State or federal  
21 government-sponsored health care program.

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

23 (30 ILCS 766/10-10)

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

25 (a) The Board, in consultation with the Department, shall

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

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

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

20 (30 ILCS 766/10-15)

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

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

1 (30 ILCS 766/10-20)

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

5 (1) Purchase equipment.

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

8 (3) Construct or renovate new or existing community  
9 health center sites.

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

11 (30 ILCS 766/10-25)

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

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

21 (30 ILCS 766/Art. 99 heading)

22 Article 99.

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

1 (30 ILCS 766/99-99)

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

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

5 Article 15.

6 Section 15-0. The Public Library Construction Act is  
7 amended by adding Section 15-2 and by reenacting the heading of  
8 Article 15 and Sections 15-1, 15-5, 15-10, 15-15, 15-20, 15-25,  
9 15-30, 15-35, 15-37, 15-40, 15-50, 15-55, and 15-60 and the  
10 heading of Article 99 and Section 99-99 as follows:

11 (30 ILCS 767/Art. 15 heading)

12 Article 15.

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

14 (30 ILCS 767/15-1)

15 Sec. 15-1. Short title. This Article may be cited as the  
16 Public Library Construction Act, and references in this Article  
17 to "this Act" mean this Article.

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

19 (30 ILCS 767/15-2 new)

20 Sec. 15-2. Reenactment.

21 (a) This Act has been reenacted by the Capital Projects

1 Implementation Act. The reenactment is intended to remove any  
2 question about the validity of this Act and the actions taken  
3 in reliance on it, and to provide continuity in the  
4 implementation and administration of this Act.

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

8 (30 ILCS 767/15-5)

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

10 "Grant index" means a figure for each public library equal  
11 to one minus the ratio of the public library's equalized  
12 assessed valuation per capita to the equalized assessed  
13 valuation per capita of the public library located at the 90th  
14 percentile for all public libraries in the State. The grant  
15 index shall be no less than 0.35 and no greater than 0.75 for  
16 each public library; provided that the grant index for public  
17 libraries whose equalized assessed valuation per capita is at  
18 the 99th percentile and above for all public libraries in the  
19 State shall be 0.00.

20 "Public library" means the governmental unit of any free  
21 and public library (i) established under the Illinois Local  
22 Library Act, the Public Library District Act of 1991, the  
23 Illinois Library System Act, or the Village Library Act or (ii)  
24 maintained and operated by a unit of local government. "Public  
25 library" does not include any private library.

1 "Public library construction project" means the  
2 acquisition, development, construction, reconstruction,  
3 rehabilitation, improvement, architectural planning,  
4 installation, maintenance, and upkeep of capital facilities  
5 consisting of buildings, structures, durable equipment, and  
6 land for public library purposes.

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

8 (30 ILCS 767/15-10)

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

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

14 (30 ILCS 767/15-15)

15 Sec. 15-15. Grants. The Secretary of State is authorized to  
16 determine grant eligibility for public library construction  
17 projects and shall determine the priority order for public  
18 library construction project grants to be made by the Secretary  
19 of State. When a grant eligibility has been determined for a  
20 public library construction project, the Secretary of State  
21 shall notify the public library of the dollar amount of the  
22 public library construction project's cost that the public  
23 library will be required to finance with non-grant funds in  
24 order to qualify to receive a public library construction

1 project grant under this Act from the Secretary of State. The  
2 Secretary of State shall thereafter determine whether a grant  
3 shall be made.

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

5 (30 ILCS 767/15-20)

6 Sec. 15-20. Grant application; public library facilities  
7 plan. Public libraries shall apply to the Secretary of State  
8 for public library construction project grants. Public  
9 libraries filing grant applications shall submit to the  
10 Secretary of State a public library facilities plan that shall  
11 include, but not be limited to, an assessment of present and  
12 future public library facility needs as required by present and  
13 anticipated public library programming, the availability of  
14 local financial resources including current revenues, fund  
15 balances, and unused bonding capacity, a fiscal plan for  
16 meeting present and anticipated debt service obligations, and a  
17 maintenance plan and schedule that contain necessary  
18 assurances that new, renovated, and existing facilities are  
19 being or will be properly maintained. The Secretary of State  
20 shall review and approve public library facilities plans prior  
21 to determining eligibility and authorizing grants. Each public  
22 library that is determined to be eligible shall annually update  
23 its public library facilities plan and submit the revised plan  
24 to the Secretary of State for approval.

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

1 (30 ILCS 767/15-25)

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

3 (a) The Secretary of State shall establish eligibility  
4 standards for public library construction project grants and  
5 approve a public library's eligibility for a public library  
6 construction project grant pursuant to the established  
7 standards. These standards shall include minimum service  
8 population requirements for construction project grants.

9 (b) The Secretary of State shall establish project  
10 standards for all public library construction project grants  
11 provided pursuant to this Act. These standards shall include  
12 the determination of recognized project costs that shall be  
13 eligible for State financial assistance and enrichment costs  
14 that shall not be eligible for State financial assistance.

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

16 (30 ILCS 767/15-30)

17 Sec. 15-30. Priority of public library construction  
18 projects. The Secretary of State shall develop standards for  
19 the determination of priority needs concerning public library  
20 construction projects based upon approved public library  
21 facilities plans. These standards shall call for  
22 prioritization based on the degree of need and project type in  
23 the following order:

24 (1) Replacement or reconstruction of public library

1 facilities destroyed or damaged by flood, tornado, fire,  
2 earthquake, or other disasters, either man-made or  
3 produced by nature;

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

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

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

11 (5) Other unique solutions to facility needs.

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

13 (30 ILCS 767/15-35)

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

16 (a) The product of the public library's grant index and the  
17 recognized project cost, as determined by the Secretary of  
18 State, for an approved public library construction project  
19 shall equal the amount of the grant the Secretary of State  
20 shall provide to the eligible public library. The grant index  
21 shall not be used in cases where the General Assembly and the  
22 Governor approve appropriations designated for specifically  
23 identified public library construction projects.

24 (b) In each fiscal year in which public library  
25 construction project grants are awarded, of the total amount

1 awarded statewide, 20% shall be awarded to the Chicago Public  
2 Library System, provided that the Chicago Public Library System  
3 complies with the provisions of this Act, and 80% shall be  
4 awarded to public libraries outside of the City of Chicago.

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

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

9 (30 ILCS 767/15-37)

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

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

19 (30 ILCS 767/15-40)

20 Sec. 15-40. Supervision of public library construction  
21 projects. The Secretary of State shall exercise general  
22 supervision over public library construction projects financed  
23 pursuant to this Act. Public libraries, however, must be  
24 allowed to choose the architect and engineer for their public

1 library construction projects, and no project may be  
2 disapproved by the Secretary of State solely due to a public  
3 library's selection of an architect or engineer.

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

5 (30 ILCS 767/15-50)

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

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

14 (30 ILCS 767/15-55)

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

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

19 (30 ILCS 767/15-60)

20 Sec. 15-60. Public library capital needs assessment. The  
21 Secretary of State shall file with the General Assembly a  
22 comprehensive assessment report of the capital needs of all  
23 public libraries in this State before January 1, 2010 and every

1 2 years thereafter. This assessment shall include, without  
2 limitation, an analysis of the 5 categories of capital needs  
3 prioritized in Section 15-30 of this Act.

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

5 (30 ILCS 767/Art. 99 heading)

6 Article 99.

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

8 (30 ILCS 767/99-99)

9 Sec. 99-99. Effective date. This Act takes effect upon  
10 becoming law.

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

12 Article 20.

13 Section 20-0. The Park and Recreational Facility  
14 Construction Act is amended by adding Section 20-2 and by  
15 reenacting the heading of Article 20 and Sections 20-1, 20-5,  
16 20-10, 20-15, 20-20, 20-25, 20-30, 20-35, 20-37, 20-40, 20-50,  
17 20-55, and 20-60 and the heading of Article 99 and Section  
18 99-99 as follows:

19 (30 ILCS 768/Art. 20 heading)

20 Article 20.

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

1 (30 ILCS 768/20-1)

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

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

6 (30 ILCS 768/20-2 new)

7 Sec. 20-2. Reenactment.

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

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

16 (30 ILCS 768/20-5)

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

18 "Department" means the Department of Natural Resources.

19 "Grant index" means a figure for each park or recreation  
20 unit equal to one minus the ratio of the park or recreation  
21 unit's equalized assessed valuation per capita to the equalized  
22 assessed valuation per capita of the park or recreation unit  
23 located at the 90th percentile for all park or recreation units

1 in the State. The grant index shall be no less than 0.35 and no  
2 greater than 0.75 for each park or recreation unit; provided  
3 that the grant index for park or recreation units whose  
4 equalized assessed valuation per capita is at the 99th  
5 percentile and above for all park or recreation units in the  
6 State shall be 0.00.

7 "Park or recreation unit" means the governmental unit of  
8 any public park, park district, park and recreation district,  
9 recreational facility, or recreation system established under  
10 the Park District Code, the Chicago Park District Act, the  
11 Metro-East Park and Recreation District Act, or the Illinois  
12 Municipal Code or the governmental unit of a forest preserve  
13 district established under the Downstate Forest Preserve  
14 District Act that maintains a zoological park pursuant to the  
15 Forest Preserve Zoological Parks Act.

16 "Park or recreation unit construction project" means the  
17 acquisition, development, construction, reconstruction,  
18 rehabilitation, improvement, architectural planning,  
19 installation, maintenance, and upkeep of (i) capital  
20 facilities consisting of buildings, structures, durable  
21 equipment, and land for park or recreation purposes, (ii) open  
22 spaces and natural areas, as those terms are defined in Section  
23 10 of the Illinois Open Land Trust Act, and (iii) zoological  
24 parks established under the Forest Preserve Zoological Parks  
25 Act.

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

1 (30 ILCS 768/20-10)

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

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

11 (30 ILCS 768/20-15)

12 Sec. 20-15. Grants. The Department is authorized to  
13 determine grant eligibility for park or recreation unit  
14 construction projects and shall determine the priority order  
15 for park or recreation unit construction project grants to be  
16 made by the Department. When grant eligibility has been  
17 determined for a park or recreation unit construction project,  
18 the Department shall notify the park or recreation unit of the  
19 dollar amount of the park or recreation unit construction  
20 project's cost that the park or recreation unit will be  
21 required to finance with non-grant funds in order to qualify to  
22 receive a park or recreation unit construction project grant  
23 under this Act from the Department. The Department shall  
24 thereafter determine whether a grant shall be made.

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

2 (30 ILCS 768/20-20)

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

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

23 (30 ILCS 768/20-25)

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

1           (a) The Department shall establish eligibility standards  
2 for park or recreation unit construction project grants and  
3 approve a park or recreation unit's eligibility for a park or  
4 recreation unit construction project grant pursuant to the  
5 established standards. These standards shall include minimum  
6 service population requirements for park or recreation unit  
7 construction project grants.

8           (b) The Department shall establish project standards for  
9 all park or recreation unit construction project grants  
10 provided pursuant to this Act. These standards shall include  
11 the determination of recognized project costs that shall be  
12 eligible for State financial assistance and enrichment costs  
13 that shall not be eligible for State financial assistance.

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

15           (30 ILCS 768/20-30)

16           Sec. 20-30. Priority of construction projects. The  
17 Department shall develop standards for the determination of  
18 priority needs concerning park or recreation unit construction  
19 projects based upon approved facilities plans. These standards  
20 shall call for prioritization based on the degree of need and  
21 project type in the following order:

22           (1) Replacement or reconstruction of park or  
23 recreation unit facilities destroyed or damaged by flood,  
24 tornado, fire, earthquake, or other disasters, either  
25 man-made or produced by nature;

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

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

6           (4) Alterations necessary to provide accessibility for  
7           qualified individuals with disabilities; and

8           (5) Other unique solutions to facility needs.

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

10           (30 ILCS 768/20-35)

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

12           (a) The product of the park or recreation unit's grant  
13           index and the recognized project cost, as determined by the  
14           Department, for an approved park or recreation unit  
15           construction project shall equal the amount of the grant the  
16           Department shall provide to the eligible park or recreation  
17           unit. The grant index shall not be used in cases where the  
18           General Assembly and the Governor approve appropriations  
19           designated for specifically identified park or recreation unit  
20           construction projects.

21           (b) In each fiscal year in which park or recreation unit  
22           construction project grants are awarded, of the total amount  
23           awarded statewide, 20% shall be awarded to the Chicago Park  
24           District, provided that the Chicago Park District complies with  
25           the provisions of this Act, and 80% shall be awarded to park or

1 recreation units outside of the City of Chicago.

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

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

6 (30 ILCS 768/20-37)

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

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

17 (30 ILCS 768/20-40)

18 Sec. 20-40. Supervision of park or recreation unit  
19 construction projects. The Department shall exercise general  
20 supervision over park or recreation unit construction projects  
21 financed pursuant to this Act. Park or recreation units,  
22 however, must be allowed to choose the architect and engineer  
23 for their park or recreation unit construction projects, and no  
24 project may be disapproved by the Department solely due to a

1 park or recreation unit's selection of an architect or  
2 engineer.

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

4 (30 ILCS 768/20-50)

5 Sec. 20-50. Referendum requirements. After the Department  
6 has approved all or part of a park or recreation unit's  
7 application and made a determination of eligibility for a park  
8 or recreation unit construction project grant, the park or  
9 recreation unit shall submit the project or the financing of  
10 the project to a referendum when the referendum is required by  
11 law.

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

13 (30 ILCS 768/20-55)

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

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

18 (30 ILCS 768/20-60)

19 Sec. 20-60. Capital needs assessment. The Department shall  
20 file with the General Assembly a comprehensive assessment  
21 report of the capital needs of all park or recreation units in  
22 this State before January 1, 2010 and every 2 years thereafter.  
23 This assessment shall include, without limitation, an analysis

1 of the 5 categories of capital needs prioritized in Section  
2 20-30 of this Act.

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

4 (30 ILCS 768/Art. 99 heading)

5 Article 99.

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

7 (30 ILCS 768/99-99)

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

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

11 Article 25.

12 Section 25-0. The Private Colleges and Universities  
13 Capital Distribution Formula Act is amended by adding Section  
14 25-2 and by reenacting the heading of Article 25 and Sections  
15 25-1, 25-5, and 25-10 and the heading of Article 99 and Section  
16 99-99 as follows:

17 (30 ILCS 769/Art. 25 heading)

18 Article 25.

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

20 (30 ILCS 769/25-1)

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

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

6           (30 ILCS 769/25-2 new)

7           Sec. 25-2. Reenactment.

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

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

16           (30 ILCS 769/25-5)

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

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

22           "FTE" means full-time equivalent enrollment based on Fall  
23 2008 Final full-time equivalent enrollment according to the  
24 Illinois Board of Higher Education.

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

2 (30 ILCS 769/25-10)

3 Sec. 25-10. Distribution. This Act creates a distribution  
4 formula for funds appropriated from the Build Illinois Bond  
5 Fund to the Capital Development Board for the Illinois Board of  
6 Higher Education for grants to various private colleges and  
7 universities.

8 Funds appropriated for this purpose shall be distributed by  
9 the Illinois Board of Higher Education through a formula to  
10 independent colleges that have been given operational approval  
11 by the Illinois Board of Higher Education as of the Fall 2008  
12 term. The distribution formula shall have 2 components: a base  
13 grant portion of the appropriation and an FTE grant portion of  
14 the appropriation. Each independent college shall be awarded  
15 both a base grant portion of the appropriation and an FTE grant  
16 portion of the appropriation.

17 The Illinois Board of Higher Education shall distribute  
18 moneys appropriated for this purpose to independent colleges  
19 based on the following base grant criteria: for each  
20 independent college reporting between 1 and 200 FTE a base  
21 grant of \$200,000 shall be awarded; for each independent  
22 college reporting between 201 and 500 FTE a base grant of  
23 \$1,000,000 shall be awarded; for each independent college  
24 reporting between 501 and 4,000 FTE a base grant of \$2,000,000  
25 shall be awarded; and for each independent college reporting

1 4,001 or more FTE a base grant of \$5,000,000 shall be awarded.

2 The remainder of the moneys appropriated for this purpose  
3 shall be distributed by the Illinois Board of Higher Education  
4 to each independent college on a per capita basis as determined  
5 by the independent college's FTE as reported by the Illinois  
6 Board of Higher Education's most recent fall FTE report.

7 Each independent college shall have up to 5 years from the  
8 date of appropriation to access and utilize its awarded  
9 amounts. If any independent college does not utilize its full  
10 award or a portion thereof after 5 years, the remaining funds  
11 shall be re-distributed to other independent colleges on an FTE  
12 basis.

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

14 (30 ILCS 769/Art. 99 heading)

15 Article 99.

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

17 (30 ILCS 769/99-99)

18 Sec. 99-99. Effective date. This Act takes effect upon  
19 becoming law.

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

21 Article 30.

22 Section 30-5. The Department of Commerce and Economic

1 Opportunity Law of the Civil Administrative Code of Illinois is  
2 amended by reenacting Section 605-400 as follows:

3 (20 ILCS 605/605-400) (was 20 ILCS 605/46.19c)

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

10 (1) To coordinate the activities of the following units  
11 and programs of the Department and all other present and  
12 future units and programs of the Department that impact  
13 depressed urban areas to the extent that they impact upon  
14 or concern urban economics:

15 (A) Enterprise Zone Program.

16 (B) Small Business Development Center Program.

17 (C) Programs that assist in the development of  
18 community infrastructure.

19 (D) Illinois House Energy Assistance Program.

20 (E) Illinois Home Weatherization Assistance Program.

21 (F) Programs financed with Community Services Block  
22 Grant funds.

23 (G) Industrial Training Program.

24 (H) Technology Transfer and Innovation Program.

25 (I) Rental Rehabilitation Program.

1 (J) Displaced Homemaker Program.

2 (K) Programs under the federal Job Training  
3 Partnership Act.

4 The Office shall convene quarterly meetings of  
5 representatives who are designated by the Department to  
6 represent the units and programs listed in items (A) through  
7 (K).

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

12 (3) To promote and assist in developing urban inner city  
13 industrial parks.

14 (4) To promote economic parity and the autonomy of citizens  
15 of this State through promoting and assisting the development  
16 of urban inner city small business development centers, urban  
17 youth unemployment projects, small business incubators, family  
18 resource centers, urban developments banks, self managed urban  
19 businesses, and plans for urban infrastructure projects over  
20 the next 25 years.

21 (5) To recommend to the General Assembly and the Governor  
22 economic policies for urban areas and planning models that will  
23 result in the reconstruction of the economy of urban areas,  
24 especially those urban areas where economically and socially  
25 disadvantaged people live.

26 (6) To make recommendations to the General Assembly and the

1 Governor on the establishment of urban economic policy in the  
2 areas of (i) housing, (ii) scientific research, (iii) urban  
3 youth unemployment, (iv) business incubators and family  
4 resource centers in urban inner cities, and (v) alternative  
5 energy resource development, and the need thereof, in urban  
6 areas as part of the department's 5-year plan for economic  
7 development.

8 (7) To make any rules and regulations necessary to carry  
9 out its responsibilities under the Civil Administrative Code of  
10 Illinois.

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

20 (9) To accept grants, loans, or appropriations from the  
21 federal government or the State, or any agency or  
22 instrumentality thereof, to be used for the operating expenses  
23 of the Office or for any purposes of the Office, including the  
24 making of direct loans or grants of those funds for public,  
25 private, experimental, or cooperative housing, scientific  
26 research, urban inner city industrial parks, urban youth

1 employment projects, business incubators, urban infrastructure  
2 development, alternative energy resource development, food  
3 deserts and community food plots, community facilities needed  
4 in urban areas, and any other purpose related to the  
5 revitalization of urban areas.

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

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

9 (30 ILCS 330/3) (from Ch. 127, par. 653)

10 Sec. 3. Capital Facilities. The amount of \$7,968,463,443 is  
11 authorized to be used for the acquisition, development,  
12 construction, reconstruction, improvement, financing,  
13 architectural planning and installation of capital facilities  
14 within the State, consisting of buildings, structures, durable  
15 equipment, land, interests in land, and the costs associated  
16 with the purchase and implementation of information  
17 technology, including but not limited to the purchase of  
18 hardware and software, for the following specific purposes:

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

24 (b) \$1,617,420,000 for correctional purposes at State

1 prison and correctional centers;

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

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

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

10 (f) \$818,100 for cargo handling facilities at port  
11 districts and for breakwaters, including harbor entrances,  
12 at port districts in conjunction with facilities for small  
13 boats and pleasure crafts;

14 (g) \$248,877,074 for water resource management  
15 projects;

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

20 (i) \$36,000,000 for grants by the Secretary of State,  
21 as State Librarian, for central library facilities  
22 authorized by Section 8 of the Illinois Library System Act  
23 and for grants by the Capital Development Board to units of  
24 local government for public library facilities;

25 (j) \$25,000,000 for the acquisition, development,  
26 construction, reconstruction, improvement, financing,

1 architectural planning and installation of capital  
2 facilities consisting of buildings, structures, durable  
3 equipment and land for grants to counties, municipalities  
4 or public building commissions with correctional  
5 facilities that do not comply with the minimum standards of  
6 the Department of Corrections under Section 3-15-2 of the  
7 Unified Code of Corrections;

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

12 (l) \$432,590,000 to State agencies for grants to local  
13 governments for the acquisition, financing, architectural  
14 planning, development, alteration, installation, and  
15 construction of capital facilities consisting of  
16 buildings, structures, durable equipment, and land; and

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

19 The amounts authorized above for capital facilities may be  
20 used for the acquisition, installation, alteration,  
21 construction, or reconstruction of capital facilities and for  
22 the purchase of equipment for the purpose of major capital  
23 improvements which will reduce energy consumption in State  
24 buildings or facilities.

25 (Source: P.A. 96-36, eff. 7-13-09; 96-37, eff. 7-13-09;  
26 96-1000, eff. 7-2-10.)

1 (30 ILCS 330/9) (from Ch. 127, par. 659)

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

4 (a) Except as otherwise provided in this subsection, Bonds  
5 shall be issued and sold from time to time, in one or more  
6 series, in such amounts and at such prices as may be directed  
7 by the Governor, upon recommendation by the Director of the  
8 Governor's Office of Management and Budget. Bonds shall be in  
9 such form (either coupon, registered or book entry), in such  
10 denominations, payable within 25 years from their date, subject  
11 to such terms of redemption with or without premium, bear  
12 interest payable at such times and at such fixed or variable  
13 rate or rates, and be dated as shall be fixed and determined by  
14 the Director of the Governor's Office of Management and Budget  
15 in the order authorizing the issuance and sale of any series of  
16 Bonds, which order shall be approved by the Governor and is  
17 herein called a "Bond Sale Order"; provided however, that  
18 interest payable at fixed or variable rates shall not exceed  
19 that permitted in the Bond Authorization Act, as now or  
20 hereafter amended. Bonds shall be payable at such place or  
21 places, within or without the State of Illinois, and may be  
22 made registrable as to either principal or as to both principal  
23 and interest, as shall be specified in the Bond Sale Order.  
24 Bonds may be callable or subject to purchase and retirement or  
25 tender and remarketing as fixed and determined in the Bond Sale

1 Order. Bonds, other than Bonds issued under Section 3 of this  
2 Act for the costs associated with the purchase and  
3 implementation of information technology, (i) except for  
4 refunding Bonds satisfying the requirements of Section 16 of  
5 this Act and sold during fiscal year 2009, 2010, or 2011, must  
6 be issued with principal or mandatory redemption amounts in  
7 equal amounts, with the first maturity issued occurring within  
8 the fiscal year in which the Bonds are issued or within the  
9 next succeeding fiscal year and (ii) must mature or be subject  
10 to mandatory redemption each fiscal year thereafter up to 25  
11 years, except for refunding Bonds satisfying the requirements  
12 of Section 16 of this Act and sold during fiscal year 2009,  
13 2010, or 2011 which must mature or be subject to mandatory  
14 redemption each fiscal year thereafter up to 16 years. Bonds  
15 issued under Section 3 of this Act for the costs associated  
16 with the purchase and implementation of information technology  
17 must be issued with principal or mandatory redemption amounts  
18 in equal amounts, with the first maturity issued occurring with  
19 the fiscal year in which the respective bonds are issued or  
20 with the next succeeding fiscal year, with the respective bonds  
21 issued maturing or subject to mandatory redemption each fiscal  
22 year thereafter up to 10 years. Notwithstanding any provision  
23 of this Act to the contrary, the Bonds authorized by Public Act  
24 96-43 shall be payable within 5 years from their date and must  
25 be issued with principal or mandatory redemption amounts in  
26 equal amounts, with payment of principal or mandatory

1 redemption beginning in the first fiscal year following the  
2 fiscal year in which the Bonds are issued.

3 In the case of any series of Bonds bearing interest at a  
4 variable interest rate ("Variable Rate Bonds"), in lieu of  
5 determining the rate or rates at which such series of Variable  
6 Rate Bonds shall bear interest and the price or prices at which  
7 such Variable Rate Bonds shall be initially sold or remarketed  
8 (in the event of purchase and subsequent resale), the Bond Sale  
9 Order may provide that such interest rates and prices may vary  
10 from time to time depending on criteria established in such  
11 Bond Sale Order, which criteria may include, without  
12 limitation, references to indices or variations in interest  
13 rates as may, in the judgment of a remarketing agent, be  
14 necessary to cause Variable Rate Bonds of such series to be  
15 remarketable from time to time at a price equal to their  
16 principal amount, and may provide for appointment of a bank,  
17 trust company, investment bank, or other financial institution  
18 to serve as remarketing agent in that connection. The Bond Sale  
19 Order may provide that alternative interest rates or provisions  
20 for establishing alternative interest rates, different  
21 security or claim priorities, or different call or amortization  
22 provisions will apply during such times as Variable Rate Bonds  
23 of any series are held by a person providing credit or  
24 liquidity enhancement arrangements for such Bonds as  
25 authorized in subsection (b) of this Section. The Bond Sale  
26 Order may also provide for such variable interest rates to be

1 established pursuant to a process generally known as an auction  
2 rate process and may provide for appointment of one or more  
3 financial institutions to serve as auction agents and  
4 broker-dealers in connection with the establishment of such  
5 interest rates and the sale and remarketing of such Bonds.

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

23 The State may, with respect to Bonds issued or anticipated  
24 to be issued, participate in and enter into arrangements with  
25 respect to interest rate protection or exchange agreements,  
26 guarantees, or financial futures contracts for the purpose of

1 limiting, reducing, or managing interest rate exposure. The  
2 authority granted under this paragraph, however, shall not  
3 increase the principal amount of Bonds authorized to be issued  
4 by law. The arrangements may be executed and delivered by the  
5 Director of the Governor's Office of Management and Budget on  
6 behalf of the State. Net payments for such arrangements shall  
7 constitute interest on the Bonds and shall be paid from the  
8 General Obligation Bond Retirement and Interest Fund. The  
9 Director of the Governor's Office of Management and Budget  
10 shall at least annually certify to the Governor and the State  
11 Comptroller his or her estimate of the amounts of such net  
12 payments to be included in the calculation of interest required  
13 to be paid by the State.

14 (c) Prior to the issuance of any Variable Rate Bonds  
15 pursuant to subsection (a), the Director of the Governor's  
16 Office of Management and Budget shall adopt an interest rate  
17 risk management policy providing that the amount of the State's  
18 variable rate exposure with respect to Bonds shall not exceed  
19 20%. This policy shall remain in effect while any Bonds are  
20 outstanding and the issuance of Bonds shall be subject to the  
21 terms of such policy. The terms of this policy may be amended  
22 from time to time by the Director of the Governor's Office of  
23 Management and Budget but in no event shall any amendment cause  
24 the permitted level of the State's variable rate exposure with  
25 respect to Bonds to exceed 20%.

26 (d) "Build America Bonds" in this Section means Bonds

1 authorized by Section 54AA of the Internal Revenue Code of  
2 1986, as amended ("Internal Revenue Code"), and bonds issued  
3 from time to time to refund or continue to refund "Build  
4 America Bonds".

5 (e) Notwithstanding any other provision of this Section,  
6 Qualified School Construction Bonds shall be issued and sold  
7 from time to time, in one or more series, in such amounts and  
8 at such prices as may be directed by the Governor, upon  
9 recommendation by the Director of the Governor's Office of  
10 Management and Budget. Qualified School Construction Bonds  
11 shall be in such form (either coupon, registered or book  
12 entry), in such denominations, payable within 25 years from  
13 their date, subject to such terms of redemption with or without  
14 premium, and if the Qualified School Construction Bonds are  
15 issued with a supplemental coupon, bear interest payable at  
16 such times and at such fixed or variable rate or rates, and be  
17 dated as shall be fixed and determined by the Director of the  
18 Governor's Office of Management and Budget in the order  
19 authorizing the issuance and sale of any series of Qualified  
20 School Construction Bonds, which order shall be approved by the  
21 Governor and is herein called a "Bond Sale Order"; except that  
22 interest payable at fixed or variable rates, if any, shall not  
23 exceed that permitted in the Bond Authorization Act, as now or  
24 hereafter amended. Qualified School Construction Bonds shall  
25 be payable at such place or places, within or without the State  
26 of Illinois, and may be made registrable as to either principal

1 or as to both principal and interest, as shall be specified in  
2 the Bond Sale Order. Qualified School Construction Bonds may be  
3 callable or subject to purchase and retirement or tender and  
4 remarketing as fixed and determined in the Bond Sale Order.  
5 Qualified School Construction Bonds must be issued with  
6 principal or mandatory redemption amounts or sinking fund  
7 payments into the General Obligation Bond Retirement and  
8 Interest Fund (or subaccount therefor) in equal amounts, with  
9 the first maturity issued, mandatory redemption payment or  
10 sinking fund payment occurring within the fiscal year in which  
11 the Qualified School Construction Bonds are issued or within  
12 the next succeeding fiscal year, with Qualified School  
13 Construction Bonds issued maturing or subject to mandatory  
14 redemption or with sinking fund payments thereof deposited each  
15 fiscal year thereafter up to 25 years. Sinking fund payments  
16 set forth in this subsection shall be permitted only to the  
17 extent authorized in Section 54F of the Internal Revenue Code  
18 or as otherwise determined by the Director of the Governor's  
19 Office of Management and Budget. "Qualified School  
20 Construction Bonds" in this subsection means Bonds authorized  
21 by Section 54F of the Internal Revenue Code and for bonds  
22 issued from time to time to refund or continue to refund such  
23 "Qualified School Construction Bonds".

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

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

3 (30 ILCS 330/4) (from Ch. 127, par. 654)

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

15 (a) \$5,432,129,000 for State highways, arterial highways,  
16 freeways, roads, bridges, structures separating highways and  
17 railroads and roads, and bridges on roads maintained by  
18 counties, municipalities, townships or road districts for the  
19 following specific purposes:

20 (1) \$3,330,000,000 for use statewide,

21 (2) \$3,677,000 for use outside the Chicago urbanized  
22 area,

23 (3) \$7,543,000 for use within the Chicago urbanized  
24 area,

25 (4) \$13,060,600 for use within the City of Chicago,

1           (5) \$58,987,500 for use within the counties of Cook,  
2           DuPage, Kane, Lake, McHenry and Will,

3           (6) \$18,860,900 for use outside the counties of Cook,  
4           DuPage, Kane, Lake, McHenry and Will, and

5           (7) \$2,000,000,000 for use on projects included in  
6           either (i) the FY09-14 Proposed Highway Improvement  
7           Program as published by the Illinois Department of  
8           Transportation in May 2008 or (ii) the FY10-15 Proposed  
9           Highway Improvement Program to be published by the Illinois  
10          Department of Transportation in the spring of 2009; except  
11          that all projects must be maintenance projects for the  
12          existing State system with the goal of reaching 90%  
13          acceptable condition in the system statewide and further  
14          except that all projects must reflect the generally  
15          accepted historical distribution of projects throughout  
16          the State.

17          (b) \$3,130,070,000 for rail facilities and for mass transit  
18          facilities, as defined in Section 2705-305 of the Department of  
19          Transportation Law (20 ILCS 2705/2705-305), including rapid  
20          transit, rail, bus and other equipment used in connection  
21          therewith by the State or any unit of local government, special  
22          transportation district, municipal corporation or other  
23          corporation or public authority authorized to provide and  
24          promote public transportation within the State or two or more  
25          of the foregoing jointly, for the following specific purposes:

26                (1) \$2,034,270,000 statewide,

1           (2) \$83,350,000 for use within the counties of Cook,  
2           DuPage, Kane, Lake, McHenry and Will,

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

5           (4) \$1,000,000,000 for use on projects that shall  
6           reflect the generally accepted historical distribution of  
7           projects throughout the State.

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

18          (d) \$1,015,000,000 for use statewide for State or local  
19          highways, arterial highways, freeways, roads, bridges, and  
20          structures separating highways and railroads and roads, and for  
21          grants to counties, municipalities, townships, or road  
22          districts for planning, engineering, acquisition,  
23          construction, reconstruction, development, improvement,  
24          extension, and all construction-related expenses of the public  
25          infrastructure and other transportation improvement projects  
26          which are related to economic development in the State of

1 Illinois.

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

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

6 (105 ILCS 230/5-40)

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

16 With respect to those school construction projects for  
17 which a school district first applies for a grant on or after  
18 July 1, 2007, the school construction project must receive  
19 certification from the United States Green Building Council's  
20 Leadership in Energy and Environmental Design Green Building  
21 Rating System or the Green Building Initiative's Green Globes  
22 Green Building Rating System or must meet green building  
23 standards of the Capital Development Board and its Green  
24 Building Advisory Committee. With respect to those school

1 construction projects for which a school district applies for a  
2 grant on or after July 1, 2009, the school construction project  
3 must receive silver certification from the United States Green  
4 Building Council's Leadership in Energy and Environmental  
5 Design Green Building Rating System.

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

7 (105 ILCS 230/5-200)

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

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

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

23 (1) the manner of applying for grants;

24 (2) project eligibility requirements;

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

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

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

6           (c) In each school year in which school energy efficiency  
7           project grants are awarded, 20% of the total amount awarded  
8           shall be awarded to a school district in a city with a  
9           population of more than 500,000, provided that the school  
10          district complies with the requirements of this Section and the  
11          rules adopted under this Section.

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

13           (105 ILCS 230/5-300)

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

15           (a) The Capital Development Board is authorized to make  
16           grants to public school districts and not-for-profit entities  
17           for early childhood construction projects. These grants shall  
18           be paid out of moneys appropriated for that purpose from the  
19           School Construction Fund. No grants may be awarded to entities  
20           providing services within private residences. A public school  
21           district or other eligible entity must provide local matching  
22           funds in an amount equal to 10% of the grant under this  
23           Section. A public school district or other eligible entity has  
24           no entitlement to a grant under this Section.

25           (b) The Capital Development Board shall adopt rules to

1 implement this Section. These rules need not be the same as the  
2 rules for school construction project grants or school  
3 maintenance project grants. The rules may specify:

4 (1) the manner of applying for grants;

5 (2) project eligibility requirements;

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

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

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

12 (6) any other provision that the Capital Development  
13 Board determines to be necessary or useful for the  
14 administration of this Section.

15 (b-5) When grants are made to non-profit corporations for  
16 the acquisition or construction of new facilities, the Capital  
17 Development Board or any State agency it so designates shall  
18 hold title to or place a lien on the facility for a period of 10  
19 years after the date of the grant award, after which title to  
20 the facility shall be transferred to the non-profit corporation  
21 or the lien shall be removed, provided that the non-profit  
22 corporation has complied with the terms of its grant agreement.  
23 When grants are made to non-profit corporations for the purpose  
24 of renovation or rehabilitation, if the non-profit corporation  
25 does not comply with item (5) of subsection (b) of this  
26 Section, the Capital Development Board or any State agency it

1 so designates shall recover the grant pursuant to the  
2 procedures outlined in the Illinois Grant Funds Recovery Act.

3 (c) The Capital Development Board, in consultation with the  
4 State Board of Education, shall establish standards for the  
5 determination of priority needs concerning early childhood  
6 projects based on projects located in communities in the State  
7 with the greatest underserved population of young children,  
8 utilizing Census data and other reliable local early childhood  
9 service data.

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

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

17 (105 ILCS 230/5-400)

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

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

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

5 (1) the manner of applying for grants;

6 (2) project eligibility requirements;

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

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

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

13 With respect to those school construction projects for  
14 which a charter school applies for a grant on or after July 1,  
15 2009, the school construction project must receive silver  
16 certification from the United States Green Building Council's  
17 Leadership in Energy and Environmental Design Green Building  
18 Rating System.

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

20 Article 35.

21 Section 35-0. The State Construction Minority and Female  
22 Building Trades Act is amended by adding Section 35-2 and by  
23 reenacting the heading of Article 35 and Sections 35-1, 35-5,  
24 35-10, 35-15, and 35-20 and the heading of Article 99 and

1 Section 99-99 as follows:

2 (30 ILCS 577/Art. 35 heading)

3 Article 35.

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

5 (30 ILCS 577/35-1)

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

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

9 (30 ILCS 577/35-2 new)

10 Sec. 35-2. Reenactment.

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

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

19 (30 ILCS 577/35-5)

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

21 "Under-represented minority" means African-American,  
22 Hispanic, and Asian-American as those terms are defined in the

1 Business Enterprise for Minorities, Females, and Persons with  
2 Disabilities Act.

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

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

20 (30 ILCS 577/35-10)

21 Sec. 35-10. Apprenticeship reports. Each labor  
22 organization and other entity in Illinois with one or more  
23 apprenticeship programs for construction trades, whether or  
24 not recognized and certified by the United States Department of  
25 Labor, Bureau of Apprenticeship and Training, must report to

1 the Illinois Department of Labor the information required to be  
2 reported to the Bureau of Apprenticeship and Training by labor  
3 organizations with recognized and certified apprenticeship  
4 programs that lists the race, gender, ethnicity, and national  
5 origin of apprentices in that labor organization or entity. The  
6 information must be submitted to the Illinois Department of  
7 Labor as provided by rules adopted by the Department. For labor  
8 organizations with recognized and certified apprentice  
9 programs, the reporting requirement of this Section may be met  
10 by providing the Illinois Department of Labor, on a schedule  
11 adopted by the Department by rule, copies of the reports  
12 submitted to the Bureau of Apprenticeship and Training.

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

14 (30 ILCS 577/35-15)

15 Sec. 35-15. Compilation of building trade data. By March 1  
16 of each year, the Illinois Department of Labor shall publish  
17 and make available on its official website a report compiling  
18 and summarizing demographic trends in the State's building  
19 trades apprenticeship programs, with particular attention to  
20 race, gender, ethnicity, and national origin of apprentices in  
21 labor organizations and other entities in Illinois based on the  
22 information submitted to the Department under Section 35-10.

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

24 (30 ILCS 577/35-20)

1           Sec. 35-20. Construction employment initiative.

2           (a) Each fiscal year, the Department of Commerce and  
3           Economic Opportunity shall identify construction projects that  
4           are:

5                   (1) funded by the State or the American Recovery and  
6                   Reinvestment Act or funded in part by the State and in part  
7                   by the American Recovery and Reinvestment Act;

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

10                   (3) located in or within 5 miles of Cook County,  
11                   Aurora, Elgin, Joliet, Kankakee, Peoria, Decatur,  
12                   Champaign-Urbana, Springfield, East St. Louis, Rockford,  
13                   Waukegan, or Cairo.

14           In addition, the Director of Commerce and Economic  
15           Opportunity may designate any other construction project as a  
16           construction employment initiative project if the local  
17           available workforce is sufficient to meet the goals of this  
18           Section.

19           (b) Not less than 20% of the total apprenticeship hours  
20           performed on projects identified pursuant to subsection (a) is  
21           established as a goal of those projects to be completed by  
22           members of minority groups currently under-represented in  
23           skilled building trades.

24           (c) Not less than 10% of the total apprenticeship hours  
25           performed on projects identified pursuant to subsection (a) is  
26           established as a goal of those projects to be performed by

1 women. A woman who is also a member of a minority group shall  
2 be designated to one category or the other by the Department of  
3 Commerce and Economic Opportunity for purposes of this  
4 subsection and subsection (b).

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

7 (1) Eight members appointed 2 each by the President and  
8 Minority Leader of the Senate and the Speaker and Minority  
9 Leader of the House of Representatives.

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

12 (3) The Illinois Secretary of Transportation, or his or  
13 her designee.

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

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

18 (6) One member representing vertical construction,  
19 appointed by the Governor.

20 (7) One member representing road builders, appointed  
21 by the Governor.

22 (8) One member representing an association of  
23 African-American owned construction companies, appointed  
24 by the Governor.

25 (9) One member representing an association of Latino  
26 owned construction companies, appointed by the Governor.



1 (30 ILCS 738/Art. 40 heading)

2 Article 40.

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

4 (30 ILCS 738/40-1)

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

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

8 (30 ILCS 738/40-2 new)

9 Sec. 40-2. Reenactment.

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

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

18 (30 ILCS 738/40-5)

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

20 "Board" means the Weatherization Initiative Board.

21 "Department" means the Department of Commerce and Economic  
22 Opportunity.

23 "Initiative" means the Urban Weatherization Initiative.

1 "Urban metropolitan area" means a municipality with a  
2 population of 5,000 or more or a township with a population of  
3 5,000 or more.

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

5 (30 ILCS 738/40-10)

6 Sec. 40-10. Urban Weatherization Initiative established;  
7 purpose.

8 (a) The Urban Weatherization Initiative is created. The  
9 Initiative shall be administered by the Department of Commerce  
10 and Economic Opportunity in consultation with other  
11 appropriate State agencies and overseen by the Weatherization  
12 Initiative Board.

13 (b) The purpose of the Urban Weatherization Initiative is  
14 to promote the State's interest in reducing the impact of high  
15 energy costs on low-income households. The Initiative seeks to  
16 increase employment and entrepreneurship opportunities through  
17 the installation and manufacturing of low-cost weatherization  
18 materials. In particular, the Initiative is intended to  
19 weatherize owner-occupied, single family homes and  
20 multi-family (6 units or fewer) housing in census tracts with  
21 high rates of unemployment, underemployment, and poverty and to  
22 ensure that residents of those communities are able to access  
23 the work as a local employment engine. The Initiative also  
24 seeks to implement outreach strategies to increase awareness of  
25 cost savings and job training services associated with the

1 program.

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

3 (30 ILCS 738/40-15)

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

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

9 (30 ILCS 738/40-20)

10 Sec. 40-20. Award of grants.

11 (a) The Department shall award grants under this Article  
12 using a competitive request-for-proposal process administered  
13 by the Department and overseen by the Board. No more than 2% of  
14 funds used for grants may be retained by the Department for  
15 administrative costs, program evaluation, and technical  
16 assistance activities.

17 (b) The Department must award grants competitively in  
18 accordance with the priorities described in this Article.  
19 Grants must be awarded in support of the implementation,  
20 expansion, or implementation and expansion of weatherization  
21 and job training programs consistent with the priorities  
22 described in this Article. Strategies for grant use include,  
23 but are not limited to, the following:

24 (1) Repair or replacement of inefficient heating and

1 cooling units.

2 (2) Addressing of air infiltration with weather  
3 stripping, caulking, thresholds, minor repairs to walls,  
4 roofs, ceilings, and floors, and window and door  
5 replacement.

6 (3) Repair or replacement of water heaters.

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

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

9 (1) Work-aligned training in weatherization skill  
10 sets, including skills necessary for career advancement in  
11 the energy efficiency field.

12 (2) Basic skills training, including soft-skill  
13 training, and other workforce development services,  
14 including mentoring, job development, support services,  
15 transportation assistance, and wage subsidies tied to  
16 training and employment in weatherization.

17 (d) All grant applicants must include a comprehensive plan  
18 for local community engagement. Grant recipients may devote a  
19 portion of awarded funds to conduct outreach activities  
20 designed to assure that eligible households and relevant  
21 workforce populations are made aware of the opportunities  
22 available under this Article. A portion of outreach activities  
23 must occur in convenient, local intake centers, including but  
24 not limited to churches, local schools, and community centers.

25 (e) Any private, public, and non-profit entities that  
26 provide, or demonstrate desire and ability to provide,

1 weatherization services that act to decrease the impact of  
2 energy costs on low-income areas and incorporate an effective  
3 local employment strategy are eligible grant applicants.

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

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

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

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

11 (30 ILCS 738/40-25)

12 Sec. 40-25. Targets. The Department shall award grants  
13 under this Article using the following target areas and  
14 populations, and the Board shall monitor the application of  
15 these targets to the awarding of grants:

16 (1) Census tracts in urban metropolitan areas where 20%  
17 or more of the population is living in poverty and that  
18 suffer from disproportionately high rates of unemployment,  
19 underemployment, and poverty as defined by the 2000 Census.

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

22 (3) Areas with the highest energy costs in relation to  
23 income.

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

1 (30 ILCS 738/40-30)

2 Sec. 40-30. Priority grants. In awarding grants, the  
3 Department must give priority to grant applications that  
4 demonstrate collaboration among local weatherization agencies,  
5 educational institutions, workforce stakeholders, and  
6 community organizations, especially those located in  
7 communities with high rates of unemployment, underemployment,  
8 and poverty.

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

10 (30 ILCS 738/40-35)

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

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

15 (30 ILCS 738/40-40)

16 Sec. 40-40. Weatherization Initiative Board.

17 (a) The Weatherization Initiative Board is created within  
18 the Department. The Board must approve or deny all grants from  
19 the Fund.

20 (a-5) Notwithstanding any other provision of this Article,  
21 the Board has the authority to direct the Department to  
22 authorize the awarding of grants to applicants serving areas or  
23 populations not included in the target areas and populations  
24 set forth in Section 40-25 if the Board determines that there

1 are special circumstances involving the areas or populations  
2 served by the applicant.

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

13 (c) The Board shall also have 4 non-voting ex officio  
14 members appointed as follows: one Representative appointed by  
15 the Speaker of the House, one Representative appointed by the  
16 House Minority Leader, one Senator appointed by the President  
17 of the Senate, and one Senator appointed by the Senate Minority  
18 Leader, each to serve at the pleasure of the appointing  
19 authority.

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

23 (e) The Board may adopt rules under the Illinois  
24 Administrative Procedure Act.

25 (f) A quorum of the Board is at least 3 voting members, and  
26 the affirmative vote of at least 3 voting members is required

1 for Board decisions and adoption of rules.

2 (g) The Department shall provide staff and administrative  
3 assistance to the Board.

4 (h) By December 31 of each year, the Board shall file an  
5 annual report with the Governor and the General Assembly  
6 concerning the Initiative, grants awarded, and grantees and  
7 making recommendations for any changes needed to enhance the  
8 effectiveness of the Initiative.

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

10 (30 ILCS 738/40-45)

11 Sec. 40-45. Emergency rules. The Department and the Board  
12 shall exercise emergency rulemaking authority under the  
13 Illinois Administrative Procedure Act to adopt necessary  
14 emergency rules for the implementation of this Article.

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

16 (30 ILCS 738/Art. 99 heading)

17 Article 99.

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

19 (30 ILCS 738/99-99)

20 Sec. 99-99. Effective date. This Act takes effect upon  
21 becoming law.

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

1 Article 45.

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

4 (625 ILCS 5/6-305.3)

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

6 (a) As used in this Section:

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

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

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

15 "Motor vehicle" means passenger vehicles of the first  
16 division and motor vehicles of the second division weighing not  
17 more than 8,000 pounds.

18 "Vehicle license cost recovery fee" or "VLCRF" means a  
19 charge that may be separately stated and charged on a rental  
20 agreement in a vehicle rental transaction originating in  
21 Illinois to recover costs incurred by an automobile rental  
22 company to license, title, register, and inspect motor  
23 vehicles.

24 (b) Automobile rental companies may include a separately

1 stated mandatory surcharge or fee in a rental agreement for  
2 vehicle license cost recovery fees (VLCRF) and all applicable  
3 taxes.

4 (c) If an automobile rental company includes a VLCRF as  
5 separately stated charge in a rental agreement, the amount of  
6 the fee must represent the automobile rental company's  
7 good-faith estimate of the automobile rental company's daily  
8 charge as calculated by the automobile rental company to  
9 recover its actual total annual motor vehicle titling,  
10 registration, and inspection costs.

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

- 16 (1) Retain the excess amount; and  
17 (2) Adjust the estimated average per vehicle titling,  
18 licensing, inspection, and registration charge for the  
19 following calendar year by a corresponding amount.

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

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

24 Article 50.

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

3 (30 ILCS 105/13.2) (from Ch. 127, par. 149.2)

4 Sec. 13.2. Transfers among line item appropriations.

5 (a) Transfers among line item appropriations from the same  
6 treasury fund for the objects specified in this Section may be  
7 made in the manner provided in this Section when the balance  
8 remaining in one or more such line item appropriations is  
9 insufficient for the purpose for which the appropriation was  
10 made.

11 (a-1) No transfers may be made from one agency to another  
12 agency, nor may transfers be made from one institution of  
13 higher education to another institution of higher education  
14 except as provided by subsection (a-4).

15 (a-2) Except as otherwise provided in this Section,  
16 transfers may be made only among the objects of expenditure  
17 enumerated in this Section, except that no funds may be  
18 transferred from any appropriation for personal services, from  
19 any appropriation for State contributions to the State  
20 Employees' Retirement System, from any separate appropriation  
21 for employee retirement contributions paid by the employer, nor  
22 from any appropriation for State contribution for employee  
23 group insurance. During State fiscal year 2005, an agency may  
24 transfer amounts among its appropriations within the same  
25 treasury fund for personal services, employee retirement

1 contributions paid by employer, and State Contributions to  
2 retirement systems; notwithstanding and in addition to the  
3 transfers authorized in subsection (c) of this Section, the  
4 fiscal year 2005 transfers authorized in this sentence may be  
5 made in an amount not to exceed 2% of the aggregate amount  
6 appropriated to an agency within the same treasury fund. During  
7 State fiscal year 2007, the Departments of Children and Family  
8 Services, Corrections, Human Services, and Juvenile Justice  
9 may transfer amounts among their respective appropriations  
10 within the same treasury fund for personal services, employee  
11 retirement contributions paid by employer, and State  
12 contributions to retirement systems. During State fiscal year  
13 2010, the Department of Transportation may transfer amounts  
14 among their respective appropriations within the same treasury  
15 fund for personal services, employee retirement contributions  
16 paid by employer, and State contributions to retirement  
17 systems. During State fiscal year 2010 only, an agency may  
18 transfer amounts among its respective appropriations within  
19 the same treasury fund for personal services, employee  
20 retirement contributions paid by employer, and State  
21 contributions to retirement systems. Notwithstanding, and in  
22 addition to, the transfers authorized in subsection (c) of this  
23 Section, these transfers may be made in an amount not to exceed  
24 2% of the aggregate amount appropriated to an agency within the  
25 same treasury fund.

26 (a-3) Further, if an agency receives a separate

1 appropriation for employee retirement contributions paid by  
2 the employer, any transfer by that agency into an appropriation  
3 for personal services must be accompanied by a corresponding  
4 transfer into the appropriation for employee retirement  
5 contributions paid by the employer, in an amount sufficient to  
6 meet the employer share of the employee contributions required  
7 to be remitted to the retirement system.

8 (a-4) Long-Term Care Rebalancing. The Governor may  
9 designate amounts set aside for institutional services  
10 appropriated from the General Revenue Fund or any other State  
11 fund that receives monies for long-term care services to be  
12 transferred to all State agencies responsible for the  
13 administration of community-based long-term care programs,  
14 including, but not limited to, community-based long-term care  
15 programs administered by the Department of Healthcare and  
16 Family Services, the Department of Human Services, and the  
17 Department on Aging, provided that the Director of Healthcare  
18 and Family Services first certifies that the amounts being  
19 transferred are necessary for the purpose of assisting persons  
20 in or at risk of being in institutional care to transition to  
21 community-based settings, including the financial data needed  
22 to prove the need for the transfer of funds. The total amounts  
23 transferred shall not exceed 4% in total of the amounts  
24 appropriated from the General Revenue Fund or any other State  
25 fund that receives monies for long-term care services for each  
26 fiscal year. A notice of the fund transfer must be made to the

1 General Assembly and posted at a minimum on the Department of  
2 Healthcare and Family Services website, the Governor's Office  
3 of Management and Budget website, and any other website the  
4 Governor sees fit. These postings shall serve as notice to the  
5 General Assembly of the amounts to be transferred. Notice shall  
6 be given at least 30 days prior to transfer.

7 (b) In addition to the general transfer authority provided  
8 under subsection (c), the following agencies have the specific  
9 transfer authority granted in this subsection:

10 The Department of Healthcare and Family Services is  
11 authorized to make transfers representing savings attributable  
12 to not increasing grants due to the births of additional  
13 children from line items for payments of cash grants to line  
14 items for payments for employment and social services for the  
15 purposes outlined in subsection (f) of Section 4-2 of the  
16 Illinois Public Aid Code.

17 The Department of Children and Family Services is  
18 authorized to make transfers not exceeding 2% of the aggregate  
19 amount appropriated to it within the same treasury fund for the  
20 following line items among these same line items: Foster Home  
21 and Specialized Foster Care and Prevention, Institutions and  
22 Group Homes and Prevention, and Purchase of Adoption and  
23 Guardianship Services.

24 The Department on Aging is authorized to make transfers not  
25 exceeding 2% of the aggregate amount appropriated to it within  
26 the same treasury fund for the following Community Care Program

1 line items among these same line items: Homemaker and Senior  
2 Companion Services, Alternative Senior Services, Case  
3 Coordination Units, and Adult Day Care Services.

4 The State Treasurer is authorized to make transfers among  
5 line item appropriations from the Capital Litigation Trust  
6 Fund, with respect to costs incurred in fiscal years 2002 and  
7 2003 only, when the balance remaining in one or more such line  
8 item appropriations is insufficient for the purpose for which  
9 the appropriation was made, provided that no such transfer may  
10 be made unless the amount transferred is no longer required for  
11 the purpose for which that appropriation was made.

12 The State Board of Education is authorized to make  
13 transfers from line item appropriations within the same  
14 treasury fund for General State Aid and General State Aid -  
15 Hold Harmless, provided that no such transfer may be made  
16 unless the amount transferred is no longer required for the  
17 purpose for which that appropriation was made, to the line item  
18 appropriation for Transitional Assistance when the balance  
19 remaining in such line item appropriation is insufficient for  
20 the purpose for which the appropriation was made.

21 The State Board of Education is authorized to make  
22 transfers between the following line item appropriations  
23 within the same treasury fund: Disabled Student  
24 Services/Materials (Section 14-13.01 of the School Code),  
25 Disabled Student Transportation Reimbursement (Section  
26 14-13.01 of the School Code), Disabled Student Tuition -

1 Private Tuition (Section 14-7.02 of the School Code),  
2 Extraordinary Special Education (Section 14-7.02b of the  
3 School Code), Reimbursement for Free Lunch/Breakfast Program,  
4 Summer School Payments (Section 18-4.3 of the School Code), and  
5 Transportation - Regular/Vocational Reimbursement (Section  
6 29-5 of the School Code). Such transfers shall be made only  
7 when the balance remaining in one or more such line item  
8 appropriations is insufficient for the purpose for which the  
9 appropriation was made and provided that no such transfer may  
10 be made unless the amount transferred is no longer required for  
11 the purpose for which that appropriation was made.

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

17 (c) The sum of such transfers for an agency in a fiscal  
18 year shall not exceed 2% of the aggregate amount appropriated  
19 to it within the same treasury fund for the following objects:  
20 Personal Services; Extra Help; Student and Inmate  
21 Compensation; State Contributions to Retirement Systems; State  
22 Contributions to Social Security; State Contribution for  
23 Employee Group Insurance; Contractual Services; Travel;  
24 Commodities; Printing; Equipment; Electronic Data Processing;  
25 Operation of Automotive Equipment; Telecommunications  
26 Services; Travel and Allowance for Committed, Paroled and

1 Discharged Prisoners; Library Books; Federal Matching Grants  
2 for Student Loans; Refunds; Workers' Compensation,  
3 Occupational Disease, and Tort Claims; and, in appropriations  
4 to institutions of higher education, Awards and Grants.  
5 Notwithstanding the above, any amounts appropriated for  
6 payment of workers' compensation claims to an agency to which  
7 the authority to evaluate, administer and pay such claims has  
8 been delegated by the Department of Central Management Services  
9 may be transferred to any other expenditure object where such  
10 amounts exceed the amount necessary for the payment of such  
11 claims.

12 (c-1) Special provisions for State fiscal year 2003.  
13 Notwithstanding any other provision of this Section to the  
14 contrary, for State fiscal year 2003 only, transfers among line  
15 item appropriations to an agency from the same treasury fund  
16 may be made provided that the sum of such transfers for an  
17 agency in State fiscal year 2003 shall not exceed 3% of the  
18 aggregate amount appropriated to that State agency for State  
19 fiscal year 2003 for the following objects: personal services,  
20 except that no transfer may be approved which reduces the  
21 aggregate appropriations for personal services within an  
22 agency; extra help; student and inmate compensation; State  
23 contributions to retirement systems; State contributions to  
24 social security; State contributions for employee group  
25 insurance; contractual services; travel; commodities;  
26 printing; equipment; electronic data processing; operation of

1 automotive equipment; telecommunications services; travel and  
2 allowance for committed, paroled, and discharged prisoners;  
3 library books; federal matching grants for student loans;  
4 refunds; workers' compensation, occupational disease, and tort  
5 claims; and, in appropriations to institutions of higher  
6 education, awards and grants.

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

17 (d) Transfers among appropriations made to agencies of the  
18 Legislative and Judicial departments and to the  
19 constitutionally elected officers in the Executive branch  
20 require the approval of the officer authorized in Section 10 of  
21 this Act to approve and certify vouchers. Transfers among  
22 appropriations made to the University of Illinois, Southern  
23 Illinois University, Chicago State University, Eastern  
24 Illinois University, Governors State University, Illinois  
25 State University, Northeastern Illinois University, Northern  
26 Illinois University, Western Illinois University, the Illinois

1 Mathematics and Science Academy and the Board of Higher  
2 Education require the approval of the Board of Higher Education  
3 and the Governor. Transfers among appropriations to all other  
4 agencies require the approval of the Governor.

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

18 (e) The State Board of Education, in consultation with the  
19 State Comptroller, may transfer line item appropriations for  
20 General State Aid between the Common School Fund and the  
21 Education Assistance Fund. With the advice and consent of the  
22 Governor's Office of Management and Budget, the State Board of  
23 Education, in consultation with the State Comptroller, may  
24 transfer line item appropriations between the General Revenue  
25 Fund and the Education Assistance Fund for the following  
26 programs:

1 (1) Disabled Student Personnel Reimbursement (Section  
2 14-13.01 of the School Code);

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

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

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

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

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

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

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

16 (9) Special Education Reimbursement (Section 14-7.03  
17 of the School Code).

18 (Source: P.A. 95-707, eff. 1-11-08; 96-37, eff. 7-13-09;  
19 96-820, eff. 11-18-09; 96-959, eff. 7-1-10; 96-1086, eff.  
20 7-16-10; 96-1501, eff. 1-25-11.)

21 Article 55.

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

1 (20 ILCS 2705/2705-245) (was 20 ILCS 2705/49.20)

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

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

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

21 (30 ILCS 535/30) (from Ch. 127, par. 4151-30)

22 Sec. 30. Evaluation procedure. A State agency shall  
23 evaluate the firms submitting letters of interest and other

1 prequalified firms, taking into account qualifications; and  
2 the State agency may consider, but shall not be limited to  
3 considering, ability of professional personnel, past record  
4 and experience, performance data on file, willingness to meet  
5 time requirements, location, workload of the firm and any other  
6 qualifications based factors as the State agency may determine  
7 in writing are applicable. The State agency may conduct  
8 discussions with and require public presentations by firms  
9 deemed to be the most qualified regarding their qualifications,  
10 approach to the project and ability to furnish the required  
11 services.

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

21 In addition, the Department of Transportation may appoint  
22 public members to selection committees that represent the  
23 geographic, ethnic, and cultural diversity of the population of  
24 the State, including persons nominated by associations  
25 representing minority and female-owned business associations.  
26 Public members shall be licensed in or have received a degree

1 from an accredited college or university in one of the  
2 professions affected and shall not be employed by, associated  
3 with, or have an ownership interest in any firm holding or  
4 seeking to hold a contract while serving as a public member of  
5 the committee.

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

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

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

14 (35 ILCS 505/19) (from Ch. 120, par. 433.2)

15 Sec. 19. A committee is hereby established to advise the  
16 Governor on the administration of the Department's  
17 Disadvantaged Business Enterprise Program, and on the  
18 Department's compliance with workforce equal opportunity  
19 goals. The committee shall have 8 members appointed by the  
20 Governor with the concurrence of the Senate, as follows: one  
21 member shall be chosen from a civic organization whose purpose  
22 is to assure equal opportunity in the workforce; and 7 members  
23 shall be chosen from industry, 5 of whom shall be owners of  
24 certified disadvantaged business enterprises.

1           The committee shall report to the Governor semi-annually,  
2 and shall advise the General Assembly annually of the status of  
3 the Department's administration of the Disadvantaged Business  
4 Enterprise Program and on the Department's compliance with  
5 workforce equal opportunity goals.

6           The activities of the committee shall encompass the review  
7 of issues, concerns, questions, policies and procedures  
8 pertaining to the administration of the Disadvantaged Business  
9 Enterprise Program and the Department's compliance with  
10 workforce equal opportunity goals.

11          Members' expenses associated with committee activities  
12 shall be reimbursed at the State rate.

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

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

16           (620 ILCS 35/5) (from Ch. 15 1/2, par. 755)

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

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

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

24           (b) "Permanent noise monitoring system" or "system" means a

1 system that includes at least:

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

4 (2) computer equipment sufficient to process the data  
5 from each noise monitor so that permanent noise monitoring  
6 reports in accordance with Section 15 of this Act can be  
7 generated.

8 (c) "Division" means the Division of Aeronautics of the  
9 Illinois Department of Transportation.

10 (d) "Ldn" means day-night average sound level. "Day-night  
11 average sound level" has the meaning ascribed to it in Section  
12 150.7 of Part 150 of Title 14 of the Code of Federal  
13 Regulations.

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

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

16 Sec. 10. Establishment of permanent noise monitoring  
17 systems. No later than December 31, 2008, each airport shall  
18 have an operable permanent noise monitoring system. The system  
19 shall be operated by the airport sponsor. The airport sponsor  
20 shall be responsible for the construction or the design and  
21 construction of any system not constructed or designed and  
22 constructed as of the effective date of this amendatory Act of  
23 the 96th General Assembly. The cost of the systems and of the  
24 permanent noise monitoring reports under Section 15 of this Act  
25 shall be borne by the airport sponsor.

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

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

3 Sec. 15. Permanent noise monitoring reports. Beginning in  
4 1993 and through 2008, the Division shall, on June 30th and  
5 December 31st of each year, prepare a permanent noise  
6 monitoring report and make the report available to the public.  
7 Beginning in 2009, the airport sponsor shall, on June 30th and  
8 December 31st of each year, prepare a permanent noise  
9 monitoring report and make the report available to the public.  
10 Copies of the report shall be submitted to: the Office of the  
11 Governor; the Office of the President of the Senate; the Office  
12 of the Senate Minority Leader; the Office of the Speaker of the  
13 House; the Office of the House Minority Leader; the United  
14 States Environmental Protection Agency, Region V; and the  
15 Illinois Environmental Protection Agency. Beginning in 2009, a  
16 copy of the report shall also be submitted to the division. The  
17 permanent noise monitoring report shall contain all of the  
18 following:

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

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

- 23 (1) day of the week;  
24 (2) time of day;  
25 (3) week of the year;

1 (4) type of aircraft; and

2 (5) the single highest noise event recorded at each  
3 monitor.

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

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

8 (1) 7:00 a.m. to 10:00 p.m.;

9 (2) 10:00 p.m. to 7:00 a.m.; and

10 (3) types of aircraft.

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

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

14 (2) schools;

15 (3) hospitals and nursing homes;

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

18 (5) commercial areas;

19 (6) industrial areas;

20 (7) the boundary of the airport;

21 (8) the number of residences (single and multi-family)  
22 within each contour;

23 (9) the number of residents within each contour;

24 (10) the number of schools within each contour; and

25 (11) the number of school students within each contour.

26 (f) Through 2008, a certification by the Division that the

1 system was in proper working order during the period or, if it  
2 was not, a specific description of any and all problems with  
3 the System during the period.

4 (g) Beginning in 2009, a certification by the airport  
5 sponsor that the system was in proper working order during the  
6 period or, if it was not, a specific description of any and all  
7 problems with the system during the period.

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

9 Article 65.

10 Section 65-5. The River Edge Redevelopment Zone Act is  
11 amended by reenacting Section 10-5.3 as follows:

12 (65 ILCS 115/10-5.3)

13 Sec. 10-5.3. Certification of River Edge Redevelopment  
14 Zones.

15 (a) Approval of designated River Edge Redevelopment Zones  
16 shall be made by the Department by certification of the  
17 designating ordinance. The Department shall promptly issue a  
18 certificate for each zone upon its approval. The certificate  
19 shall be signed by the Director of the Department, shall make  
20 specific reference to the designating ordinance, which shall be  
21 attached thereto, and shall be filed in the office of the  
22 Secretary of State. A certified copy of the River Edge  
23 Redevelopment Zone Certificate, or a duplicate original

1       thereof, shall be recorded in the office of the recorder of  
2       deeds of the county in which the River Edge Redevelopment Zone  
3       lies.

4           (b) A River Edge Redevelopment Zone shall be effective upon  
5       its certification. The Department shall transmit a copy of the  
6       certification to the Department of Revenue, and to the  
7       designating municipality. Upon certification of a River Edge  
8       Redevelopment Zone, the terms and provisions of the designating  
9       ordinance shall be in effect, and may not be amended or  
10      repealed except in accordance with Section 10-5.4.

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

16          (d) In calendar years 2006 and 2007, the Department may  
17      certify one pilot River Edge Redevelopment Zone in the City of  
18      East St. Louis, one pilot River Edge Redevelopment Zone in the  
19      City of Rockford, and one pilot River Edge Redevelopment Zone  
20      in the City of Aurora.

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

23           Thereafter the Department may not certify any additional  
24      River Edge Redevelopment Zones, but may amend and rescind  
25      certifications of existing River Edge Redevelopment Zones in  
26      accordance with Section 10-5.4.

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

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

14 Article 70.

15 Section 70-5. Findings. The General Assembly finds that  
16 parts of Illinois lack access to high-speed information and  
17 communication (broadband) networks. Such networks impact  
18 access to jobs, education, health care, public safety and  
19 quality of life in Illinois. The 2009 American Recovery and  
20 Reinvestment Act (ARRA) represents an unprecedented federal  
21 investment in core infrastructure, including over \$7 billion in  
22 competitive grants and loans available through the United  
23 States Departments of Agriculture and Commerce for core  
24 broadband infrastructure. It is the policy of Illinois to

1 secure every viable stimulus project from undue delays,  
2 especially those awarded competitively, tied to deadlines, and  
3 connected to core infrastructure. Encouraging network  
4 development will help Illinois' public and private entities  
5 compete for and manage broadband infrastructure projects.

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

8 (15 ILCS 305/5) (from Ch. 124, par. 5)

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

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

12 2. To make a register of all appointments by the Governor,  
13 specifying the person appointed, the office conferred, the date  
14 of the appointment, the date when bond or oath is taken and the  
15 date filed. If Senate confirmation is required, the date of the  
16 confirmation shall be included in the register.

17 3. To make proper indexes to public acts, resolutions,  
18 papers and documents in his office.

19 3-a. To review all rules of all State agencies adopted in  
20 compliance with the codification system prescribed by the  
21 Secretary. The review shall be for the purposes and include all  
22 the powers and duties provided in the Illinois Administrative  
23 Procedure Act. The Secretary of State shall cooperate with the  
24 Legislative Information System to insure the accuracy of the

1 text of the rules maintained under the Legislative Information  
2 System Act.

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

7 5. To take charge of and preserve from waste, and keep in  
8 repair, the houses, lots, grounds and appurtenances, situated  
9 in the City of Springfield, and belonging to or occupied by the  
10 State, the care of which is not otherwise provided for by law,  
11 and to take charge of and preserve from waste, and keep in  
12 repair, the houses, lots, grounds and appurtenances, situated  
13 in the State outside the City of Springfield where such houses,  
14 lots, grounds and appurtenances are occupied by the Secretary  
15 of State and no other State officer or agency.

16 6. To supervise the distribution of the laws.

17 7. To perform such other duties as may be required by law.  
18 The Secretary of State may, within appropriations authorized by  
19 the General Assembly, maintain offices in the State Capital and  
20 in such other places in the State as he may deem necessary to  
21 properly carry out the powers and duties vested in him by law.

22 8. In addition to all other authority granted to the  
23 Secretary by law, subject to appropriation, to make grants or  
24 otherwise provide assistance to, among others without  
25 limitation, units of local government, school districts,  
26 educational institutions, private agencies, not-for-profit

1 organizations, and for-profit entities for the health, safety,  
2 and welfare of Illinois residents for purposes related to  
3 education, transportation, construction, capital improvements,  
4 social services, and any other lawful public purpose. Upon  
5 request of the Secretary, all State agencies are mandated to  
6 provide the Secretary with assistance in administering the  
7 grants.

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

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

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

15 (605 ILCS 5/9-131)

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

17 (a) For purposes of this Section:

18 "Fiber-optic network conduit" means a pipe or duct used to  
19 enclose fiber-optic cable facilities buried alongside the  
20 roadway or surface mounted on bridges, overpasses, and other  
21 facilities where below ground placement is impossible or  
22 impractical.

23 (b) In order to ensure affordable high-speed, world-class  
24 core information and communication networks are available

1 throughout Illinois, the Illinois Department of Transportation  
2 and the Department of Central Management Services shall  
3 collaborate to install fiber-optic network conduit where it  
4 does not already exist in every new State-funded construction  
5 project that opens, bores, or trenches alongside a State-owned  
6 infrastructure, including, but not limited to, roadways and  
7 bridges. The Department of Central Management Services or the  
8 Department of Transportation may permit a third party to manage  
9 the fiber and conduit leasing. The Department of Central  
10 Management Services and the Department of Transportation shall  
11 take reasonable steps to ensure market-based,  
12 non-discriminatory pricing. Public bidding notices for such  
13 projects must describe the need for fiber-optic conduit or  
14 cable. The Department of Transportation shall report annually  
15 to the Governor and the General Assembly on the progress and  
16 any associated costs incurred by this Section. This Section  
17 does not prohibit the State from purchasing or installing  
18 fiber-optic cable within the fiber-optic network conduit.

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

20 Article 75.

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

23 (105 ILCS 230/5-25)

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

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

15           For purposes only of determining a Type 40 area vocational  
16 center's eligibility for an entity included in a school  
17 construction project grant or a school maintenance project  
18 grant, an area vocational center shall be deemed eligible if  
19 one or more of its member school districts satisfy the grant  
20 index criteria set forth in this Law. A Type 40 area vocational  
21 center that makes application for school construction funds  
22 after August 25, 2009 (the effective date of Public Act 96-731)  
23 shall be placed on the respective application cycle list. Type  
24 40 area vocational centers must be placed last on the priority  
25 listing of eligible entities for the applicable fiscal year.

26           (b) The Capital Development Board shall establish project

1 standards for all school construction project grants provided  
2 pursuant to this Article. These standards shall include space  
3 and capacity standards as well as the determination of  
4 recognized project costs that shall be eligible for State  
5 financial assistance and enrichment costs that shall not be  
6 eligible for State financial assistance.

7 (c) The State Board of Education and the Capital  
8 Development Board shall not establish standards that  
9 disapprove or otherwise establish limitations that restrict  
10 the eligibility of (i) a school district with a population  
11 exceeding 500,000 for a school construction project grant based  
12 on the fact that any or all of the school construction project  
13 grant will be used to pay debt service or to make lease  
14 payments, as authorized by subsection (b) of Section 5-35 of  
15 this Law, (ii) a school district located in whole or in part in  
16 a county that imposes a tax for school facility purposes  
17 pursuant to Section 5-1006.7 of the Counties Code, or (iii) a  
18 school district that (1) was organized prior to 1860 and (2) is  
19 located in part in a city originally incorporated prior to  
20 1840, based on the fact that all or a part of the school  
21 construction project is owned by a public building commission  
22 and leased to the school district or the fact that any or all  
23 of the school construction project grant will be used to pay  
24 debt service or to make lease payments.

25 (d) A reorganized school district or cooperative high  
26 school may use a school construction application that was

1 submitted by a school district that formed the reorganized  
2 school district or cooperative high school if that application  
3 has not been entitled for a project by the State Board of  
4 Education and any one or more of the following happen within  
5 the current or prior 2 fiscal years:

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

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

11 (3) a cooperative high school is formed in accordance  
12 with subsection (c) of Section 10-22.22 of the School Code.

13 A new elementary district formed from a school district  
14 conversion, as defined in Section 11E-15 of the School Code,  
15 may use only the application of the dissolved district whose  
16 territory is now included in the new elementary district and  
17 must obtain the written approval of the local school board of  
18 any other school district that includes territory from that  
19 dissolved district. A new high school district formed from a  
20 school district conversion, as defined in Section 11E-15 of the  
21 School Code, may use only the application of any dissolved  
22 district whose territory is now included in the new high school  
23 district, but only after obtaining the written approval of the  
24 local school board of any other school district that includes  
25 territory from that dissolved district. A cooperative high  
26 school using this Section must obtain the written approval of

1 the local school board of the member school district whose  
2 application it is using. All other eligibility and project  
3 standards apply to this Section.

4 (Source: P.A. 96-37, eff. 7-13-09; 96-731, eff. 8-25-09;  
5 96-1000, eff. 7-2-10; 96-1381, eff. 1-1-11; 96-1467, eff.  
6 8-20-10; revised 9-16-10.)

7 (105 ILCS 230/5-30)

8 Sec. 5-30. Priority of school construction projects. The  
9 State Board of Education shall develop standards for the  
10 determination of priority needs concerning school construction  
11 projects based upon approved district facilities plans. Such  
12 standards shall call for prioritization based on the degree of  
13 need and project type in the following order:

14 (1) Replacement or reconstruction of school buildings  
15 destroyed or damaged by flood, tornado, fire, earthquake,  
16 mine subsidence, or other disasters, either man-made or  
17 produced by nature;

18 (2) Projects designed to alleviate a shortage of  
19 classrooms due to population growth or to replace aging  
20 school buildings;

21 (3) Projects resulting from interdistrict  
22 reorganization of school districts contingent on local  
23 referenda;

24 (4) Replacement or reconstruction of school facilities  
25 determined to be severe and continuing health or life

1 safety hazards;

2 (5) Alterations necessary to provide accessibility for  
3 qualified individuals with disabilities; and

4 (6) Other unique solutions to facility needs.

5 Except for those changes absolutely necessary to comply with  
6 the changes made to subsection (c) of Section 5-25 of this Law  
7 by Public Act 96-37, the State Board of Education may not make  
8 any material changes to the standards in effect on May 18,  
9 2004, unless the State Board of Education is specifically  
10 authorized by law.

11 (Source: P.A. 96-37, eff. 7-13-09; 96-102, eff. 7-29-09;  
12 96-1000, eff. 7-2-10.)

13 (105 ILCS 230/5-57)

14 Sec. 5-57. Administration of powers; no changes.  
15 Notwithstanding any other law to the contrary and except for  
16 those changes absolutely necessary to comply with the changes  
17 made to subsection (c) of Section 5-25 of this Law by this  
18 amendatory Act of the 96th General Assembly, the Capital  
19 Development Board may not make any material changes in the  
20 administration of its powers granted under this Law from how it  
21 administered those powers on May 18, 2004, unless specifically  
22 authorized by law.

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

24 Article 80.

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

4           (20 ILCS 605/605-390)

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

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

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

20           (20 ILCS 805/805-350)

21           Sec. 805-350. Use of Illinois resident labor. To the extent  
22 permitted by any applicable federal law or regulation, for all

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

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

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

14 (20 ILCS 1905/1905-12)

15 Sec. 1905-12. Use of Illinois resident labor. To the extent  
16 permitted by any applicable federal law or regulation, for all  
17 work performed for State construction projects which are funded  
18 in whole or in part by a capital infrastructure bill enacted by  
19 the 96th General Assembly by sums appropriated to the Illinois  
20 Department of Natural Resources, at least 50% of the total  
21 labor hours must be performed by actual residents of the State  
22 of Illinois. For purposes of this Section, "actual residents of  
23 the State of Illinois" means persons domiciled in the State of  
24 Illinois. The Department of Labor shall promulgate rules

1 providing for the enforcement of this Section.

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

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

6 (20 ILCS 2705/2705-260)

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

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

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

21 (20 ILCS 3105/10.17)

22 Sec. 10.17. Use of Illinois resident labor. To the extent

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

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

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

14 (415 ILCS 5/4) (from Ch. 111 1/2, par. 1004)

15 Sec. 4. Environmental Protection Agency; establishment;  
16 duties.

17 (a) There is established in the Executive Branch of the  
18 State Government an agency to be known as the Environmental  
19 Protection Agency. This Agency shall be under the supervision  
20 and direction of a Director who shall be appointed by the  
21 Governor with the advice and consent of the Senate. The term of  
22 office of the Director shall expire on the third Monday of  
23 January in odd numbered years, provided that he or she shall  
24 hold office until a successor is appointed and has qualified.

1 The Director shall receive an annual salary as set by the  
2 Compensation Review Board. The Director, in accord with the  
3 Personnel Code, shall employ and direct such personnel, and  
4 shall provide for such laboratory and other facilities, as may  
5 be necessary to carry out the purposes of this Act. In  
6 addition, the Director may by agreement secure such services as  
7 he or she may deem necessary from any other department, agency,  
8 or unit of the State Government, and may employ and compensate  
9 such consultants and technical assistants as may be required.

10 (b) The Agency shall have the duty to collect and  
11 disseminate such information, acquire such technical data, and  
12 conduct such experiments as may be required to carry out the  
13 purposes of this Act, including ascertainment of the quantity  
14 and nature of discharges from any contaminant source and data  
15 on those sources, and to operate and arrange for the operation  
16 of devices for the monitoring of environmental quality.

17 (c) The Agency shall have authority to conduct a program of  
18 continuing surveillance and of regular or periodic inspection  
19 of actual or potential contaminant or noise sources, of public  
20 water supplies, and of refuse disposal sites.

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

24 (1) Inspecting and investigating to ascertain possible  
25 violations of this Act, any rule or regulation adopted  
26 under this Act, any permit or term or condition of a

1 permit, or any Board order; or

2 (2) In accordance with the provisions of this Act,  
3 taking whatever preventive or corrective action, including  
4 but not limited to removal or remedial action, that is  
5 necessary or appropriate whenever there is a release or a  
6 substantial threat of a release of (A) a hazardous  
7 substance or pesticide or (B) petroleum from an underground  
8 storage tank.

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

15 (f) The Agency shall appear before the Board in any hearing  
16 upon a petition for variance, the denial of a permit, or the  
17 validity or effect of a rule or regulation of the Board, and  
18 shall have the authority to appear before the Board in any  
19 hearing under the Act.

20 (g) The Agency shall have the duty to administer, in accord  
21 with Title X of this Act, such permit and certification systems  
22 as may be established by this Act or by regulations adopted  
23 thereunder. The Agency may enter into written delegation  
24 agreements with any department, agency, or unit of State or  
25 local government under which all or portions of this duty may  
26 be delegated for public water supply storage and transport

1 systems, sewage collection and transport systems, air  
2 pollution control sources with uncontrolled emissions of 100  
3 tons per year or less and application of algicides to waters of  
4 the State. Such delegation agreements will require that the  
5 work to be performed thereunder will be in accordance with  
6 Agency criteria, subject to Agency review, and shall include  
7 such financial and program auditing by the Agency as may be  
8 required.

9 (h) The Agency shall have authority to require the  
10 submission of complete plans and specifications from any  
11 applicant for a permit required by this Act or by regulations  
12 thereunder, and to require the submission of such reports  
13 regarding actual or potential violations of this Act, any rule  
14 or regulation adopted under this Act, any permit or term or  
15 condition of a permit, or any Board order, as may be necessary  
16 for the purposes of this Act.

17 (i) The Agency shall have authority to make recommendations  
18 to the Board for the adoption of regulations under Title VII of  
19 the Act.

20 (j) The Agency shall have the duty to represent the State  
21 of Illinois in any and all matters pertaining to plans,  
22 procedures, or negotiations for interstate compacts or other  
23 governmental arrangements relating to environmental  
24 protection.

25 (k) The Agency shall have the authority to accept, receive,  
26 and administer on behalf of the State any grants, gifts, loans,

1 indirect cost reimbursements, or other funds made available to  
2 the State from any source for purposes of this Act or for air  
3 or water pollution control, public water supply, solid waste  
4 disposal, noise abatement, or other environmental protection  
5 activities, surveys, or programs. Any federal funds received by  
6 the Agency pursuant to this subsection shall be deposited in a  
7 trust fund with the State Treasurer and held and disbursed by  
8 him in accordance with Treasurer as Custodian of Funds Act,  
9 provided that such monies shall be used only for the purposes  
10 for which they are contributed and any balance remaining shall  
11 be returned to the contributor.

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

15 (1) The Agency is hereby designated as water pollution  
16 agency for the state for all purposes of the Federal Water  
17 Pollution Control Act, as amended; as implementing agency for  
18 the State for all purposes of the Safe Drinking Water Act,  
19 Public Law 93-523, as now or hereafter amended, except Section  
20 1425 of that Act; as air pollution agency for the state for all  
21 purposes of the Clean Air Act of 1970, Public Law 91-604,  
22 approved December 31, 1970, as amended; and as solid waste  
23 agency for the state for all purposes of the Solid Waste  
24 Disposal Act, Public Law 89-272, approved October 20, 1965, and  
25 amended by the Resource Recovery Act of 1970, Public Law  
26 91-512, approved October 26, 1970, as amended, and amended by

1 the Resource Conservation and Recovery Act of 1976, (P.L.  
2 94-580) approved October 21, 1976, as amended; as noise control  
3 agency for the state for all purposes of the Noise Control Act  
4 of 1972, Public Law 92-574, approved October 27, 1972, as  
5 amended; and as implementing agency for the State for all  
6 purposes of the Comprehensive Environmental Response,  
7 Compensation, and Liability Act of 1980 (P.L. 96-510), as  
8 amended; and otherwise as pollution control agency for the  
9 State pursuant to federal laws integrated with the foregoing  
10 laws, for financing purposes or otherwise. The Agency is hereby  
11 authorized to take all action necessary or appropriate to  
12 secure to the State the benefits of such federal Acts, provided  
13 that the Agency shall transmit to the United States without  
14 change any standards adopted by the Pollution Control Board  
15 pursuant to Section 5(c) of this Act. This subsection (l) of  
16 Section 4 shall not be construed to bar or prohibit the  
17 Environmental Protection Trust Fund Commission from accepting,  
18 receiving, and administering on behalf of the State any grants,  
19 gifts, loans or other funds for which the Commission is  
20 eligible pursuant to the Environmental Protection Trust Fund  
21 Act. The Agency is hereby designated as the State agency for  
22 all purposes of administering the requirements of Section 313  
23 of the federal Emergency Planning and Community Right-to-Know  
24 Act of 1986.

25 Any municipality, sanitary district, or other political  
26 subdivision, or any Agency of the State or interstate Agency,

1 which makes application for loans or grants under such federal  
2 Acts shall notify the Agency of such application; the Agency  
3 may participate in proceedings under such federal Acts.

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

15 (n) In accordance with the powers conferred upon the Agency  
16 by Sections 10(g), 13(b), 19, 22(d) and 25 of this Act, the  
17 Agency shall have authority to establish and enforce minimum  
18 standards for the operation of laboratories relating to  
19 analyses and laboratory tests for air pollution, water  
20 pollution, noise emissions, contaminant discharges onto land  
21 and sanitary, chemical, and mineral quality of water  
22 distributed by a public water supply. The Agency may enter into  
23 formal working agreements with other departments or agencies of  
24 state government under which all or portions of this authority  
25 may be delegated to the cooperating department or agency.

26 (o) The Agency shall have the authority to issue

1 certificates of competency to persons and laboratories meeting  
2 the minimum standards established by the Agency in accordance  
3 with Section 4(n) of this Act and to promulgate and enforce  
4 regulations relevant to the issuance and use of such  
5 certificates. The Agency may enter into formal working  
6 agreements with other departments or agencies of state  
7 government under which all or portions of this authority may be  
8 delegated to the cooperating department or agency.

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

22 (q) The Agency shall have the authority to provide notice  
23 to any person who may be liable pursuant to Section 22.2(f) of  
24 this Act for a release or a substantial threat of a release of  
25 a hazardous substance or pesticide. Such notice shall include  
26 the identified response action and an opportunity for such

1 person to perform the response action.

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

18 (s) The Agency shall have authority to take whatever  
19 preventive or corrective action is necessary or appropriate,  
20 including but not limited to expenditure of monies appropriated  
21 from the Build Illinois Bond Fund and the Build Illinois  
22 Purposes Fund for removal or remedial action, whenever any  
23 hazardous substance or pesticide is released or there is a  
24 substantial threat of such a release into the environment. The  
25 State, the Director, and any State employee shall be  
26 indemnified for any damages or injury arising out of or

1 resulting from any action taken under this subsection. The  
2 Director of the Agency is authorized to enter into such  
3 contracts and agreements as are necessary to carry out the  
4 Agency's duties under this subsection.

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

14 (u) Pursuant to the Illinois Administrative Procedure Act,  
15 the Agency shall have the authority to adopt such rules as are  
16 necessary or appropriate for the Agency to implement Section  
17 31.1 of this Act.

18 (v) (Blank.)

19 (w) Neither the State, nor the Director, nor the Board, nor  
20 any State employee shall be liable for any damages or injury  
21 arising out of or resulting from any action taken under  
22 subsection (s).

23 (x) (1) The Agency shall have authority to distribute  
24 grants, subject to appropriation by the General Assembly,  
25 to units of local government for financing and construction  
26 of public water supply facilities. With respect to all

1 monies appropriated from the Build Illinois Bond Fund or  
2 the Build Illinois Purposes Fund for public water supply  
3 grants, such grants shall be made in accordance with rules  
4 promulgated by the Agency. Such rules shall include a  
5 requirement for a local match of 30% of the total project  
6 cost for projects funded through such grants.

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

26 (y) The Agency shall have authority to release any person

1 from further responsibility for preventive or corrective  
2 action under this Act following successful completion of  
3 preventive or corrective action undertaken by such person upon  
4 written request by the person.

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

16 (Source: P.A. 96-37, eff. 7-13-09; 96-503, eff. 8-14-09;  
17 96-800, eff. 10-30-09; 96-1000, eff. 7-2-10.)

18 Section 80-90. Severability. The provisions of this  
19 Article 80 are severable under Section 1.31 of the Statute on  
20 Statutes.

21 Article 90.

22 Section 90-1. The Capital Spending Accountability Law is  
23 amended by adding Section 802, by reenacting the headings of

1 Articles 800 and 9999 and Sections 801 and 805, and by  
2 reenacting and changing Section 9999 (the effective date  
3 provision of P.A. 96-34) as follows:

4 (20 ILCS 3020/Art. 800 heading)

5 ARTICLE 800.

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

7 (20 ILCS 3020/801)

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

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

11 (20 ILCS 3020/802 new)

12 Sec. 802. Reenactment.

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

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

21 (20 ILCS 3020/805)

22 Sec. 805. Reports on capital spending. On the first day of

1 each quarterly period in each fiscal year, the Governor's  
2 Office of Management and Budget shall provide to the  
3 Comptroller, the Treasurer, the President and the Minority  
4 Leader of the Senate, and the Speaker and the Minority Leader  
5 of the House of Representatives a report on the status of all  
6 capital projects in the State. The report must be provided in  
7 both written and electronic format. The report must include all  
8 of the following:

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

12 (2) The amount and source of funds (whether from bond  
13 funds or other revenues) appropriated for each project,  
14 organized into categories including roads, mass transit,  
15 schools, environment, civic centers and other categories  
16 as applicable (as referred to in this Section, "category or  
17 categories"), with subtotals for each category.

18 (3) The date the appropriation bill relating to each  
19 project was signed by the Governor, organized into  
20 categories.

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

1           (5) The amount of expenditures to date by the State  
2 relating to each project and estimated amount of total  
3 State expenditures and proposed schedule of future State  
4 expenditures relating to each project, all organized into  
5 categories.

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

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

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

18 (20 ILCS 3020/Art. 9999 heading)

19                                   ARTICLE 9999.

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

21 (20 ILCS 3020/9999)

22           Sec. 9999. Effective date. This Act takes effect July 1,  
23 2009, except that the changes to Sections 15-102, 15-107,  
24 15-111, 15-112, 15-113, 15-306, 15-307, and 16-105 of the

1 Illinois Vehicle Code take effect January 1, 2010, ~~but this Act~~  
2 ~~does not take effect at all unless House Bill 312 of the 96th~~  
3 ~~General Assembly, as amended, becomes law.~~

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

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

7 (30 ILCS 105/5.723)

8 Sec. 5.723. The Capital Projects Fund.

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

10 (30 ILCS 105/6z-77)

11 Sec. 6z-77. The Capital Projects Fund. The Capital Projects  
12 Fund is created as a special fund in the State Treasury. The  
13 State Comptroller and State Treasurer shall transfer from the  
14 Capital Projects Fund to the General Revenue Fund \$61,294,550  
15 on October 1, 2009, \$122,589,100 on January 1, 2010, and  
16 \$61,294,550 on April 1, 2010. Beginning on July 1, 2010, and on  
17 July 1 and January 1 of each year thereafter, the State  
18 Comptroller and State Treasurer shall transfer the sum of  
19 \$122,589,100 from the Capital Projects Fund to the General  
20 Revenue Fund. Subject to appropriation, the Capital Projects  
21 Fund may be used only for capital projects and the payment of  
22 debt service on bonds issued for capital projects. All interest  
23 earned on moneys in the Fund shall be deposited into the Fund.

1 The Fund shall not be subject to administrative charges or  
2 chargebacks, such as but not limited to those authorized under  
3 Section 8h.

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

5 (30 ILCS 105/8.3) (from Ch. 127, par. 144.3)

6 Sec. 8.3. Money in the Road Fund shall, if and when the  
7 State of Illinois incurs any bonded indebtedness for the  
8 construction of permanent highways, be set aside and used for  
9 the purpose of paying and discharging annually the principal  
10 and interest on that bonded indebtedness then due and payable,  
11 and for no other purpose. The surplus, if any, in the Road Fund  
12 after the payment of principal and interest on that bonded  
13 indebtedness then annually due shall be used as follows:

14 first -- to pay the cost of administration of Chapters  
15 2 through 10 of the Illinois Vehicle Code, except the cost  
16 of administration of Articles I and II of Chapter 3 of that  
17 Code; and

18 secondly -- for expenses of the Department of  
19 Transportation for construction, reconstruction,  
20 improvement, repair, maintenance, operation, and  
21 administration of highways in accordance with the  
22 provisions of laws relating thereto, or for any purpose  
23 related or incident to and connected therewith, including  
24 the separation of grades of those highways with railroads  
25 and with highways and including the payment of awards made

1 by the Illinois Workers' Compensation Commission under the  
2 terms of the Workers' Compensation Act or Workers'  
3 Occupational Diseases Act for injury or death of an  
4 employee of the Division of Highways in the Department of  
5 Transportation; or for the acquisition of land and the  
6 erection of buildings for highway purposes, including the  
7 acquisition of highway right-of-way or for investigations  
8 to determine the reasonably anticipated future highway  
9 needs; or for making of surveys, plans, specifications and  
10 estimates for and in the construction and maintenance of  
11 flight strips and of highways necessary to provide access  
12 to military and naval reservations, to defense industries  
13 and defense-industry sites, and to the sources of raw  
14 materials and for replacing existing highways and highway  
15 connections shut off from general public use at military  
16 and naval reservations and defense-industry sites, or for  
17 the purchase of right-of-way, except that the State shall  
18 be reimbursed in full for any expense incurred in building  
19 the flight strips; or for the operating and maintaining of  
20 highway garages; or for patrolling and policing the public  
21 highways and conserving the peace; or for the operating  
22 expenses of the Department relating to the administration  
23 of public transportation programs; or for any of those  
24 purposes or any other purpose that may be provided by law.

25 Appropriations for any of those purposes are payable from  
26 the Road Fund. Appropriations may also be made from the Road

1 Fund for the administrative expenses of any State agency that  
2 are related to motor vehicles or arise from the use of motor  
3 vehicles.

4 Beginning with fiscal year 1980 and thereafter, no Road  
5 Fund monies shall be appropriated to the following Departments  
6 or agencies of State government for administration, grants, or  
7 operations; but this limitation is not a restriction upon  
8 appropriating for those purposes any Road Fund monies that are  
9 eligible for federal reimbursement;

10 1. Department of Public Health;

11 2. Department of Transportation, only with respect to  
12 subsidies for one-half fare Student Transportation and  
13 Reduced Fare for Elderly;

14 3. Department of Central Management Services, except  
15 for expenditures incurred for group insurance premiums of  
16 appropriate personnel;

17 4. Judicial Systems and Agencies.

18 Beginning with fiscal year 1981 and thereafter, no Road  
19 Fund monies shall be appropriated to the following Departments  
20 or agencies of State government for administration, grants, or  
21 operations; but this limitation is not a restriction upon  
22 appropriating for those purposes any Road Fund monies that are  
23 eligible for federal reimbursement:

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

26 2. Department of Transportation, only with respect to

1 Intercity Rail Subsidies and Rail Freight Services.

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

13 Beginning with fiscal year 1984 and thereafter, no Road  
14 Fund monies shall be appropriated to the following Departments  
15 or agencies of State government for administration, grants, or  
16 operations; but this limitation is not a restriction upon  
17 appropriating for those purposes any Road Fund monies that are  
18 eligible for federal reimbursement:

19 1. Department of State Police, except not more than 40%  
20 of the funds appropriated for the Division of Operations;

21 2. State Officers.

22 Beginning with fiscal year 1984 and thereafter, no Road  
23 Fund monies shall be appropriated to any Department or agency  
24 of State government for administration, grants, or operations  
25 except as provided hereafter; but this limitation is not a  
26 restriction upon appropriating for those purposes any Road Fund

1 monies that are eligible for federal reimbursement. It shall  
2 not be lawful to circumvent the above appropriation limitations  
3 by governmental reorganization or other methods.  
4 Appropriations shall be made from the Road Fund only in  
5 accordance with the provisions of this Section.

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

15 first -- to pay the cost of administration of Chapters  
16 2 through 10 of the Illinois Vehicle Code; and

17 secondly -- no Road Fund monies derived from fees,  
18 excises, or license taxes relating to registration,  
19 operation and use of vehicles on public highways or to  
20 fuels used for the propulsion of those vehicles, shall be  
21 appropriated or expended other than for costs of  
22 administering the laws imposing those fees, excises, and  
23 license taxes, statutory refunds and adjustments allowed  
24 thereunder, administrative costs of the Department of  
25 Transportation, including, but not limited to, the  
26 operating expenses of the Department relating to the

1 administration of public transportation programs, payment  
2 of debts and liabilities incurred in construction and  
3 reconstruction of public highways and bridges, acquisition  
4 of rights-of-way for and the cost of construction,  
5 reconstruction, maintenance, repair, and operation of  
6 public highways and bridges under the direction and  
7 supervision of the State, political subdivision, or  
8 municipality collecting those monies, and the costs for  
9 patrolling and policing the public highways (by State,  
10 political subdivision, or municipality collecting that  
11 money) for enforcement of traffic laws. The separation of  
12 grades of such highways with railroads and costs associated  
13 with protection of at-grade highway and railroad crossing  
14 shall also be permissible.

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

18 Except as provided in this paragraph, beginning with fiscal  
19 year 1991 and thereafter, no Road Fund monies shall be  
20 appropriated to the Department of State Police for the purposes  
21 of this Section in excess of its total fiscal year 1990 Road  
22 Fund appropriations for those purposes unless otherwise  
23 provided in Section 5g of this Act. For fiscal years 2003,  
24 2004, 2005, 2006, and 2007 only, no Road Fund monies shall be  
25 appropriated to the Department of State Police for the purposes  
26 of this Section in excess of \$97,310,000. For fiscal year 2008

1 only, no Road Fund monies shall be appropriated to the  
2 Department of State Police for the purposes of this Section in  
3 excess of \$106,100,000. For fiscal year 2009 only, no Road Fund  
4 monies shall be appropriated to the Department of State Police  
5 for the purposes of this Section in excess of \$114,700,000.  
6 Beginning in fiscal year 2010, no road fund moneys shall be  
7 appropriated to the Department of State Police. It shall not be  
8 lawful to circumvent this limitation on appropriations by  
9 governmental reorganization or other methods unless otherwise  
10 provided in Section 5g of this Act.

11 In fiscal year 1994, no Road Fund monies shall be  
12 appropriated to the Secretary of State for the purposes of this  
13 Section in excess of the total fiscal year 1991 Road Fund  
14 appropriations to the Secretary of State for those purposes,  
15 plus \$9,800,000. It shall not be lawful to circumvent this  
16 limitation on appropriations by governmental reorganization or  
17 other method.

18 Beginning with fiscal year 1995 and thereafter, no Road  
19 Fund monies shall be appropriated to the Secretary of State for  
20 the purposes of this Section in excess of the total fiscal year  
21 1994 Road Fund appropriations to the Secretary of State for  
22 those purposes. It shall not be lawful to circumvent this  
23 limitation on appropriations by governmental reorganization or  
24 other methods.

25 Beginning with fiscal year 2000, total Road Fund  
26 appropriations to the Secretary of State for the purposes of

1 this Section shall not exceed the amounts specified for the  
2 following fiscal years:

3	Fiscal Year 2000	\$80,500,000;
4	Fiscal Year 2001	\$80,500,000;
5	Fiscal Year 2002	\$80,500,000;
6	Fiscal Year 2003	\$130,500,000;
7	Fiscal Year 2004	\$130,500,000;
8	Fiscal Year 2005	\$130,500,000;
9	Fiscal Year 2006	\$130,500,000;
10	Fiscal Year 2007	\$130,500,000;
11	Fiscal Year 2008	\$130,500,000;
12	Fiscal Year 2009	\$130,500,000.

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

15 Beginning in fiscal year 2011, moneys in the Road Fund  
16 shall be appropriated to the Secretary of State for the  
17 exclusive purpose of paying refunds due to overpayment of fees  
18 related to Chapter 3 of the Illinois Vehicle Code unless  
19 otherwise provided for by law.

20 It shall not be lawful to circumvent this limitation on  
21 appropriations by governmental reorganization or other  
22 methods.

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

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

5           The additional amounts authorized for expenditure in this  
6 Section by Public Acts 92-0600, 93-0025, 93-0839, and 94-91  
7 shall be repaid to the Road Fund from the General Revenue Fund  
8 in the next succeeding fiscal year that the General Revenue  
9 Fund has a positive budgetary balance, as determined by  
10 generally accepted accounting principles applicable to  
11 government.

12           The additional amounts authorized for expenditure by the  
13 Secretary of State and the Department of State Police in this  
14 Section by this amendatory Act of the 94th General Assembly  
15 shall be repaid to the Road Fund from the General Revenue Fund  
16 in the next succeeding fiscal year that the General Revenue  
17 Fund has a positive budgetary balance, as determined by  
18 generally accepted accounting principles applicable to  
19 government.

20           (Source: P.A. 95-707, eff. 1-11-08; 95-744, eff. 7-18-08;  
21 96-34, eff. 7-13-09; 96-959, eff. 7-1-10.)

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

24           (35 ILCS 505/8) (from Ch. 120, par. 424)

1           Sec. 8. Except as provided in Section 8a, subdivision  
2           (h) (1) of Section 12a, Section 13a.6, and items 13, 14, 15, and  
3           16 of Section 15, all money received by the Department under  
4           this Act, including payments made to the Department by member  
5           jurisdictions participating in the International Fuel Tax  
6           Agreement, shall be deposited in a special fund in the State  
7           treasury, to be known as the "Motor Fuel Tax Fund", and shall  
8           be used as follows:

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

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

17          (c) \$3,500,000 shall be transferred each month to the Grade  
18          Crossing Protection Fund to be used as follows: not less than  
19          \$12,000,000 each fiscal year shall be used for the construction  
20          or reconstruction of rail highway grade separation structures;  
21          \$2,250,000 in fiscal years 2004 through 2009 and \$3,000,000 in  
22          fiscal year 2010 and each fiscal year thereafter shall be  
23          transferred to the Transportation Regulatory Fund and shall be  
24          accounted for as part of the rail carrier portion of such funds  
25          and shall be used to pay the cost of administration of the  
26          Illinois Commerce Commission's railroad safety program in

1 connection with its duties under subsection (3) of Section  
2 18c-7401 of the Illinois Vehicle Code, with the remainder to be  
3 used by the Department of Transportation upon order of the  
4 Illinois Commerce Commission, to pay that part of the cost  
5 apportioned by such Commission to the State to cover the  
6 interest of the public in the use of highways, roads, streets,  
7 or pedestrian walkways in the county highway system, township  
8 and district road system, or municipal street system as defined  
9 in the Illinois Highway Code, as the same may from time to time  
10 be amended, for separation of grades, for installation,  
11 construction or reconstruction of crossing protection or  
12 reconstruction, alteration, relocation including construction  
13 or improvement of any existing highway necessary for access to  
14 property or improvement of any grade crossing and grade  
15 crossing surface including the necessary highway approaches  
16 thereto of any railroad across the highway or public road, or  
17 for the installation, construction, reconstruction, or  
18 maintenance of a pedestrian walkway over or under a railroad  
19 right-of-way, as provided for in and in accordance with Section  
20 18c-7401 of the Illinois Vehicle Code. The Commission may order  
21 up to \$2,000,000 per year in Grade Crossing Protection Fund  
22 moneys for the improvement of grade crossing surfaces and up to  
23 \$300,000 per year for the maintenance and renewal of 4-quadrant  
24 gate vehicle detection systems located at non-high speed rail  
25 grade crossings. The Commission shall not order more than  
26 \$2,000,000 per year in Grade Crossing Protection Fund moneys

1 for pedestrian walkways. In entering orders for projects for  
2 which payments from the Grade Crossing Protection Fund will be  
3 made, the Commission shall account for expenditures authorized  
4 by the orders on a cash rather than an accrual basis. For  
5 purposes of this requirement an "accrual basis" assumes that  
6 the total cost of the project is expended in the fiscal year in  
7 which the order is entered, while a "cash basis" allocates the  
8 cost of the project among fiscal years as expenditures are  
9 actually made. To meet the requirements of this subsection, the  
10 Illinois Commerce Commission shall develop annual and 5-year  
11 project plans of rail crossing capital improvements that will  
12 be paid for with moneys from the Grade Crossing Protection  
13 Fund. The annual project plan shall identify projects for the  
14 succeeding fiscal year and the 5-year project plan shall  
15 identify projects for the 5 directly succeeding fiscal years.  
16 The Commission shall submit the annual and 5-year project plans  
17 for this Fund to the Governor, the President of the Senate, the  
18 Senate Minority Leader, the Speaker of the House of  
19 Representatives, and the Minority Leader of the House of  
20 Representatives on the first Wednesday in April of each year;

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

24 (1) the costs of the Department of Revenue in  
25 administering this Act;

26 (2) the costs of the Department of Transportation in

1 performing its duties imposed by the Illinois Highway Code  
2 for supervising the use of motor fuel tax funds apportioned  
3 to municipalities, counties and road districts;

4 (3) refunds provided for in Section 13, refunds for  
5 overpayment of decal fees paid under Section 13a.4 of this  
6 Act, and refunds provided for under the terms of the  
7 International Fuel Tax Agreement referenced in Section  
8 14a;

9 (4) from October 1, 1985 until June 30, 1994, the  
10 administration of the Vehicle Emissions Inspection Law,  
11 which amount shall be certified monthly by the  
12 Environmental Protection Agency to the State Comptroller  
13 and shall promptly be transferred by the State Comptroller  
14 and Treasurer from the Motor Fuel Tax Fund to the Vehicle  
15 Inspection Fund, and for the period July 1, 1994 through  
16 June 30, 2000, one-twelfth of \$25,000,000 each month, for  
17 the period July 1, 2000 through June 30, 2003, one-twelfth  
18 of \$30,000,000 each month, and \$15,000,000 on July 1, 2003,  
19 and \$15,000,000 on January 1, 2004, and \$15,000,000 on each  
20 July 1 and October 1, or as soon thereafter as may be  
21 practical, during the period July 1, 2004 through June 30,  
22 2011, for the administration of the Vehicle Emissions  
23 Inspection Law of 2005, to be transferred by the State  
24 Comptroller and Treasurer from the Motor Fuel Tax Fund into  
25 the Vehicle Inspection Fund;

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

1           (6) payment of motor fuel use taxes due to member  
2 jurisdictions under the terms of the International Fuel Tax  
3 Agreement. The Department shall certify these amounts to  
4 the Comptroller by the 15th day of each month; the  
5 Comptroller shall cause orders to be drawn for such  
6 amounts, and the Treasurer shall administer those amounts  
7 on or before the last day of each month;

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

11           (1) Until January 1, 2000, 58.4%, and beginning January  
12 1, 2000, 45.6% shall be deposited as follows:

13           (A) 37% into the State Construction Account Fund,  
14 and

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

20           (2) Until January 1, 2000, 41.6%, and beginning January  
21 1, 2000, 54.4% shall be transferred to the Department of  
22 Transportation to be distributed as follows:

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

24           (B) 16.74% to the counties of the State having  
25 1,000,000 or more inhabitants,

26           (C) 18.27% to the counties of the State having less

1           than 1,000,000 inhabitants,

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

3           As soon as may be after the first day of each month the  
4 Department of Transportation shall allot to each municipality  
5 its share of the amount apportioned to the several  
6 municipalities which shall be in proportion to the population  
7 of such municipalities as determined by the last preceding  
8 municipal census if conducted by the Federal Government or  
9 Federal census. If territory is annexed to any municipality  
10 subsequent to the time of the last preceding census the  
11 corporate authorities of such municipality may cause a census  
12 to be taken of such annexed territory and the population so  
13 ascertained for such territory shall be added to the population  
14 of the municipality as determined by the last preceding census  
15 for the purpose of determining the allotment for that  
16 municipality. If the population of any municipality was not  
17 determined by the last Federal census preceding any  
18 apportionment, the apportionment to such municipality shall be  
19 in accordance with any census taken by such municipality. Any  
20 municipal census used in accordance with this Section shall be  
21 certified to the Department of Transportation by the clerk of  
22 such municipality, and the accuracy thereof shall be subject to  
23 approval of the Department which may make such corrections as  
24 it ascertains to be necessary.

25           As soon as may be after the first day of each month the  
26 Department of Transportation shall allot to each county its

1 share of the amount apportioned to the several counties of the  
2 State as herein provided. Each allotment to the several  
3 counties having less than 1,000,000 inhabitants shall be in  
4 proportion to the amount of motor vehicle license fees received  
5 from the residents of such counties, respectively, during the  
6 preceding calendar year. The Secretary of State shall, on or  
7 before April 15 of each year, transmit to the Department of  
8 Transportation a full and complete report showing the amount of  
9 motor vehicle license fees received from the residents of each  
10 county, respectively, during the preceding calendar year. The  
11 Department of Transportation shall, each month, use for  
12 allotment purposes the last such report received from the  
13 Secretary of State.

14 As soon as may be after the first day of each month, the  
15 Department of Transportation shall allot to the several  
16 counties their share of the amount apportioned for the use of  
17 road districts. The allotment shall be apportioned among the  
18 several counties in the State in the proportion which the total  
19 mileage of township or district roads in the respective  
20 counties bears to the total mileage of all township and  
21 district roads in the State. Funds allotted to the respective  
22 counties for the use of road districts therein shall be  
23 allocated to the several road districts in the county in the  
24 proportion which the total mileage of such township or district  
25 roads in the respective road districts bears to the total  
26 mileage of all such township or district roads in the county.

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

1 immediately prior to the year in which such tax was levied and  
2 as equalized by the Department of Revenue, or (ii) a rate that  
3 will yield an amount equal to \$12,000 per mile of road under  
4 the jurisdiction of the road district, then the amount of the  
5 allocation for the road district shall be a percentage of the  
6 maximum allocation equal to the percentage obtained by dividing  
7 the rate extended by the district by the lesser of (i) 0.08% or  
8 (ii) the rate that will yield an amount equal to \$12,000 per  
9 mile of road under the jurisdiction of the road district.

10 Prior to 2011, if any road district has levied a special  
11 tax for road purposes pursuant to Sections 6-601, 6-602 and  
12 6-603 of the Illinois Highway Code, and such tax was levied in  
13 an amount which would require extension at a rate of not less  
14 than .08% of the value of the taxable property thereof, as  
15 equalized or assessed by the Department of Revenue, or, in  
16 DuPage County, an amount equal to or greater than \$12,000 per  
17 mile of road under the jurisdiction of the road district,  
18 whichever is less, such levy shall, however, be deemed a proper  
19 compliance with this Section and shall qualify such road  
20 district for an allotment under this Section. Beginning in 2011  
21 and thereafter, if any road district has levied a special tax  
22 for road purposes under Sections 6-601, 6-602, and 6-603 of the  
23 Illinois Highway Code, and the tax was levied in an amount that  
24 would require extension at a rate of not less than 0.08% of the  
25 value of the taxable property of that road district, as  
26 equalized or assessed by the Department of Revenue or, in

1 DuPage County, an amount equal to or greater than \$12,000 per  
2 mile of road under the jurisdiction of the road district,  
3 whichever is less, that levy shall be deemed a proper  
4 compliance with this Section and shall qualify such road  
5 district for a full, rather than proportionate, allotment under  
6 this Section. If the levy for the special tax is less than  
7 0.08% of the value of the taxable property, or, in DuPage  
8 County if the levy for the special tax is less than the lesser  
9 of (i) 0.08% or (ii) \$12,000 per mile of road under the  
10 jurisdiction of the road district, and if the levy for the  
11 special tax is more than any other levy for road and bridge  
12 purposes, then the levy for the special tax qualifies the road  
13 district for a proportionate, rather than full, allotment under  
14 this Section. If the levy for the special tax is equal to or  
15 less than any other levy for road and bridge purposes, then any  
16 allotment under this Section shall be determined by the other  
17 levy for road and bridge purposes.

18 Prior to 2011, if a township has transferred to the road  
19 and bridge fund money which, when added to the amount of any  
20 tax levy of the road district would be the equivalent of a tax  
21 levy requiring extension at a rate of at least .08%, or, in  
22 DuPage County, an amount equal to or greater than \$12,000 per  
23 mile of road under the jurisdiction of the road district,  
24 whichever is less, such transfer, together with any such tax  
25 levy, shall be deemed a proper compliance with this Section and  
26 shall qualify the road district for an allotment under this

1 Section.

2 In counties in which a property tax extension limitation is  
3 imposed under the Property Tax Extension Limitation Law, road  
4 districts may retain their entitlement to a motor fuel tax  
5 allotment or, beginning in 2011, their entitlement to a full  
6 allotment if, at the time the property tax extension limitation  
7 was imposed, the road district was levying a road and bridge  
8 tax at a rate sufficient to entitle it to a motor fuel tax  
9 allotment and continues to levy the maximum allowable amount  
10 after the imposition of the property tax extension limitation.  
11 Any road district may in all circumstances retain its  
12 entitlement to a motor fuel tax allotment or, beginning in  
13 2011, its entitlement to a full allotment if it levied a road  
14 and bridge tax in an amount that will require the extension of  
15 the tax against the taxable property in the road district at a  
16 rate of not less than 0.08% of the assessed value of the  
17 property, based upon the assessment for the year immediately  
18 preceding the year in which the tax was levied and as equalized  
19 by the Department of Revenue or, in DuPage County, an amount  
20 equal to or greater than \$12,000 per mile of road under the  
21 jurisdiction of the road district, whichever is less.

22 As used in this Section the term "road district" means any  
23 road district, including a county unit road district, provided  
24 for by the Illinois Highway Code; and the term "township or  
25 district road" means any road in the township and district road  
26 system as defined in the Illinois Highway Code. For the

1 purposes of this Section, "township or district road" also  
2 includes such roads as are maintained by park districts, forest  
3 preserve districts and conservation districts. The Department  
4 of Transportation shall determine the mileage of all township  
5 and district roads for the purposes of making allotments and  
6 allocations of motor fuel tax funds for use in road districts.

7 Payment of motor fuel tax moneys to municipalities and  
8 counties shall be made as soon as possible after the allotment  
9 is made. The treasurer of the municipality or county may invest  
10 these funds until their use is required and the interest earned  
11 by these investments shall be limited to the same uses as the  
12 principal funds.

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

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

18 (110 ILCS 305/12.5)

19 Sec. 12.5. Study of effect of the Lottery on Illinois  
20 families. The University of Illinois at Urbana-Champaign shall  
21 conduct a study, subject to appropriation, on the effect on  
22 Illinois families of members of the family purchasing Illinois  
23 Lottery tickets. The University of Illinois at  
24 Urbana-Champaign shall report its findings to the General

1 Assembly on or before January 1, 2011.

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

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

5 (415 ILCS 5/57.11)

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

7 (a) There is hereby created in the State Treasury a special  
8 fund to be known as the Underground Storage Tank Fund. There  
9 shall be deposited into the Underground Storage Tank Fund all  
10 monies received by the Office of the State Fire Marshal as fees  
11 for underground storage tanks under Sections 4 and 5 of the  
12 Gasoline Storage Act and as fees pursuant to the Motor Fuel Tax  
13 Law. All amounts held in the Underground Storage Tank Fund  
14 shall be invested at interest by the State Treasurer. All  
15 income earned from the investments shall be deposited into the  
16 Underground Storage Tank Fund no less frequently than  
17 quarterly. Moneys in the Underground Storage Tank Fund,  
18 pursuant to appropriation, may be used by the Agency and the  
19 Office of the State Fire Marshal for the following purposes:

20 (1) To take action authorized under Section 57.12 to  
21 recover costs under Section 57.12.

22 (2) To assist in the reduction and mitigation of damage  
23 caused by leaks from underground storage tanks, including  
24 but not limited to, providing alternative water supplies to

1 persons whose drinking water has become contaminated as a  
2 result of those leaks.

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

6 (4) For the costs of administering activities of the  
7 Agency and the Office of the State Fire Marshal relative to  
8 the Underground Storage Tank Fund.

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

12 (6) For a total of 2 demonstration projects in amounts  
13 in excess of a \$10,000 deductible charge designed to assess  
14 the viability of corrective action projects at sites which  
15 have experienced contamination from petroleum releases.  
16 Such demonstration projects shall be conducted in  
17 accordance with the provision of this Title.

18 (7) Subject to appropriation, moneys in the  
19 Underground Storage Tank Fund may also be used by the  
20 Department of Revenue for the costs of administering its  
21 activities relative to the Fund and for refunds provided  
22 for in Section 13a.8 of the Motor Fuel Tax Act.

23 (b) Moneys in the Underground Storage Tank Fund may,  
24 pursuant to appropriation, be used by the Office of the State  
25 Fire Marshal or the Agency to take whatever emergency action is  
26 necessary or appropriate to assure that the public health or

1 safety is not threatened whenever there is a release or  
2 substantial threat of a release of petroleum from an  
3 underground storage tank and for the costs of administering its  
4 activities relative to the Underground Storage Tank Fund.

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

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

20 (e) Each fiscal year, subject to appropriation, the Agency  
21 may commit up to \$10,000,000 of the moneys in the Underground  
22 Storage Tank Fund to the payment of corrective action costs for  
23 legacy sites that meet one or more of the following criteria as  
24 a result of the underground storage tank release: (i) the  
25 presence of free product, (ii) contamination within a regulated  
26 recharge area, a wellhead protection area, or the setback zone

1 of a potable water supply well, (iii) contamination extending  
2 beyond the boundaries of the site where the release occurred,  
3 or (iv) such other criteria as may be adopted in Agency rules.

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

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

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

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

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

20 Section 90-6. The Illinois Vehicle Code is amended by  
21 reenacting Sections 3-806.8, 15-102, 15-107, 15-111, 15-112,  
22 15-113, 15-306, 15-307, and 16-105 as follows:

23 (625 ILCS 5/3-806.8)

24 Sec. 3-806.8. Graduated registration fee; study. The

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

12 The findings of this feasibility study shall be delivered  
13 to the Senate President, Speaker of the House of  
14 Representatives, Minority Leader of the Senate, and the  
15 Minority Leader of the House of Representatives no later than  
16 January 31, 2010.

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

18 (625 ILCS 5/15-102) (from Ch. 95 1/2, par. 15-102)

19 Sec. 15-102. Width of Vehicles.

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

23 (b) Except during those times when, due to insufficient  
24 light or unfavorable atmospheric conditions, persons and  
25 vehicles on the highway are not clearly discernible at a

1 distance of 1000 feet, the following vehicles may exceed the 8  
2 feet 6 inch limitation during the period from a half hour  
3 before sunrise to a half hour after sunset:

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

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

8 The following requirements apply to the transportation  
9 on another vehicle of an implement of husbandry wider than  
10 8 feet 6 inches on the National System of Interstate and  
11 Defense Highways or other highways in the system of State  
12 highways:

13 (A) The driver of a vehicle transporting an  
14 implement of husbandry that exceeds 8 feet 6 inches in  
15 width shall obey all traffic laws and shall check the  
16 roadways prior to making a movement in order to ensure  
17 that adequate clearance is available for the movement.  
18 It is prima facie evidence that the driver of a vehicle  
19 transporting an implement of husbandry has failed to  
20 check the roadway prior to making a movement if the  
21 vehicle is involved in a collision with a bridge,  
22 overpass, fixed structure, or properly placed traffic  
23 control device or if the vehicle blocks traffic due to  
24 its inability to proceed because of a bridge, overpass,  
25 fixed structure, or properly placed traffic control  
26 device.

1 (B) Flags shall be displayed so as to wave freely  
2 at the extremities of overwidth objects and at the  
3 extreme ends of all protrusions, projections, and  
4 overhangs. All flags shall be clean, bright red flags  
5 with no advertising, wording, emblem, or insignia  
6 inscribed upon them and at least 18 inches square.

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

12 (D) One civilian escort vehicle is required for a  
13 load that exceeds 14 feet 6 inches in width and 2  
14 civilian escort vehicles are required for a load that  
15 exceeds 16 feet in width on the National System of  
16 Interstate and Defense Highways or other highways in  
17 the system of State highways.

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

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

25 (2) The escort vehicle driver must be properly  
26 licensed to operate the vehicle.

1           (3) While in use, the escort vehicle must be  
2 equipped with illuminated rotating, oscillating,  
3 or flashing amber lights or flashing amber strobe  
4 lights mounted on top that are of sufficient  
5 intensity to be visible at 500 feet in normal  
6 sunlight.

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

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

23           (6) When 2 escort vehicles are required, one  
24 escort shall travel approximately 300 feet ahead  
25 of the load and the second escort shall travel  
26 approximately 300 feet behind the load. The

1 rotating, oscillating, or flashing lights or  
2 flashing amber strobe lights and an "OVERSIZE  
3 LOAD" sign shall be displayed on the escort  
4 vehicles and shall be visible from the front on the  
5 lead escort and from the rear on the trailing  
6 escort.

7 (7) When traveling within the corporate limits  
8 of a municipality, the escort vehicle shall  
9 maintain a reasonable and proper distance from the  
10 oversize load, consistent with existing traffic  
11 conditions.

12 (8) A separate escort shall be provided for  
13 each load hauled.

14 (9) The driver of an escort vehicle shall obey  
15 all traffic laws.

16 (10) The escort vehicle must be in safe  
17 operational condition.

18 (11) The driver of the escort vehicle must be  
19 in radio contact with the driver of the vehicle  
20 carrying the oversize load.

21 (F) A transport vehicle while under load of more  
22 than 8 feet 6 inches in width must be equipped with an  
23 illuminated rotating, oscillating, or flashing amber  
24 light or lights or a flashing amber strobe light or  
25 lights mounted on the top of the cab that are of  
26 sufficient intensity to be visible at 500 feet in

1 normal sunlight. If the load on the transport vehicle  
2 blocks the visibility of the amber lighting from the  
3 rear of the vehicle, the vehicle must also be equipped  
4 with an illuminated rotating, oscillating, or flashing  
5 amber light or lights or a flashing amber strobe light  
6 or lights mounted on the rear of the load that are of  
7 sufficient intensity to be visible at 500 feet in  
8 normal sunlight.

9 (G) When a flashing amber light is required on the  
10 transport vehicle under load and it is operating on a  
11 two-lane highway, the transport vehicle shall display  
12 to the rear at least one rotating, oscillating, or  
13 flashing light or a flashing amber strobe light and an  
14 "OVERSIZE LOAD" sign. When a flashing amber light is  
15 required on the transport vehicle under load and it is  
16 operating on a multilane divided highway, the sign and  
17 light shall be visible from the rear.

18 (H) Maximum speed shall be 45 miles per hour on all  
19 such moves or 5 miles per hour above the posted minimum  
20 speed limit, whichever is greater, but the vehicle  
21 shall not at any time exceed the posted maximum speed  
22 limit.

23 (3) Portable buildings designed and used for  
24 agricultural and livestock raising operations that are not  
25 more than 14 feet wide and with not more than a 1 foot  
26 overhang along the left side of the hauling vehicle.

1           However, the buildings shall not be transported more than  
2           10 miles and not on any route that is part of the National  
3           System of Interstate and Defense Highways.

4           All buildings when being transported shall display at least  
5           2 red cloth flags, not less than 12 inches square, mounted as  
6           high as practicable on the left and right side of the building.

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

10          (c) Vehicles propelled by electric power obtained from  
11          overhead trolley wires operated wholly within the corporate  
12          limits of a municipality are also exempt from the width  
13          limitation.

14          (d) (Blank).

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

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

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

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

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

5 (1) the location where the recreation vehicle is  
6 garaged;

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

8 (3) a facility for food, fuel, repair, services, or  
9 rest.

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

19 Section 5-35 of the Illinois Administrative Procedure Act  
20 relating to procedures for rulemaking shall not apply to the  
21 designation of highways under this paragraph (e).

22 (f) Mirrors required by Section 12-502 of this Code and  
23 other safety devices identified by the Department may project  
24 up to 14 inches beyond each side of a bus and up to 6 inches  
25 beyond each side of any other vehicle, and that projection  
26 shall not be deemed a violation of the width restrictions of

1 this Section.

2 (g) Any person who is convicted of violating this Section  
3 is subject to the penalty as provided in paragraph (b) of  
4 Section 15-113.

5 (Source: P.A. 96-34, eff. 1-1-10; 96-37, eff. 7-13-09; 96-220,  
6 eff. 1-1-10; 96-1000, eff. 7-2-10.)

7 (625 ILCS 5/15-107) (from Ch. 95 1/2, par. 15-107)  
8 Sec. 15-107. Length of vehicles.

9 (a) The maximum length of a single vehicle on any highway  
10 of this State may not exceed 42 feet except the following:

11 (1) Semitrailers.

12 (2) Charter or regulated route buses may be up to 45  
13 feet in length, not including energy absorbing bumpers.

14 (a-1) A motor home as defined in Section 1-145.01 may be up  
15 to 45 feet in length, not including energy absorbing bumpers.  
16 The length limitations described in this subsection (a-1) shall  
17 be exclusive of energy-absorbing bumpers and rear view mirrors.

18 (b) On all non-State highways, the maximum length of  
19 vehicles in combinations is as follows:

20 (1) A truck tractor in combination with a semitrailer  
21 may not exceed 55 feet overall dimension.

22 (2) A truck tractor-semitrailer-trailer may not exceed  
23 60 feet overall dimension.

24 (3) Combinations specially designed to transport motor  
25 vehicles or boats may not exceed 60 feet overall dimension.

1           Vehicles operating during daylight hours when transporting  
2 poles, pipes, machinery, or other objects of a structural  
3 nature that cannot readily be dismembered are exempt from  
4 length limitations, provided that no object may exceed 80 feet  
5 in length and the overall dimension of the vehicle including  
6 the load may not exceed 100 feet. This exemption does not apply  
7 to operation on a Saturday, Sunday, or legal holiday. Legal  
8 holidays referred to in this Section are the days on which the  
9 following traditional holidays are celebrated: New Year's Day;  
10 Memorial Day; Independence Day; Labor Day; Thanksgiving Day;  
11 and Christmas Day.

12           Vehicles and loads operated by a public utility while en  
13 route to make emergency repairs to public service facilities or  
14 properties are exempt from length limitations, provided that  
15 during night operations every vehicle and its load must be  
16 equipped with a sufficient number of clearance lamps on both  
17 sides and marker lamps on the extreme ends of any projecting  
18 load to clearly mark the dimensions of the load.

19           A tow truck in combination with a disabled vehicle or  
20 combination of disabled vehicles, as provided in paragraph (6)  
21 of subsection (c) of this Section, is exempt from length  
22 limitations.

23           All other combinations not listed in this subsection (b)  
24 may not exceed 60 feet overall dimension.

25           (c) Except as provided in subsections (c-1) and (c-2),  
26 combinations of vehicles may not exceed a total of 2 vehicles

1 except the following:

2 (1) A truck tractor semitrailer may draw one trailer.

3 (2) A truck tractor semitrailer may draw one converter  
4 dolly.

5 (3) A truck tractor semitrailer may draw one vehicle  
6 that is defined in Chapter 1 as special mobile equipment,  
7 provided the overall dimension does not exceed 60 feet.

8 (4) A truck in transit may draw 3 trucks in transit  
9 coupled together by the triple saddlemount method.

10 (5) Recreational vehicles consisting of 3 vehicles,  
11 provided the following:

12 (A) The total overall dimension does not exceed 60  
13 feet.

14 (B) The towing vehicle is a properly registered  
15 vehicle capable of towing another vehicle using a  
16 fifth-wheel type assembly.

17 (C) The second vehicle in the combination of  
18 vehicles is a recreational vehicle that is towed by a  
19 fifth-wheel assembly. This vehicle must be properly  
20 registered and must be equipped with brakes,  
21 regardless of weight.

22 (D) The third vehicle must be the lightest of the 3  
23 vehicles and be a trailer or semitrailer designed or  
24 used for transporting a boat, all-terrain vehicle,  
25 personal watercraft, or motorcycle.

26 (E) The towed vehicles may be only for the use of

1 the operator of the towing vehicle.

2 (F) All vehicles must be properly equipped with  
3 operating brakes and safety equipment required by this  
4 Code, except the additional brake requirement in  
5 subdivision (C) of this subparagraph (5).

6 (6) A tow truck in combination with a disabled vehicle  
7 or combination of disabled vehicles, provided the towing  
8 vehicle:

9 (A) Is specifically designed as a tow truck having  
10 a gross vehicle weight rating of at least 18,000 pounds  
11 and equipped with air brakes, provided that air brakes  
12 are required only if the towing vehicle is towing a  
13 vehicle, semitrailer, or tractor-trailer combination  
14 that is equipped with air brakes. For the purpose of  
15 this subsection, gross vehicle weight rating, or GVWR,  
16 means the value specified by the manufacturer as the  
17 loaded weight of the tow truck.

18 (B) Is equipped with flashing, rotating, or  
19 oscillating amber lights, visible for at least 500 feet  
20 in all directions.

21 (C) Is capable of utilizing the lighting and  
22 braking systems of the disabled vehicle or combination  
23 of vehicles.

24 (D) Does not engage a tow exceeding 50 highway  
25 miles from the initial point of wreck or disablement to  
26 a place of repair. Any additional movement of the

1 vehicles may occur only upon issuance of authorization  
2 for that movement under the provisions of Sections  
3 15-301 through 15-319 of this Code.

4 The Department may by rule or regulation prescribe  
5 additional requirements regarding length limitations for a  
6 tow truck towing another vehicle.

7 For purposes of this Section, a tow-dolly that merely  
8 serves as substitute wheels for another legally licensed  
9 vehicle is considered part of the licensed vehicle and not  
10 a separate vehicle.

11 (7) Commercial vehicles consisting of 3 vehicles,  
12 provided the following:

13 (A) The total overall dimension does not exceed 65  
14 feet.

15 (B) The towing vehicle is a properly registered  
16 vehicle capable of towing another vehicle using a  
17 fifth-wheel type assembly or a goose-neck hitch ball.

18 (C) The third vehicle must be the lightest of the 3  
19 vehicles and be a trailer or semitrailer.

20 (D) All vehicles must be properly equipped with  
21 operating brakes and safety equipment required by this  
22 Code.

23 (E) The combination of vehicles must be operated by  
24 a person who holds a commercial driver's license (CDL).

25 (F) The combination of vehicles must be en route to  
26 a location where new or used trailers are sold by an

1 Illinois or out-of-state licensed new or used trailer  
2 dealer.

3 (c-1) A combination of 3 vehicles is allowed access to any  
4 State designated highway if:

5 (1) the length of neither towed vehicle exceeds 28.5  
6 feet;

7 (2) the overall wheel base of the combination of  
8 vehicles does not exceed 62 feet; and

9 (3) the combination of vehicles is en route to a  
10 location where new or used trailers are sold by an Illinois  
11 or out-of-state licensed new or used trailer dealer.

12 (c-2) A combination of 3 vehicles is allowed access from  
13 any State designated highway onto any county, township, or  
14 municipal highway for a distance of 5 highway miles for the  
15 purpose of delivery or collection of one or both of the towed  
16 vehicles if:

17 (1) the length of neither towed vehicle exceeds 28.5  
18 feet;

19 (2) the combination of vehicles does not exceed 40,000  
20 pounds in gross weight and 8 feet 6 inches in width;

21 (3) there is no sign prohibiting that access;

22 (4) the route is not being used as a thoroughfare  
23 between State designated highways; and

24 (5) the combination of vehicles is en route to a  
25 location where new or used trailers are sold by an Illinois  
26 or out-of-state licensed new or used trailer dealer.

1 (d) On Class I highways there are no overall length  
2 limitations on motor vehicles operating in combinations  
3 provided:

4 (1) The length of a semitrailer, unladen or with load,  
5 in combination with a truck tractor may not exceed 53 feet.

6 (2) The distance between the kingpin and the center of  
7 the rear axle of a semitrailer longer than 48 feet, in  
8 combination with a truck tractor, may not exceed 45 feet 6  
9 inches.

10 (3) The length of a semitrailer or trailer, unladen or  
11 with load, operated in a truck tractor-semitrailer-trailer  
12 combination, may not exceed 28 feet 6 inches.

13 (4) Maxi-cube combinations, as defined in Chapter 1,  
14 may not exceed 65 feet overall dimension.

15 (5) Combinations of vehicles specifically designed to  
16 transport motor vehicles or boats may not exceed 65 feet  
17 overall dimension. The length limitation is inclusive of  
18 front and rear bumpers but exclusive of the overhang of the  
19 transported vehicles, as provided in paragraph (i) of this  
20 Section.

21 (6) Stinger steered semitrailer vehicles as defined in  
22 Chapter 1, specifically designed to transport motor  
23 vehicles or boats, may not exceed 75 feet overall  
24 dimension. The length limitation is inclusive of front and  
25 rear bumpers but exclusive of the overhang of the  
26 transported vehicles, as provided in paragraph (i) of this

1 Section.

2 (7) A truck in transit transporting 3 trucks coupled  
3 together by the triple saddlemount method may not exceed 75  
4 feet overall dimension.

5 Vehicles operating during daylight hours when transporting  
6 poles, pipes, machinery, or other objects of a structural  
7 nature that cannot readily be dismembered are exempt from  
8 length limitations, provided that no object may exceed 80 feet  
9 in length and the overall dimension of the vehicle including  
10 the load may not exceed 100 feet. This exemption does not apply  
11 to operation on a Saturday, Sunday, or legal holiday. Legal  
12 holidays referred to in this Section are the days on which the  
13 following traditional holidays are celebrated: New Year's Day;  
14 Memorial Day; Independence Day; Labor Day; Thanksgiving Day;  
15 and Christmas Day.

16 Vehicles and loads operated by a public utility while en  
17 route to make emergency repairs to public service facilities or  
18 properties are exempt from length limitations, provided that  
19 during night operations every vehicle and its load must be  
20 equipped with a sufficient number of clearance lamps on both  
21 sides and marker lamps on the extreme ends of any projecting  
22 load to clearly mark the dimensions of the load.

23 A tow truck in combination with a disabled vehicle or  
24 combination of disabled vehicles, as provided in paragraph (6)  
25 of subsection (c) of this Section, is exempt from length  
26 limitations.

1           The length limitations described in this paragraph (d)  
2 shall be exclusive of safety and energy conservation devices,  
3 such as bumpers, refrigeration units or air compressors and  
4 other devices, that the Department may interpret as necessary  
5 for safe and efficient operation; except that no device  
6 excluded under this paragraph shall have by its design or use  
7 the capability to carry cargo.

8           Section 5-35 of the Illinois Administrative Procedure Act  
9 relating to procedures for rulemaking shall not apply to the  
10 designation of highways under this paragraph (d).

11           (e) On Class II highways there are no overall length  
12 limitations on motor vehicles operating in combinations,  
13 provided:

14                 (1) The length of a semitrailer, unladen or with load,  
15 in combination with a truck tractor, may not exceed 53 feet  
16 overall dimension.

17                 (2) The distance between the kingpin and the center of  
18 the rear axle of a semitrailer longer than 48 feet, in  
19 combination with a truck tractor, may not exceed 45 feet 6  
20 inches.

21                 (3) A truck tractor-semitrailer-trailer combination  
22 may not exceed 65 feet in dimension from front axle to rear  
23 axle.

24                 (4) The length of a semitrailer or trailer, unladen or  
25 with load, operated in a truck tractor-semitrailer-trailer  
26 combination, may not exceed 28 feet 6 inches.

1           (5) Maxi-cube combinations, as defined in Chapter 1,  
2           may not exceed 65 feet overall dimension.

3           (6) A combination of vehicles, specifically designed  
4           to transport motor vehicles or boats, may not exceed 65  
5           feet overall dimension. The length limitation is inclusive  
6           of front and rear bumpers but exclusive of the overhang of  
7           the transported vehicles, as provided in paragraph (i) of  
8           this Section.

9           (7) Stinger steered semitrailer vehicles, as defined  
10          in Chapter 1, specifically designed to transport motor  
11          vehicles or boats, may not exceed 75 feet overall  
12          dimension. The length limitation is inclusive of front and  
13          rear bumpers but exclusive of the overhang of the  
14          transported vehicles, as provided in paragraph (i) of this  
15          Section.

16          (8) A truck in transit transporting 3 trucks coupled  
17          together by the triple saddlemount method may not exceed 75  
18          feet overall dimension.

19          Vehicles operating during daylight hours when transporting  
20          poles, pipes, machinery, or other objects of a structural  
21          nature that cannot readily be dismembered are exempt from  
22          length limitations, provided that no object may exceed 80 feet  
23          in length and the overall dimension of the vehicle including  
24          the load may not exceed 100 feet. This exemption does not apply  
25          to operation on a Saturday, Sunday, or legal holiday. Legal  
26          holidays referred to in this Section are the days on which the

1 following traditional holidays are celebrated: New Year's Day;  
2 Memorial Day; Independence Day; Labor Day; Thanksgiving Day;  
3 and Christmas Day.

4 Vehicles and loads operated by a public utility while en  
5 route to make emergency repairs to public service facilities or  
6 properties are exempt from length limitations, provided that  
7 during night operations every vehicle and its load must be  
8 equipped with a sufficient number of clearance lamps on both  
9 sides and marker lamps on the extreme ends of any projecting  
10 load to clearly mark the dimensions of the load.

11 A tow truck in combination with a disabled vehicle or  
12 combination of disabled vehicles, as provided in paragraph (6)  
13 of subsection (c) of this Section, is exempt from length  
14 limitations.

15 Local authorities, with respect to streets and highways  
16 under their jurisdiction, may also by ordinance or resolution  
17 allow length limitations of this subsection (e).

18 The length limitations described in this paragraph (e)  
19 shall be exclusive of safety and energy conservation devices,  
20 such as bumpers, refrigeration units or air compressors and  
21 other devices, that the Department may interpret as necessary  
22 for safe and efficient operation; except that no device  
23 excluded under this paragraph shall have by its design or use  
24 the capability to carry cargo.

25 Section 5-35 of the Illinois Administrative Procedure Act  
26 relating to procedures for rulemaking shall not apply to the

1 designation of highways under this paragraph (e).

2 (e-1) Combinations of vehicles not exceeding 65 feet  
3 overall length are allowed access as follows:

4 (1) From any State designated highway onto any county,  
5 township, or municipal highway for a distance of 5 highway  
6 miles for the purpose of loading and unloading, provided:

7 (A) The vehicle does not exceed 80,000 pounds in  
8 gross weight and 8 feet 6 inches in width.

9 (B) There is no sign prohibiting that access.

10 (C) The route is not being used as a thoroughfare  
11 between State designated highways.

12 (2) From any State designated highway onto any county  
13 or township highway for a distance of 5 highway miles or  
14 onto any municipal highway for a distance of one highway  
15 mile for the purpose of food, fuel, repairs, and rest,  
16 provided:

17 (A) The vehicle does not exceed 80,000 pounds in  
18 gross weight and 8 feet 6 inches in width.

19 (B) There is no sign prohibiting that access.

20 (C) The route is not being used as a thoroughfare  
21 between State designated highways.

22 (e-2) Except as provided in subsection (e-3), combinations  
23 of vehicles over 65 feet in length, with no overall length  
24 limitation except as provided in subsections (d) and (e) of  
25 this Section, are allowed access as follows:

26 (1) From a Class I highway onto any street or highway

1 for a distance of one highway mile for the purpose of  
2 loading, unloading, food, fuel, repairs, and rest,  
3 provided there is no sign prohibiting that access.

4 (2) From a Class I or Class II highway onto any State  
5 highway or any locally designated highway for a distance of  
6 5 highway miles for the purpose of loading, unloading,  
7 food, fuel, repairs, and rest.

8 (e-3) Combinations of vehicles over 65 feet in length  
9 operated by household goods carriers, with no overall length  
10 limitations except as provided in subsections (d) and (e) of  
11 this Section, have unlimited access to points of loading and  
12 unloading.

13 (f) On Class III and other non-designated State highways,  
14 the length limitations for vehicles in combination are as  
15 follows:

16 (1) Truck tractor-semitrailer combinations, must  
17 comply with either a maximum 55 feet overall wheel base or  
18 a maximum 65 feet extreme overall dimension.

19 (2) Semitrailers, unladen or with load, may not exceed  
20 53 feet overall dimension.

21 (3) No truck tractor-semitrailer-trailer combination  
22 may exceed 60 feet extreme overall dimension.

23 (4) The distance between the kingpin and the center  
24 axle of a semitrailer longer than 48 feet, in combination  
25 with a truck tractor, may not exceed 42 feet 6 inches.

26 (g) Length limitations in the preceding subsections of this

1 Section 15-107 do not apply to the following:

2 (1) Vehicles operated in the daytime, except on  
3 Saturdays, Sundays, or legal holidays, when transporting  
4 poles, pipe, machinery, or other objects of a structural  
5 nature that cannot readily be dismembered, provided the  
6 overall length of vehicle and load may not exceed 100 feet  
7 and no object exceeding 80 feet in length may be  
8 transported unless a permit has been obtained as authorized  
9 in Section 15-301.

10 (2) Vehicles and loads operated by a public utility  
11 while en route to make emergency repairs to public service  
12 facilities or properties, but during night operation every  
13 vehicle and its load must be equipped with a sufficient  
14 number of clearance lamps on both sides and marker lamps  
15 upon the extreme ends of any projecting load to clearly  
16 mark the dimensions of the load.

17 (3) A tow truck in combination with a disabled vehicle  
18 or combination of disabled vehicles, provided the towing  
19 vehicle meets the following conditions:

20 (A) It is specifically designed as a tow truck  
21 having a gross vehicle weight rating of at least 18,000  
22 pounds and equipped with air brakes, provided that air  
23 brakes are required only if the towing vehicle is  
24 towing a vehicle, semitrailer, or tractor-trailer  
25 combination that is equipped with air brakes.

26 (B) It is equipped with flashing, rotating, or

1           oscillating amber lights, visible for at least 500 feet  
2           in all directions.

3           (C) It is capable of utilizing the lighting and  
4           braking systems of the disabled vehicle or combination  
5           of vehicles.

6           (D) It does not engage in a tow exceeding 50 miles  
7           from the initial point of wreck or disablement.

8           The Department may by rule or regulation prescribe  
9           additional requirements regarding length limitations for a tow  
10          truck towing another vehicle. The towing vehicle, however, may  
11          tow any disabled vehicle from the initial point of wreck or  
12          disablement to a point where repairs are actually to occur.  
13          This movement shall be valid only on State routes. The tower  
14          must abide by posted bridge weight limits.

15          For the purpose of this subsection, gross vehicle weight  
16          rating, or GVWR, shall mean the value specified by the  
17          manufacturer as the loaded weight of the tow truck. Legal  
18          holidays referred to in this Section shall be specified as the  
19          day on which the following traditional holidays are celebrated:

20           New Year's Day;

21           Memorial Day;

22           Independence Day;

23           Labor Day;

24           Thanksgiving Day; and

25           Christmas Day.

26          (h) The load upon any vehicle operated alone, or the load

1 upon the front vehicle of a combination of vehicles, shall not  
2 extend more than 3 feet beyond the front wheels of the vehicle  
3 or the front bumper of the vehicle if it is equipped with a  
4 front bumper. The provisions of this subsection (h) shall not  
5 apply to any vehicle or combination of vehicles specifically  
6 designed for the collection and transportation of waste,  
7 garbage, or recyclable materials during the vehicle's  
8 operation in the course of collecting garbage, waste, or  
9 recyclable materials if the vehicle is traveling at a speed not  
10 in excess of 15 miles per hour during the vehicle's operation  
11 and in the course of collecting garbage, waste, or recyclable  
12 materials. However, in no instance shall the load extend more  
13 than 7 feet beyond the front wheels of the vehicle or the front  
14 bumper of the vehicle if it is equipped with a front bumper.

15 (i) The load upon the front vehicle of a combination of  
16 vehicles specifically designed to transport motor vehicles  
17 shall not extend more than 3 feet beyond the foremost part of  
18 the transporting vehicle and the load upon the rear  
19 transporting vehicle shall not extend more than 4 feet beyond  
20 the rear of the bed or body of the vehicle. This paragraph  
21 shall only be applicable upon highways designated in paragraphs  
22 (d) and (e) of this Section.

23 (j) Articulated vehicles comprised of 2 sections, neither  
24 of which exceeds a length of 42 feet, designed for the carrying  
25 of more than 10 persons, may be up to 60 feet in length, not  
26 including energy absorbing bumpers, provided that the vehicles

1 are:

2 1. operated by or for any public body or motor carrier  
3 authorized by law to provide public transportation  
4 services; or

5 2. operated in local public transportation service by  
6 any other person and the municipality in which the service  
7 is to be provided approved the operation of the vehicle.

8 (j-1) (Blank).

9 (k) Any person who is convicted of violating this Section  
10 is subject to the penalty as provided in paragraph (b) of  
11 Section 15-113.

12 (l) (Blank).

13 (Source: P.A. 96-34, eff. 1-1-10; 96-37, eff. 7-13-09; 96-1352,  
14 eff. 7-28-10.)

15 (625 ILCS 5/15-111) (from Ch. 95 1/2, par. 15-111)

16 Sec. 15-111. Wheel and axle loads and gross weights.

17 (a) On non-designated highways, no vehicle or combination  
18 of vehicles equipped with pneumatic tires may be operated,  
19 unladen or with load, when the total weight transmitted to the  
20 road surface exceeds 20,000 pounds on a single axle or 34,000  
21 pounds on a tandem axle with no axle within the tandem  
22 exceeding 20,000 pounds except:

23 (1) when a different limit is established and posted in  
24 accordance with Section 15-316 of this Code;

25 (2) vehicles for which the Department of

1           Transportation and local authorities issue overweight  
2           permits under authority of Section 15-301 of this Code;

3           (3) tow trucks subject to the conditions provided in  
4           subsection (d) may not exceed 24,000 pounds on a single  
5           rear axle or 44,000 pounds on a tandem rear axle;

6           (4) any single axle of a 2-axle truck weighing 36,000  
7           pounds or less and not a part of a combination of vehicles,  
8           shall not exceed 20,000 pounds;

9           (5) any single axle of a 2-axle truck equipped with a  
10          personnel lift or digger derrick, weighing 36,000 pounds or  
11          less, owned and operated by a public utility, shall not  
12          exceed 20,000 pounds;

13          (6) any single axle of a 2-axle truck specially  
14          equipped with a front loading compactor used exclusively  
15          for garbage, refuse, or recycling may not exceed 20,000  
16          pounds per axle, provided that the gross weight of the  
17          vehicle does not exceed 40,000 pounds;

18          (7) a truck, not in combination and specially equipped  
19          with a selfcompactor or an industrial roll-off hoist and  
20          roll-off container, used exclusively for garbage or refuse  
21          operations may, when laden, transmit upon the road surface  
22          the following maximum weights: 22,000 pounds on a single  
23          axle; 40,000 pounds on a tandem axle;

24          (8) a truck, not in combination and used exclusively  
25          for the collection of rendering materials, may, when laden,  
26          transmit upon the road surface the following maximum

1 weights: 22,000 pounds on a single axle; 40,000 pounds on a  
2 tandem axle;

3 (9) tandem axles on a 3-axle truck registered as a  
4 Special Hauling Vehicle, manufactured prior to or in the  
5 model year of 2014 and first registered in Illinois prior  
6 to January 1, 2015, with a distance greater than 72 inches  
7 but not more than 96 inches between any series of 2 axles,  
8 is allowed a combined weight on the series not to exceed  
9 36,000 pounds and neither axle of the series may exceed  
10 20,000 pounds. Any vehicle of this type manufactured after  
11 the model year of 2014 or first registered in Illinois  
12 after December 31, 2014 may not exceed a combined weight of  
13 34,000 pounds through the series of 2 axles and neither  
14 axle of the series may exceed 20,000 pounds;

15 (10) a 4-axle truck mixer registered as a Special  
16 Hauling Vehicle, used exclusively for the mixing and  
17 transportation of concrete in the plastic state and  
18 manufactured prior to or in the model year of 2014 and  
19 first registered in Illinois prior to January 1, 2015, is  
20 allowed the following maximum weights: 20,000 pounds on any  
21 single axle; 36,000 pounds on any series of 2 axles greater  
22 than 72 inches but not more than 96 inches; and 34,000  
23 pounds on any series of 2 axles greater than 40 inches but  
24 not more than 72 inches;

25 (11) 4-axle vehicles or a 5 or more axle combination of  
26 vehicles: The weight transmitted upon the road surface

1 through any series of 3 axles whose centers are more than  
2 96 inches apart, measured between extreme axles in the  
3 series, may not exceed those allowed in the table contained  
4 in subsection (f) of this Section. No axle or tandem axle  
5 of the series may exceed the maximum weight permitted under  
6 this Section for a single or tandem axle.

7 No vehicle or combination of vehicles equipped with other  
8 than pneumatic tires may be operated, unladen or with load,  
9 upon the highways of this State when the gross weight on the  
10 road surface through any wheel exceeds 800 pounds per inch  
11 width of tire tread or when the gross weight on the road  
12 surface through any axle exceeds 16,000 pounds.

13 (b) On non-designated highways, the gross weight of  
14 vehicles and combination of vehicles including the weight of  
15 the vehicle or combination and its maximum load shall be  
16 subject to the federal bridge formula provided in subsection  
17 (f) of this Section.

18 VEHICLES OPERATING ON CRAWLER TYPE TRACKS .... 40,000 pounds

19 TRUCKS EQUIPPED WITH SELFCOMPACTORS  
20 OR ROLL-OFF HOISTS AND ROLL-OFF CONTAINERS FOR GARBAGE,  
21 REFUSE, OR RECYCLING HAULS ONLY AND TRUCKS USED FOR  
22 THE COLLECTION OF RENDERING MATERIALS  
23 On Highway Not Part of National System  
24 of Interstate and Defense Highways

1	with 2 axles	36,000 pounds
2	with 3 axles	54,000 pounds

3	TWO AXLE TRUCKS EQUIPPED WITH	
4	A FRONT LOADING COMPACTOR USED EXCLUSIVELY	
5	FOR THE COLLECTION OF GARBAGE, REFUSE, OR RECYCLING	
6	with 2 axles	40,000 pounds

7 A 4-axle truck mixer registered as a Special Hauling  
8 Vehicle, used exclusively for mixing and transportation of  
9 concrete in the plastic state, manufactured before or in the  
10 model year of 2014, and first registered in Illinois before  
11 January 1, 2015, is allowed a maximum gross weight listed in  
12 the table of subsection (f) of this Section for 4 axles. This  
13 vehicle, while loaded with concrete in the plastic state, is  
14 not subject to the series of 3 axles requirement provided for  
15 in subdivision (a)(11) of this Section, but no axle or tandem  
16 axle of the series may exceed the maximum weight permitted  
17 under subdivision (a)(10) of this Section.

18 (b-1) As used in this Section, a "recycling haul" or  
19 "recycling operation" means the hauling of segregated,  
20 non-hazardous, non-special, homogeneous non-putrescible  
21 materials, such as paper, glass, cans, or plastic, for  
22 subsequent use in the secondary materials market.

23 (c) Cities having a population of more than 50,000 may  
24 permit by ordinance axle loads on 2 axle motor vehicles 33 1/2%

1 above those provided for herein, but the increase shall not  
2 become effective until the city has officially notified the  
3 Department of the passage of the ordinance and shall not apply  
4 to those vehicles when outside of the limits of the city, nor  
5 shall the gross weight of any 2 axle motor vehicle operating  
6 over any street of the city exceed 40,000 pounds.

7 (d) Weight limitations shall not apply to vehicles  
8 (including loads) operated by a public utility when  
9 transporting equipment required for emergency repair of public  
10 utility facilities or properties or water wells.

11 A combination of vehicles, including a tow truck and a  
12 disabled vehicle or disabled combination of vehicles, that  
13 exceeds the weight restriction imposed by this Code, may be  
14 operated on a public highway in this State provided that  
15 neither the disabled vehicle nor any vehicle being towed nor  
16 the tow truck itself shall exceed the weight limitations  
17 permitted under this Chapter. During the towing operation,  
18 neither the tow truck nor the vehicle combination shall exceed  
19 24,000 pounds on a single rear axle and 44,000 pounds on a  
20 tandem rear axle, provided the towing vehicle:

21 (1) is specifically designed as a tow truck having a  
22 gross vehicle weight rating of at least 18,000 pounds and  
23 is equipped with air brakes, provided that air brakes are  
24 required only if the towing vehicle is towing a vehicle,  
25 semitrailer, or tractor-trailer combination that is  
26 equipped with air brakes;

1           (2) is equipped with flashing, rotating, or  
2           oscillating amber lights, visible for at least 500 feet in  
3           all directions;

4           (3) is capable of utilizing the lighting and braking  
5           systems of the disabled vehicle or combination of vehicles;  
6           and

7           (4) does not engage in a tow exceeding 20 miles from  
8           the initial point of wreck or disablement. Any additional  
9           movement of the vehicles may occur only upon issuance of  
10          authorization for that movement under the provisions of  
11          Sections 15-301 through 15-319 of this Code. The towing  
12          vehicle, however, may tow any disabled vehicle from the  
13          initial point of wreck or disablement to a point where  
14          repairs are actually to occur. This movement shall be valid  
15          only on State routes. The tower must abide by posted bridge  
16          weight limits.

17          Gross weight limits shall not apply to the combination of  
18          the tow truck and vehicles being towed. The tow truck license  
19          plate must cover the operating empty weight of the tow truck  
20          only. The weight of each vehicle being towed shall be covered  
21          by a valid license plate issued to the owner or operator of the  
22          vehicle being towed and displayed on that vehicle. If no valid  
23          plate issued to the owner or operator of that vehicle is  
24          displayed on that vehicle, or the plate displayed on that  
25          vehicle does not cover the weight of the vehicle, the weight of  
26          the vehicle shall be covered by the third tow truck plate

1 issued to the owner or operator of the tow truck and  
2 temporarily affixed to the vehicle being towed. If a roll-back  
3 carrier is registered and being used as a tow truck, however,  
4 the license plate or plates for the tow truck must cover the  
5 gross vehicle weight, including any load carried on the bed of  
6 the roll-back carrier.

7 The Department may by rule or regulation prescribe  
8 additional requirements. However, nothing in this Code shall  
9 prohibit a tow truck under instructions of a police officer  
10 from legally clearing a disabled vehicle, that may be in  
11 violation of weight limitations of this Chapter, from the  
12 roadway to the berm or shoulder of the highway. If in the  
13 opinion of the police officer that location is unsafe, the  
14 officer is authorized to have the disabled vehicle towed to the  
15 nearest place of safety.

16 For the purpose of this subsection, gross vehicle weight  
17 rating, or GVWR, shall mean the value specified by the  
18 manufacturer as the loaded weight of the tow truck.

19 (e) No vehicle or combination of vehicles equipped with  
20 pneumatic tires shall be operated, unladen or with load, upon  
21 the highways of this State in violation of the provisions of  
22 any permit issued under the provisions of Sections 15-301  
23 through 15-319 of this Chapter.

24 (f) No vehicle or combination of vehicles with pneumatic  
25 tires may be operated, unladen or with load, when the total  
26 weight on the road surface exceeds the following: 20,000 pounds

1 on a single axle; 34,000 pounds on a tandem axle with no axle  
 2 within the tandem exceeding 20,000 pounds; 80,000 pounds gross  
 3 weight for vehicle combinations of 5 or more axles; or a total  
 4 weight on a group of 2 or more consecutive axles in excess of  
 5 that weight produced by the application of the following  
 6 formula:  $W = 500 \text{ times the sum of } (LN \text{ divided by } N-1) + 12N +$   
 7  $36$ , where "W" equals overall total weight on any group of 2 or  
 8 more consecutive axles to the nearest 500 pounds, "L" equals  
 9 the distance measured to the nearest foot between extremes of  
 10 any group of 2 or more consecutive axles, and "N" equals the  
 11 number of axles in the group under consideration.

12 The above formula when expressed in tabular form results in  
 13 allowable loads as follows:

14	Distance measured					
15	to the nearest					
16	foot between the					
17	extremes of any		Maximum weight in pounds			
18	group of 2 or		of any group of			
19	more consecutive		2 or more consecutive axles			
20	axles					
21	feet	2 axles	3 axles	4 axles	5 axles	6 axles
22	4	34,000				
23	5	34,000				
24	6	34,000				
25	7	34,000				

1	8	38,000*	42,000			
2	9	39,000	42,500			
3	10	40,000	43,500			
4	11		44,000			
5	12		45,000	50,000		
6	13		45,500	50,500		
7	14		46,500	51,500		
8	15		47,000	52,000		
9	16		48,000	52,500	58,000	
10	17		48,500	53,500	58,500	
11	18		49,500	54,000	59,000	
12	19		50,000	54,500	60,000	
13	20		51,000	55,500	60,500	66,000
14	21		51,500	56,000	61,000	66,500
15	22		52,500	56,500	61,500	67,000
16	23		53,000	57,500	62,500	68,000
17	24		54,000	58,000	63,000	68,500
18	25		54,500	58,500	63,500	69,000
19	26		55,500	59,500	64,000	69,500
20	27		56,000	60,000	65,000	70,000
21	28		57,000	60,500	65,500	71,000
22	29		57,500	61,500	66,000	71,500
23	30		58,500	62,000	66,500	72,000
24	31		59,000	62,500	67,500	72,500
25	32		60,000	63,500	68,000	73,000
26	33			64,000	68,500	74,000

1	34	64,500	69,000	74,500
2	35	65,500	70,000	75,000
3	36	66,000	70,500	75,500
4	37	66,500	71,000	76,000
5	38	67,500	72,000	77,000
6	39	68,000	72,500	77,500
7	40	68,500	73,000	78,000
8	41	69,500	73,500	78,500
9	42	70,000	74,000	79,000
10	43	70,500	75,000	80,000
11	44	71,500	75,500	
12	45	72,000	76,000	
13	46	72,500	76,500	
14	47	73,500	77,500	
15	48	74,000	78,000	
16	49	74,500	78,500	
17	50	75,500	79,000	
18	51	76,000	80,000	
19	52	76,500		
20	53	77,500		
21	54	78,000		
22	55	78,500		
23	56	79,500		
24	57	80,000		

25 \*If the distance between 2 axles is 96 inches or less, the 2  
26 axles are tandem axles and the maximum total weight may not

1 exceed 34,000 pounds, notwithstanding the higher limit  
2 resulting from the application of the formula.

3 Vehicles not in a combination having more than 4 axles may  
4 not exceed the weight in the table in this subsection (f) for 4  
5 axles measured between the extreme axles of the vehicle.

6 Vehicles in a combination having more than 6 axles may not  
7 exceed the weight in the table in this subsection (f) for 6  
8 axles measured between the extreme axles of the combination.

9 Local authorities, with respect to streets and highways  
10 under their jurisdiction, without additional fees, may also by  
11 ordinance or resolution allow the weight limitations of this  
12 subsection, provided the maximum gross weight on any one axle  
13 shall not exceed 20,000 pounds and the maximum total weight on  
14 any tandem axle shall not exceed 34,000 pounds, on designated  
15 highways when appropriate regulatory signs giving notice are  
16 erected upon the street or highway or portion of any street or  
17 highway affected by the ordinance or resolution.

18 The following are exceptions to the above formula:

19 (1) Two consecutive sets of tandem axles may carry a  
20 total weight of 34,000 pounds each if the overall distance  
21 between the first and last axles of the consecutive sets of  
22 tandem axles is 36 feet or more.

23 (2) Vehicles for which a different limit is established  
24 and posted in accordance with Section 15-316 of this Code.

25 (3) Vehicles for which the Department of  
26 Transportation and local authorities issue overweight

1 permits under authority of Section 15-301 of this Code.  
2 These vehicles are not subject to the bridge formula.

3 (4) Tow trucks subject to the conditions provided in  
4 subsection (d) may not exceed 24,000 pounds on a single  
5 rear axle or 44,000 pounds on a tandem rear axle.

6 (5) A tandem axle on a 3-axle truck registered as a  
7 Special Hauling Vehicle, manufactured prior to or in the  
8 model year of 2014, and registered in Illinois prior to  
9 January 1, 2015, with a distance between 2 axles in a  
10 series greater than 72 inches but not more than 96 inches  
11 may not exceed a total weight of 36,000 pounds and neither  
12 axle of the series may exceed 20,000 pounds.

13 (6) A truck not in combination, equipped with a self  
14 compactor or an industrial roll-off hoist and roll-off  
15 container, used exclusively for garbage, refuse, or  
16 recycling operations, may, when laden, transmit upon the  
17 road surface, except when on part of the National System of  
18 Interstate and Defense Highways, the following maximum  
19 weights: 22,000 pounds on a single axle; 40,000 pounds on a  
20 tandem axle; 36,000 pounds gross weight on a 2-axle  
21 vehicle; 54,000 pounds gross weight on a 3-axle vehicle.  
22 This vehicle is not subject to the bridge formula.

23 (7) Combinations of vehicles, registered as Special  
24 Hauling Vehicles that include a semitrailer manufactured  
25 prior to or in the model year of 2014, and registered in  
26 Illinois prior to January 1, 2015, having 5 axles with a

1 distance of 42 feet or less between extreme axles, may not  
2 exceed the following maximum weights: 20,000 pounds on a  
3 single axle; 34,000 pounds on a tandem axle; and 72,000  
4 pounds gross weight. This combination of vehicles is not  
5 subject to the bridge formula. For all those combinations  
6 of vehicles that include a semitrailer manufactured after  
7 the effective date of this amendatory Act of the 92nd  
8 General Assembly, the overall distance between the first  
9 and last axles of the 2 sets of tandems must be 18 feet 6  
10 inches or more. Any combination of vehicles that has had  
11 its cargo container replaced in its entirety after December  
12 31, 2014 may not exceed the weights allowed by the bridge  
13 formula.

14 (8) A 4-axle truck mixer registered as a Special  
15 Hauling Vehicle, used exclusively for the mixing and  
16 transportation of concrete in the plastic state,  
17 manufactured before or in the model year of 2014, first  
18 registered in Illinois before January 1, 2015, and not  
19 operated on a highway that is part of the National System  
20 of Interstate Highways, is allowed the following maximum  
21 weights: 20,000 pounds on any single axle; 36,000 pounds on  
22 a series of axles greater than 72 inches but not more than  
23 96 inches; and 34,000 pounds on any series of 2 axles  
24 greater than 40 inches but not more than 72 inches. The  
25 gross weight of this vehicle may not exceed the weights  
26 allowed by the bridge formula for 4 axles. The bridge

1 formula does not apply to any series of 3 axles while the  
2 vehicle is transporting concrete in the plastic state, but  
3 no axle or tandem axle of the series may exceed the maximum  
4 weight permitted under this subsection (f).

5 No vehicle or combination of vehicles equipped with other  
6 than pneumatic tires may be operated, unladen or with load,  
7 upon the highways of this State when the gross weight on the  
8 road surface through any wheel exceeds 800 pounds per inch  
9 width of tire tread or when the gross weight on the road  
10 surface through any axle exceeds 16,000 pounds.

11 (f-1) A vehicle and load not exceeding 80,000 pounds is  
12 allowed travel on non-designated highways so long as there is  
13 no sign prohibiting that access.

14 (g) No person shall operate a vehicle or combination of  
15 vehicles over a bridge or other elevated structure constituting  
16 part of a highway with a gross weight that is greater than the  
17 maximum weight permitted by the Department, when the structure  
18 is sign posted as provided in this Section.

19 (h) The Department upon request from any local authority  
20 shall, or upon its own initiative may, conduct an investigation  
21 of any bridge or other elevated structure constituting a part  
22 of a highway, and if it finds that the structure cannot with  
23 safety to itself withstand the weight of vehicles otherwise  
24 permissible under this Code the Department shall determine and  
25 declare the maximum weight of vehicles that the structures can  
26 withstand, and shall cause or permit suitable signs stating

1 maximum weight to be erected and maintained before each end of  
2 the structure. No person shall operate a vehicle or combination  
3 of vehicles over any structure with a gross weight that is  
4 greater than the posted maximum weight.

5 (i) Upon the trial of any person charged with a violation  
6 of subsections (g) or (h) of this Section, proof of the  
7 determination of the maximum allowable weight by the Department  
8 and the existence of the signs, constitutes conclusive evidence  
9 of the maximum weight that can be maintained with safety to the  
10 bridge or structure.

11 (Source: P.A. 95-51, eff. 1-1-08; 96-34, eff. 1-1-10; 96-37,  
12 eff. 7-13-09.)

13 (625 ILCS 5/15-112) (from Ch. 95 1/2, par. 15-112)

14 Sec. 15-112. Officers to weigh vehicles and require removal  
15 of excess loads.

16 (a) Any police officer having reason to believe that the  
17 weight of a vehicle and load is unlawful shall require the  
18 driver to stop and submit to a weighing of the same either by  
19 means of a portable or stationary scales that have been tested  
20 and approved at a frequency prescribed by the Illinois  
21 Department of Agriculture, or for those scales operated by the  
22 State, when such tests are requested by the Department of State  
23 Police, whichever is more frequent. If such scales are not  
24 available at the place where such vehicle is stopped, the  
25 police officer shall require that such vehicle be driven to the

1 nearest available scale that has been tested and approved  
2 pursuant to this Section by the Illinois Department of  
3 Agriculture. Notwithstanding any provisions of the Weights and  
4 Measures Act or the United States Department of Commerce NIST  
5 handbook 44, multi or single draft weighing is an acceptable  
6 method of weighing by law enforcement for determining a  
7 violation of Chapter 3 or 15 of this Code. Law enforcement is  
8 exempt from the requirements of commercial weighing  
9 established in NIST handbook 44.

10 Within 18 months after the effective date of this  
11 amendatory Act of the 91st General Assembly, all municipal and  
12 county officers, technicians, and employees who set up and  
13 operate portable scales for wheel load or axle load or both and  
14 issue citations based on the use of portable scales for wheel  
15 load or axle load or both and who have not successfully  
16 completed initial classroom and field training regarding the  
17 set up and operation of portable scales, shall attend and  
18 successfully complete initial classroom and field training  
19 administered by the Illinois Law Enforcement Training  
20 Standards Board.

21 (b) Whenever an officer, upon weighing a vehicle and the  
22 load, determines that the weight is unlawful, such officer  
23 shall require the driver to stop the vehicle in a suitable  
24 place and remain standing until such portion of the load is  
25 removed as may be necessary to reduce the weight of the vehicle  
26 to the limit permitted under this Chapter, or to the limit

1 permitted under the terms of a permit issued pursuant to  
2 Sections 15-301 through 15-318 and shall forthwith arrest the  
3 driver or owner. All material so unloaded shall be cared for by  
4 the owner or operator of the vehicle at the risk of such owner  
5 or operator; however, whenever a 3 or 4 axle vehicle with a  
6 tandem axle dimension greater than 72 inches, but less than 96  
7 inches and registered as a Special Hauling Vehicle is  
8 transporting asphalt or concrete in the plastic state that  
9 exceeds axle weight or gross weight limits by less than 4,000  
10 pounds, the owner or operator of the vehicle shall accept the  
11 arrest ticket or tickets for the alleged violations under this  
12 Section and proceed without shifting or reducing the load being  
13 transported or may shift or reduce the load under the  
14 provisions of subsection (d) or (e) of this Section, when  
15 applicable. Any fine imposed following an overweight violation  
16 by a vehicle registered as a Special Hauling Vehicle  
17 transporting asphalt or concrete in the plastic state shall be  
18 paid as provided in subsection 4 of paragraph (a) of Section  
19 16-105 of this Code.

20 (c) The Department of Transportation may, at the request of  
21 the Department of State Police, erect appropriate regulatory  
22 signs on any State highway directing second division vehicles  
23 to a scale. The Department of Transportation may also, at the  
24 direction of any State Police officer, erect portable  
25 regulating signs on any highway directing second division  
26 vehicles to a portable scale. Every such vehicle, pursuant to

1 such sign, shall stop and be weighed.

2 (d) Whenever any axle load of a vehicle exceeds the axle or  
3 tandem axle weight limits permitted by paragraph (a) or (f) of  
4 Section 15-111 by 2000 pounds or less, the owner or operator of  
5 the vehicle must shift or remove the excess so as to comply  
6 with paragraph (a) or (f) of Section 15-111. No overweight  
7 arrest ticket shall be issued to the owner or operator of the  
8 vehicle by any officer if the excess weight is shifted or  
9 removed as required by this paragraph.

10 (e) Whenever the gross weight of a vehicle with a  
11 registered gross weight of 80,000 pounds or less exceeds the  
12 weight limits of paragraph (b) or (f) of Section 15-111 of this  
13 Chapter by 2000 pounds or less, the owner or operator of the  
14 vehicle must remove the excess. Whenever the gross weight of a  
15 vehicle with a registered gross weight of 80,000 pounds or more  
16 exceeds the weight limits of paragraph (b) or (f) of Section  
17 15-111 by 1,000 pounds or less or 2,000 pounds or less if  
18 weighed on wheel load weighers, the owner or operator of the  
19 vehicle must remove the excess. In either case no arrest ticket  
20 for any overweight violation of this Code shall be issued to  
21 the owner or operator of the vehicle by any officer if the  
22 excess weight is removed as required by this paragraph. A  
23 person who has been granted a special permit under Section  
24 15-301 of this Code shall not be granted a tolerance on wheel  
25 load weighers.

26 (f) Whenever an axle load of a vehicle exceeds axle weight

1 limits allowed by the provisions of a permit an arrest ticket  
2 shall be issued, but the owner or operator of the vehicle may  
3 shift the load so as to comply with the provisions of the  
4 permit. Where such shifting of a load to comply with the permit  
5 is accomplished, the owner or operator of the vehicle may then  
6 proceed.

7 (g) Any driver of a vehicle who refuses to stop and submit  
8 his vehicle and load to weighing after being directed to do so  
9 by an officer or removes or causes the removal of the load or  
10 part of it prior to weighing is guilty of a business offense  
11 and shall be fined not less than \$500 nor more than \$2,000.

12 (Source: P.A. 96-34, eff. 1-1-10.)

13 (625 ILCS 5/15-113) (from Ch. 95 1/2, par. 15-113)

14 Sec. 15-113. Violations; Penalties.

15 (a) Whenever any vehicle is operated in violation of the  
16 provisions of Section 15-111 or subsection (d) of Section  
17 3-401, the owner or driver of such vehicle shall be deemed  
18 guilty of such violation and either the owner or the driver of  
19 such vehicle may be prosecuted for such violation. Any person  
20 charged with a violation of any of these provisions who pleads  
21 not guilty shall be present in court for the trial on the  
22 charge. Any person, firm or corporation convicted of any  
23 violation of Section 15-111 including, but not limited to, a  
24 maximum axle or gross limit specified on a regulatory sign  
25 posted in accordance with paragraph (g) or (h) of Section

1 15-111, shall be fined according to the following schedule:

2 Up to and including 2000 pounds overweight, the fine is \$100

3 From 2001 through 2500 pounds overweight, the fine is \$270

4 From 2501 through 3000 pounds overweight, the fine is \$330

5 From 3001 through 3500 pounds overweight, the fine is \$520

6 From 3501 through 4000 pounds overweight, the fine is \$600

7 From 4001 through 4500 pounds overweight, the fine is \$850

8 From 4501 through 5000 pounds overweight, the fine is \$950

9 From 5001 or more pounds overweight, the fine shall be computed  
10 by assessing \$1500 for the first 5000 pounds overweight and  
11 \$150 for each additional increment of 500 pounds overweight or  
12 fraction thereof.

13 In addition any person, firm or corporation convicted of 4  
14 or more violations of Section 15-111 within any 12 month period  
15 shall be fined an additional amount of \$5,000 for the fourth  
16 and each subsequent conviction within the 12 month period.  
17 Provided, however, that with regard to a firm or corporation, a

1 fourth or subsequent conviction shall mean a fourth or  
2 subsequent conviction attributable to any one employee-driver.

3 (b) Whenever any vehicle is operated in violation of the  
4 provisions of Sections 15-102, 15-103 or 15-107, the owner or  
5 driver of such vehicle shall be deemed guilty of such violation  
6 and either may be prosecuted for such violation. Any person,  
7 firm or corporation convicted of any violation of Sections  
8 15-102, 15-103 or 15-107 shall be fined for the first or second  
9 conviction an amount equal to not less than \$50 nor more than  
10 \$500, and for the third and subsequent convictions by the same  
11 person, firm or corporation within a period of one year after  
12 the date of the first offense, not less than \$500 nor more than  
13 \$1,000.

14 (c) All proceeds of the additional fines imposed by this  
15 amendatory Act of the 96th General Assembly shall be deposited  
16 into the Capital Projects Fund.

17 (Source: P.A. 96-34, eff. 1-1-10; 96-1000, eff. 7-2-10.)

18 (625 ILCS 5/15-306) (from Ch. 95 1/2, par. 15-306)

19 Sec. 15-306. Fees for Overweight-Axle Loads. Fees for  
20 special permits to move legal gross weight vehicles,  
21 combinations of vehicles and loads with overweight-axle loads  
22 shall be paid by the applicant to the Department as follows:

23 For each overweight single axle or tandem axle group, the  
24 flat rate fees herein scheduled for increments of 45 miles or  
25 fraction thereof including issuance fee predicated upon a

1 20,000 pound single axle equivalency.

2 20,000 Pound Single Axle Equivalency Fees

3 Axle weight	2-Axle	3-Axle	
4 in excess	Single Axle	Tandem	Tandem
5 of legal			
6 1-6000 lbs.	\$5	\$5	\$5
7 6001-11,000 lbs.	8	7	6
8 11,001-17,000 lbs.	not permitted	8	7
9 17,001-22,000 lbs.	not permitted	not permitted	9
10 22,001-29,000 lbs.	not permitted	not permitted	11

11 (Source: P.A. 96-34, eff. 1-1-10 (see Section 60-50 of P.A.  
12 96-37 for effective date of changes made by P.A. 96-34).)

13 (625 ILCS 5/15-307) (from Ch. 95 1/2, par. 15-307)

14 Sec. 15-307. Fees for Overweight-Gross Loads. Fees for  
15 special permits to move vehicles, combinations of vehicles and  
16 loads with overweight-gross loads shall be paid at the flat  
17 rate fees established in this Section for weights in excess of  
18 legal gross weights, by the applicant to the Department.

19 (a) With respect to fees for overweight-gross loads listed  
20 in this Section and for overweight-axle loads listed in Section  
21 15-306, one fee only shall be charged, whichever is the  
22 greater, but not for both.

23 (b) In lieu of the fees stated in this Section and Section  
24 15-306, with respect to combinations of vehicles consisting of  
25 a 3-axle truck tractor with a tandem axle composed of 2

1 consecutive axles drawing a semitrailer, or other vehicle  
2 approved by the Department, equipped with a tandem axle  
3 composed of 3 consecutive axles, weighing over 80,000 pounds  
4 but not more than 88,000 pounds gross weight, the fees shall be  
5 at the following rates:

6	Distance	Rate
7	For the first 45 miles	\$10
8	From 45 miles to 90 miles	12.50
9	From 90 miles to 135 miles	15.00
10	From 135 miles to 180 miles	17.50
11	From 180 miles to 225 miles	20.00
12	For each additional 45 miles or part	
13	thereof in excess of the rate for	
14	225 miles, an additional	2.50

15 For such combinations weighing over 88,000 pounds but not  
16 more than 100,000 pounds gross weight, the fees shall be at the  
17 following rates:

18	Distance	Rate
19	For the first 45 miles	15
20	From 45 miles to 90 miles	25
21	From 90 miles to 135 miles	35
22	From 135 miles to 180 miles	45
23	From 180 miles to 225 miles	55
24	For each additional 45 miles or part	
25	thereof in excess of the rate for	
26	225 miles, an additional	10

1           For such combination weighing over 100,000 pounds but not  
2 more than 110,000 pounds gross weight, the fees shall be at the  
3 following rates:

4	Distance	Rate
5	For the first 45 miles	\$20
6	From 45 miles to 90 miles	32.50
7	From 90 miles to 135 miles	45
8	From 135 miles to 180 miles	57.50
9	From 180 miles to 225 miles	70
10	For each additional 45 miles or part	
11	thereof in excess of the rate for	
12	225 miles an additional	12.50

13           For such combinations weighing over 110,000 pounds but not  
14 more than 120,000 pounds gross weight, the fees shall be at the  
15 following rates:

16	Distance	Rate
17	For the first 45 miles	\$30
18	From 46 miles to 90 miles	55
19	From 90 miles to 135 miles	80
20	From 135 miles to 180 miles	105
21	From 180 miles to 225 miles	130
22	For each additional 45 miles or part	
23	thereof in excess of the rate	
24	for 225 miles an additional	25

1 Payment of overweight fees for the above combinations also  
2 shall include fees for overwidth dimensions of 4 feet or less,  
3 overheight and overlength. Any overwidth in excess of 4 feet  
4 shall be charged an additional fee of \$15.

5 (c) In lieu of the fees stated in this Section and Section  
6 15-306 of this Chapter, with respect to combinations of  
7 vehicles consisting of a 3-axle truck tractor with a tandem  
8 axle composed of 2 consecutive axles drawing a semitrailer, or  
9 other vehicle approved by the Department, equipped with a  
10 tandem axle composed of 2 consecutive axles, weighing over  
11 80,000 pounds but not more than 88,000 pounds gross weight, the  
12 fees shall be at the following rates:

13 Distance	Rate
14 For the first 45 miles	\$20
15 From 45 miles to 90 miles	32.50
16 From 90 miles to 135 miles	45
17 From 135 miles to 180 miles	57.50
18 From 180 miles to 225 miles	70
19 For each additional 60 miles or part	
20 thereof in excess of the rate for	
21 225 miles an additional	12.50

22 For such combination weighing over 88,000 pounds but not  
23 more than 100,000 pounds gross weight, the fees shall be at the  
24 following rates:

25 Distance	Rate
26 For the first 45 miles	\$30

1	From 46 miles to 90 miles	55
2	From 90 miles to 135 miles	80
3	From 135 miles to 180 miles	105
4	From 180 miles to 225 miles	130
5	For each additional 45 miles or part	
6	thereof in excess of the rate for	
7	225 miles an additional	25

8           Payment of overweight fees for the above combinations also  
9 shall include fees for overwidth dimension of 4 feet or less,  
10 overheight and overlength. Any overwidth in excess of 4 feet  
11 shall be charged an additional overwidth fee of \$15.

12           (d) In lieu of the fees stated in this Section and in  
13 Section 15-306 of this Chapter, with respect to a 3 (or more)  
14 axle mobile crane or water well-drilling vehicle consisting of  
15 a single axle and a tandem axle or 2 tandem axle groups  
16 composed of 2 consecutive axles each, with a distance of  
17 extreme axles not less than 18 feet, weighing not more than  
18 60,000 pounds gross with no single axle weighing more than  
19 21,000 pounds, or any tandem axle group to exceed 40,000  
20 pounds, the fees shall be at the following rates:

21	Distance	Rate
22	For the first 45 miles	\$12.50
23	For each additional 45 miles or portion thereof	9.00

1 For such vehicles weighing over 60,000 pounds but not more  
2 than 68,000 pounds with no single axle weighing more than  
3 21,000 pounds and no tandem axle group exceeding 48,000 pounds,  
4 the fees shall be at the following rates:

5 Distance	Rate
6 For the first 45 miles	\$20
7 For each additional 45 miles or portion thereof	12.50

8 Payment of overweight fees for the above vehicle shall  
9 include overwidth dimension of 4 feet or less, overheight and  
10 overlength. Any overwidth in excess of 4 feet shall be charged  
11 an additional overwidth fee of \$15.

12 (e) In lieu of the fees stated in this Section and in  
13 Section 15-306 of this Chapter, with respect to a 4 (or more)  
14 axle mobile crane or water well drilling vehicle consisting of  
15 2 sets of tandem axles composed of 2 or more consecutive axles  
16 each with a distance between extreme axles of not less than 23  
17 feet weighing not more than 72,000 pounds with axle weights on  
18 one set of tandem axles not more than 34,000 pounds, and weight  
19 in the other set of tandem axles not to exceed 40,000 pounds,  
20 the fees shall be at the following rates:

21 Distance	Rate
22 For the first 45 miles	\$15
23 For each additional 45 miles or portion thereof	10

1 For such vehicles weighing over 72,000 pounds but not more  
2 than 76,000 pounds with axle weights on either set of tandem  
3 axles not more than 44,000 pounds, the fees shall be at the  
4 following rates:

5 Distance	6 Rate
7 For the first 45 miles	\$20
8 For each additional 45 miles or portion thereof	12.50

9 Payment of overweight fees for the above vehicle shall  
10 include overwidth dimension of 4 feet or less, overheight and  
11 overlength. Any overwidth in excess of 4 feet shall be charged  
12 an additional fee of \$15.

13 (f) In lieu of fees stated in this Section and in Section  
14 15-306 of this Chapter, with respect to a two axle mobile crane  
15 or water well-drilling vehicle consisting of 2 single axles  
16 weighing not more than 48,000 pounds with no single axle  
17 weighing more than 25,000 pounds, the fees shall be at the  
18 following rates:

18 Distance	19 Rate
20 For the first 45 miles	\$15
21 For each additional 45 miles or portion thereof	10

22 For such vehicles weighing over 48,000 pounds but not more  
23 than 54,000 pounds with no single axle weighing more than  
24 28,000 pounds, the fees shall be at the following rates:

24 Distance	25 Rate
26 For the first 45 miles	\$20
For each additional 45 miles or portion thereof	12.50

1 Payment of overweight fees for the above vehicle shall  
2 include overwidth dimension of 4 feet or less, overheight and  
3 overlength. Any overwidth in excess of 4 feet shall be charged  
4 an additional overwidth fee of \$15.

5 (g) Fees for special permits to move vehicles, combinations  
6 of vehicles, and loads with overweight gross loads not included  
7 in the fee categories shall be paid by the applicant to the  
8 Department at the rate of \$50 plus 3.5 cents per ton-mile in  
9 excess of legal weight.

10 With respect to fees for overweight gross loads not  
11 included in the schedules specified in paragraphs (a) through  
12 (e) of Section 15-307 and for overweight axle loads listed in  
13 Section 15-306, one fee only shall be charged, whichever is the  
14 greater, but not both. An additional fee in accordance with the  
15 schedule set forth in Section 15-305 shall be charged for each  
16 overdimension.

17 (h) Fees for special permits for continuous limited  
18 operation authorizing the applicant to operate vehicles that  
19 exceed the weight limits provided for in subsection (d) of  
20 Section 15-111.

21 All single axles excluding the steer axle and axles within  
22 a tandem are limited to 24,000 pounds or less unless otherwise  
23 noted in this subsection (h). Loads up to 12 feet wide and 110  
24 feet in length shall be included within this permit. Fees shall  
25 be \$250 for a quarterly and \$1,000 for an annual permit. Front  
26 tag axle and double tandem trailers are not eligible.

1           The following configurations qualify for the quarterly and  
2 annual permits:

3           (1) 3 or more axles, total gross weight of 68,000  
4 pounds or less, front tandem or axle 21,000 pounds or less,  
5 rear tandem 48,000 pounds or less on 2 or 3 axles, 25,000  
6 pounds or less on single axle;

7           (2) 4 or more axles, total gross weight of 76,000  
8 pounds or less, front tandem 44,000 pounds or less on 2  
9 axles, front axle 20,000 pounds or less, rear tandem 44,000  
10 pounds or less on 2 axles and 23,000 pounds or less on  
11 single axle or 48,000 pounds or less on 3 axles, 25,000  
12 pounds or less on single axle;

13           (3) 5 or more axles, total gross weight of 100,000  
14 pounds or less, front tandem 48,000 pounds or less on 2  
15 axles, front axle 20,000 pounds or less, 25,000 pounds or  
16 less on single axle, rear tandem 48,000 pounds or less on 2  
17 axles, 25,000 pounds or less on single axle;

18           (4) 6 or more axles, total gross weight of 120,000  
19 pounds or less, front tandem 48,000 pounds or less on 2  
20 axles, front axle 20,000 pounds or less, single axle 25,000  
21 pounds or less, or rear tandem 60,000 pounds or less on 3  
22 axles, 21,000 pounds or less on single axles within a  
23 tandem.

24 (Source: P.A. 96-34, eff. 1-1-10.)

25 (625 ILCS 5/16-105) (from Ch. 95 1/2, par. 16-105)

1           Sec. 16-105. Disposition of fines and forfeitures.

2           (a) Except as provided in Section 15-113 and Section  
3 16-104a of this Act and except for those amounts required to be  
4 paid into the Traffic and Criminal Conviction Surcharge Fund in  
5 the State Treasury pursuant to Section 9.1 of the Illinois  
6 Police Training Act and Section 5-9-1 of the Unified Code of  
7 Corrections and except those amounts subject to disbursement by  
8 the circuit clerk under Section 27.5 of the Clerks of Courts  
9 Act, fines and penalties recovered under the provisions of  
10 Chapters 11 through 16 inclusive of this Code shall be paid and  
11 used as follows:

12           1. For offenses committed upon a highway within the  
13 limits of a city, village, or incorporated town or under  
14 the jurisdiction of any park district, to the treasurer of  
15 the particular city, village, incorporated town or park  
16 district, if the violator was arrested by the authorities  
17 of the city, village, incorporated town or park district,  
18 provided the police officers and officials of cities,  
19 villages, incorporated towns and park districts shall  
20 seasonably prosecute for all fines and penalties under this  
21 Code. If the violation is prosecuted by the authorities of  
22 the county, any fines or penalties recovered shall be paid  
23 to the county treasurer. Provided further that if the  
24 violator was arrested by the State Police, fines and  
25 penalties recovered under the provisions of paragraph (a)  
26 of Section 15-113 of this Code or paragraph (e) of Section

1           15-316 of this Code shall be paid over to the Department of  
2           State Police which shall thereupon remit the amount of the  
3           fines and penalties so received to the State Treasurer who  
4           shall deposit the amount so remitted in the special fund in  
5           the State treasury known as the Road Fund except that if  
6           the violation is prosecuted by the State's Attorney, 10% of  
7           the fine or penalty recovered shall be paid to the State's  
8           Attorney as a fee of his office and the balance shall be  
9           paid over to the Department of State Police for remittance  
10          to and deposit by the State Treasurer as hereinabove  
11          provided.

12           2. Except as provided in paragraph 4, for offenses  
13          committed upon any highway outside the limits of a city,  
14          village, incorporated town or park district, to the county  
15          treasurer of the county where the offense was committed  
16          except if such offense was committed on a highway  
17          maintained by or under the supervision of a township,  
18          township district, or a road district to the Treasurer  
19          thereof for deposit in the road and bridge fund of such  
20          township or other district; Provided, that fines and  
21          penalties recovered under the provisions of paragraph (a)  
22          of Section 15-113, paragraph (d) of Section 3-401, or  
23          paragraph (e) of Section 15-316 of this Code shall be paid  
24          over to the Department of State Police which shall  
25          thereupon remit the amount of the fines and penalties so  
26          received to the State Treasurer who shall deposit the

1 amount so remitted in the special fund in the State  
2 treasury known as the Road Fund except that if the  
3 violation is prosecuted by the State's Attorney, 10% of the  
4 fine or penalty recovered shall be paid to the State's  
5 Attorney as a fee of his office and the balance shall be  
6 paid over to the Department of State Police for remittance  
7 to and deposit by the State Treasurer as hereinabove  
8 provided.

9 3. Notwithstanding subsections 1 and 2 of this  
10 paragraph, for violations of overweight and overload  
11 limits found in Sections 15-101 through 15-203 of this  
12 Code, which are committed upon the highways belonging to  
13 the Illinois State Toll Highway Authority, fines and  
14 penalties shall be paid over to the Illinois State Toll  
15 Highway Authority for deposit with the State Treasurer into  
16 that special fund known as the Illinois State Toll Highway  
17 Authority Fund, except that if the violation is prosecuted  
18 by the State's Attorney, 10% of the fine or penalty  
19 recovered shall be paid to the State's Attorney as a fee of  
20 his office and the balance shall be paid over to the  
21 Illinois State Toll Highway Authority for remittance to and  
22 deposit by the State Treasurer as hereinabove provided.

23 4. With regard to violations of overweight and overload  
24 limits found in Sections 15-101 through 15-203 of this Code  
25 committed by operators of vehicles registered as Special  
26 Hauling Vehicles, for offenses committed upon a highway

1 within the limits of a city, village, or incorporated town  
2 or under the jurisdiction of any park district, all fines  
3 and penalties shall be paid over or retained as required in  
4 paragraph 1. However, with regard to the above offenses  
5 committed by operators of vehicles registered as Special  
6 Hauling Vehicles upon any highway outside the limits of a  
7 city, village, incorporated town or park district, fines  
8 and penalties shall be paid over or retained by the entity  
9 having jurisdiction over the road or highway upon which the  
10 offense occurred, except that if the violation is  
11 prosecuted by the State's Attorney, 10% of the fine or  
12 penalty recovered shall be paid to the State's Attorney as  
13 a fee of his office.

14 (b) Failure, refusal or neglect on the part of any judicial  
15 or other officer or employee receiving or having custody of any  
16 such fine or forfeiture either before or after a deposit with  
17 the proper official as defined in paragraph (a) of this  
18 Section, shall constitute misconduct in office and shall be  
19 grounds for removal therefrom.

20 (Source: P.A. 96-34, eff. 1-1-10.)

21 ARTICLE 95.

22 Section 95-5. The Executive Reorganization Implementation  
23 Act is amended by changing Section 3.1 as follows:

1 (15 ILCS 15/3.1) (from Ch. 127, par. 1803.1)

2 Sec. 3.1. "Agency directly responsible to the Governor" or  
3 "agency" means any office, officer, division, or part thereof,  
4 and any other office, nonelective officer, department,  
5 division, bureau, board, or commission in the executive branch  
6 of State government, except that it does not apply to any  
7 agency whose primary function is service to the General  
8 Assembly or the Judicial Branch of State government, or to any  
9 agency administered by the Attorney General, Secretary of  
10 State, State Comptroller or State Treasurer. In addition the  
11 term does not apply to the following agencies created by law  
12 with the primary responsibility of exercising regulatory or  
13 adjudicatory functions independently of the Governor:

- 14 (1) the State Board of Elections;  
15 (2) the State Board of Education;  
16 (3) the Illinois Commerce Commission;  
17 (4) the Illinois Workers' Compensation Commission;  
18 (5) the Civil Service Commission;  
19 (6) the Fair Employment Practices Commission;  
20 (7) the Pollution Control Board;  
21 (8) the Department of State Police Merit Board;  
22 (9) the Illinois Racing Board; ~~-~~  
23 (10) the Department of the Lottery.

24 (Source: P.A. 96-796, eff. 10-29-09.)

25 Section 95-10. The Civil Administrative Code of Illinois is

1 amended by changing Sections 5-20 and 5-175 as follows:

2 (20 ILCS 5/5-20) (was 20 ILCS 5/4)

3 Sec. 5-20. Heads of departments. Each department shall have  
4 an officer as its head who shall be known as director or  
5 secretary and who shall, subject to the provisions of the Civil  
6 Administrative Code of Illinois, execute the powers and  
7 discharge the duties vested by law in his or her respective  
8 department.

9 The following officers are hereby created:

10 Director of Aging, for the Department on Aging.

11 Director of Agriculture, for the Department of  
12 Agriculture.

13 Director of Central Management Services, for the  
14 Department of Central Management Services.

15 Director of Children and Family Services, for the  
16 Department of Children and Family Services.

17 Director of Commerce and Economic Opportunity, for the  
18 Department of Commerce and Economic Opportunity.

19 Director of Corrections, for the Department of  
20 Corrections.

21 Director of the Illinois Emergency Management Agency, for  
22 the Illinois Emergency Management Agency.

23 Director of Employment Security, for the Department of  
24 Employment Security.

25 Secretary of Financial and Professional Regulation, for

1 the Department of Financial and Professional Regulation.

2 Director of Healthcare and Family Services, for the  
3 Department of Healthcare and Family Services.

4 Director of Human Rights, for the Department of Human  
5 Rights.

6 Secretary of Human Services, for the Department of Human  
7 Services.

8 Director of the Illinois Power Agency, for the Illinois  
9 Power Agency.

10 Director of Juvenile Justice, for the Department of  
11 Juvenile Justice.

12 Director of Labor, for the Department of Labor.

13 ~~Director of the Lottery, for the Department of the Lottery.~~

14 Director of Natural Resources, for the Department of  
15 Natural Resources.

16 Director of Public Health, for the Department of Public  
17 Health.

18 Director of Revenue, for the Department of Revenue.

19 Director of State Police, for the Department of State  
20 Police.

21 Secretary of Transportation, for the Department of  
22 Transportation.

23 Director of Veterans' Affairs, for the Department of  
24 Veterans' Affairs.

25 (Source: P.A. 95-331, eff. 8-21-07; 95-481, eff. 8-28-07;  
26 95-777, eff. 8-4-08; 96-328, eff. 8-11-09.)

1 (20 ILCS 5/5-175) (was 20 ILCS 5/5.12)

2 Sec. 5-175. In the Department of Revenue. Assistant  
3 Director of Revenue, ~~and State Lottery Superintendent.~~

4 (Source: P.A. 91-239, eff. 1-1-00.)

5 Section 95-15. The Department of Public Health Powers and  
6 Duties Law of the Civil Administrative Code of Illinois is  
7 amended by changing Section 2310-348 as follows:

8 (20 ILCS 2310/2310-348)

9 Sec. 2310-348. The Quality of Life Board.

10 (a) The Quality of Life Board is created as an advisory  
11 board within the Department. The Board shall consist of 11  
12 members as follows: 2 members appointed by the President of the  
13 Senate; one member appointed by the Minority Leader of the  
14 Senate; 2 members appointed by the Speaker of the House of  
15 Representatives; one member appointed by the Minority Leader of  
16 the House of Representatives; 2 members appointed by the  
17 Governor, one of whom shall be designated as chair of the Board  
18 at the time of appointment; and 3 members appointed by the  
19 Director who represent organizations that advocate for the  
20 healthcare needs of the first and second highest HIV/AIDS risk  
21 groups, one each from the northern Illinois region, the central  
22 Illinois region, and the southern Illinois region.

23 The Board members shall serve one 2-year term. If a vacancy

1 occurs in the Board membership, the vacancy shall be filled in  
2 the same manner as the initial appointment.

3 (b) Board members shall serve without compensation but may  
4 be reimbursed for their reasonable travel expenses from funds  
5 appropriated for that purpose. The Department shall provide  
6 staff and administrative support services to the Board.

7 (c) The Board must:

8 (i) consult with the Department of ~~the Lottery Revenue~~  
9 in designing and promoting the Quality of Life special  
10 instant scratch-off lottery game; and

11 (ii) review grant applications, make recommendations  
12 and comments, and consult with the Department of Public  
13 Health in making grants, from amounts appropriated from the  
14 Quality of Life Endowment Fund, to public or private  
15 entities in Illinois for the purpose of  
16 HIV/AIDS-prevention education and for making grants to  
17 public or private entities in Illinois for the purpose of  
18 funding organizations that serve the highest at-risk  
19 categories for contracting HIV or developing AIDS in  
20 accordance with Section 21.7 of the Illinois Lottery Law.

21 (d) The Board is discontinued on June 30, 2013.

22 (Source: P.A. 95-674, eff. 10-11-07.)

23 Section 95-20. The Illinois Department of Revenue Sunshine  
24 Act is amended by changing Section 2.3 as follows:

1 (20 ILCS 2515/2.3) (from Ch. 127, par. 2002.3)

2 Sec. 2.3. "Revenue laws" means any statutes, rules or  
3 regulations administered or promulgated by the Department  
4 ~~including those concerning the Illinois Lottery Law.~~

5 (Source: P.A. 82-727.)

6 (20 ILCS 5/5-370 rep.)

7 Section 95-25. The Civil Administrative Code of Illinois is  
8 amended by repealing Section 5-370.

9 Article 99.

10 Section 99-99. Effective date. This Act takes effect upon  
11 becoming law.