

1 AMENDMENT TO SENATE BILL 802

2 AMENDMENT NO. _____. Amend Senate Bill 802 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short Title. This Act may be cited as the
5 O'Hare Modernization Act.

6 Section 5. Findings and purposes.

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

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

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

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

1 (4) O'Hare provides, and will continue to provide,
2 unique air transportation functions that cannot be
3 replaced by any other airport in Illinois.

4 (5) Public roadway access through the existing
5 western boundary of O'Hare to passenger terminal and
6 parking facilities located inside the boundary of O'Hare
7 and reasonably accessible to that western access is an
8 essential element of the O'Hare Modernization Program.
9 That western access to O'Hare is needed to realize the
10 full economic opportunities created by the O'Hare
11 Modernization Program and to improve ground
12 transportation in the O'Hare area. It is important to the
13 State that the western access be constructed not later
14 than the time existing runway 14R-32L is removed from
15 service.

16 (6) For the reasons stated in paragraphs (1), (2),
17 (3), (4), and (5), it is essential that the O'Hare
18 Modernization Program be completed efficiently and
19 without unnecessary delay.

20 (7) For the reasons stated in paragraphs (1), (2),
21 (3), (4), and (5), it is essential that acquisition of
22 property as required for the O'Hare Modernization Program
23 be completed as expeditiously as practicable.

24 (8) The General Assembly recognizes that the
25 planning, construction, and use of O'Hare and the
26 planning, construction, and use of the O'Hare
27 Modernization Program will be subject to intensive
28 regulatory scrutiny by the United States and that no
29 purpose would be served by duplicative or redundant
30 regulation of the safety and impacts of the airport or
31 the O'Hare Modernization Program.

32 (b) It is the intent of the General Assembly that all
33 agencies of this State and its subdivisions shall facilitate
34 the efficient and expeditious completion of the O'Hare

1 Modernization Program to the extent not specifically
2 prohibited by law, and that legal impediments to the
3 completion of the project be eliminated.

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

5 "Airport property" means (i) any property or an interest
6 in property that is, or hereafter becomes, part of O'Hare
7 International Airport and (ii) any property or an interest in
8 property that is not part of O'Hare International Airport,
9 but that is acquired by the City of Chicago for purposes of
10 air navigation or air safety in accordance with standards
11 established by the Federal Aviation Administration. "Airport
12 property", however, shall not include any substitute property
13 acquired pursuant to Section 15 of this Act, including
14 property acquired for cemetery purposes.

15 "O'Hare Modernization Program" means the plan for
16 modernization of O'Hare International Airport by (1)
17 construction and reconfiguration of runways, taxiways, and
18 facilities for movement and servicing of aircraft;
19 construction of western airport access and related roadways;
20 construction and reconfiguration of roadways, terminals,
21 passenger transportation facilities, parking facilities, and
22 cargo facilities; construction of drainage and stormwater
23 management facilities; and related projects, within the area
24 bounded on the north by Touhy Avenue; on the east by the
25 eastern boundary of O'Hare existing on January 1, 2003; on
26 the southeast by the southeastern boundary of O'Hare existing
27 on January 1, 2003; on the south between the eastern boundary
28 of O'Hare and the Union Pacific Railroad by the southern
29 boundary of O'Hare existing on January 1, 2003; on the south,
30 between the Union Pacific Railroad and the west boundary of
31 York Road by the Canadian Pacific railroad yard; and on the
32 west by the west boundary of York Road; and (2) provision for
33 air navigation and air safety outside that area in accordance

1 with standards established by the Federal Aviation
2 Administration.

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

4 "City" means the City of Chicago.

5 Section 15. Acquisition of property. In addition to any
6 other powers the City may have, and notwithstanding any other
7 law to the contrary, the City may acquire by gift, grant,
8 lease, purchase, condemnation (including condemnation by
9 quick take under Section 7-103 of the Code of Civil
10 Procedure), or otherwise any right, title, or interest in any
11 private property, property held in the name of or belonging
12 to any public body or unit of government, or any property
13 devoted to a public use, or any other rights or easements,
14 including any property, rights, or easements owned by the
15 State, units of local government, or school districts,
16 including forest preserve districts, for purposes related to
17 the O'Hare Modernization Program. The powers given to the
18 City under this Section include the power to acquire, by
19 condemnation or otherwise, any property used for cemetery
20 purposes within or outside of the City, and to require that
21 the cemetery be removed to a different location. The powers
22 given to the City under this Section include the power to
23 condemn or otherwise acquire (other than by condemnation by
24 quick take under Section 7-103 of the Code of Civil
25 Procedure), and to convey, substitute property when the City
26 reasonably determines that monetary compensation will not be
27 sufficient or practical just compensation for property
28 acquired by the City in connection with the O'Hare
29 Modernization Program. The acquisition of substitute property
30 is declared to be for public use. Property acquired under
31 this Section includes property that the City reasonably
32 determines will be necessary for future use, regardless of
33 whether final regulatory or funding decisions have been made.

1 Section 20. Condemnation by other governmental units. No
2 airport property may be subject to taking by condemnation or
3 otherwise by any unit of local government other than the City
4 of Chicago, or by any agency, instrumentality, or political
5 subdivision of the State.

6 Section 25. Jurisdiction over airport property. Airport
7 property shall not be subject to the the laws of any unit of
8 local government except as provided by ordinance of the City.
9 Plans of all public agencies that may affect the O'Hare
10 Modernization Program shall be consistent with the O'Hare
11 Modernization Program, and to the extent that any plan of any
12 public agency or unit or division of State or local
13 government is inconsistent with the O'Hare Modernization
14 Program, that plan is and shall be void and of no effect.

15 Section 30. Home Rule. It is declared to be the law of
16 this State, pursuant to paragraph (h) of Section 6 of Article
17 VII of the Illinois Constitution, that the regulation and
18 supervision of the City of Chicago's implementation of the
19 O'Hare Modernization Program is an exclusive State function
20 that may not be exercised concurrently by any unit of local
21 government.

22 Section 90. The Archeological and Paleontological
23 Resources Protection Act is amended by adding Section 1.5 as
24 follows:

25 (20 ILCS 3435/1.5 new)

26 Sec. 1.5. O'Hare Modernization. Nothing in this Act
27 limits the authority of the City of Chicago to exercise its
28 powers under the O'Hare Modernization Act or requires that
29 City, or any person acting on behalf of that City, to obtain
30 a permit under this Act when exercising powers under the

1 O'Hare Modernization Act.

2 Section 91. The Human Skeletal Remains Protection Act is
3 amended by adding Section 4.5 as follows:

4 (20 ILCS 3440/4.5 new)

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

11 Section 92. The Illinois Municipal Code is amended by
12 changing Sections 11-51-1, 11-102-2, and 11-102-4 as follows:

13 (65 ILCS 5/11-51-1) (from Ch. 24, par. 11-51-1)

14 Sec. 11-51-1. Cemetery removal. Whenever any cemetery is
15 embraced within the limits of any city, village, or
16 incorporated town, the corporate authorities thereof, if, in
17 their opinion, any good cause exists why such cemetery should
18 be removed, may cause the remains of all persons interred
19 therein to be removed to some other suitable place. However,
20 the corporate authorities shall first obtain the assent of
21 the trustees or other persons having the control or ownership
22 of such cemetery, or a majority thereof. When such cemetery
23 is owned by one or more private parties, or private
24 corporation or chartered society, the corporate authorities
25 of such city may require the removal of such cemetery to be
26 done at the expense of such private parties, or private
27 corporation or chartered society, if such removal be based
28 upon their application. Nothing in this Section limits the
29 powers of the City of Chicago to acquire property under
30 Section 15 of the O'Hare Modernization Act.

1 (Source: P.A. 87-1153.)

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

3 Sec. 11-102-2. Every municipality specified in Section
4 11-102-1 may purchase, construct, reconstruct, expand and
5 improve landing fields, landing strips, landing floats,
6 hangers, terminal buildings and other structures relating
7 thereto and may provide terminal facilities for public
8 airports; may construct, reconstruct and improve causeways,
9 roadways, and bridges for approaches to or connections with
10 the landing fields, landing strips and landing floats; and
11 may construct and maintain breakwaters for the protection of
12 such airports with a water front. Before any work of
13 construction is commenced in, over or upon any public waters
14 of the state, the plans and specifications therefor shall be
15 submitted to and approved by the Department of Transportation
16 of the state. Submission to and approval by the Department of
17 Transportation is not required for any work or construction
18 undertaken as part of the O'Hare Modernization Program as
19 defined in Section 10 of the O'Hare Modernization Act.

20 (Source: P.A. 81-840.)

21 (65 ILCS 5/11-102-4) (from Ch. 24, par. 11-102-4)

22 Sec. 11-102-4. Every municipality specified in Section
23 11-102-1 may contract for the removal or relocation of all
24 buildings, railways, mains, pipes, conduits, wires, poles,
25 and all other structures, facilities and equipment which may
26 interfere with the location, expansion or improvement of any
27 public airport, or with the safe approach thereto or take-off
28 therefrom by aircraft, and may acquire by gift, grant, lease,
29 purchase, condemnation or otherwise any private property,
30 public property or property devoted to any public use or
31 rights or easements therein for any purpose authorized by
32 this Section and Sections 11-102-1 through 11-102-3. Nothing

1 in this Section limits the powers of the City of Chicago to
2 acquire property under Section 15 of the O'Hare Modernization
3 Act.

4 (Source: Laws 1961, p. 576.)

5 Section 93. The Downstate Forest Preserve District Act
6 is amended by changing Section 5e as follows:

7 (70 ILCS 805/5e) (from Ch. 96 1/2, par. 6308e)

8 Sec. 5e. Property owned by a forest preserve district
9 shall not be subject to eminent domain or condemnation
10 proceedings, except as otherwise provided in Section 15 of
11 the O'Hare Modernization Act.

12 (Source: P.A. 85-993.)

13 Section 93.5. The Vital Records Act is amended by
14 changing Section 21 as follows:

15 (410 ILCS 535/21) (from Ch. 111 1/2, par. 73-21)

16 Sec. 21. (1) The funeral director or person acting as
17 such who first assumes custody of a dead body or fetus shall
18 make a written report to the registrar of the district in
19 which death occurred or in which the body or fetus was found
20 within 24 hours after taking custody of the body or fetus on
21 a form prescribed and furnished by the State Registrar and in
22 accordance with the rules promulgated by the State Registrar.
23 Except as specified in paragraph (2) of this Section, the
24 written report shall serve as a permit to transport, bury or
25 entomb the body or fetus within this State, provided that the
26 funeral director or person acting as such shall certify that
27 the physician in charge of the patient's care for the illness
28 or condition which resulted in death has been contacted and
29 has affirmatively stated that he will sign the medical
30 certificate of death or the fetal death certificate. If a

1 funeral director fails to file written reports under this
2 Section in a timely manner, the local registrar may suspend
3 the funeral director's privilege of filing written reports by
4 mail. In a county with a population greater than 3,000,000,
5 if a funeral director or person acting as such interrs or
6 entombs a dead body without having previously certified that
7 the physician in charge of the patient's care for the illness
8 or condition that resulted in death has been contacted and
9 has affirmatively stated that he or she will sign the medical
10 certificate of death, then that funeral director or person
11 acting as such is responsible for payment of the specific
12 costs incurred by the county medical examiner in disinterring
13 and reintering or reentombing the dead body.

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

- 16 (a) Remove body or fetus from this State;
- 17 (b) Cremate the body or fetus; or
- 18 (c) Make disposal of any body or fetus in any
19 manner when death is subject to the coroner's or medical
20 examiner's investigation.

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

1 (4) A permit which accompanies a dead body or fetus
2 brought into this State shall be authority for final
3 disposition of the body or fetus in this State, except in
4 municipalities where local ordinance requires the issuance of
5 a local permit prior to disposition.

6 (5) A permit for disposition of a dead human body shall
7 be required prior to disinterment of a dead body or fetus,
8 and when the disinterred body is to be shipped by a common
9 carrier. Such permit shall be issued to a licensed funeral
10 director or person acting as such, upon proper application,
11 by the local registrar of the district in which disinterment
12 is to be made. In the case of disinterment, proper
13 application shall include a statement providing the name and
14 address of any surviving spouse of the deceased, or, if none,
15 any surviving children of the deceased, or if no surviving
16 spouse or children, a parent, brother, or sister of the
17 deceased. The application shall indicate whether the
18 applicant is one of these parties and, if so, whether the
19 applicant is a surviving spouse or a surviving child. Prior
20 to the issuance of a permit for disinterment, the local
21 registrar shall, by certified mail, notify the surviving
22 spouse, unless he or she is the applicant, or if there is no
23 surviving spouse, all surviving children except for the
24 applicant, of the application for the permit. The person or
25 persons notified shall have 30 days from the mailing of the
26 notice to object by obtaining an injunction enjoining the
27 issuance of the permit. After the 30-day period has expired,
28 the local registrar shall issue the permit unless he or she
29 has been enjoined from doing so or there are other statutory
30 grounds for refusal. The notice to the spouse or surviving
31 children shall inform the person or persons being notified of
32 the right to seek an injunction within 30 days.
33 Notwithstanding any other provision of this subsection (5), a
34 court may order issuance of a permit for disinterment without

1 notice or prior to the expiration of the 30-day period where
2 the petition is made by an agency of any governmental unit
3 and good cause is shown for disinterment without notice or
4 for the early order. Nothing in this subsection (5) limits
5 the authority of the City of Chicago to exercise its powers
6 under the O'Hare Modernization Act or requires that City, or
7 any person acting on behalf of that City, to obtain a permit
8 under this subsection (5) when exercising powers under the
9 O'Hare Modernization Act.

10 (Source: P.A. 88-261; 89-381, eff. 8-18-95.)

11 Section 94. The Illinois Aeronautics Act is amended by
12 changing Sections 38.01 and 47 and by adding Section 47.1 as
13 follows:

14 (620 ILCS 5/38.01) (from Ch. 15 1/2, par. 22.38a)

15 Sec. 38.01. Project applications.

16 (a) No municipality or political subdivision in this
17 state, whether acting alone or jointly with another
18 municipality or political subdivision or with the state,
19 shall submit any project application under the provisions of
20 the Airport and Airway Improvement Act of 1982, or any
21 amendment thereof, unless the project and the project
22 application have been first approved by the Department. No
23 such municipality or political subdivision shall directly
24 accept, receive, or disburse any funds granted by the United
25 States under the Airport and Airway Improvement Act of 1982,
26 but it shall designate the Department as its agent to accept,
27 receive, and disburse such funds, provided, however, nothing
28 in this Section shall be construed to prohibit any
29 municipality or any political sub-division of more than
30 500,000 inhabitants from disbursing such funds through its
31 corporate authorities. It shall enter into an agreement with
32 the Department prescribing the terms and conditions of such

1 agency in accordance with federal laws, rules and regulations
2 and applicable laws of this state. This subsection (a) does
3 not apply to any project application submitted in connection
4 with the O'Hare Modernization Program as defined in Section
5 10 of the O'Hare Modernization Act.

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

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

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

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

27 It shall be unlawful for any municipality or other
28 political subdivision, or officer or employee thereof, or for
29 any person, to make any alteration or extension of an
30 existing airport or restricted landing area, or to use or
31 operate any airport or restricted landing area, for which a
32 certificate of approval has not been issued by the
33 Department; Provided, that no certificate of approval shall

1 be required for an airport or restricted landing area which
 2 was in existence and approved by the Illinois Aeronautics
 3 Commission, whether or not being operated, on or before July
 4 1, 1945, or for the O'Hare Modernization Program as defined
 5 in Section 10 of the O'Hare Modernization Act. The Department
 6 shall supervise, monitor, and enforce compliance with the
 7 O'Hare Modernization Act by all other departments, agencies,
 8 and units of State and local government.

9 Provisions of this Section do not apply to special
 10 purpose aircraft designated as such by the Department when
 11 operating to or from uncertificated areas other than their
 12 principal base of operations, provided mutually acceptable
 13 arrangements are made with the property owner, and provided
 14 the owner or operator of the aircraft assumes liabilities
 15 which may arise out of such operations.

16 (Source: P.A. 81-840.)

17 (620 ILCS 5/47.1 new)

18 Sec. 47.1. Review by Department of O'Hare Modernization
 19 Program. The Department shall monitor the design, planning,
 20 financing, and construction of the O'Hare Modernization
 21 Program as defined in Section 10 of the O'Hare Modernization
 22 Act in order to ensure that the O'Hare Modernization Program
 23 proceeds in a timely, efficient, and safe manner, and shall
 24 monitor the effects of the O'Hare Modernization Program on
 25 units of local government throughout the State. The
 26 Department shall file reports with the General Assembly as
 27 the Department deems appropriate concerning the design,
 28 planning, financing, and construction of the O'Hare
 29 Modernization Program as defined in Section 10 of the O'Hare
 30 Modernization Act, and the effects of the O'Hare
 31 Modernization Program on units of local government.

32 Section 95. The Code of Civil Procedure is amended by

1 changing Section 2-103 and adding Section 7-103.149 as
2 follows:

3 (735 ILCS 5/2-103) (from Ch. 110, par. 2-103)

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

6 (a) Actions must be brought against a public, municipal,
7 governmental or quasi-municipal corporation in the county in
8 which its principal office is located or in the county in
9 which the transaction or some part thereof occurred out of
10 which the cause of action arose. Except as otherwise
11 provided in Section 7-102 of this Code, if the cause of
12 action is related to an airport owned by a unit of local
13 government or the property or aircraft operations thereof,
14 however, including an action challenging the
15 constitutionality of this amendatory Act of the 93rd General
16 Assembly, the action must be brought in the county in which
17 the unit of local government's principal office is located.
18 Actions to recover damage to real estate which may be
19 overflowed or otherwise damaged by reason of any act of the
20 corporation may be brought in the county where the real
21 estate or some part of it is situated, or in the county where
22 the corporation is located, at the option of the party
23 claiming to be injured. Except as otherwise provided in
24 Section 7-102 of this Code, any cause of action that is
25 related to an airport owned by a unit of local government,
26 and that is pending on or after the effective date of this
27 amendatory Act of the 93rd General Assembly in a county other
28 than the county in which the unit of local government's
29 principal office is located, shall be transferred, upon
30 motion of any party under Section 2-106 of this Code, to the
31 county in which the unit of local government's principal
32 office is located.

33 (b) Any action to quiet title to real estate, or to

1 partition or recover possession thereof or to foreclose a
2 mortgage or other lien thereon, must be brought in the county
3 in which the real estate or some part of it is situated.

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

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

15 (e) Actions against any insurance company incorporated
16 under the law of this State or doing business in this State
17 may also be brought in any county in which the plaintiff or
18 one of the plaintiffs may reside.

19 (Source: P.A. 85-887.)

20 (735 ILCS 5/7-103.149 new)

21 Sec. 7-103.149. Quick-take; O'Hare Modernization Program
22 purposes. Quick-take proceedings under Section 7-103 may be
23 used by the City of Chicago for the purpose of acquiring
24 property for the O'Hare Modernization Program as defined in
25 Section 10 of the O'Hare Modernization Act.

26 Section 96. The Religious Freedom Restoration Act is
27 amended by adding Section 30 as follows:

28 (775 ILCS 35/30 new)

29 Sec. 30. O'Hare Modernization. Nothing in this Act
30 limits the authority of the City of Chicago to exercise its
31 powers under the O'Hare Modernization Act.

1 Section 98. Severability. The provisions of this Act are
2 severable under Section 1.31 of the Statute on Statutes.

3 Section 99. Effective date. This Act takes effect upon
4 its becoming law, and Section 95 of this Act applies to cases
5 pending on or after the effective date."