



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FIFTH GENERAL ASSEMBLY

42ND LEGISLATIVE DAY

FRIDAY, MAY 18, 2007

10:29 O'CLOCK A.M.

SENATE
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42nd Legislative Day

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The Senate met pursuant to adjournment.
 Senator James A. DeLeo, Chicago, Illinois, presiding.
 Prayer by Pastor Chad Pickering, Hope Evangelical Free Church, Springfield, Illinois.
 Senator Maloney led the Senate in the Pledge of Allegiance.

The Journal of Thursday, May 17, 2007, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

COMMUNICATION

DAN RUTHERFORD
 State Senator · 53RD District

May 18, 2007

Deborah Shipley
 Secretary of the Illinois Senate
 401 State House
 Springfield, IL 62705

Dear Secretary Shipley:

I respectfully request the Senate record to reflect that it was my intention to vote “No” on HB1969 on Thursday, May 17, 2007.

Sincerely,
 s/Dan Rutherford
 State Senator

LEGISLATIVE MEASURES FILED

The following Floor amendments to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Rules:

Senate Floor Amendment No. 2 to Senate Bill 17
 Senate Floor Amendment No. 2 to Senate Bill 775
 Senate Floor Amendment No. 1 to Senate Bill 797
 Senate Floor Amendment No. 1 to Senate Bill 941
 Senate Floor Amendment No. 5 to Senate Bill 1314

The following Floor amendments to the House Bills listed below have been filed with the Secretary and referred to the Committee on Rules:

Senate Floor Amendment No. 1 to House Bill 133
 Senate Floor Amendment No. 3 to House Bill 497
 Senate Floor Amendment No. 1 to House Bill 699
 Senate Floor Amendment No. 1 to House Bill 828
 Senate Floor Amendment No. 1 to House Bill 876
 Senate Floor Amendment No. 1 to House Bill 975
 Senate Floor Amendment No. 1 to House Bill 1080
 Senate Floor Amendment No. 2 to House Bill 1330
 Senate Floor Amendment No. 1 to House Bill 1406
 Senate Floor Amendment No. 2 to House Bill 1499
 Senate Floor Amendment No. 2 to House Bill 1519

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Senate Floor Amendment No. 1 to House Bill 1542
Senate Floor Amendment No. 1 to House Bill 1670
Senate Floor Amendment No. 1 to House Bill 3091
Senate Floor Amendment No. 1 to House Bill 3512
Senate Floor Amendment No. 1 to House Bill 3618

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION 193

Offered by Senators J. Jones – Watson and all Senators:
Mourns the death of Peter E. “Ed” Frank of Carlyle.

SENATE RESOLUTION 194

Offered by Senator Wilhelmi and all Senators:
Mourns the death of Charla Kay Denton.

SENATE RESOLUTION 195

Offered by Senator Raoul and all Senators:
Mourns the death of Starkey Duncan, Jr., of Chicago.

SENATE RESOLUTION 196

Offered by Senators Viverito – E. Jones and all Senators:
Mourns the death of Starkey Duncan, Jr., of Chicago.

By unanimous consent, the foregoing resolutions were referred to the Resolutions Consent Calendar.

REPORTS FROM STANDING COMMITTEES

Senator Crotty, Chairperson of the Committee on Local Government, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Floor Amendment No. 1 to Senate Bill 831

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Munoz, Chairperson of the Committee on Transportation, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Floor Amendment No. 2 to House Bill 841

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Garrett, Chairperson of the Committee on Public Health, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Floor Amendment No. 3 to Senate Bill 133
Senate Floor Amendment No. 4 to Senate Bill 133
Senate Floor Amendment No. 1 to Senate Bill 940
Senate Floor Amendment No. 1 to Senate Bill 942

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Cullerton and Senator Dillard, Co-Chairpersons of the Committee on Judiciary Civil Law, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Floor Amendment No. 5 to House Bill 830

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Jacobs, Chairperson of the Committee on Housing and Community Affairs, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Floor Amendment No. 1 to House Bill 369

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Wilhelmi, Chairperson of the Committee on Judiciary Criminal Law, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Floor Amendment No. 1 to House Bill 328
 Senate Floor Amendment No. 1 to House Bill 991
 Senate Floor Amendment No. 1 to House Bill 1289
 Senate Floor Amendment No. 2 to House Bill 1641
 Senate Floor Amendment No. 3 to House Bill 1641
 Senate Floor Amendment No. 2 to House Bill 3586

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Sullivan, Chairperson of the Committee on Agriculture and Conservation, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Floor Amendment No. 1 to House Bill 1019
 Senate Floor Amendment No. 2 to House Bill 1300
 Senate Floor Amendment No. 1 to House Bill 3721

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Raoul, Chairperson of the Committee on Pensions and Investments, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Floor Amendment No. 1 to House Bill 804
 Senate Floor Amendment No. 2 to House Bill 804

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Clayborne, Chairperson of the Committee on Environment and Energy, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Floor Amendment No. 1 to Senate Bill 877
 Senate Floor Amendment No. 1 to Senate Bill 1041
 Senate Floor Amendment No. 3 to Senate Bill 1400

Senate Floor Amendment No. 2 to House Bill 277
 Senate Floor Amendment No. 1 to House Bill 1011
 Senate Floor Amendment No. 1 to House Bill 1292

Senate Floor Amendment No. 2 to House Bill 3729
Senate Floor Amendment No. 1 to House Bill 3730

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Demuzio, Chairperson of the Committee on State Government and Veterans Affairs, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Floor Amendment No. 1 to Senate Joint Resolution 39
Senate Floor Amendment No. 1 to House Bill 3463

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Silverstein, Chairperson of the Committee on Executive, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Floor Amendment No. 1 to Senate Bill 778
Senate Floor Amendment No. 1 to Senate Bill 1011
Senate Floor Amendment No. 2 to House Bill 1455

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Ronen, Chairperson of the Committee on Licensed Activities, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Floor Amendment No. 3 to House Bill 1423
Senate Floor Amendment No. 4 to House Bill 1947

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Meeks, Chairperson of the Committee on Human Services, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Floor Amendment No. 2 to House Bill 570
Senate Floor Amendment No. 1 to House Bill 652

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Maloney, Chairperson of the Committee on Higher Education, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Floor Amendment No. 1 to Senate Bill 856

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

MESSAGES FROM THE HOUSE

A message from the House by
Mr. Mahoney, Clerk:

[May 18, 2007]

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 980
A bill for AN ACT concerning public health.
HOUSE BILL NO. 1534
A bill for AN ACT concerning insurance.
HOUSE BILL NO. 1728
A bill for AN ACT concerning regulation.
HOUSE BILL NO. 2017
A bill for AN ACT concerning education.
HOUSE BILL NO. 2913
A bill for AN ACT concerning local government.
Passed the House, May 17, 2007.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 980, 1534, 1728, 2017 and 2913** were taken up, ordered printed and placed on first reading.

A message from the House by
Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 3106
A bill for AN ACT concerning civil law.
HOUSE BILL NO. 3256
A bill for AN ACT concerning regulation.
HOUSE BILL NO. 3270
A bill for AN ACT concerning elections.
HOUSE BILL NO. 3508
A bill for AN ACT concerning State government.
HOUSE BILL NO. 3569
A bill for AN ACT concerning real property.
HOUSE BILL NO. 3675

A bill for AN ACT concerning civil law, which may be referred to as the Child Homestead Stability Act.
Passed the House, May 17, 2007.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 3106, 3256, 3270, 3508, 3569 and 3675** were taken up, ordered printed and placed on first reading.

A message from the House by
Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION NO. 11

WHEREAS, The series of debates between Stephen A. Douglas and Abraham Lincoln in their 1858 bid for a United States Senate seat from Illinois is a significant example of the role of public discussion and debate of issues by candidates before the electorate; and

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WHEREAS, 2008 will mark the 150th anniversary of what are now seen as the greatest political debates in the United States in the nineteenth century, leading as they did to the eventual election of Abraham Lincoln to the office of President of the United States; and

WHEREAS, The 7 Illinois communities that hosted the original debates, Ottawa, Freeport, Jonesboro, Charleston, Galesburg, Quincy, and Alton, meeting together as the Lincoln-Douglas Debates Sesquicentennial Collation and with the assistance of the Looking for Lincoln Heritage Coalition, have and are making coordinated and comprehensive plans for fitting commemorative activities during the Sesquicentennial year, including: (i) traveling museum exhibits, (ii) a program of Lincoln and Douglas portrayers to present background on the debates with a modern political context as a means of explication for today's citizens that is to be presented in the 7 debates cities, plus Springfield, Chicago, and Bement, (iii) a coordinated calendar of activities to be promulgated to the general public through a single brochure and a single website, (iv) the issuance of commemorative collector coins, and (v) the hosting of a commemorative national high school debate tournament; and

WHEREAS, Several State agencies, the Abraham Lincoln Presidential Library and Museum, the Governor's Rural Affairs Council, the Illinois Bureau of Tourism, the Illinois Historic Preservation Agency, as well as several non-governmental organizations, both national and State, the Lincoln-Douglas Society, the Stephen A. Douglas Association, the Abraham Lincoln Association, the National Forensic League, the Illinois High School Association, and the Illinois Speech and Theater Association, have already engaged in assisting the Lincoln-Douglas Debates Sesquicentennial Collation in planning activities for the Sesquicentennial year; and

WHEREAS, A well-coordinated series of activities and programs during 2008 will serve as preliminary attractions for tourism in and to Illinois in anticipation of the 2009 programming being planned for the bicentennial of Abraham Lincoln's birth; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the Illinois Department of Commerce and Economic Opportunity shall be designated as the agency within the State's executive branch to work with the Lincoln-Douglas Debates Sesquicentennial Collation for the purposes of:

1. Further planning and implementation of Sesquicentennial activities, and
2. Recommending to the Illinois General Assembly such budget and funding requests as shall be deemed appropriate to ensure the smooth implementation of the previously developed, as well as any future, plans for commemorating the Sesquicentennial of the Lincoln-Douglas Debates in Illinois; and be it further

RESOLVED, That copies of this resolution be transmitted to all of the communities, agencies, and non-governmental organizations identified within it, as well as to all of the constitutional officers of the State of Illinois, and the Governor's Illinois Abraham Lincoln Bicentennial Commission.

Adopted by the House, April 24, 2007.

MARK MAHONEY, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 11 was referred to the Committee on Rules.

MESSAGE FROM THE GOVERNOR

Message for the Governor by Joseph B. Handley
Deputy Chief of Staff for Legislative Affairs

May 18, 2007

[May 18, 2007]

Mr. President,

The Governor directs me to lay before the Senate the following Message:

STATE OF ILLINOIS
EXECUTIVE DEPARTMENT

To the Honorable
Members of the Senate
Ninety-Fifth General Assembly

I have nominated and appointed the following named persons to the offices enumerated below and respectfully ask concurrence in and confirmation of these appointments of your Honorable body.

s/Rod Blagojevich
GOVERNOR

STATE MINING BOARD, ILLINOIS

To be a member of the Illinois State Mining Board for a term commencing May 14, 2007 and ending January 19, 2009:

Frederick D. Frederking
Salaried

GUARDIANSHIP AND ADVOCACY COMMISSION

To be a member of the Guardianship and Advocacy Commission for a term commencing May 14, 2007 and ending June 30, 2008:

Kenley R. Wade, Sr.
Non-Salaried

NATURAL RESOURCES AND CONSERVATION, ILLINOIS BOARD OF

To be a member of the Illinois Board of Natural Resources and Conservation for a term commencing May 14, 2007:

David Gross
Non-Salaried

NORTHEASTERN ILLINOIS UNIVERSITY BOARD OF TRUSTEES

To be a member of the Northeastern Illinois University Board of Trustees for a term commencing May 14, 2007 and ending January 17, 2011:

Grace G. Dawson
Non-Salaried

Under the rules, the foregoing Message was referred to the Committee on Executive Appointments.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 31, sponsored by Senator Bomke, was taken up, read by title a first time and referred to the Committee on Rules.

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House Bill No. 472, sponsored by Senator Hultgren, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 980, sponsored by Senator Ronen, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1040, sponsored by Senator Crotty, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1450, sponsored by Senator Haine, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1534, sponsored by Senator Delgado, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1627, sponsored by Senator Brady, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1728, sponsored by Senator Lightford, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3270, sponsored by Senator Cronin, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3508, sponsored by Senator Maloney, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3569, sponsored by Senator Forby, was taken up, read by title a first time and referred to the Committee on Rules.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Haine, **House Bill No. 9** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **House Bill No. 17** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, **House Bill No. 50** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Peterson, **House Bill No. 170** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sieben, **House Bill No. 217** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **House Bill No. 263** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **House Bill No. 316** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **House Bill No. 374** having been printed, was taken up and read by title a second time.

The following amendments were offered in the Committee on Labor, adopted and ordered printed:

[May 18, 2007]

AMENDMENT NO. 1 TO HOUSE BILL 374

AMENDMENT NO. 1. Amend House Bill 374 on page 30, by replacing lines 20 and 21 with the following:

"Section 404.2. Operation of Act subject to annual appropriations. The operation of this Act is subject to annual appropriations to the Department of Labor for costs associated with administering this Act.

Section 405. Effective date. This Act takes effect one year after it becomes law."

AMENDMENT NO. 2 TO HOUSE BILL 374

AMENDMENT NO. 2. Amend House Bill 374 on page 5, by replacing line 12 with the following:

"(A) a physician licensed under the Medical Practice Act of 1987;

(B) a doctor of medicine or osteopathy who is"; and

on page 5, line 15 by changing "(B)" to "C".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Righter, **House Bill No. 539** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **House Bill No. 670** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bond, **House Bill No. 1011** having been printed, was taken up and read by title a second time.

Senator Bond offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO HOUSE BILL 1011

AMENDMENT NO. 1. Amend House Bill 1011 by replacing everything after the enacting clause with the following:

"Section 5. The Public Utilities Act is amended by adding Section 16-107.5 as follows:

(220 ILCS 5/16-107.5 new)

Sec. 16-107.5. Net electricity metering.

(a) The Legislature finds and declares that a program to provide net electricity metering, as defined in this Section, for eligible customers can encourage private investment in renewable energy resources, stimulate economic growth, enhance the continued diversification of Illinois' energy resource mix, and protect the Illinois environment.

(b) As used in this Section, (i) "eligible customer" means a retail customer that owns or operates a solar, wind, or other eligible renewable electrical generating facility with a rated capacity of not more than 2,000 kilowatts that is located on the customer's premises and is intended primarily to offset the customer's own electrical requirements; (ii) "electricity provider" means an electric utility or alternative retail electric supplier; (iii) "eligible renewable electrical generating facility" means a generator powered by solar electric energy, wind, dedicated crops grown for electricity generation, anaerobic digestion of livestock or food processing waste, fuel cells or microturbines powered by renewable fuels, or hydroelectric energy; and (iv) "net electricity metering" (or "net metering") means the measurement, during the billing period applicable to an eligible customer, of the net amount of electricity supplied by an electricity provider to the customer's premises or provided to the electricity provider by the customer.

(c) A net metering facility shall be equipped with metering equipment that can measure the flow of electricity in both directions at the same rate. For eligible residential customers, this shall typically be accomplished through use of a single, bi-directional meter. If the eligible customer's existing electric revenue meter does not meet this requirement, the electricity provider shall arrange for the local electric utility or a meter service provider to install and maintain a new revenue meter at the electricity provider's expense. For non-residential customers, the electricity provider may arrange for the local electric utility or a meter service provider to install and maintain metering equipment capable of measuring the flow of electricity both into and out of the customer's facility at the same rate and ratio, typically through the use of a dual channel meter. For generators with a nameplate rating of 40 kilowatts and below, the costs of

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installing such equipment shall be paid for by the electricity provider. For generators with a nameplate rating over 40 kilowatts and up to 2,000 kilowatts capacity, the costs of installing such equipment shall be paid for by the customer. Any subsequent revenue meter change necessitated by any eligible customer shall be paid for by the customer.

(d) An electricity provider shall measure and charge or credit for the net electricity supplied to eligible customers or provided by eligible customers in the following manner:

(1) If the amount of electricity used by the customer during the billing period exceeds the amount of electricity produced by the customer, the electricity provider shall charge the customer for the net electricity supplied to and used by the customer as provided in subsection (e) of this Section.

(2) If the amount of electricity produced by a customer during the billing period exceeds the amount of electricity used by the customer during that billing period, the electricity provider supplying that customer shall apply a 1:1 kilowatt-hour credit to a subsequent bill for service to the customer for the net electricity supplied to the electricity provider. The electricity provider shall continue to carry over any excess kilowatt-hour credits earned and apply those credits to subsequent billing periods to offset any customer-generator consumption in those billing periods until all credits are used or until the end of the annualized period.

(3) At the end of the year or annualized over the period that service is supplied by means of net energy metering, or in the event that the retail customer terminates service with the electricity provider prior to the end of the year or the annualized period, any remaining credits in the customer's account shall expire.

(e) An electricity provider shall provide to net energy metering customers electric service at non-discriminatory rates that are identical, with respect to rate structure, retail rate components, and any monthly charges, to the rates that the customer would be charged if not a net energy metering customer. An electricity provider shall not charge net energy metering customers any fee or charge or require additional equipment, insurance, or any other requirements not specifically authorized by interconnection standards authorized by the Commission, unless the fee, charge, or other requirement would apply to other similarly situated customers who are not net energy metering customers. The customer will remain responsible for all taxes, fees, and utility delivery charges that would otherwise be applicable to the net amount of electricity used by the customer. Subsections (c) through (e) of this Section shall not be construed to prevent an arms-length agreement between an electricity provider and an eligible customer that sets forth different prices, terms, and conditions for the provision of net metering service, including, but not limited to, the provision of the appropriate metering equipment for non-residential customers.

(f) Notwithstanding the requirements of subsections (c) through (e) of this Section, an electricity provider must provide dual-channel metering for non-residential customers operating eligible renewable electrical generating facilities with a nameplate rating over 40 kilowatts and up to 2,000 kilowatts. In such cases, electricity charges and credits shall be determined as follows:

(1) The electricity provider shall assess and the customer remains responsible for all taxes, fees, and utility delivery charges that would otherwise be applicable to the gross amount of kilowatt-hours supplied to the eligible customer by the electricity provider.

(2) Each month that service is supplied by means of dual-channel metering, the electricity provider shall compensate the eligible customer for any excess kilowatt-hour credits at the electricity provider's avoided cost of electricity supply over the monthly period or as otherwise specified by the terms of a power-purchase agreement negotiated between the customer and electricity provider.

(3) For all eligible net-metering customers taking service from an electricity provider under contracts or tariffs employing time of use rates, any monthly consumption of electricity shall be calculated according to the terms of the contract or tariff to which the same customer would be assigned to or be eligible for if the customer was not a net-metering customer. When those same customer-generators are net generators during any discrete time of use period, the net kilowatt-hours produced shall be valued at the same price per kilowatt-hour as the electric service provider would charge for retail kilowatt-hour sales during that same time of use period.

(g) For purposes of federal and State laws providing renewable energy credits or greenhouse gas credits, the eligible customer shall be treated as owning and having title to the renewable energy attributes, renewable energy credits, and greenhouse gas emission credits related to any electricity produced by the qualified generating unit. The electricity provider may not condition participation in a net-metering program on the signing over of a customer's renewable energy credits; provided, however, this subsection (g) shall not be construed to prevent an arms-length agreement between an electricity provider and an eligible customer that sets forth the ownership or title of the credits.

(h) Within 120 days after the effective date of this amendatory Act of the 95th General Assembly, the

Commission shall establish standards for net energy metering and, if the Commission has not already acted on its own initiative, standards for the interconnection of eligible renewable generating equipment to the utility system. The interconnection standards shall address any procedural barriers, delays, and administrative costs associated with the interconnection of customer-generation while ensuring the safety and reliability of the units and the electric utility system. The Commission shall consider the Institute of Electrical and Electronics Engineers (IEEE) Standard 1547 and the issues of (i) reasonable and fair fees and costs, (ii) clear timelines for major milestones in the interconnection process, (iii) nondiscriminatory terms of agreement, and (iv) any best practices for interconnection of distributed generation.

(i) All electricity providers shall begin to offer net energy metering no later than April 1, 2008.

(j) An electricity provider shall provide net energy metering to eligible customers until the load of its net energy metering customers equals 1% of the total peak demand supplied by that electricity provider during the previous year. Electricity providers are authorized to offer net energy metering beyond the 1% level if they so choose. The number of new eligible customers with generators that have a nameplate rating of 40 kilowatts and below will be limited to 200 total new billing accounts for the utilities (Ameren Companies, ComEd, and MidAmerican) for the period of April 1, 2008 through March 31, 2009.

(k) Each electricity provider shall maintain records and report annually to the Commission the total number of net energy metering customers served by the provider, as well as the type, capacity, and energy sources of the generating systems used by the net energy metering customers. Nothing in this Section shall limit the ability of an electricity provider to request the redaction of information deemed by the Commission to be confidential business information. Each electricity provider shall notify the Commission when the total generating capacity of its net energy metering customers is equal to or in excess of the 1% cap specified in subsection (j) of this Section.

(l) Notwithstanding the definition of "eligible customer" in item (i) of subsection (b) of this Section, each electricity provider shall consider whether to allow meter aggregation for the purposes of net metering on:

(1) properties owned or leased by multiple customers that contribute to the operation of an eligible renewable electrical generating facility, such as a community-owned wind project or a community methane digester processing livestock waste from multiple sources; and

(2) individual units, apartments, or properties owned or leased by multiple customers and collectively served by a common eligible renewable electrical generating facility, such as an apartment building served by photovoltaic panels on the roof.

For the purposes of this subsection (l), "meter aggregation" means the combination of reading and billing on a pro rata basis for the types of eligible customers described in this Section.

(m) Nothing in this Section shall affect the right of an electricity provider to continue to provide, or the right of a retail customer to continue to receive service pursuant to a contract for electric service between the electricity provider and the retail customer in accordance with the prices, terms, and conditions provided for in that contract. Either the electricity provider or the customer may require compliance with the prices, terms, and conditions of the contract.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Pankau, **House Bill No. 1289** having been printed, was taken up and read by title a second time.

Senator Pankau offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO HOUSE BILL 1289

AMENDMENT NO. 1. Amend House Bill 1289 on page 6, by replacing lines 9 through 12 with the following:

"(22) the defendant committed the offense against a person who was elderly, disabled, or infirm by taking advantage of a family or fiduciary relationship with the elderly, disabled, or infirm person."

The motion prevailed.

And the amendment was adopted and ordered printed.

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There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Crotty, **House Bill No. 1423** having been printed, was taken up and read by title a second time.

Senate Committee Amendments Numbered 1 and 2 were held in the Committee on Licensed Activities.

Senator Crotty offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO HOUSE BILL 1423

AMENDMENT NO. 3. Amend House Bill 1423 by replacing everything after the enacting clause with the following:

"Section 5. The Elevator Safety and Regulation Act is amended by changing Sections 10, 15, 20, 25, 35, 40, 45, 55, 70, 80, 85, 90, 100, 105, 110, and 120 as follows:

(225 ILCS 312/10)

(Section scheduled to be repealed on January 1, 2013)

Sec. 10. Applicability.

(a) This Act covers the ~~design~~, construction, operation, inspection, testing, maintenance, alteration, and repair of the following equipment, its associated parts, and its hoistways (except as modified by subsection (c) of this Section):

(1) Hoisting and lowering mechanisms equipped with a car or platform, which move between 2 or more landings. This equipment includes, but is not limited to, the following (also see ASME A17.1, ASME A17.3, ASME ~~and~~ A18.1 ~~, and ANSI A10.4~~):

(A) Elevators.

(B) Platform lifts and stairway chair lifts.

(2) Power driven stairways and walkways for carrying persons between landings. This equipment includes, but is not limited to, the following (also see ASME A17.1 and ASME A17.3):

(A) Escalators.

(B) Moving walks.

(3) Hoisting and lowering mechanisms equipped with a car, which serves 2 or more landings and is restricted to the carrying of material by its limited size or limited access to the car. This equipment includes, but is not limited to, the following (also see ASME A17.1 and ASME A17.3):

(A) Dumbwaiters.

(B) Material lifts and dumbwaiters with automatic transfer devices.

(b) This Act covers the ~~design~~, construction, operation, inspection, maintenance, alteration, and repair of automatic guided transit vehicles on guideways with an exclusive right-of-way. This equipment includes, but is not limited to, automated people movers (also see ASCE 21).

(c) This Act does not apply to the following equipment:

(1) Material hoists within the scope of ANSI A10.5.

(2) ~~Belt manlifts~~ Manlifts within the scope of ASME A90.1.

(3) Mobile scaffolds, towers, and platforms within the scope of ANSI A92 ~~, except those covered by ANSI A10.4.~~

(4) Powered platforms and equipment for exterior and interior maintenance within the scope of ANSI 120.1.

(5) Conveyors and related equipment within the scope of ASME B20.1.

(6) Cranes, derricks, hoists, hooks, jacks, and slings within the scope of ASME B30.

(7) Industrial trucks within the scope of ASME B56.

(8) Portable equipment, except for portable escalators that are covered by ANSI A17.1.

(9) Tiering or piling machines used to move materials to and from storage located and operating entirely within one story.

(10) Equipment for feeding or positioning materials at machine tools, printing presses, etc.

(11) Skip or furnace hoists.

(12) Wharf ramps.

(13) Railroad car lifts or dumpers.

(14) Line jacks, false cars, shafters, moving platforms, and similar equipment used for installing an elevator by a contractor licensed in this State.

(15) ~~(Blank). Railway and Transit Systems.~~

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(16) Conveyances located in a private residence not accessible to the public.

(17) ~~(Blank). Special purpose personnel elevators.~~

(d) This Act does not apply to a municipality with a population over 500,000.
(Source: P.A. 94-698, eff. 11-22-05.)

(225 ILCS 312/15)

(Section scheduled to be repealed on January 1, 2013)

Sec. 15. Definitions. For the purpose of this Act:

"Administrator" means the Office of the State Fire Marshal.

"ANSI A10.4" means the safety requirements for personnel hoists, an American National Standard.

"ASCE 21" means the American Society of Civil Engineers Automated People Mover Standards.

"ASME A17.1" means the Safety Code for Elevators and Escalators, an American National Standard.

"ASME A17.3" means the Safety Code for Existing Elevators and Escalators, an American National Standard.

"ASME A18.1" means the Safety Standard for Platform Lifts and Stairway Chairlifts, an American National Standard.

"Automated people mover" means an installation as defined as an "automated people mover" in ASCE 21.

"Board" means the Elevator Safety Review Board.

"Certificate of operation" means a certificate issued by the Administrator that indicates that the conveyance has passed the required safety inspection and tests and fees have been paid as set forth in this Act. ~~The Administrator may issue a temporary certificate of operation that permits the temporary use of a non-compliant conveyance by the general public for a limited time of 30 days while minor repairs are being completed.~~

"Conveyance" means any elevator, dumbwaiter, escalator, moving sidewalk, platform lifts, stairway chairlifts and automated people movers.

"Elevator" means an installation defined as an "elevator" in ASME A17.1.

"Elevator contractor" means any person, firm, or corporation who possesses an elevator contractor's license in accordance with the provisions of Sections 40 and 55 of this Act and who is engaged in the business of erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators or related conveyance covered by this Act.

"Elevator contractor's license" means a license issued to an elevator contractor who has proven his or her qualifications and ability and has been authorized by the Elevator Safety Review Board to work on conveyance equipment ~~possess this type of license~~. It shall entitle the holder thereof to engage in the business of erecting, constructing, installing, altering, servicing, testing, repairing, or maintaining and performing electrical work on elevators or related conveyances ~~conveyance~~ covered by this Act within any building or structure, including, but not limited to, private residences. The Administrator may issue a limited elevator contractor's license authorizing a firm or company that employs individuals to carry on a business of erecting, constructing, installing, altering, servicing, repairing, or maintaining platform lifts and stairway chairlifts within any building or structure, excluding private residences.

"Elevator helper" means an individual registered with the Administrator who works as an elevator helper. ~~Elevator helpers must work under the general direction direct supervision~~ of a licensed elevator mechanic. Licensure is not required for an elevator helper.

"Elevator industry apprentice" means an individual who is enrolled in an apprenticeship program approved by the Bureau of Apprenticeship and Training of the U.S. Department of Labor and who is registered by the Administrator and works to perform work within the elevator industry under the general direction direct supervision of a licensed elevator mechanic. Licensure is not required for an elevator industry apprentice.

"Elevator inspector" means any person inspector, as that term is defined in ASME QEI, who possesses an elevator inspector's license in accordance with the provisions of this Act.

"Elevator mechanic" means any person who possesses an elevator mechanic's license in accordance with the provisions of Sections 40 and 45 of this Act and who is engaged in erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators or related conveyance covered by this Act.

"Elevator mechanic's license" means a license issued to a person who has proven his or her qualifications and ability and has been authorized by the Elevator Safety Review Board to work on conveyance equipment. It shall entitle the holder thereof to install, construct, alter, service, repair, test, maintain, and perform electrical work on elevators or related conveyance covered by this Act. The Administrator may issue a limited elevator mechanic's license authorizing an individual to carry on a business of erecting, constructing, installing, altering, servicing, repairing, or maintaining platform lifts

and stairway chairlifts within any building or structure.

"Escalator" means an installation defined as an "escalator" in ASME A17.1.

"Existing installation" means an installation defined as an "installation, existing" in ASME A17.1.

"Inspector's license" or "inspection company license" means a license issued to an ASME QEI certified elevator inspector or inspection company that a person who has proven the inspector's or the company's his or her qualifications and ability and has been authorized by the Elevator Safety Review Board to possess this type of license. It shall entitle the holder thereof to engage in the business of inspecting elevators or related conveyance covered by this Act.

"License" means a written license, duly issued by the Administrator, authorizing a person, firm, or company to carry on the business of erecting, constructing, installing, altering, servicing, repairing, maintaining, or performing inspections of elevators or related conveyance covered by this Act.

"Material alteration" means an "alteration", as defined in the referenced standards by the Board.

"Moving walk" means an installation defined as a "moving walk" in ASME A17.1.

"Private residence" means a separate dwelling or a separate apartment or condominium unit in a multiple-family dwelling that is occupied by members of a single-family unit.

"Repair" has the meaning set forth in the referenced standards. ~~"Repair" defined by the Board, which does not require a permit.~~

~~"Special purpose personnel elevator" means an elevator that is limited in size, capacity, and speed and that is permanently installed in certain structures, including, but not limited to, grain elevators, radio antenna, bridge towers, underground facilities, dams, and power plants, to provide vertical transportation of authorized personnel and their tools and equipment only.~~

"Temporarily dormant" means an elevator, dumbwaiter, or escalator:

- (1) with a power supply that has been disconnected by removing fuses and placing a padlock on the mainline disconnect switch in the "off" position;
- (2) with a car that is parked and hoistway doors that are in the closed and latched position;
- (3) with a wire seal on the mainline disconnect switch installed by a licensed elevator inspector;
- (4) that shall not be used again until it has been put in safe running order and is in condition for use;
- (5) requiring annual inspections for the duration of the temporarily dormant status by a licensed elevator inspector;
- (6) that has a "temporarily dormant" status that is renewable on an annual basis, not to exceed a 5-year one year period;
- (7) requiring the inspector to file a report with the Administrator describing the current conditions; and
- (8) with a wire seal and padlock that shall not be removed for any purpose without permission from the elevator inspector.

"Temporary certificate of operation" means a temporary certificate of operation issued by the Administrator that permits the temporary use of a non-compliant conveyance by the general public for a limited time of 30 days while minor repairs are being completed.

All other building transportation terms are as defined in the latest edition of ASME A17.1 and ASME A18.1.

(Source: P.A. 94-698, eff. 11-22-05.)

(225 ILCS 312/20)

(Section scheduled to be repealed on January 1, 2013)

Sec. 20. License or registration required.

(a) After July 1, 2003 through the effective date of this amendatory Act of the 94th General Assembly and after July 1, 2006, no person shall erect, construct, wire, alter, replace, maintain, remove, or dismantle any conveyance contained within buildings or structures in the jurisdiction of this State unless he or she possesses an elevator mechanic's license under this Act and unless he or she works under the direct supervision of a person, firm, or company having an elevator contractor's license in accordance with Section 40 of this Act ~~or exempted by that Section.~~ A licensed or limited licensed elevator mechanic employed by an entity exempted from contractor licensure under subsection (a) of Section 40 of this Act is exempt, with respect to work performed for that employer, from the requirement that he or she work under the direct supervision of an elevator contractor licensee. ~~A However, a licensed elevator contractor is not required for removal or dismantling of conveyances that are destroyed as a result of a complete demolition of a secured building or structure or where the hoistway or wellway is demolished back to the basic support structure and where no access is permitted that would endanger the safety and~~

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welfare of a person.

(b) After July 1, 2003 through the effective date of this amendatory Act of the 94th General Assembly and after July 1, 2006, no person shall inspect any conveyance within buildings or structures, including, but not limited, to private residences, unless he or she has an inspector's license or an inspection company license.

~~(c) (Blank). After January 1, 2006, a person who is not licensed under subsection (a) may not work in the jurisdiction of this State as an elevator industry apprentice or helper unless he or she is registered as an elevator industry apprentice or helper by the Administrator and works under the direct supervision of an individual licensed under this Act as an elevator mechanic. The Administrator shall set elevator industry apprenticeship and helper qualifications and registration procedure by rule.~~

(Source: P.A. 94-698, eff. 11-22-05.)

(225 ILCS 312/25)

(Section scheduled to be repealed on January 1, 2013)

Sec. 25. Elevator Safety Review Board.

(a) There is hereby created within the Office of the State Fire Marshal the Elevator Safety Review Board, consisting of 14 ~~13~~ members. The Administrator shall appoint 3 members who shall be representatives of fire service communities. The Governor shall appoint the remaining 11 ~~10~~ members of the Board as follows: one representative from a major elevator manufacturing company or its authorized representative; one representative from an elevator servicing company; one representative of the architectural design profession; one representative of the general public; one representative of an advocacy group for people with physical disabilities; one representative of the senior citizen population; one representative of a municipality in this State with a population under 25,000; one representative of a municipality in this State with a population of 25,000 or over but under 50,000; one representative of a municipality in this State with a population of 50,000 or over but under 500,000; one representative of a building owner or manager; and one representative of labor involved in the installation, maintenance, and repair of elevators.

(b) The members constituting the Board shall be appointed for initial terms as follows:

(1) Of the members appointed by the Administrator, 2 shall serve for a term of 2 years, and one for a term of 4 years.

(2) Of the members appointed by the Governor, 2 shall serve for a term of one year, 2 for terms of 2 years, 2 for terms of 3 years, and 4 for terms of 4 years. The representative of the senior citizen population shall serve an initial term of 4 years.

At the expiration of their initial terms of office, the members or their successors shall be appointed for terms of 4 years each. Upon the expiration of a member's term of office, the officer who appointed that member shall reappoint that member or appoint a successor who is a representative of the same interests with which his or her predecessor was identified. The Administrator and the Governor may at any time remove any of their respective appointees for inefficiency or neglect of duty in office. Upon the death or incapacity of a member, the officer who appointed that member shall fill the vacancy for the remainder of the vacated term by appointing a member who is a representative of the same interests with which his or her predecessor was identified. The members shall serve without salary, but shall receive from the State expenses necessarily incurred by them in performance of their duties. The Governor shall appoint one of the members to serve as chairperson. The chairperson shall be the deciding vote in the event of a tie vote.

(Source: P.A. 94-698, eff. 11-22-05.)

(225 ILCS 312/35)

(Section scheduled to be repealed on January 1, 2013)

Sec. 35. Powers and duties of the Board.

(a) The Board shall consult with engineering authorities and organizations and adopt rules consistent with the provisions of this Act for the administration and enforcement of this Act. The Board may prescribe forms to be issued in connection with the administration and enforcement of this Act. The rules shall establish standards and criteria consistent with this Act for licensing of elevator mechanics, inspectors, and installers of elevators, including the provisions of the Safety Code for Elevators and Escalators (ASME A17.1), the Safety Code for Existing Elevators (ASME A17.3), the Standard for the Qualification of Elevator Inspectors (ASME QEI-1), the Automated People Mover Standards (ASCE 21), the Safety Requirements for Personnel Hoists and Employee Elevators (ANSI A10.4), and the Safety Standard for Platform Lifts and Stairway Chairlifts (ASME A18.1). The Board shall adopt the latest editions of the standards referenced in this subsection (a) within 6 months after the effective date of the standards.

(b) The Board shall have the authority to grant exceptions and variances from the literal requirements

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of applicable State codes, standards, and regulations in cases where such variances would not jeopardize the public safety and welfare. The Board shall have the authority to hear appeals, hold hearings, and decide upon such within 30 days of the appeal.

(c) The Board shall establish fee schedules for licenses, permits, certificates, and inspections. The fees shall be set at an amount necessary to cover the actual costs and expenses to operate the Board and to conduct the duties as described in this Act.

(d) The Board shall be authorized to recommend the amendments of applicable legislation, when appropriate, to legislators.

(e) The Administrator may solicit the advice and expert knowledge of the Board on any matter relating to the administration and enforcement of this Act.

(f) The Administrator may employ professional, technical, investigative, or clerical help, on either a full-time or part-time basis, as may be necessary for the enforcement of this Act.

(g) (Blank).

(Source: P.A. 94-698, eff. 11-22-05.)

(225 ILCS 312/40)

(Section scheduled to be repealed on January 1, 2013)

Sec. 40. Application for contractor's license.

(a) Any person, firm, or company wishing to engage in the business of installing, altering, repairing, servicing, replacing, or maintaining elevators, dumbwaiters, escalators, or moving walks within this State shall make application for a license with the Administrator. However, if the State, a unit of local government, or an institution of higher education maintains in its employ licensed or limited licensed elevator mechanics who maintain only conveyances owned or leased by that entity, the employing entity is not required to be licensed as a contractor under this Section and none of the provisions of this Act concerning licensed contractors shall apply to these entities.

(b) All applications shall contain the following information:

(1) if the applicant is a person, the name, residence, and business address of the applicant;

(2) if the applicant is a partnership, the name, residence, and business address of each partner;

(3) if the applicant is a domestic corporation, the name and business address of the corporation and the name and residence address of the principal officer of the corporation;

(4) if the applicant is a corporation other than a domestic corporation, the name and address of an agent locally located who shall be authorized to accept service of process and official notices;

(5) the number of years the applicant has engaged in the business of installing, inspecting, maintaining, or servicing elevators or platform lifts or both;

(6) if applying for an elevator contractor's license, the approximate number of persons, if any, to be employed by the elevator contractor applicant and, if applicable, satisfactory evidence that the employees are or will be covered by workers' compensation insurance;

(7) satisfactory evidence that the applicant is or will be covered by general liability, personal injury, and property damage insurance;

(8) any criminal record of convictions; and

(9) any other information as the Administrator may require.

(c) (Blank).

(Source: P.A. 94-698, eff. 11-22-05.)

(225 ILCS 312/45)

(Section scheduled to be repealed on January 1, 2013)

Sec. 45. Qualifications for elevator mechanic's license; emergency and temporary licensure.

(a) No license shall be granted to any person who has not paid the required application fee.

(b) No license shall be granted to any person who has not proven his or her qualifications and abilities.

(c) Applicants for an elevator mechanic's license must demonstrate one of the following qualifications:

(1) an acceptable combination of documented experience and education credits consisting

of: (A) not less than 3 years work experience in the elevator industry, in construction, maintenance, ~~or~~ and service and ~~or~~ repair, as verified by current and previous employers licensed to do business in this State or in another state if the Board deems that out-of-State experience equivalent; and (B) satisfactory completion of a written examination administered by the Elevator Safety Review Board or its designated provider on the adopted rules and ; referenced codes, ~~and standards for the equipment the licensee is authorized to install;~~

(2) acceptable proof that he or she has worked as an elevator constructor, maintenance, or repair person ~~for the equipment the licensee is authorized to install~~; acceptable proof shall consist of documentation that he or she worked without direct and immediate supervision for an elevator contractor who has worked on elevators in this State for a period of not less than 3 years immediately preceding the effective date of the ~~final initial~~ rules adopted by the Board under Section 35 of this Act that implement this Act; the person must make application by December 31, 2007; however, all licenses issued under the provisions of this item (2) between May 1, 2006 and the effective date of this amendatory Act of the 95th General Assembly are deemed valid;

(3) a certificate of successful completion of the mechanic examination of a nationally recognized training program for the elevator industry, such as the National Elevator Industry Educational Program or its equivalent ~~based on the codes applicable to the type of license (elevator mechanic's license or limited elevator mechanic's license) for which the individual is applying~~;

(4) a certificate of completion of an elevator mechanic apprenticeship program with standards substantially equal to those of this Act and registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor, or a State apprenticeship council; or

(5) a valid license from a state having standards substantially equal to those of this State.

(d) Whenever an emergency exists in the State due to a disaster, act of God, or work stoppage and the number of persons in the State holding licenses granted by the Board is insufficient to cope with the emergency, the licensed elevator contractor shall respond as necessary to ensure the safety of the public. Any person certified by a licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision shall seek an emergency elevator mechanic's license from the Administrator within 5 business days after commencing work requiring a license. The Administrator shall issue emergency elevator mechanic's licenses. The applicant shall furnish proof of competency as the Administrator may require. Each license shall recite that it is valid for a period of 60 ~~30~~ days from the date thereof and for such particular elevators or geographical areas as the Administrator may designate and otherwise shall entitle the licensee to the rights and privileges of an elevator mechanic's license issued under this Act. The Administrator shall renew an emergency elevator mechanic's license during the existence of an emergency. No fee may be charged for any emergency elevator mechanic's license or renewal thereof.

(e) A licensed elevator contractor shall notify the Administrator when there are no licensed personnel available to perform elevator work. The licensed elevator contractor may request that the Administrator issue temporary elevator mechanic's licenses to persons certified by the licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision. Any person certified by a licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision shall immediately seek a temporary elevator mechanic's license from the Administrator and shall pay such fee as the Board shall determine. The applicant for temporary licensure shall furnish proof of competency as the Administrator may require ~~and for such particular elevators or geographical areas as the Administrator may designate~~. Each license shall recite that it is valid for a period of 30 days from the date of issuance and while employed by the licensed elevator contractor that certified the individual as qualified. It shall be renewable as long as the shortage of license holders continues.

(Source: P.A. 94-698, eff. 11-22-05.)

(225 ILCS 312/55)

(Section scheduled to be repealed on January 1, 2013)

Sec. 55. Qualifications for elevator contractor's license.

(a) No license shall be granted to any person or firm unless the appropriate application fee is paid.

(b) No license shall be granted to any person or firm who has not proven the required qualifications and abilities. An applicant must be individually licensed as an elevator mechanic under this Act, perform the work set forth in subsection (a) of Section 20 of this Act, and have proof of compliance with the insurance requirements set forth in Section 100 of this Act or, in the case of a firm, employ a person who is individually licensed as an elevator mechanic under this Act, perform the work set forth in subsection (a) of Section 20 of this Act, and have proof of compliance with the insurance requirements set forth in Section 100 of this Act, demonstrate one of the following qualifications:

(1) five years work experience in the elevator industry in construction, maintenance, and service or repair, as verified by such documentation as the Board may require by rule;

(1.5) satisfactory completion of a written examination administered by the Elevator Safety Review Board or its designated provider on the most recent referenced codes and standards; or

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~~(2) proof that the individual or firm holds a valid license from a state having standards substantially equal to those of this State.~~

(c) (Blank).

(Source: P.A. 94-698, eff. 11-22-05.)

(225 ILCS 312/70)

(Section scheduled to be repealed on January 1, 2013)

Sec. 70. Administrative Procedure Act. The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated herein as if all of the provisions of that Act were included in this Act, ~~except that the provision of subsection (d) of Section 10-65 of the Illinois Administrative Procedure Act that provides that at hearings the licensee has the right to show compliance with all lawful requirements for retention, or continuation or renewal of the license, is specifically excluded.~~ For the purposes of this Act, the notice required under Section 10-25 of the Illinois Administrative Procedure Act is deemed sufficient when mailed to the last known address of a party.

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/80)

(Section scheduled to be repealed on January 1, 2013)

Sec. 80. Registration of existing elevators, platform lifts, dumbwaiters, escalators, moving walks, and any other conveyance. Within 6 months after the date of the adoption of the ~~final initial~~ rules that implement this Act, the owner or lessee of every existing conveyance shall register with the Administrator each elevator, dumbwaiter, platform lift, escalator, or other device described in Section 10 of this Act and provide the type, rated load and speed, name of manufacturer, its location, the purpose for which it is used, and such additional information as the Administrator may require. Elevators, dumbwaiters, platform lifts, escalators, moving walks, or other conveyances of which construction has begun subsequent to the date of the creation of the Board shall be registered at the time they are completed and placed in service.

(Source: P.A. 94-698, eff. 11-22-05.)

(225 ILCS 312/85)

(Section scheduled to be repealed on January 1, 2013)

Sec. 85. Compliance. It shall be the responsibility of individuals, firms, or companies licensed as described in this Act to ensure that installation or service and maintenance of elevators and devices described in Section 10 of this Act is performed in compliance with the provisions contained in this Act and applicable fire and building codes ~~local regulations~~.

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/90)

(Section scheduled to be repealed on January 1, 2013)

Sec. 90. Permits.

(a) No conveyance covered by this Act shall be erected, constructed, installed, or altered within buildings or structures within this State unless a permit has been obtained from the Administrator or a municipality or other unit of local government ~~before the work is commenced~~. If the permit is obtained from a municipality or other unit of local government, the municipality or other unit of local government that issued the permit shall keep the permit on file for a period of not less than one year from the date of issuance and send a copy to the Administrator for inspection. Where any material alteration is made, the device shall conform to applicable requirements in ASME A17.1, ASME A18.1, ~~or ASCE 21, or ANSI A10.4~~. No permit required under this Section shall be issued except to a person, firm, or corporation holding a current elevator contractor's license, duly issued pursuant to this Act, except that a permit to alter a conveyance may be issued to an entity exempted from licensure under subsection (a) of Section 40 of this Act. A copy of the permit shall be kept at the construction site at all times while the work is in progress.

(b) The permit fee shall be as set by the Board. Permit fees collected are non-refundable.

(c) Each application for a permit shall be accompanied by applicable fees and by copies of specifications and accurately scaled and fully dimensioned plans showing the location of the installation in relation to the plans and elevation of the building, the location of the machinery room and the equipment to be installed, relocated, or altered, and all structural supporting members thereof, including foundations. The applicant shall also specify all materials to be employed and all loads to be supported or conveyed. These plans and specifications shall be sufficiently complete to illustrate all details of construction and design.

(d) Permits may be revoked for the following reasons:

(1) Any false statements or misrepresentation as to the material facts in the application, plans, or specifications on which the permit was based.

(2) The permit was issued in error and should not have been issued in accordance with the code.

(3) The work detailed under the permit is not being performed in accordance with the provisions of the application, plans, or specifications or with the code or conditions of the permit.

(4) The elevator contractor to whom the permit was issued fails or refuses to comply with a "stop work" order.

(5) If the work authorized by a permit is not commenced within 6 months after the date of issuance, or within a shorter period of time as the Administrator or his or her duly authorized representative in his or her discretion may specify at the time the permit is issued.

(6) If the work is suspended or abandoned for a period of 60 days, or shorter period of time as the Administrator or his or her duly authorized representative in his or her discretion may specify at the time the permit is issued, after the work has been started. For good cause, the Administrator or his or her representative may allow an extension of this period at his or her discretion.

(e) (Blank).

(Source: P.A. 94-698, eff. 11-22-05.)

(225 ILCS 312/100)

(Section scheduled to be repealed on January 1, 2013)

Sec. 100. Insurance requirements.

(a) Elevator contractors shall submit to the Administrator an insurance policy or certified copy thereof, issued by an insurance company authorized to do business in the State, to provide general liability coverage of at least ~~\$1,000,000~~ ~~\$2,000,000~~ for injury or death of any ~~one person and \$2,000,000~~ ~~for injury or death of any~~ number of persons in any one occurrence, with coverage of at least ~~\$500,000~~ ~~\$1,000,000~~ for property damage in any one occurrence and statutory workers compensation insurance coverage.

(b) Private elevator inspectors shall submit to the Administrator an insurance policy or certified copy thereof, issued by an insurance company authorized to do business in the State, to provide general liability coverage of at least ~~\$1,000,000~~ ~~\$2,000,000~~ for injury or death of any ~~one person and \$2,000,000~~ ~~for injury or death of any~~ number of persons in any one occurrence, with coverage of at least ~~\$500,000~~ ~~\$1,000,000~~ for property damage in any one occurrence and statutory workers compensation insurance coverage.

(c) These policies, or duly certified copies thereof, or an appropriate certificate of insurance, approved as to form by the Department of Insurance, shall be delivered to the Administrator before or at the time of the issuance of a license. In the event of a material alteration or cancellation of a policy, at least 10 days notice thereof shall be given to the Administrator.

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/105)

(Section scheduled to be repealed on January 1, 2013)

Sec. 105. Enforcement.

(a) It shall be the duty of the Elevator Safety Review Board to develop an enforcement program to ensure compliance with rules and requirements referenced in this Act. This shall include, but shall not be limited to, rules for identification of property locations that are subject to the rules and requirements; issuing notifications to violating property owners or operators, random on-site inspections, ~~policies for administrative penalties~~, and tests on existing installations; witnessing periodic inspections and testing in order to ensure satisfactory performance by licensed persons, firms, or companies; and assisting in development of public awareness programs.

(b) Any person may make a request for an investigation into an alleged violation of this Act by giving notice to the Administrator of such violation or danger. The notice shall be in writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the person making the request. Upon the request of any person signing the notice, the person's name shall not appear on any copy of the notice or any record published, released, or made available.

(c) If, upon receipt of such notification, the Administrator determines that there are reasonable grounds to believe that such violation or danger exists, the Administrator shall cause to be made an investigation in accordance with the provisions of this Act as soon as practicable to determine if such violation or danger exists. If the Administrator determines that there are no reasonable grounds to believe that a violation or danger exists, he or she shall notify the party in writing of such determination.

(d) (Blank).

(Source: P.A. 94-698, eff. 11-22-05.)

(225 ILCS 312/110)

(Section scheduled to be repealed on January 1, 2013)

Sec. 110. Liability.

(a) This Act shall not be construed to relieve or lessen the responsibility or liability of any person, firm, or corporation owning, operating, controlling, maintaining, erecting, constructing, installing, altering, inspecting, testing, or repairing any elevator or other related mechanisms covered by this Act for damages to person or property caused by any defect therein, nor does the State or any unit of local government assume any such liability or responsibility therefore or any liability to any person for whatever reason whatsoever by the adoption of this Act or any acts or omissions arising under this Act.

(b) Any owner or lessee who violates any of the provisions of this Act is guilty of a Class C misdemeanor shall be fined in an amount not to exceed \$1,500 per violation, per day.

(c) (Blank). ~~Compliance with this Act is not a defense to a legal proceeding.~~

(Source: P.A. 94-698, eff. 11-22-05.)

(225 ILCS 312/120)

(Section scheduled to be repealed on January 1, 2013)

Sec. 120. Inspection and testing.

(a) It shall be the responsibility of the owner of all new and existing conveyances located in any building or structure to have the conveyance inspected annually, ~~at intervals determined by the Board,~~ by a person, firm, or company to which a license to inspect conveyances has been issued. Subsequent to inspection, the licensed person, firm, or company must supply the property owner or lessee and the Administrator with a written inspection report describing any and all code violations. Property owners shall have 30 days from the date of the published inspection report to be in full compliance by correcting the violations. The Administrator shall determine whether such violations have been corrected and may extend the compliance dates for good cause, provided that such violations are minor and pose no threat to public safety.

(b) It shall be the responsibility of the owner of all conveyances to have a licensed elevator contractor, as defined in this Act, ensure that the required tests are performed at intervals in compliance with the ASME A 17.1, ASME A 18.1 and ASCE 21 (Blank).

(c) All tests shall be performed by a licensed elevator mechanic ~~or licensed limited elevator mechanic who is licensed to perform work on that particular type of conveyance.~~

(Source: P.A. 94-698, eff. 11-22-05.)

(225 ILCS 312/130 rep.)

Section 10. The Elevator Safety and Regulation Act is amended by repealing Section 130.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Watson, **House Bill No. 1656** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Watson, **House Bill No. 1514** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **House Bill No. 1756** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Halvorson, **House Bill No. 1795** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **House Bill No. 1822** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, **House Bill No. 1855** was taken up and read by title a second time.

Committee Amendments Numbered 1 and 2 were held in the Committee on Rules.

There being no further amendments, the bill was ordered to a third reading.

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On motion of Senator Link, **House Bill No. 1876** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, **House Bill No. 1900** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **House Bill No. 1917** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Millner, **House Bill No. 1979** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **House Bill No. 3383** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, **House Bill No. 3395** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **House Bill No. 3434** was taken up, read by title a second time. Senate Floor Amendment No. 1 was held in the Committee on Rules. There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Watson, **House Bill No. 3586** having been printed, was taken up and read by title a second time.

Senate Committee Amendment No. 1 was held in the Committee on Rules. Senator Watson offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO HOUSE BILL 3586

AMENDMENT NO. 2. Amend House Bill 3586 on page 7, line 23, by inserting after "penalty" the following:
"for deposit into the Circuit Court Clerk Operation and Administrative Fund created by the Clerk of the Circuit Court".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Link, **House Bill No. 3649** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Viverito, **House Bill No. 3658** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Althoff, **House Bill No. 3728** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Murphy, **House Bill No. 3730** having been printed, was taken up and read by title a second time.

Senator Murphy offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO HOUSE BILL 3730

AMENDMENT NO. 1. Amend House Bill 3730 on page 4, line 16, after "materials", by inserting the following:
"Reasonable suspicion" shall be construed using the reasonable person standard, in which a person in the same circumstances could reasonably believe another person has been, is, or is about to be engaged in a prohibited activity.

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Sandoval, **House Bill No. 1009** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sandoval, **House Bill No. 1058** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Public Health, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 1058

AMENDMENT NO. 1. Amend House Bill 1058 as follows:

on page 1, line 12, after "district," by inserting "forest preserve district, conservation district"; and

on page 1, line 19, after "district," by inserting "forest preserve district, conservation district".

There being no further amendments, the bill, as amended, was ordered to a third reading.

Senator Righter asked and obtained unanimous consent to recess for the purpose of a Republican caucus.

At the hour of 11:06 o'clock a.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 11:44 o'clock a.m., the Senate resumed consideration of business.
Senator DeLeo, presiding.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator J. Jones, **House Bill No. 2783**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 50; Nays 2.

The following voted in the affirmative:

Althoff	Forby	Lightford	Ronen
Bomke	Garrett	Link	Sandoval
Bond	Haine	Luechtefeld	Schoenberg
Burzynski	Halvorson	Maloney	Sieben
Clayborne	Harmon	Martinez	Silverstein
Collins	Hendon	Munoz	Sullivan
Cronin	Holmes	Murphy	Syverson
Crotty	Hultgren	Noland	Viverito
Cullerton	Hunter	Pankau	Watson
Dahl	Jacobs	Peterson	Wilhelmi
DeLeo	Koehler	Radogno	Mr. President
Demuzio	Kotowski	Raoul	
Dillard	Lauzen	Risinger	

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The following voted in the negative:

Frerichs
Rutherford

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).
Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Silverstein, **House Bill No. 2786**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 55; Nays None.

The following voted in the affirmative:

Althoff	Frerichs	Lightford	Risinger
Bomke	Garrett	Link	Ronen
Bond	Haine	Luechtefeld	Rutherford
Burzynski	Halvorson	Maloney	Sandoval
Clayborne	Harmon	Martinez	Schoenberg
Collins	Hendon	Millner	Sieben
Cronin	Holmes	Munoz	Silverstein
Crotty	Hultgren	Murphy	Sullivan
Cullerton	Hunter	Noland	Syverson
Dahl	Jacobs	Pankau	Viverito
DeLeo	Jones, J.	Peterson	Watson
Demuzio	Koehler	Radogno	Wilhelmi
Dillard	Kotowski	Raoul	Mr. President
Forby	Lauzen	Righter	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).
Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Wilhelmi, **House Bill No. 2858**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 55; Nays None.

The following voted in the affirmative:

Althoff	Frerichs	Lightford	Risinger
Bomke	Garrett	Link	Ronen
Bond	Haine	Luechtefeld	Rutherford
Burzynski	Halvorson	Maloney	Sandoval
Clayborne	Harmon	Martinez	Schoenberg
Collins	Hendon	Millner	Sieben
Cronin	Holmes	Munoz	Silverstein
Crotty	Hultgren	Murphy	Sullivan
Cullerton	Hunter	Noland	Syverson

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Dahl	Jacobs	Pankau	Viverito
DeLeo	Jones, J.	Peterson	Watson
Demuzio	Koehler	Radogno	Wilhelmi
Dillard	Kotowski	Raoul	Mr. President
Forby	Lauzen	Righter	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Jacobs, **House Bill No. 2918**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 52; Nays None.

The following voted in the affirmative:

Althoff	Haine	Maloney	Sandoval
Bomke	Halvorson	Martinez	Schoenberg
Bond	Harmon	Millner	Sieben
Burzynski	Hendon	Munoz	Silverstein
Clayborne	Holmes	Murphy	Sullivan
Collins	Hultgren	Noland	Syverson
Cronin	Hunter	Pankau	Viverito
Cullerton	Jacobs	Peterson	Watson
Dahl	Jones, J.	Radogno	Wilhelmi
DeLeo	Koehler	Raoul	Mr. President
Demuzio	Kotowski	Righter	
Dillard	Lauzen	Risinger	
Forby	Lightford	Ronen	
Frerichs	Link	Rutherford	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Syverson, **House Bill No. 2920**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 55; Nays None.

The following voted in the affirmative:

Althoff	Frerichs	Lightford	Risinger
Bomke	Garrett	Link	Ronen
Bond	Haine	Luechtefeld	Rutherford
Burzynski	Halvorson	Maloney	Sandoval
Clayborne	Harmon	Martinez	Schoenberg
Collins	Hendon	Millner	Sieben
Cronin	Holmes	Munoz	Silverstein
Crotty	Hultgren	Murphy	Sullivan

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Cullerton	Hunter	Noland	Syverson
Dahl	Jacobs	Pankau	Viverito
DeLeo	Jones, J.	Peterson	Watson
Demuzio	Koehler	Radogno	Wilhelmi
Dillard	Kotowski	Raoul	Mr. President
Forby	Laufen	Righter	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Holmes, **House Bill No. 3131**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 55; Nays None.

The following voted in the affirmative:

Althoff	Frerichs	Lightford	Risinger
Bomke	Garrett	Link	Ronen
Bond	Haine	Luechtefeld	Rutherford
Burzynski	Halvorson	Maloney	Sandoval
Clayborne	Harmon	Martinez	Schoenberg
Collins	Hendon	Millner	Sieben
Cronin	Holmes	Munoz	Silverstein
Crotty	Hultgren	Murphy	Sullivan
Cullerton	Hunter	Noland	Syverson
Dahl	Jacobs	Pankau	Viverito
DeLeo	Jones, J.	Peterson	Watson
Demuzio	Koehler	Radogno	Wilhelmi
Dillard	Kotowski	Raoul	Mr. President
Forby	Laufen	Righter	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Forby, **House Bill No. 3132**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 52; Nays 2.

The following voted in the affirmative:

Althoff	Garrett	Link	Sandoval
Bomke	Haine	Luechtefeld	Schoenberg
Bond	Halvorson	Maloney	Sieben
Burzynski	Harmon	Martinez	Silverstein
Clayborne	Hendon	Millner	Sullivan
Collins	Holmes	Munoz	Syverson
Cronin	Hultgren	Murphy	Viverito

Crotty	Hunter	Noland	Watson
Cullerton	Jacobs	Pankau	Wilhelmi
Dahl	Jones, J.	Peterson	Mr. President
DeLeo	Koehler	Raoul	
Demuzio	Kotowski	Righter	
Dillard	Lauzen	Risinger	
Forby	Lightford	Ronen	

The following voted in the negative:

Frerichs
Rutherford

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Holmes, **House Bill No. 3327**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 55; Nays None.

The following voted in the affirmative:

Althoff	Frerichs	Lightford	Risinger
Bomke	Garrett	Link	Ronen
Bond	Haine	Luechtefeld	Rutherford
Burzynski	Halvorson	Maloney	Sandoval
Clayborne	Harmon	Martinez	Schoenberg
Collins	Hendon	Millner	Sieben
Cronin	Holmes	Munoz	Silverstein
Crotty	Hultgren	Murphy	Sullivan
Cullerton	Hunter	Noland	Syverson
Dahl	Jacobs	Pankau	Viverito
DeLeo	Jones, J.	Peterson	Watson
Demuzio	Koehler	Radogno	Wilhelmi
Dillard	Kotowski	Raoul	Mr. President
Forby	Lauzen	Righter	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Frerichs, **House Bill No. 3165**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 52; Nays None; Present 2.

The following voted in the affirmative:

Althoff	Frerichs	Link	Sandoval
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Bomke	Garrett	Maloney	Schoenberg
Bond	Haine	Millner	Sieben
Burzynski	Halvorson	Munoz	Silverstein
Clayborne	Harmon	Murphy	Sullivan
Collins	Hendon	Noland	Syverson
Cronin	Holmes	Pankau	Viverito
Crotty	Hultgren	Peterson	Watson
Cullerton	Hunter	Radogno	Wilhelmi
Dahl	Jacobs	Raoul	Mr. President
DeLeo	Jones, J.	Righter	
Demuzio	Koehler	Risinger	
Dillard	Kotowski	Ronen	
Forby	Lauzen	Rutherford	

The following voted present:

Lightford
Martinez

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Wilhelmi, **House Bill No. 3382**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 55; Nays None.

The following voted in the affirmative:

Althoff	Ferichs	Lightford	Risinger
Bomke	Garrett	Link	Ronen
Bond	Haine	Luechtefeld	Rutherford
Burzynski	Halvorson	Maloney	Sandoval
Clayborne	Harmon	Martinez	Schoenberg
Collins	Hendon	Millner	Sieben
Cronin	Holmes	Munoz	Silverstein
Crotty	Hultgren	Murphy	Sullivan
Cullerton	Hunter	Noland	Syverson
Dahl	Jacobs	Pankau	Viverito
DeLeo	Jones, J.	Peterson	Watson
Demuzio	Koehler	Radogno	Wilhelmi
Dillard	Kotowski	Raoul	Mr. President
Forby	Lauzen	Righter	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Raoul, **House Bill No. 3393**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

[May 18, 2007]

Yeas 36; Nays 17; Present 2.

The following voted in the affirmative:

Althoff	Halvorson	Luechtefeld	Sandoval
Bond	Harmon	Maloney	Schoenberg
Clayborne	Hendon	Martinez	Silverstein
Collins	Holmes	Munoz	Viverito
Crotty	Hunter	Noland	Wilhelmi
Cullerton	Jacobs	Peterson	Mr. President
DeLeo	Koehler	Radogno	
Demuzio	Kotowski	Raoul	
Frerichs	Lightford	Ronen	
Garrett	Link	Rutherford	

The following voted in the negative:

Bomke	Haine	Pankau	Syverson
Burzynski	Hultgren	Righter	Watson
Cronin	Jones, J.	Risinger	
Dahl	Lauzen	Sieben	
Forby	Murphy	Sullivan	

The following voted present:

Dillard
Millner

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Holmes, **House Bill No. 3394**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 53; Nays 1.

The following voted in the affirmative:

Althoff	Frerichs	Lightford	Ronen
Bomke	Garrett	Link	Rutherford
Bond	Haine	Maloney	Schoenberg
Burzynski	Halvorson	Martinez	Sieben
Clayborne	Harmon	Millner	Silverstein
Collins	Hendon	Munoz	Sullivan
Cronin	Holmes	Murphy	Syverson
Crotty	Hultgren	Noland	Viverito
Cullerton	Hunter	Pankau	Watson
Dahl	Jacobs	Peterson	Wilhelmi
DeLeo	Jones, J.	Radogno	Mr. President
Demuzio	Koehler	Raoul	
Dillard	Kotowski	Righter	
Forby	Lauzen	Risinger	

[May 18, 2007]

The following voted in the negative:

Sandoval

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Wilhelmi, **House Bill No. 3412**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

Yeas 49; Nays 5.

The following voted in the affirmative:

Althoff	Frerichs	Link	Risinger
Bomke	Garrett	Luechtefeld	Ronen
Bond	Haine	Maloney	Sandoval
Burzynski	Halvorson	Martinez	Schoenberg
Clayborne	Harmon	Millner	Sieben
Collins	Hendon	Munoz	Silverstein
Cronin	Holmes	Murphy	Sullivan
Crotty	Hultgren	Noland	Viverito
Cullerton	Hunter	Pankau	Wilhelmi
DeLeo	Jacobs	Peterson	Mr. President
Demuzio	Koehler	Radogno	
Dillard	Kotowski	Raoul	
Forby	Lightford	Righter	

The following voted in the negative:

Dahl	Lauzen	Watson
Jones, J.	Rutherford	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Garrett, **Senate Bill No. 3425**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

Pending roll call on motion of Senator Garrett, further consideration of **Senate Bill No. 3425** was postponed.

At the hour of 12:39 o'clock p.m., Senator Hendon presiding.

On motion of Senator Millner, **House Bill No. 3454**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

[May 18, 2007]

Yeas 55; Nays None.

The following voted in the affirmative:

Athoff	Frerichs	Lightford	Risinger
Bomke	Garrett	Link	Ronen
Bond	Haine	Luechtefeld	Rutherford
Burzynski	Halvorson	Maloney	Sandoval
Clayborne	Harmon	Martinez	Schoenberg
Collins	Hendon	Millner	Sieben
Cronin	Holmes	Munoz	Silverstein
Crotty	Hultgren	Murphy	Sullivan
Cullerton	Hunter	Noland	Syverson
Dahl	Jacobs	Pankau	Viverito
DeLeo	Jones, J.	Peterson	Watson
Demuzio	Koehler	Radogno	Wilhelmi
Dillard	Kotowski	Raoul	Mr. President
Forby	Lauzen	Righter	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Garrett, **House Bill No. 3455**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 53; Nays None.

The following voted in the affirmative:

Athoff	Garrett	Luechtefeld	Rutherford
Bomke	Haine	Maloney	Sandoval
Bond	Halvorson	Martinez	Schoenberg
Clayborne	Harmon	Millner	Sieben
Collins	Hendon	Munoz	Silverstein
Cronin	Holmes	Murphy	Sullivan
Crotty	Hultgren	Noland	Syverson
Cullerton	Hunter	Pankau	Viverito
Dahl	Jacobs	Peterson	Watson
DeLeo	Jones, J.	Radogno	Wilhelmi
Demuzio	Koehler	Raoul	Mr. President
Dillard	Kotowski	Righter	
Forby	Lightford	Risinger	
Frerichs	Link	Ronen	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

HOUSE BILL RECALLED

On motion of Senator Garrett, **House Bill No. 3463** was recalled from the order of third reading to the order of second reading.

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Senator Garrett offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO HOUSE BILL 3463

AMENDMENT NO. 1. Amend House Bill 3463 by replacing everything after the enacting clause with the following:

"Section 5. The Build Illinois Bond Act is amended by changing Section 4 as follows:
(30 ILCS 425/4) (from Ch. 127, par. 2804)

Sec. 4. Purposes of Bonds. Bonds shall be issued for the following purposes and in the approximate amounts as set forth below:

(a) \$2,417,000,000 for the expenses of issuance and sale of Bonds, including bond discounts, and for planning, engineering, acquisition, construction, reconstruction, development, improvement and extension of the public infrastructure in the State of Illinois, including: the making of loans or grants to local governments for waste disposal systems, water and sewer line extensions and water distribution and purification facilities, rail or air or water port improvements, gas and electric utility extensions, publicly owned industrial and commercial sites, buildings used for public administration purposes and other public infrastructure capital improvements; the making of loans or grants to units of local government for financing and construction of wastewater facilities, including grants to serve unincorporated areas; refinancing or retiring bonds issued between January 1, 1987 and January 1, 1990 by home rule municipalities, debt service on which is provided from a tax imposed by home rule municipalities prior to January 1, 1990 on the sale of food and drugs pursuant to Section 8-11-1 of the Home Rule Municipal Retailers' Occupation Tax Act or Section 8-11-5 of the Home Rule Municipal Service Occupation Tax Act; the making of deposits not to exceed \$70,000,000 in the aggregate into the Water Pollution Control Revolving Fund to provide assistance in accordance with the provisions of Title IV-A of the Environmental Protection Act; the planning, engineering, acquisition, construction, reconstruction, alteration, expansion, extension and improvement of highways, bridges, structures separating highways and railroads, rest areas, interchanges, access roads to and from any State or local highway and other transportation improvement projects which are related to economic development activities; the making of loans or grants for planning, engineering, rehabilitation, improvement or construction of rail and transit facilities; the planning, engineering, acquisition, construction, reconstruction and improvement of watershed, drainage, flood control, recreation and related improvements and facilities, including expenses related to land and easement acquisition, relocation, control structures, channel work and clearing and appurtenant work; the making of grants for improvement and development of zoos and park district field houses and related structures; and the making of grants for improvement and development of Navy Pier and related structures.

(b) \$186,000,000 for fostering economic development and increased employment and the well being of the citizens of Illinois, including: the making of grants for improvement and development of McCormick Place and related structures; the planning and construction of a microelectronics research center, including the planning, engineering, construction, improvement, renovation and acquisition of buildings, equipment and related utility support systems; the making of loans to businesses and investments in small businesses; acquiring real properties for industrial or commercial site development; acquiring, rehabilitating and reconveying industrial and commercial properties for the purpose of expanding employment and encouraging private and other public sector investment in the economy of Illinois; the payment of expenses associated with siting the Superconducting Super Collider Particle Accelerator in Illinois and with its acquisition, construction, maintenance, operation, promotion and support; the making of loans for the planning, engineering, acquisition, construction, improvement and conversion of facilities and equipment which will foster the use of Illinois coal; the payment of expenses associated with the promotion, establishment, acquisition and operation of small business incubator facilities and agribusiness research facilities, including the lease, purchase, renovation, planning, engineering, construction and maintenance of buildings, utility support systems and equipment designated for such purposes and the establishment and maintenance of centralized support services within such facilities; and the making of grants or loans to units of local government for Urban Development Action Grant and Housing Partnership programs.

(c) \$1,052,358,100 for the development and improvement of educational, scientific, technical and vocational programs and facilities and the expansion of health and human services for all citizens of Illinois, including: the making of construction and improvement grants and loans to public libraries and library systems; the making of grants and loans for planning, engineering, acquisition and construction of a new State central library in Springfield; the planning, engineering, acquisition and construction of an animal and dairy sciences facility; the planning, engineering, acquisition and construction of a

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campus and all related buildings, facilities, equipment and materials for Richland Community College; the acquisition, rehabilitation and installation of equipment and materials for scientific and historical surveys; the making of grants or loans for distribution to eligible vocational education instructional programs for the upgrading of vocational education programs, school shops and laboratories, including the acquisition, rehabilitation and installation of technical equipment and materials; the making of grants or loans for distribution to eligible local educational agencies for the upgrading of math and science instructional programs, including the acquisition of instructional equipment and materials; miscellaneous capital improvements for universities and community colleges including the planning, engineering, construction, reconstruction, remodeling, improvement, repair and installation of capital facilities and costs of planning, supplies, equipment, materials, services, and all other required expenses; the making of grants or loans for repair, renovation and miscellaneous capital improvements for privately operated colleges and universities and community colleges, including the planning, engineering, acquisition, construction, reconstruction, remodeling, improvement, repair and installation of capital facilities and costs of planning, supplies, equipment, materials, services, and all other required expenses; and the making of grants or loans for distribution to local governments for hospital and other health care facilities including the planning, engineering, acquisition, construction, reconstruction, remodeling, improvement, repair and installation of capital facilities and costs of planning, supplies, equipment, materials, services and all other required expenses.

(d) \$150,150,900 for protection, preservation, restoration and conservation of environmental and natural resources, including: the making of grants to soil and water conservation districts for the planning and implementation of conservation practices and for funding contracts with the Soil Conservation Service for watershed planning; the making of grants to units of local government for the capital development and improvement of recreation areas, including planning and engineering costs, sewer projects, including planning and engineering costs and water projects, including planning and engineering costs, and for the acquisition of open space lands, including the acquisition of easements and other property interests of less than fee simple ownership; the acquisition and related costs and development and management of natural heritage lands, including natural areas and areas providing habitat for endangered species and nongame wildlife, and buffer area lands; the acquisition and related costs and development and management of habitat lands, including forest, wildlife habitat and wetlands; and the removal and disposition of hazardous substances, including the cost of project management, equipment, laboratory analysis, and contractual services necessary for preventative and corrective actions related to the preservation, restoration and conservation of the environment, including deposits not to exceed \$60,000,000 in the aggregate into the Hazardous Waste Fund and the Brownfields Redevelopment Fund for improvements in accordance with the provisions of Titles V and XVII of the Environmental Protection Act.

(e) The amount specified in paragraph (a) above shall include an amount necessary to pay reasonable expenses of each issuance and sale of the Bonds, as specified in the related Bond Sale Order (hereinafter defined).

(f) Any unexpended proceeds from any sale of Bonds which are held in the Build Illinois Bond Fund may be used to redeem, purchase, advance refund, or defease any Bonds outstanding.

(Source: P.A. 91-39, eff. 6-15-99; 91-53, eff. 6-30-99; 91-709, eff. 5-17-00; 92-9, eff. 6-11-01; 92-598, eff. 6-28-02.)

Section 10. The Environmental Protection Act is amended by changing Section 4 as follows:

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

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

(a) There is established in the Executive Branch of the State Government an agency to be known as the Environmental Protection Agency. This Agency shall be under the supervision and direction of a Director who shall be appointed by the Governor with the advice and consent of the Senate. The term of office of the Director shall expire on the third Monday of January in odd numbered years, provided that he or she shall hold office until a successor is appointed and has qualified. The Director shall receive an annual salary as set by the Governor from time to time or as set by the Compensation Review Board, whichever is greater. If set by the Governor, the Director's annual salary may not exceed 85% of the Governor's annual salary. The Director, in accord with the Personnel Code, shall employ and direct such personnel, and shall provide for such laboratory and other facilities, as may be necessary to carry out the purposes of this Act. In addition, the Director may by agreement secure such services as he or she may deem necessary from any other department, agency, or unit of the State Government, and may employ and compensate such consultants and technical assistants as may be required.

(b) The Agency shall have the duty to collect and disseminate such information, acquire such

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technical data, and conduct such experiments as may be required to carry out the purposes of this Act, including ascertainment of the quantity and nature of discharges from any contaminant source and data on those sources, and to operate and arrange for the operation of devices for the monitoring of environmental quality.

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

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

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

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

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

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

(g) The Agency shall have the duty to administer, in accord with Title X of this Act, such permit and certification systems as may be established by this Act or by regulations adopted thereunder. The Agency may enter into written delegation agreements with any department, agency, or unit of State or local government under which all or portions of this duty may be delegated for public water supply storage and transport systems, sewage collection and transport systems, air pollution control sources with uncontrolled emissions of 100 tons per year or less and application of algicides to waters of the State. Such delegation agreements will require that the work to be performed thereunder will be in accordance with Agency criteria, subject to Agency review, and shall include such financial and program auditing by the Agency as may be required.

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

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

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

(k) The Agency shall have the authority to accept, receive, and administer on behalf of the State any grants, gifts, loans, indirect cost reimbursements, or other funds made available to the State from any source for purposes of this Act or for air or water pollution control, public water supply, solid waste disposal, noise abatement, or other environmental protection activities, surveys, or programs. Any federal funds received by the Agency pursuant to this subsection shall be deposited in a trust fund with the State Treasurer and held and disbursed by him in accordance with Treasurer as Custodian of Funds Act, provided that such monies shall be used only for the purposes for which they are contributed and any balance remaining shall be returned to the contributor.

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

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

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

Any municipality, sanitary district, or other political subdivision, or any Agency of the State or interstate Agency, which makes application for loans or grants under such federal Acts shall notify the Agency of such application; the Agency may participate in proceedings under such federal Acts.

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

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

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

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

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

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

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(s) The Agency shall have authority to take whatever preventive or corrective action is necessary or appropriate, including but not limited to expenditure of monies appropriated from the Build Illinois Bond Fund and the Build Illinois Purposes Fund for removal or remedial action, whenever any hazardous substance or pesticide is released or there is a substantial threat of such a release into the environment. The State, the Director, and any State employee shall be indemnified for any damages or injury arising out of or resulting from any action taken under this subsection. The Director of the Agency is authorized to enter into such contracts and agreements as are necessary to carry out the Agency's duties under this subsection.

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

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

(v) (Blank.)

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

(x)(1) The Agency shall have authority to distribute grants, subject to appropriation by the General Assembly, to units of local government for financing and construction of public water supply facilities. With respect to all monies appropriated from the Build Illinois Bond Fund or the Build Illinois Purposes Fund for public water supply grants, such grants shall be made in accordance with rules promulgated by the Agency. Such rules shall include a requirement for a local match of 30% of the total project cost for projects funded through such grants.

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

(y) The Agency shall have authority to release any person from further responsibility for preventive or corrective action under this Act following successful completion of preventive or corrective action undertaken by such person upon written request by the person.

(Source: P.A. 92-574, eff. 6-26-02; 93-152, eff. 7-10-03.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the bill, as amended, was ordered to a third reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Garrett, **House Bill No. 3463**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 52; Nays 2.

The following voted in the affirmative:

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Althoff	Garrett	Luechtefeld	Rutherford
Bomke	Haine	Maloney	Sandoval
Bond	Halvorson	Martinez	Schoenberg
Clayborne	Harmon	Millner	Sieben
Collins	Hendon	Munoz	Silverstein
Cronin	Holmes	Murphy	Sullivan
Crotty	Hultgren	Noland	Viverito
Cullerton	Hunter	Pankau	Watson
Dahl	Jacobs	Peterson	Wilhelmi
DeLeo	Jones, J.	Radogno	Mr. President
Demuzio	Koehler	Raoul	
Dillard	Kotowski	Righter	
Forby	Lightford	Risinger	
Frerichs	Link	Ronen	

The following voted in the negative:

Burzynski
Lauzen

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Bomke, **House Bill No. 3487**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 55; Nays None.

The following voted in the affirmative:

Althoff	Frerichs	Lightford	Risinger
Bomke	Garrett	Link	Ronen
Bond	Haine	Luechtefeld	Rutherford
Burzynski	Halvorson	Maloney	Sandoval
Clayborne	Harmon	Martinez	Schoenberg
Collins	Hendon	Millner	Sieben
Cronin	Holmes	Munoz	Silverstein
Crotty	Hultgren	Murphy	Sullivan
Cullerton	Hunter	Noland	Syverson
Dahl	Jacobs	Pankau	Viverito
DeLeo	Jones, J.	Peterson	Watson
Demuzio	Koehler	Radogno	Wilhelmi
Dillard	Kotowski	Raoul	Mr. President
Forby	Lauzen	Righter	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

[May 18, 2007]

On motion of Senator Forby, **House Bill No. 3504**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 55; Nays None.

The following voted in the affirmative:

Althoff	Frerichs	Lightford	Risinger
Bomke	Garrett	Link	Ronen
Bond	Haine	Luechtefeld	Rutherford
Burzynski	Halvorson	Maloney	Sandoval
Clayborne	Harmon	Martinez	Schoenberg
Collins	Hendon	Millner	Sieben
Cronin	Holmes	Munoz	Silverstein
Crotty	Hultgren	Murphy	Sullivan
Cullerton	Hunter	Noland	Syverson
Dahl	Jacobs	Pankau	Viverito
DeLeo	Jones, J.	Peterson	Watson
Demuzio	Koehler	Radogno	Wilhelmi
Dillard	Kotowski	Raoul	Mr. President
Forby	Laufen	Righter	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Dahl, **House Bill No. 3573**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 54; Nays None.

The following voted in the affirmative:

Althoff	Frerichs	Link	Ronen
Bomke	Garrett	Luechtefeld	Rutherford
Bond	Haine	Maloney	Sandoval
Burzynski	Halvorson	Martinez	Schoenberg
Clayborne	Harmon	Millner	Sieben
Collins	Hendon	Munoz	Silverstein
Cronin	Holmes	Murphy	Sullivan
Crotty	Hunter	Noland	Syverson
Cullerton	Jacobs	Pankau	Viverito
Dahl	Jones, J.	Peterson	Watson
DeLeo	Koehler	Radogno	Wilhelmi
Demuzio	Kotowski	Raoul	Mr. President
Dillard	Laufen	Righter	
Forby	Lightford	Risinger	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Harmon, **House Bill No. 3578**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 54; Nays 1.

The following voted in the affirmative:

Althoff	Frerichs	Link	Ronen
Bomke	Garrett	Luechtefeld	Rutherford
Bond	Haine	Maloney	Sandoval
Burzynski	Halvorson	Martinez	Schoenberg
Clayborne	Harmon	Millner	Sieben
Collins	Hendon	Munoz	Silverstein
Cronin	Holmes	Murphy	Sullivan
Crotty	Hultgren	Noland	Syverson
Cullerton	Hunter	Pankau	Viverito
Dahl	Jones, J.	Peterson	Watson
DeLeo	Koehler	Radogno	Wilhelmi
Demuzio	Kotowski	Raoul	Mr. President
Dillard	Lauzen	Righter	
Forby	Lightford	Risinger	

The following voted in the negative:

Jacobs

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Burzynski, **House Bill No. 3597**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 53; Nays None; Present 1.

The following voted in the affirmative:

Althoff	Frerichs	Luechtefeld	Rutherford
Bomke	Garrett	Maloney	Sandoval
Bond	Haine	Martinez	Schoenberg
Burzynski	Harmon	Millner	Sieben
Clayborne	Hendon	Munoz	Silverstein
Collins	Holmes	Murphy	Sullivan
Cronin	Hultgren	Noland	Syverson
Crotty	Hunter	Pankau	Viverito
Cullerton	Jacobs	Peterson	Watson
Dahl	Jones, J.	Radogno	Wilhelmi
DeLeo	Koehler	Raoul	Mr. President
Demuzio	Kotowski	Righter	
Dillard	Lauzen	Risinger	
Forby	Link	Ronen	

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The following voted present:

Lightford

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Silverstein, **House Bill No. 3604**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

Yeas 55; Nays None.

The following voted in the affirmative:

Althoff	Frerichs	Lightford	Risinger
Bomke	Garrett	Link	Ronen
Bond	Haine	Luechtefeld	Rutherford
Burzynski	Halvorson	Maloney	Sandoval
Clayborne	Harmon	Martinez	Schoenberg
Collins	Hendon	Millner	Sieben
Cronin	Holmes	Munoz	Silverstein
Crotty	Hultgren	Murphy	Sullivan
Cullerton	Hunter	Noland	Syverson
Dahl	Jacobs	Pankau	Viverito
DeLeo	Jones, J.	Peterson	Watson
Demuzio	Koehler	Radogno	Wilhelmi
Dillard	Kotowski	Raoul	Mr. President
Forby	Lauzen	Righter	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Althoff, **House Bill No. 3614**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

Yeas 55; Nays None.

The following voted in the affirmative:

Althoff	Frerichs	Lightford	Risinger
Bomke	Garrett	Link	Ronen
Bond	Haine	Luechtefeld	Rutherford
Burzynski	Halvorson	Maloney	Sandoval
Clayborne	Harmon	Martinez	Schoenberg
Collins	Hendon	Millner	Sieben
Cronin	Holmes	Munoz	Silverstein
Crotty	Hultgren	Murphy	Sullivan
Cullerton	Hunter	Noland	Syverson

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Dahl	Jacobs	Pankau	Viverito
DeLeo	Jones, J.	Peterson	Watson
Demuzio	Koehler	Radogno	Wilhelmi
Dillard	Kotowski	Raoul	Mr. President
Forby	Laufen	Righter	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Maloney, **House Bill No. 3621**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 55; Nays None.

The following voted in the affirmative:

Althoff	Frerichs	Lightford	Risinger
Bomke	Garrett	Link	Ronen
Bond	Haine	Luechtefeld	Rutherford
Burzynski	Halvorson	Maloney	Sandoval
Clayborne	Harmon	Martinez	Schoenberg
Collins	Hendon	Millner	Sieben
Cronin	Holmes	Munoz	Silverstein
Crotty	Hultgren	Murphy	Sullivan
Cullerton	Hunter	Noland	Syverson
Dahl	Jacobs	Pankau	Viverito
DeLeo	Jones, J.	Peterson	Watson
Demuzio	Koehler	Radogno	Wilhelmi
Dillard	Kotowski	Raoul	Mr. President
Forby	Laufen	Righter	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Silverstein, **House Bill No. 3624**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 53; Nays 2.

The following voted in the affirmative:

Althoff	Frerichs	Link	Ronen
Bomke	Garrett	Luechtefeld	Rutherford
Bond	Haine	Maloney	Sandoval
Burzynski	Halvorson	Martinez	Schoenberg
Clayborne	Harmon	Millner	Sieben
Collins	Hendon	Munoz	Silverstein
Cronin	Holmes	Murphy	Sullivan

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Crotty	Hultgren	Noland	Syverson
Cullerton	Hunter	Pankau	Viverito
Dahl	Jacobs	Peterson	Wilhelmi
DeLeo	Koehler	Radogno	Mr. President
Demuzio	Kotowski	Raoul	
Dillard	Lauzen	Righter	
Forby	Lightford	Risinger	

The following voted in the negative:

Jones, J.
Watson

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Noland, **House Bill No. 3638**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 54; Nays None.

The following voted in the affirmative:

Althoff	Frerichs	Lightford	Risinger
Bomke	Garrett	Link	Ronen
Bond	Haine	Luechtefeld	Rutherford
Burzynski	Halvorson	Maloney	Schoenberg
Clayborne	Harmon	Martinez	Sieben
Collins	Hendon	Millner	Silverstein
Cronin	Holmes	Munoz	Sullivan
Crotty	Hultgren	Murphy	Syverson
Cullerton	Hunter	Noland	Viverito
Dahl	Jacobs	Pankau	Watson
DeLeo	Jones, J.	Peterson	Wilhelmi
Demuzio	Koehler	Radogno	Mr. President
Dillard	Kotowski	Raoul	
Forby	Lauzen	Righter	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Martinez, **House Bill No. 3654**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 55; Nays None.

The following voted in the affirmative:

Althoff	Frerichs	Lightford	Risinger
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Bomke	Garrett	Link	Ronen
Bond	Haine	Luechtefeld	Rutherford
Burzynski	Halvorson	Maloney	Sandoval
Clayborne	Harmon	Martinez	Schoenberg
Collins	Hendon	Millner	Sieben
Cronin	Holmes	Munoz	Silverstein
Crotty	Hultgren	Murphy	Sullivan
Cullerton	Hunter	Noland	Syverson
Dahl	Jacobs	Pankau	Viverito
DeLeo	Jones, J.	Peterson	Watson
Demuzio	Koehler	Radogno	Wilhelmi
Dillard	Kotowski	Raoul	Mr. President
Forby	Lauzen	Righter	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

HOUSE BILLS RECALLED

On motion of Senator Sieben, **House Bill No. 3721** was recalled from the order of third reading to the order of second reading.

Senator Sieben offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO HOUSE BILL 3721

AMENDMENT NO. 1. Amend House Bill 3721 as follows:

on page 1, line 11, by replacing "60" with "62"; and

on page 2, line 3, by replacing "60" with "62"; and

on page 2, line 10, by replacing "60" with "62"; and

on page 8, line 24, by replacing "60" with "62"; and

on page 16, line 15, by replacing "60" with "62".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Viverito, **House Bill No. 3729** was recalled from the order of third reading to the order of second reading.

Senator Viverito offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO HOUSE BILL 3729

AMENDMENT NO. 2. Amend House Bill 3729 by replacing everything after the enacting clause with the following:

"Section 5. The Private Sewage Disposal Licensing Act is amended by changing Sections 3 and 8 as follows:

(225 ILCS 225/3) (from Ch. 111 1/2, par. 116.303)

Sec. 3. As used in this Act, unless the context otherwise requires:

(1) "Domestic Sewage" means waste water derived principally from dwellings, business or office buildings, institutions, food service establishments, and similar facilities.

(2) "Director" means Director of the Illinois Department of Public Health.

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- (3) "Department" means the Illinois Department of Public Health.
- (4) "Human Wastes" means undigested food and by-products of metabolism which are passed out of the human body.
- (5) "Person" means any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, the State of Illinois or any Department thereof, or any other entity.
- (6) "Population Equivalent" means an average waste loading equivalent to that produced by one person which is defined as 100 gallons per day.
- (7) "Private Sewage Disposal System" means any sewage handling or treatment facility receiving domestic sewage from less than 15 people or population equivalent and having a ground surface discharge or any sewage handling or treatment facility receiving domestic sewage and having no ground surface discharge.
- (8) "Private Sewage Disposal System Installation Contractor" means any person constructing, installing, repairing, modifying, or maintaining private sewage disposal systems.
- (9) "Property Owner" means the person in whose name legal title to the real estate is recorded.
- (10) "Waste" means either human waste or domestic sewage or both.
- (11) "Private Sewage Disposal System Pumping Contractor" means any person who cleans or pumps waste from a private sewage disposal system or hauls or disposes of wastes removed therefrom.
- (12) "Alternative private sewage disposal system" means any system designed to address a unique circumstance where the prescriptive requirements of the private sewage disposal code does not apply, where the final treatment and discharge is free flowing through native soil, and where (i) the projected wastewater is likely to be atypical of residential or domestic wastewater in that flow may exceed 1500 gallons per day; (ii) the 5-day biochemical oxygen demand of the wastewater may exceed 300 milligrams per liter; (iii) any portion of the system is to be shared by 2 or more owners; or (iv) any portion of the treated wastewater is proposed for recycling or reuse.

(Source: P.A. 84-670.)

(225 ILCS 225/8) (from Ch. 111 1/2, par. 116.308)

Sec. 8. In addition to promulgating and publishing the private sewage disposal code, the Department has the following powers and duties:

- (1) Make such inspections as are necessary to determine satisfactory compliance with this Act and the private sewage disposal code.
- (2) Cause investigations to be made when a violation of any provisions of this Act or the private sewage disposal code is reported to the Department.
- (3) Subject to constitutional limitations, by its representatives after identification, enter at reasonable times upon private or public property for the purpose of inspecting and investigating conditions relating to the administration and enforcement of this Act and the private sewage disposal code.
- (4) Institute or cause to be instituted legal proceedings in the circuit court by the State's Attorney of the county where such non-compliance occurred or by the Attorney General of the State of Illinois in cases of non-compliance with the provisions of this Act and the private sewage disposal code.
- (5) Authorize the trial or experimental use of new innovative systems for private sewage disposal, upon such conditions as the Department may set.
- (6) Adopt minimum performance standards for private sewage disposal system contractors.
- (7) Issue an annual license to every applicant who complies with the requirements of this Act and the private sewage disposal code and who pays the required annual license fee.
- (8) Collect an annual license fee in an amount determined by the Department from each contractor and any examination and reinstatement fees.
- (9) Prescribe rules of procedure for hearings following denial, suspension or revocation of licenses as provided in this Act.
- (10) Authorize the use of alternative private sewage disposal systems that are designed by a professional engineer licensed under the Professional Engineering Practice Act of 1989 or an environmental health practitioner licensed under the Environmental Health Practitioner Licensing Act and accepted by the Department on a case-by-case basis where the proposed design reasonably addresses issues particular to the proposed system, including without limitation flow volume projections, wastewater composition and pretreatment, treatment and flow in the subsurface environment, and system ownership and maintenance responsibility.

(Source: P.A. 85-1261.)

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

[May 18, 2007]

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the bill, as amended, was ordered to a third reading.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Hultgren, **House Bill No. 3766**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 55; Nays None.

The following voted in the affirmative:

Althoff	Frerichs	Lightford	Risinger
Bomke	Garrett	Link	Ronen
Bond	Haine	Luechtefeld	Rutherford
Burzynski	Halvorson	Maloney	Sandoval
Clayborne	Harmon	Martinez	Schoenberg
Collins	Hendon	Millner	Sieben
Cronin	Holmes	Munoz	Silverstein
Crotty	Hultgren	Murphy	Sullivan
Cullerton	Hunter	Noland	Syverson
Dahl	Jacobs	Pankau	Viverito
DeLeo	Jones, J.	Peterson	Watson
Demuzio	Koehler	Radogno	Wilhelmi
Dillard	Kotowski	Raoul	Mr. President
Forby	Lauzen	Righter	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

SENATE BILL RECALLED

On motion of Senator Garrett, **Senate Bill No. 133** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 2 was held in the Committee on Public Health.

Senator Garrett offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 133

AMENDMENT NO. 3. Amend Senate Bill 133, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Mercury-Free Vaccine Act is amended by changing Sections 5 and 10 and by adding Section 15 as follows:

(410 ILCS 51/5)

Sec. 5. Banned mercury-containing vaccines.

(a) Commencing January 1, 2006, a person shall not be vaccinated with a mercury-containing vaccine that contains more than 1.25 micrograms of mercury per dose.

(b) Commencing January 1, 2008, no person shall be vaccinated with a vaccine or injected with any product that contains, or prior to dilution, had contained as an additive, any mercury based product, whether at preservative or trace amount levels.

(c) The Department of Public Health shall implement a policy to distribute, preferentially, influenza vaccines that are thimerosal-free or contain only trace amounts of thimerosal for the immunization of

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children under the age of 3 who are participating in the Vaccines for Children program, provided that the supply of influenza vaccines to health care providers is not impeded by the exercise of this preference. The Department shall annually communicate this policy to the General Assembly and health care providers.

(Source: P.A. 94-614, eff. 1-1-06.)

(410 ILCS 51/10)

Sec. 10. Exemption. The Department of Public Health may exempt the use of a vaccine from this Act if the Department finds that an actual or potential bio-terrorist incident or other actual or potential public health emergency, including an epidemic or shortage of supply of a vaccine at a reasonable cost that would prevent a person from receiving the needed vaccine, makes necessary the administration of a vaccine containing more mercury than the maximum level set forth in subsection (a) or subsection (b) of Section 5 in the case of influenza vaccine. The exemption shall meet all of the following conditions:

(1) The exemption shall not be issued for more than 12 months.

(2) At the end of the effective period of any exemption, the Department may issue another exemption for up to 12 months for the same incident or public health emergency, if the Department makes a determination that any exemption is necessary as set forth in this Section and the Department notifies the legislature and interested parties pursuant to paragraphs (3), (4), and (5).

(3) Upon issuing an exemption, the Department shall, within 48 hours, notify the legislature about any exemption and about the Department's findings justifying the exemption's approval.

(4) Upon request for an exemption, the Department shall notify an interested party, who has expressed his or her interest to the Department in writing, that an exemption request has been made.

(5) Upon issuing an exemption, the Department shall, within 7 days, notify an interested party, who has expressed his or her interest to the Department in writing, about any exemption and about the Department's findings justifying the exemption's approval.

(6) Upon issuing an exemption, the Department shall remind health care providers to distribute, preferentially, influenza vaccines that are thimerosal-free or contain only trace amounts of thimerosal for the immunization of children under the age of 3, provided that the supply of influenza vaccines to health care providers is not impeded by the exercise of this preference.

(Source: P.A. 94-614, eff. 1-1-06.)

(410 ILCS 51/15 new)

Sec. 15. Notification. The Department of Public Health shall annually notify health care providers about the requirements of this Act and encourage health care providers to increase immunization rates among persons who are recommended to receive influenza immunization, using all licensed vaccines, with preference given to influenza vaccines that are thimerosal-free or contain only trace amounts of thimerosal. The Department shall include this annual notification on its Internet web site. The Department shall annually report to the General Assembly, on or before December 31, on its efforts to inform health care providers about thimerosal-free vaccines."

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Garrett offered the following amendment and moved its adoption:

AMENDMENT NO. 4 TO SENATE BILL 133

AMENDMENT NO. 4. Amend Senate Bill 133, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 3, on page 4, line 14, after "vaccines.", by inserting "The Department shall notify health care providers about the availability of influenza vaccines and the most effective time for persons to be vaccinated."

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 3 and 4 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

[May 18, 2007]

On motion of Senator Garrett, **Senate Bill No. 133**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 54; Nays None.

The following voted in the affirmative:

Althoff	Frerichs	Lightford	Ronen
Bomke	Garrett	Link	Rutherford
Bond	Haine	Luechtefeld	Sandoval
Burzynski	Halvorson	Maloney	Schoenberg
Clayborne	Harmon	Martinez	Sieben
Collins	Hendon	Millner	Silverstein
Cronin	Holmes	Munoz	Sullivan
Crotty	Hultgren	Murphy	Syverson
Cullerton	Hunter	Noland	Viverito
Dahl	Jacobs	Pankau	Watson
DeLeo	Jones, J.	Peterson	Wilhelmi
Demuzio	Koehler	Radogno	Mr. President
Dillard	Kotowski	Raoul	
Forby	Laufen	Righter	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILL RECALLED

On motion of Senator Sandoval, **Senate Bill No. 856** was recalled from the order of third reading to the order of second reading.

Senator Sandoval offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 856

AMENDMENT NO. 1. Amend Senate Bill 856 by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by adding Section 5.675 as follows:

(30 ILCS 105/5.675 new)

Sec. 5.675. The Higher Education Revolving Loan Fund.

Section 10. The Higher Education Student Assistance Act is amended by adding Section 65.85 as follows:

(110 ILCS 947/65.85 new)

Sec. 65.85. Higher education revolving loans.

(a) In this Section, "eligible student" means a student enrolled at the undergraduate level at an institution of higher learning who (i) if the student has not yet completed one term at an institution of higher learning, had a 3.0 cumulative grade point average or its equivalent after graduating from an approved high school; (ii) if the student has completed at least one term at an institution of higher learning, has a 3.0 post-secondary cumulative grade point average or its equivalent; (iii) is a resident of this State and a citizen or permanent resident of the United States; and (iv) is from a family that has an adjusted gross income not to exceed 250% of the federal poverty guidelines as published in the Federal Register by the U.S. Department of Health and Human Services.

(b) The Commission shall, subject to appropriation, implement and administer a higher education revolving loan program to provide loans to eligible students, as defined in this Act and as determined by the Commission, for the costs of attending an institution of higher learning in this State. These loans

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must be offered at a low interest rate to be determined by the Commission, taking into account in its deliberations both program sustainability and affordability for loan recipients.

(c) An individual may not receive loans under this Section in excess of \$5,000 or the student's tuition and mandatory fees, whichever is less, per academic year. Loan funds must be paid directly to the institution of higher learning.

(d) The repayment period for a loan made under this Section may not exceed 15 years. A person who receives a loan under this Section shall begin repaying the loan beginning 6 months after the person no longer attends an institution of higher learning. The loan recipient shall repay at a minimum 5% of the principal each year or the remaining balance of the loan. Additionally, in each month, the loan recipient shall repay a minimum of \$50 or the remaining balance of the loan. All repayments of loans shall be deposited into the Higher Education Revolving Loan Fund.

(e) The Higher Education Revolving Loan Fund is created as a special fund in the State treasury. All money in the Fund shall be used, subject to appropriation, by the Commission for making loans under this Section. The Fund shall consist of any moneys transferred or appropriated into the Fund, as well as all repayments of loans made under the higher education revolving loan program. The Fund shall be used for the purposes of this Section and for no other purpose. All interest earned on moneys in the Fund shall be deposited into the Fund.

(f) The Commission shall adopt any rules necessary to implement and administer this Section.

Section 99. Effective date. This Act takes effect July 1, 2007."

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Sandoval, **Senate Bill No. 856**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 53; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Link	Rutherford
Bomke	Haine	Maloney	Sandoval
Bond	Halvorson	Martinez	Schoenberg
Burzynski	Harmon	Millner	Sieben
Clayborne	Hendon	Munoz	Silverstein
Collins	Holmes	Murphy	Sullivan
Crotty	Hultgren	Noland	Syverson
Cullerton	Hunter	Pankau	Viverito
Dahl	Jacobs	Peterson	Watson
DeLeo	Jones, J.	Radogno	Wilhelmi
Demuzio	Koehler	Raoul	Mr. President
Dillard	Kotowski	Righter	
Forby	Laufen	Risinger	
Frerichs	Lightford	Ronen	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

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SENATE BILL RECALLED

On motion of Senator Harmon, **Senate Bill No. 877** was recalled from the order of third reading to the order of second reading.

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 877

AMENDMENT NO. 1. Amend Senate Bill 877 by replacing everything after the enacting clause with the following:

"Section 5. The Public Utilities Act is amended by adding Section 9-220.3 as follows:
(220 ILCS 5/9-220.3 new)

Sec. 9-220.3. Renewable energy portfolio standard and energy efficiency portfolio standard.

(a) The General Assembly finds and declares that it is desirable to obtain the environmental quality, public health, employment, economic development, rate stabilization, and fuel diversity benefits of developing new renewable energy resources for use in Illinois. The General Assembly has previously found and declared that the benefits of electricity from renewable energy resources accrue to the public at large, thus consumers and electric utilities and alternative retail electric suppliers share an interest in developing and using a significant level of these environmentally preferable resources in the State's electricity supply portfolio. The General Assembly has previously found and declared that renewable forms of energy should be promoted as an important element of the energy and environmental policies of the State.

(b) For purposes of this Section:

"Renewable energy credit" means a tradable credit that represents the environmental attributes of a certain amount of energy produced from a renewable energy resource.

"Renewable energy resources" includes energy or renewable energy credits from wind, solar thermal energy, photovoltaic cells and panels, dedicated crops grown for energy production and organic waste biomass, hydropower that does not involve new construction or significant expansion of hydropower dams, and other such alternative sources of environmentally preferable energy. For purposes of this Section, "renewable energy resources" includes landfill gas from landfills located in the State. "Renewable energy resources" does not include, however, energy from the incineration, burning or heating of waste wood, tires, garbage, general household, institutional and commercial waste, industrial lunchroom or office waste, landscape waste, or construction or demolition debris.

(c) The following renewable energy portfolio standards shall apply:

(1) An electric utility shall procure or obtain renewable energy resources in amounts that equal or exceed the following percentages of the total electricity that such electric utility supplies to its retail Illinois customers: 2% by December 31, 2008; 4% by December 31, 2009; 5% by December 31, 2010; 6% by December 31, 2011; 7% by December 31, 2012; 8% by December 31, 2013; 9% by December 31, 2014; and 10% by December 31, 2015. It shall be the goal of the State that cost-effective renewable energy resources be available to supply an amount of the total electricity that electric utilities supply to their retail customers that will continue to increase after 2015 by 1.5% per year to 25% by 2025. Provided, however, that if the Commission's promulgation of rules pursuant to item (7) is delayed beyond March 31, 2008, but occurs prior to April 1, 2009, the initial target year and each subsequent target year shall be delayed by one year; the targets shall be delayed by an additional year for each additional year or fraction thereof that the Commission's promulgation of rules is delayed. In the event that the Commission's promulgation of rules is delayed after March 31, 2008, but occurs before July 1, 2008, the utility shall nonetheless meet one-quarter of the target for 2008 of electricity supplied to retail Illinois customers by December 31, 2008. To the extent that it is available, at least 75% of the renewable energy resources used to meet these standards shall come from wind generation. For purposes of this subsection (c), "cost-effective" shall mean that the costs of procuring renewable energy resources do not cause the limit stated in item (3) to be exceeded.

(2) For the purposes of this subsection (c), the required procurement of renewable energy resources for a particular year shall be measured as a percentage of the actual amount of electricity (megawatt-hours) supplied by the electric utility in the calendar year ending immediately prior to the procurement.

(3) Notwithstanding the requirements of item (1) of this subsection (c), an electric utility may reduce the amount of renewable energy resources procured under new contracts in any single year by an

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amount necessary to limit the estimated average increase due to the cost of these resources included in the amounts paid by retail customers in connection with electric service to no more than 0.5% of the amount paid by such customers during the preceding calendar year, with such limit increasing by 0.5% in each of the 3 years 2009 through 2011, for a maximum cap on the allowed estimated average increase due to the cost of these resources of 2.0%. The maximum cap on the allowed estimated average increase due to the cost of these resources is 2%. No later than June 30, 2011, the Commission shall review the rate limitation and report to the General Assembly its findings as to whether the rate cap unduly constrains the procurement of renewable energy resources that are cost effective.

(4) Renewable energy resources shall be counted for the purpose of meeting the renewable energy standards set forth in item (1) of this subsection (c) only if they are generated from facilities located in the State, provided that cost-effective renewable resources are available from such facilities. After December 31, 2011, renewable energy resources located in states that adjoin Illinois may be counted towards compliance with the standards set forth in item (1) of this subsection (c) so long as such resources are generated from resources that meet the definition of renewable energy resources as defined by this statute. Any electric utility with fewer than 100,000 but more than 50,000 customers in Illinois as of January 1, 2007 shall be allowed to count renewable energy resources generated in a state adjoining Illinois for the purpose of meeting the renewable energy standard set forth in item (1) of this subsection (c) if such resources are generated from a facility constructed in the year 2006.

(5) Each electric utility shall report to the Commission on compliance with these standards by April 1 of each year, beginning in 2009.

(6) If an electric utility does not, during a calendar year, procure or obtain the full amount of renewable energy resources specified by the standards in item (1) of this subsection (c), as modified by the limitations of item (3) of this subsection (c), then the electric utility shall pay a penalty of \$40 per megawatt-hour for any shortfall during such year unless and until the utility makes sufficient additional purchases in the following year to offset the shortfall. Provided, however, that, if the electric utility proves to the Commission that cost-effective renewable energy resources are not available in sufficient quantities to meet the renewable energy standards set forth in item (1) of this subsection (c), as modified by the limitations of item (3) of this subsection (c), and, if the Commission finds that the electric utility has, in fact, proved that the cost-effective renewable energy resources are not available in sufficient quantities, after notice and a hearing conducted in accordance with the Commission's rules of practice, then the Commission shall waive the penalty. Any penalty payment shall be deposited into the Renewable Energy Resources Trust Fund to be used by the Department of Commerce and Economic Opportunity for the sole purposes of supporting the actual development, construction, and utilization of renewable energy projects in the State.

(7) The Commission shall promulgate rules as necessary within 9 months after the effective date of this Act to assist in implementing this subsection (c) including, but not limited to, methods of procurement, accounting, tracking, and reporting in order to achieve the full objectives of this subsection (c). The rules shall also provide for recovery of costs incurred and the pass through to customers of any savings achieved by electric utilities as a result of procuring or obtaining the renewable energy resources specified under item (1) of this subsection (c). The rate elements and rates used for such cost recovery may be established by the electric utility, subject to the Commission's review and approval, outside the context of a general rate case.

(8) In connection with their compliance with the requirements of item (1) of this subsection (c), electric utilities may enter into long-term contracts of up to 20 years in length with providers of renewable energy resources, and the costs or savings associated with those contracts shall be reflected in tariffed rates for the duration of those contracts.

(9) Nothing shall prohibit an electric utility from issuing a competitive solicitation for renewable energy resources in order to meet the standards of item (1) of this subsection (c) and from beginning to recover the associated costs in advance of the conclusion of the rulemaking referenced in item (7) of this subsection (c), provided that such electric utility shall have first requested and received Commission approval for the design and conduct of such solicitation and the associated cost recovery methodology and tariff, which the Commission shall review and consider.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

[May 18, 2007]

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Harmon, **Senate Bill No. 877**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 53; Nays 1.

The following voted in the affirmative:

Althoff	Garrett	Link	Ronen
Bomke	Haine	Luechtefeld	Sandoval
Bond	Halvorson	Maloney	Schoenberg
Burzynski	Harmon	Martinez	Sieben
Clayborne	Hendon	Millner	Silverstein
Collins	Holmes	Munoz	Sullivan
Crotty	Hultgren	Murphy	Syverson
Cullerton	Hunter	Noland	Viverito
Dahl	Jacobs	Pankau	Watson
DeLeo	Jones, J.	Peterson	Wilhelmi
Demuzio	Koehler	Radogno	Mr. President
Dillard	Kotowski	Raoul	
Forby	Lauzen	Righter	
Frerichs	Lightford	Risinger	

The following voted in the negative:

Rutherford

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILL RECALLED

On motion of Senator Kotowski, **Senate Bill No. 940** was recalled from the order of third reading to the order of second reading.

Senator Kotowski offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 940

AMENDMENT NO. 1. Amend Senate Bill 940 by replacing everything after the enacting clause with the following:

"Section 5. The Firearm Owners Identification Card Act is amended by changing Section 3.1 as follows:

(430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

Sec. 3.1. Dial up system.

(a) The Department of State Police shall provide a dial up telephone system or utilize other existing technology which shall be used by any federally licensed firearm dealer, gun show promoter, or gun show vendor who is to transfer a firearm, stun gun, or taser under the provisions of this Act. The Department of State Police may utilize existing technology which allows the caller to be charged a fee not to exceed \$2. Fees collected by the Department of State Police shall be deposited in the State Police Services Fund and used to provide the service.

(b) Upon receiving a request from a federally licensed firearm dealer, gun show promoter, or gun

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show vendor, the Department of State Police shall immediately approve, or within the time period established by Section 24-3 of the Criminal Code of 1961 regarding the delivery of firearms, stun guns, and tasers notify the inquiring dealer, gun show promoter, or gun show vendor of any objection that would disqualify the transferee from acquiring or possessing a firearm, stun gun, or taser. In conducting the inquiry, the Department of State Police shall initiate and complete an automated search of its criminal history record information files and those of the Federal Bureau of Investigation, including the National Instant Criminal Background Check System, and of the files of the Department of Human Services relating to mental health and developmental disabilities to obtain any felony conviction or patient hospitalization information which would disqualify a person from obtaining or require revocation of a currently valid Firearm Owner's Identification Card.

(c) If receipt of a firearm would not violate Section 24-3 of the Criminal Code of 1961, federal law, or this Act the Department of State Police shall:

(1) assign a unique identification number to the transfer; and

(2) provide the licensee, gun show promoter, or gun show vendor with the number.

(d) Approvals issued by the Department of State Police for the purchase of a firearm are valid for 30 days from the date of issue.

(e) (1) The Department of State Police must act as the Illinois Point of Contact for the National Instant Criminal Background Check System.

(2) The Department of State Police and the Department of Human Services shall, in accordance with State and federal law regarding confidentiality, enter into a memorandum of understanding with the Federal Bureau of Investigation for the purpose of implementing the National Instant Criminal Background Check System in the State. The Department of State Police shall report the name, date of birth, and physical description of any person prohibited from possessing a firearm pursuant to the Firearm Owners Identification Card Act and 18 USC 922(g) and (n) to the National Instant Criminal Background Check System Index, Denied Persons Files.

(f) The Department of State Police shall promulgate rules not inconsistent with this Section to implement this system.

(Source: P.A. 94-6, eff. 1-1-06; 94-353, eff. 7-29-05; revised 8-19-05.)

Section 10. The Mental Health and Developmental Disabilities Confidentiality Act is amended by changing Section 12 as follows:

(740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

Sec. 12. (a) If the United States Secret Service or the Department of State Police requests information from a mental health or developmental disability facility, as defined in Section 1-107 and 1-114 of the Mental Health and Developmental Disabilities Code, relating to a specific recipient and the facility director determines that disclosure of such information may be necessary to protect the life of, or to prevent the infliction of great bodily harm to, a public official, or a person under the protection of the United States Secret Service, only the following information may be disclosed: the recipient's name, address, and age and the date of any admission to or discharge from a facility; and any information which would indicate whether or not the recipient has a history of violence or presents a danger of violence to the person under protection. Any information so disclosed shall be used for investigative purposes only and shall not be publicly disseminated. Any person participating in good faith in the disclosure of such information in accordance with this provision shall have immunity from any liability, civil, criminal or otherwise, if such information is disclosed relying upon the representation of an officer of the United States Secret Service or the Department of State Police that a person is under the protection of the United States Secret Service or is a public official.

For the purpose of this subsection (a), the term "public official" means the Governor, Lieutenant Governor, Attorney General, Secretary of State, State Comptroller, State Treasurer or member of the General Assembly. The term shall also include the spouse, child or children of a public official.

(b) The Department of Human Services (acting as successor to the Department of Mental Health and Developmental Disabilities) and all public or private hospitals and mental health facilities as described in clause (3) of this subsection (b), are required, as hereafter described in this subsection, to furnish the Department of State Police only such information as may be required for the sole purpose of determining whether an individual who may be or may have been a patient is disqualified because of that status from receiving or retaining a Firearm Owner's Identification Card under subsections (e) and (f) of Section 8 of the Firearm Owners Identification Card Act and 18 USC 922(g) and (n). All public or private hospitals and mental health facilities shall, in the form and manner required by the Department, provide such information as shall be necessary for the Department to comply with the reporting requirements to the Department of State Police. Such information shall be furnished within 7 ~~30~~ days

after admission to a public or private hospital or mental health facility or the provision of services to a person described in clause (2) of this subsection (b). Any such information disclosed under this subsection shall remain privileged and confidential, and shall not be redisclosed nor utilized for any other purpose. The method of requiring the providing of such information shall guarantee that no information is released beyond what is necessary for this purpose. In addition, the information disclosed shall be provided by the Department within the time period established by Section 24-3 of the Criminal Code of 1961 regarding the delivery of firearms. The method used shall be sufficient to provide the necessary information within the prescribed time period, which may include periodically providing lists to the Department of Human Services or any public or private hospital or mental health facility of Firearm Owner's Identification Card applicants on which the Department or hospital shall indicate the identities of those individuals who are to its knowledge disqualified from having a Firearm Owner's Identification Card for reasons described herein. The Department may provide for a centralized source of information for the State on this subject under its jurisdiction.

Any person, institution, or agency, under this Act, participating in good faith in the reporting or disclosure of records and communications otherwise in accordance with this provision or with rules, regulations or guidelines issued by the Department shall have immunity from any liability, civil, criminal or otherwise, that might result by reason of the action. For the purpose of any proceeding, civil or criminal, arising out of a report or disclosure in accordance with this provision, the good faith of any person, institution, or agency so reporting or disclosing shall be presumed. The full extent of the immunity provided in this subsection (b) shall apply to any person, institution or agency that fails to make a report or disclosure in the good faith belief that the report or disclosure would violate federal regulations governing the confidentiality of alcohol and drug abuse patient records implementing 42 U.S.C. 290dd-3 and 290ee-3.

For purposes of this subsection (b) only, the following terms shall have the meaning prescribed:

(1) "Hospital" means only that type of institution which is providing full-time residential facilities and treatment for in-patients and excludes institutions, such as community clinics, which only provide treatment to out-patients.

(2) "Patient" shall mean only a person who is an in-patient or resident of any hospital, not an out-patient or client seen solely for periodic consultation unless the person's mental condition is of such a nature that it poses a clear and present danger to himself or herself, any other person or persons or the community. The term "mental condition" is defined in subsection (f) of Section 8 of the Firearm Owners Identification Card Act.

(3) "Mental health facility" means any public or private facility that provides mental health services to persons on an inpatient or outpatient basis.

(c) Upon the request of a peace officer who takes a person into custody and transports such person to a mental health or developmental disability facility pursuant to Section 3-606 or 4-404 of the Mental Health and Developmental Disabilities Code or who transports a person from such facility, a facility director shall furnish said peace officer the name, address, age and name of the nearest relative of the person transported to or from the mental health or developmental disability facility. In no case shall the facility director disclose to the peace officer any information relating to the diagnosis, treatment or evaluation of the person's mental or physical health.

For the purposes of this subsection (c), the terms "mental health or developmental disability facility", "peace officer" and "facility director" shall have the meanings ascribed to them in the Mental Health and Developmental Disabilities Code.

(d) Upon the request of a peace officer or prosecuting authority who is conducting a bona fide investigation of a criminal offense, or attempting to apprehend a fugitive from justice, a facility director may disclose whether a person is present at the facility. Upon request of a peace officer or prosecuting authority who has a valid forcible felony warrant issued, a facility director shall disclose: (1) whether the person who is the subject of the warrant is present at the facility and (2) the date of that person's discharge or future discharge from the facility. The requesting peace officer or prosecuting authority must furnish a case number and the purpose of the investigation or an outstanding arrest warrant at the time of the request. Any person, institution, or agency participating in good faith in disclosing such information in accordance with this subsection (d) is immune from any liability, civil, criminal or otherwise, that might result by reason of the action.

(Source: P.A. 92-738, eff. 7-25-02.)"

The motion prevailed.

And the amendment was adopted and ordered printed.

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There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Kotowski, **Senate Bill No. 940**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 51; Nays 4.

The following voted in the affirmative:

Althoff	Garrett	Link	Risinger
Bomke	Haine	Luechtefeld	Ronen
Bond	Halvorson	Maloney	Rutherford
Clayborne	Harmon	Martinez	Sandoval
Collins	Hendon	Millner	Schoenberg
Cronin	Holmes	Munoz	Silverstein
Crotty	Hultgren	Murphy	Sullivan
Cullerton	Hunter	Noland	Syverson
DeLeo	Jones, J.	Pankau	Viverito
Demuzio	Koehler	Peterson	Watson
Dillard	Kotowski	Radogno	Wilhelmi
Forby	Lauzen	Raoul	Mr. President
Frerichs	Lightford	Righter	

The following voted in the negative:

Burzynski	Jacobs
Dahl	Sieben

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILL RECALLED

On motion of Senator Ronen, **Senate Bill No. 942** was recalled from the order of third reading to the order of second reading.

Senator Ronen offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 942

AMENDMENT NO. 1. Amend Senate Bill 942, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Comprehensive Lead Education, Reduction, and Window Replacement Program Act.

Section 5. Findings; intent; establishment of program.

(a) The General Assembly finds all of the following:

(1) Lead-based paint poisoning is a potentially devastating, but preventable disease.

It is one of the top environmental threats to children's health in the United States.

(2) The number of lead-poisoned children in Illinois is among the highest in the nation, especially in older, more affordable properties.

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(3) Lead poisoning causes irreversible damage to the development of a child's nervous system. Even at low and moderate levels, lead poisoning causes learning disabilities, problems with speech, shortened attention span, hyperactivity, and behavioral problems. Recent research links low levels of lead exposure to lower IQ scores and to juvenile delinquency.

(4) Older housing is the number one risk factor for childhood lead poisoning. Properties built before 1950 are statistically much more likely to contain lead-based paint hazards than buildings constructed more recently.

(5) The State of Illinois ranks 10th out of the 50 states in the age of its housing stock. More than 50% of the housing units in Chicago and in Rock Island, Peoria, Macon, Madison, and Kankakee counties were built before 1960. More than 43% of the housing units in St. Clair, Winnebago, Sangamon, Kane, and Cook counties were built before 1950.

(6) There are nearly 1.4 million households with lead-based paint hazards in Illinois.

(7) Most children are lead poisoned in their own homes through exposure to lead dust from deteriorated lead paint surfaces, like windows, and when lead paint deteriorates or is disturbed through home renovation and repainting.

(8) Less than 25% of children in Illinois age 6 and under have been tested for lead poisoning. While children are lead poisoned throughout Illinois, counties above the statewide average include: Alexander, Cass, Cook, Fulton, Greene, Kane, Kankakee, Knox, LaSalle, Macon, Mercer, Peoria, Perry, Rock Island, Sangamon, St. Clair, Stephenson, Vermilion, Will, and Winnebago.

(9) The control of lead hazards significantly reduces lead poisoning rates. Other communities, including New York City and Milwaukee, have successfully reduced lead poisoning rates by removing lead-based paint hazards on windows.

(10) Windows are considered a higher lead exposure risk more often than other components in a housing unit. Windows are a major contributor of lead dust in the home, due to both weathering conditions and friction effects on paint.

(11) There is an insufficient pool of licensed lead abatement workers and contractors to address the problem in some areas of the State.

(12) Through grants from the U.S. Department of Housing and Urban Development, some communities in Illinois have begun to reduce lead poisoning of children. While this is an ongoing effort, it only addresses a small number of the low-income children statewide in communities with high levels of lead paint in the housing stock.

(b) It is the intent of the General Assembly to:

- (1) address the problem of lead poisoning of children by eliminating lead hazards in homes;
- (2) provide training within communities to encourage the use of lead-paint safe work practices;
- (3) create job opportunities for community members in the lead abatement industry;
- (4) support the efforts of small business and property owners committed to maintaining lead-safe housing; and
- (5) assist in the maintenance of affordable lead-safe housing stock.

(c) The General Assembly hereby establishes the Comprehensive Lead Education, Reduction, and Window Replacement Program to assist residential property owners through loan and grant programs to reduce lead paint hazards through window replacement in pilot area communities. Where there is a lack of workers trained to remove lead-based paint hazards, job-training programs must be initiated. The General Assembly also recognizes that training, insurance, and licensing costs are prohibitively high and hereby establishes incentives for contractors to do lead abatement work.

Section 10. Definitions. In this Act:

"Advisory Council" refers to the Lead Safe Housing Advisory Council established under Public Act 93-0789.

"CLEAR-WIN Program" refers to the Comprehensive Lead Education, Reduction, and Window Replacement Program created pursuant to this Act to assist property owners of single family homes and multi-unit residential properties in pilot area communities, through loan and grant programs that reduce lead-paint hazards primarily through window replacement and, where necessary, through other lead-based paint hazard control techniques.

"Director" means the Director of Public Health.

"Lead Safe Housing Maintenance Standards" refers to the standards developed by the Lead Safe Housing Advisory Council.

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"Low-income" means a household at or below 80% of the median income level for a given county as determined annually by the U.S. Department of Housing and Urban Development.

"Pilot area communities" means the counties or cities selected by the Department, with the advice of the Advisory Council, where properties whose owners are eligible for the assistance provided by this Act are located.

"Window" means the inside, outside, and sides of sashes and mullions and the frames to the outside edge of the frame, including sides, sash guides, and window wells and sills.

Section 15. Grant and loan program.

(a) Subject to appropriation, the Department, in consultation with the Advisory Council, shall establish and operate the CLEAR-WIN Program in two pilot area communities selected by the Department with advice from the Advisory Council. Pilot area communities shall be selected based upon the prevalence of low-income families whose children are lead poisoned, the age of the housing stock, and other sources of funding available to the communities to address lead based paint hazards.

(b) The Department shall be responsible for administering the CLEAR-WIN grant program. The grant shall be used to correct lead-based paint hazards in residential buildings. Conditions for receiving a grant shall be developed by the Department based on criteria established by the Advisory Council. Criteria, including but not limited to the following program components, shall include (i) income eligibility for receipt of the grants, with priority given to low-income tenants or owners who rent to low income tenants; (ii) properties to be covered under CLEAR-WIN; and (iii) the number of units to be covered in a property. Prior to making a grant, the Department must provide the grant recipient with a copy of the Lead Safe Housing Maintenance Standards generated by the Advisory Council. The property owner must certify that he or she has received the Standards and intends to comply with them; has provided a copy of the Standards to all tenants in the building; will continue to rent to the same tenant or other low-income tenant for a period of not less than 5 years following completion of the work; and will continue to maintain the property as lead-safe. Failure to comply with the grant conditions may result in repayment of grant funds.

(c) The Advisory Council shall also consider development of a loan program to assist property owners not eligible for grants.

(d) All lead-based paint hazard control work performed with these grant or loan funds shall be conducted in conformance with the Lead Poisoning Prevention Act and the Illinois Lead Poisoning Prevention Code. Before contractors are paid for repair work conducted under the CLEAR-WIN Program, each dwelling unit assisted must be inspected by a lead risk assessor or lead inspector licensed in Illinois, and an appropriate number of dust samples must be collected from in and around the work areas for lead analysis, with results in compliance with levels set by the Lead Poisoning Prevention Act and the Illinois Lead Poisoning Prevention Code. All costs of evaluation shall be the responsibility of the property owner who received the grant or loan, but will be provided for by the Department for grant recipients and may be included in the amount of the loan. Additional repairs and clean-up costs associated with a failed clearance test, including follow-up tests, shall be the responsibility of the contractor.

(e) Within 6 months after the effective date of this Act, the Advisory Council shall recommend to the Department Lead Safe Housing Maintenance Standards for purposes of the CLEAR-WIN Program. Except for properties where all lead-based paint has been removed, the standards shall describe the responsibilities of property owners and tenants in maintaining lead-safe housing, including but not limited to, prescribing special cleaning, repair, and maintenance necessary to reduce the chance that properties will cause lead poisoning in child occupants. Recipients of CLEAR-WIN grants and loans shall be required to continue to maintain their properties in compliance with these Lead Safe Housing Maintenance Standards. Failure to maintain properties in accordance with these Standards, may result in repayment of grant funds or termination of the loan.

Section 20. Lead-abatement training. The Advisory Council shall determine whether a sufficient number of lead abatement training programs exist to serve the pilot sites. If it is determined additional programs are needed, the Advisory Council shall work with the Department to establish the additional training programs for purposes of the CLEAR-WIN Program.

Section 25. Insurance assistance. The Department shall make available, for the portion of a policy related to lead activities, 100% insurance subsidies to licensed lead abatement contractors who primarily target their work to the pilot area communities and employ a significant number of licensed lead abatement workers from the pilot area communities. Receipt of the subsidies shall be reviewed annually

by the Department. The Department shall adopt rules for implementation of these insurance subsidies within 6 months after the effective date of this Act.

Section 30. Advisory Council.

The Advisory Council shall submit an annual written report to the Governor and General Assembly on the operation and effectiveness of the CLEAR-WIN Program. The report must evaluate the program's effectiveness on reducing the prevalence of lead poisoning in children in the pilot area communities and in training and employing persons in the pilot area communities. The report also must describe the numbers of units in which lead-based paint was abated; specify the type of work completed and the types of dwellings and demographics of persons assisted; summarize the cost of lead-based paint hazard control and CLEAR-WIN Program administration; rent increases or decreases in the pilot area communities; rental property ownership changes; and any other CLEAR-WIN actions taken by the Department or the Advisory Council and recommend any necessary legislation or rule-making to improve the effectiveness of the CLEAR-WIN Program."

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Ronen, **Senate Bill No. 942**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 43; Nays 11.

The following voted in the affirmative:

Althoff	Frerichs	Lightford	Raoul
Bomke	Garrett	Link	Risinger
Bond	Haine	Luechtefeld	Ronen
Clayborne	Halvorson	Maloney	Sandoval
Collins	Harmon	Martinez	Schoenberg
Crotty	Hendon	Millner	Silverstein
Cullerton	Holmes	Munoz	Sullivan
DeLeo	Hunter	Murphy	Viverito
Demuzio	Jacobs	Noland	Wilhelmi
Dillard	Koehler	Pankau	Mr. President
Forby	Kotowski	Peterson	

The following voted in the negative:

Burzynski	Jones, J.	Righter	Syverson
Dahl	Lauzen	Rutherford	Watson
Hultgren	Radogno	Sieben	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILL RECALLED

[May 18, 2007]

On motion of Senator Forby, **Senate Bill No. 1041** was recalled from the order of third reading to the order of second reading.

Senator Forby offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1041

AMENDMENT NO. 1. Amend Senate Bill 1041 by replacing everything after the enacting clause with the following:

"Section 5. The Drilling Operations Act is amended by changing Sections 4 and 6 as follows:

(765 ILCS 530/4) (from Ch. 96 1/2, par. 9654)

Sec. 4. Notice.

(a) Prior to commencement of the drilling of a well, the operator shall give a copy of the Act with a written notice to the surface owner of the operator's intent to commence drilling operations.

(b) The operator shall, for the purpose of giving notice as herein required, secure from the assessor's office within 90 days prior to the giving of the notice, a certification which shall identify the person in whose name the lands on which drilling operations are to be commenced and who is assessed at the time the certification is made. The written certification made by the assessor of the surface owner shall be conclusive evidence of the surface ownership and of the operator's compliance with the provisions of this Act.

(c) The notice required to be given by the operator to the surface owner shall identify the following:

(1) The location of the proposed entry on the surface for drilling operations, and the date on or after which drilling operations shall be commenced.

(2) A photocopy of the drilling application to the Department of Natural Resources for the well to be drilled.

(3) The name, address and telephone number of the operator.

(4) An offer to discuss with the surface owner those matters set forth in Section 5 hereof prior to commencement of drilling operations.

~~(5)~~ If the surface owner elects to meet the operator, the surface owner shall request the operator to schedule a meeting at a mutually agreed time and place within the limitations set forth herein. Failure of the surface owner to contact the operator at least 5 days prior to the proposed commencement of drilling operations shall be conclusively deemed a waiver of the right to meet by the surface owner.

~~(6)~~ The meeting shall be scheduled between the hours of 9:00 in the morning and the setting of the sun of the same day and shall be at least 3 days prior to commencement of drilling operations. Unless agreed to otherwise, the place shall be located within the county in which drilling operations are to be commenced where the operator or his agent shall be available to discuss with the surface owner or his agent those matters set forth in Section 5 hereof.

~~(7)~~ The notice and a copy of the Act as herein required shall be given to the surface owner by either:

(A) certified mail addressed to the surface owner at the address shown in the certification obtained from the assessor, which shall be postmarked at least 10 days prior to the commencement of drilling operations; or

(B) personal delivery to the surface owner at least 8 days prior to the commencement of drilling operations.

(C) Notice to the surface owner as defined in this Act shall be deemed conclusive notice to the record owners of all interest in the surface.

(Source: P.A. 89-445, eff. 2-7-96; revised 10-19-05.)

(765 ILCS 530/6) (from Ch. 96 1/2, par. 9656)

Sec. 6. Compensation of surface owners for drilling and producing operations and duties after cessation of production.

(A) The surface owner shall be entitled to reasonable compensation from the operator for damages as follows:

~~(1) To~~ ~~to~~ growing crops, trees, shrubs, fences, roads, structures, improvements, personal property, and livestock

thereon caused by the drilling of a new well. The surface owner shall also be entitled to reasonable compensation from the operator for subsequent damages.

~~(2) To~~ ~~to~~ growing crops, trees, shrubs, fences, roads, structures, improvements, personal property, and livestock

thereon.

~~(3) For the loss of the value of a commercial crop corresponding to lands taken out of production~~

because of the use thereof by the operator for roads and production equipment. Any recovery shall only be applicable if the area adjacent to said roads and production equipment are planted and harvested. The value of the crop shall be calculated by: (i) determining the average per acre yield for the crop on adjacent lands; (ii) determining the price received for the sale of the crop on adjacent lands less the cost of seed planting, chemicals, fertilizers and harvesting; (iii) determining the acreage of the area utilized for roads and production equipment; and (iv) attributing the determined crop yield to the determined acreage utilized and applying the determined price. The initial determination of the value of the crop shall be determined by the surface owner and submitted to the operator. The surface owner and operator shall mutually agree as to the value of the crop utilizing the above referenced formula for the initial crop year and all caused by subsequent crop years production operations of the operator thereon. The surface owner shall also be entitled to reasonable compensation

(4) ~~For~~ for all negligent acts of operator that cause measurable damage to the productive capacity of the soil. ~~In addition,~~

(A-5) ~~The~~ the operator shall not utilize any more of the surface estate than is reasonably necessary for the exploration, production and development of the mineral estate.

(B) The compensation required pursuant to paragraph (A) above shall be paid in any manner mutually agreed upon by the operator and the surface owner, but the failure to agree upon, or make the compensation required, shall not prevent the operator from commencement of drilling operations; provided, however, that operator shall tender to the surface owner payment by check or draft in accordance with the provisions herein no later than 90 days after completion of the well. The surface owner's remedy shall be an action for compensation in the circuit court in which the lands or the greater part thereof are located on which drilling operations were conducted; provided, however, that if operator fails to tender payment within the 90-day period or if the tender is not reasonable, surface owner shall be entitled to reasonable compensation as provided herein as well as attorney's fees.

If operator relies on a third party appraiser or fair market value, such amount shall be conclusively deemed to be reasonable, and there shall be no award of attorney's fees.

(C) In conjunction with the plugging and abandonment of any well, the operator shall restore the surface to a condition as near as practicable to the condition of the surface prior to commencement of drilling operations; provided, however, that the surface owner and operator may waive this requirement in writing, subject to the approval of the Department of Natural Resources that the waiver is in accordance with its rules.

(D) Where practicable and absent a written agreement to the contrary with the surface owner, all flow lines and other underground structures must be buried to a depth not less than 36 inches from the surface.

(Source: P.A. 89-445, eff. 2-7-96.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Forby, **Senate Bill No. 1041**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 53; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Link	Ronen
Bomke	Haine	Luechtefeld	Rutherford
Bond	Halvorson	Maloney	Sandoval
Burzynski	Harmon	Martinez	Sieben
Clayborne	Hendon	Millner	Silverstein
Collins	Holmes	Munoz	Sullivan

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Crotty	Hultgren	Murphy	Syverson
Cullerton	Hunter	Noland	Viverito
Dahl	Jacobs	Pankau	Watson
DeLeo	Jones, J.	Peterson	Wilhelmi
Demuzio	Koehler	Radogno	Mr. President
Dillard	Kotowski	Raoul	
Forby	Lauzen	Righter	
Frerichs	Lightford	Risinger	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILL RECALLED

On motion of Senator Jacobs, **Senate Bill No. 1400** was recalled from the order of third reading to the order of second reading.

Senator Jacobs offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 1400

AMENDMENT NO. 3. Amend Senate Bill 1400, AS AMENDED, as follows:

immediately before the enacting clause, by inserting the following:

"WHEREAS, A wind energy Act that provides for a restoration indemnity fund, and mechanic's lien clarification will provide a favorable environmental and economic climate for development of wind energy; and

WHEREAS, It is desirable to develop both renewable and alternative energy resources to obtain environmental quality and public health benefit; and

WHEREAS, The benefits of electricity from renewable and alternative energy resources accrue to the public at large, thus consumers and electric utilities and alternative retail electric suppliers share an interest in developing and using a significant level of these environmentally preferable resources in the State's electricity supply portfolio and stability of taxes for extended periods of time; and

WHEREAS, Encouraging energy efficiency will improve the environmental quality and public health in the State of Illinois; and

WHEREAS, Wind energy is one alternative energy source that can be used to provide electricity to utility consumers; and

WHEREAS, Some regions in the State are ideal locations for wind energy system development; and

WHEREAS, As the facilities are typically constructed on property owned by others, it is desirable to create an indemnity fund to pay for deconstruction in the event that the wind energy company fails to do so in a timely manner; and

WHEREAS, It is appropriate to protect the owners of the underlying lands from mechanics liens imposed on those lands in the event must the entities constructing the wind energy facilities fail to pay suppliers of labor and materials; therefore, be it"; and

by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Wind Energy Indemnity Fund Act.

Section 5. Definitions. As used in this Act:

"Abandonment" means (a) in the case of a landowner: (i) failure by the wind energy company to operate a wind turbine or wind turbines for the purpose for which they were designed and installed, for a period of 12 consecutive months, and (ii) failure to pay the landowner moneys owed to him or her in accordance with the underlying agreement, for a period of 6 consecutive months; (b) in the case of a county board: (i) failure by the wind energy company to operate a wind turbine or wind turbines for the purposes for which they were designed and installed, for a period of 12 consecutive months, and (ii)

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failure to adhere to any or all of the restrictions and conditions that were part of the approval process of the appropriate county authority for the granting of the special use permit, conditional use permit, zoning change, or zoning or permitting ordinance of any kind given in order to allow the installation and operation of the wind turbine or wind turbines.

"Board" means the governing body of the Wind Energy Indemnity Fund Corporation.

"Claimant" means either a landowner or a county board seeking to have a deconstruction paid for from the Fund and carried out by the Department.

"Corporation" means the Wind Energy Indemnity Fund Corporation, as established in this Act.

"County board" has the meaning set forth in Section 1.07 of the Statute on Statutes.

"Deconstruction" means removal of all property comprising a wind energy generation facility from the property of a landowner and restoration of the property to the condition in which it existed immediately prior to the construction of the facility, including, but not limited to, soil type and topography; provided, however, that foundations, pads, electrical lines, and any other underground facilities must be removed to a depth of 4 feet below the surface of the ground.

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

"Director", unless otherwise provided, means the Director of Commerce and Economic Opportunity, or the Director's designee.

"Fund" means the Wind Energy Indemnity Fund.

"Landowner" means any person with an ownership interest in property subject to an underlying agreement.

"Person" means any individual or entity, including, but not limited to, a sole proprietorship, a partnership, a corporation, a cooperative, an association, a limited liability company, an estate, a trust, or a governmental agency.

"Underlying agreement" means a written arrangement with a landowner, including, but not limited to, an easement, under the terms of which a person constructs or intends to construct a wind energy generation facility on the property of the landowner.

"Wind energy generation facility" means all property of any nature whatsoever comprising an operation designed to harness wind energy and create electricity therefrom, including, but not limited to, turbines, towers, roadways, concrete foundations, transmission lines, and poles, all situated on, under, or over the property of a landowner.

"Wind energy indemnity trust account" means a trust account established by the Director that is used for the receipt and disbursement of moneys paid from the Fund.

"Wind turbine" means each tower, blade, and propeller housing designed for wind energy generation.

Section 10. Powers and duties of the Director. The Director has all powers necessary and proper to fully and effectively execute the provisions of this Act and has the general duty to implement this Act. The Director's powers and duties include, but are not limited to, the following:

1. The Director shall personally serve as president of the Corporation.
2. The Director may take any action that may be reasonable or appropriate to enforce this Act and its rules.

Section 15. Administrative procedure. The Illinois Administrative Procedure Act applies to this Act.

Section 20. Administrative review and venue. Final administrative decisions of the Department are subject to judicial review under Article III of the Code of Civil Procedure and its rules. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure. An action to review a final administrative decision under this Act may be commenced in the circuit court of any county in which any part of the transaction occurred that gave rise to the claim that was the subject of the proceedings before the Department.

Section 25. Rules. The Department may promulgate rules that are necessary for the implementation and administration of this Act.

Section 30. Fund assessments. There is an assessment of \$10,000 for each wind turbine constructed or under construction as of the effective date of this Act and for each turbine constructed thereafter, under the provisions of an underlying agreement. The assessment is an obligation of the owner of each wind turbine and is payable in equal annual installments of \$1,000 over a period of 10 years; provided, however, that the subsequent annual installments must be adjusted based on inflation, as reflected in the

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Consumer Price Index, on an annual basis. The initial payment is payable within 90 days after the effective date of this Act for wind turbines already constructed or under construction, and, in all other cases, prior to the commencement of construction.

All installments under this Section must be sent to the Department and made payable to the Corporation.

It is the responsibility of all parties to an underlying agreement to report the existence and specific provisions of the underlying agreement to the Department.

The Department shall mail all assessment notices to owners of wind energy generation facilities at least 30 days before the assessment installment is due.

All wind turbines already constructed, under construction, or issued a building permit before the effective date of this Act are to provide proof to the county of payment to the Fund within 95 days of the effective date of this Act. If such proof of payment is not provided, then the county must order the wind energy company to stop all operation and construction activities until the county receives proof of payment to the Fund. For all other wind turbines, no county may issue a building permit without being provided proof that the above assessment has been paid to the Fund.

Section 35. Abandonment. Upon an administrative finding in a hearing held by the Department that a deconstruction has been validly determined and ordered by either a court of competent jurisdiction or an arbitrator in binding arbitration, and deconstruction, after a period of at least 8 months, has not been completed satisfactorily, the Director has all the powers for the benefit of claimants as established under this Act, including, but not limited to, the power to do the following:

1. request the transfer of moneys from the Fund to the Trust Account for the purpose of paying the cost of deconstruction in accordance with this Act;
2. disburse the funds in the Trust Account for the deconstruction in accordance with this Act;
3. cause the sale of the deconstructed assets;
4. retain from the sale of the deconstructed assets moneys adequate to cover the costs to the Department of the deconstruction, and pay those amounts to the Fund;
5. return all moneys over and above the costs to the Department for the deconstruction to the owner or owners of the deconstructed assets, or to the holders of valid liens on those assets.

Section 40. Statutory lien. The Department has a lien prior and paramount to all other liens of any sort on the assets of the wind energy system to the extent of the costs incurred by the Department to accomplish the deconstruction of the abandoned wind energy system, which arises and attach upon construction of said wind energy system; provided, however, that the lien herein granted to the Department is not prior and paramount to the statutory lien in favor of real property taxes.

Section 45. Claims.

(a) A claimant shall file a complaint, on forms supplied by the Department, that contains at least the following:

- (1) the name and address of the claimant;
- (2) the name and address of the owner of the wind energy generation facility in question;
- (3) the location of the wind energy generation facility in question;
- (4) a copy of either a court decision, or the finding of an arbitrator in a binding arbitration proceeding, that indicates a finding of abandonment of the wind energy generation facility in question; a determination that the underlying agreement is null, void, and of no further force and effect; and an order for deconstruction of same. The court order or arbitration decision must have been rendered at least 8 months previously, and the time for all appeals and related proceedings must have lapsed.
- (5) evidence showing that the deconstruction ordered by a court, or by an arbitrator in a proceeding for binding arbitration, has not been carried to a satisfactory conclusion, as defined in this Act; and
- (6) a request that the funds necessary to perform the deconstruction be paid to the Department from the Fund and that the Department carry out the deconstruction in accordance with the order of the court or the arbitrator and in accordance with the definition of deconstruction as contained in this Act.

(b) A hearing shall be held by the Department and a decision rendered as to the validity

of the claimant's complaint. In the event of a finding that the complaint is valid, then, within 90 days after the date, the Department shall obtain at least 2 bids from contractors to carry out the specific deconstruction. One bidder must be chosen by the Department within the following 60 days, and the Department, within 60 days thereafter, shall enter into a written agreement with the successful bidder for the deconstruction, which must be accomplished with 6 months thereafter.

(c) It is the responsibility of the Department to monitor the progress of the deconstruction and provide the necessary supervisory oversight to ensure that it is accomplished in accordance with the deconstruction agreement and the provisions of this Act.

Section 50. Illinois Wind Energy Indemnity Fund Corporation; creation; powers.

(a) There is hereby created the Illinois Wind Energy Indemnity Fund Corporation, a political subdivision, body politic, and public corporation. The governing powers of the Corporation are vested in the Board of Directors composed of the Director, who shall personally serve as President; the Attorney General or his or her designee, who shall serve as Secretary; the State Treasurer or his or her designee, who shall serve as Treasurer; and the Chairman of the Illinois Commerce Commission, or his or her designee. Three members of the Board constitute a quorum at any meeting of the Board, and the affirmative vote of 3 members is necessary for any action taken by the Board at a meeting, except that a lesser number may adjourn a meeting from time to time. A vacancy in the membership of the Board does not impair the right of a quorum to exercise all the rights and perform all the duties of the Board and Corporation.

(b) The Corporation has the following powers, together with all powers incidental or necessary to the discharge of those powers in corporate form:

(1) To have perpetual succession by its corporate name as a corporate body.

(2) To adopt, alter, and repeal by-laws, not inconsistent with the provisions of this Act, for the regulation and conduct of its affairs and business.

(3) To adopt and make use of a corporate seal and to alter the seal at pleasure.

(4) To avail itself of the use of information, services, facilities, and employees of the State of Illinois in carrying out the provisions of this Act.

(5) To receive funds assessed by the Department under this Act.

(6) To administer the Fund by investing funds of the Corporation that the Board may determine are not presently needed for its corporate purposes.

(7) Upon the request of the Director, to make payment from the Fund to the Trust Account when payment is necessary to pay costs of deconstruction in accordance with the provisions of this Act.

(8) To authorize, receive, and disburse funds by electronic means.

(9) To have those powers that are necessary or appropriate for the exercise of the powers specifically conferred upon the Corporation and all incidental powers that are customary in corporations.

(c) All assessments by the Department must be held by the Corporation in the Fund.

(d) Subject to applicable law, the assets of the Fund may be invested and reinvested at the discretion of the Corporation, and the income from these investments must be deposited into the Fund and must be available for the same purposes as all other assets of the Fund.

(e) The assets of the Fund may not be available for any purposes other than the payment of deconstruction costs under this Act and the payment of refunds of amounts that the Board determines have been inappropriately paid into the Fund, and may not be transferred to any other fund, other than the Trust Account when necessary to pay deconstruction costs under this Act or to pay refunds authorized by the Board.

Section 55. No waiver. The provisions of this Act, including the definitions, may not be altered, varied, or revised by agreement.

Section 900. The Property Tax Code is amended by adding Division 5 to Article 11 as follows:

(35 ILCS 200/Art. 11 Div. 5 heading new)

DIVISION 5. WIND ENERGY PRODUCTION

(35 ILCS 200/11-185 new)

Sec. 11-185. Definitions. For purposes of this Division 5:

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"Wind energy conversion device" means any device including, but not limited to, a wind charger, windmill, or wind turbine that converts wind energy to a form of usable energy.

"Wind Energy Conversion Parcel" means all property rights obtained by the Wind Energy System owner on the platted parcel including the wind energy conversion devices, associated equipment, easements, contracts, and leases.

"Wind energy conversion system" is all wind energy conversion devices owned by a person who has executed a lease, contract, or other written agreement or who has purchased or acquired property so that one or more wind energy conversion devices can be erected, built, or otherwise installed on that property. These devices do not need to be on contiguous parcels of property to be considered a part of a total wind energy conversion system.

(35 ILCS 200/11-190 new)

Sec. 11-190. Applicability. The provisions of this Division 5 do not apply to wind energy conversion systems that are owned by a person strictly for personal use or to any person that is otherwise exempt from taxation under the Property Tax Code. For the purposes of this Section, "personal use" means the use of any wind energy conversion system with a nameplate capacity of less than 2 megawatts.

(35 ILCS 200/11-195 new)

Sec. 11-195. Platting requirements. Upon the completion of construction, the owner of a wind energy conversion system, at his or her own expense, shall cause the wind turbine facilities to be platted by an Illinois registered land surveyor. The plat must include access routes, together with a metes and bounds description of the area surrounding each wind turbine. The system owner must record the plat and deliver a copy of it to the property owner and to the chief county assessment officer within 60 days after the completion of the construction. Upon receiving a copy of the plat, the chief county assessment officer must issue a separate parcel identification number, or numbers for the wind energy conversion system to apportion the value to each taxing district in which the system is physically located.

(35 ILCS 200/11-200 new)

Sec. 11-200. Limitation of liability for landowner. No landowner shall be liable for Wind Energy Conversion Parcel taxes except through ownership of the wind energy system.

(35 ILCS 200/11-203 new)

Sec. 11-203. Recourse against Wind Energy Conversion Parcels. If the Wind Energy Conversion Parcel real estate taxes are not paid, the county may proceed against the wind energy conversion parcels with collection as provided Article 20 of this Code.

(35 ILCS 200/11-205 new)

Sec. 11-205. Wind energy conversion system size and capacity. The Department must determine the total size of the device. Unless the systems are interconnected with different distribution systems, the nameplate capacity of one wind energy conversion device must be combined with the nameplate capacity of any other wind energy conversion device that is under common ownership. In case of a dispute, the Department must draw all reasonable inferences in favor of combining the devices into one system. In making a determination, the Department may decide that 2 wind energy conversion devices or systems are under common ownership when the underlying ownership structure contains similar persons or entities, even if the ownership shares differ. Wind energy conversion devices or systems are not under common ownership solely because the same person or entity provided equity financing for the systems.

(35 ILCS 200/11-207 new)

Sec. 11-207. Method of valuation for wind energy conversion systems.

(a) It is the policy of this State that, beginning on and after January 1, 2007, a wind energy conversion system that is used as an electric power source must be valued on cost allocated on real property supplemented by the sales comparison approach to the extent relevant and sufficient data are available. If, however, a wind energy conversion system ceases to operate for any reason, the minimum assessed value of the system is 10% of the cost of replacing the system with a new wind energy conversion system.

(b) The 2007 base certified value per megawatt capacity shall be \$300,000.

(c) The Department shall develop regulations for depreciation factoring functional obsolescence.

(35 ILCS 200/11-210 new)

Sec. 11-210. Valuation during 5 year valuation period. In furtherance of the policy of encouraging renewable and alternative energy resources to obtain environmental quality and public health benefit, the valuation shall not exceed the base year valuation for a period of 5 years.

(35 ILCS 200/11-215 new)

Sec. 11-215. Assessments of wind energy conversion systems.

(a) A wind energy conversion system must be assessed at 33 1/3% of the valuation. The chief county assessment officer shall apportion the value to each wind energy conversion parcel in which the wind

energy system is physically located.

(b) A wind energy conversion system is not subject to equalization by the Department, the county, or the board of review.

Section 905. The Mechanics Lien Act is amended by adding Section 1.01 as follows:
(770 ILCS 60/1.01 new)

Sec. 1.01. Definitions; platting requirements for wind energy systems; extent of lien on wind energy parcel.

(a) Definitions.

"Wind energy conversion device" means any device including, but not limited to, a wind charger, windmill, or wind turbine that converts wind energy to a form of usable energy.

"Wind energy conversion parcel" means all property rights obtained by the wind energy system owner to a platted parcel including the wind energy conversion devices, associated equipment, easements, contracts, and leases.

(b) Upon the completion of construction, the owner of a wind energy conversion system, at his or her own expense, shall cause the wind turbine facilities to be platted by an Illinois registered land surveyor. The plat must include access routes, together with a metes and bounds description of the area surrounding each wind turbine. The system owner must record the plat and deliver a copy of it to the property owner and to the chief county assessment officer within 60 days after the completion of the construction. Upon receiving a copy of the plat, the chief county assessment officer must issue a separate parcel identification number, or numbers, for the wind energy conversion system to apportion the value to each taxing district in which the system is physically located.

(c) A lien for work or materials on wind energy conversion parcels is limited to the platted parcel, including all property rights obtained by the wind energy system owner to the platted parcel including the wind energy conversion devices, associated equipment, easements, contracts, and leases.

Section 999. Effective date. This Act takes effect upon becoming law."

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 3 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Jacobs, **Senate Bill No. 1400**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 54; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Link	Ronen
Bomke	Haine	Luechtefeld	Rutherford
Bond	Halvorson	Maloney	Sandoval
Burzynski	Harmon	Martinez	Schoenberg
Clayborne	Hendon	Millner	Sieben
Collins	Holmes	Munoz	Silverstein
Crotty	Hultgren	Murphy	Sullivan
Cullerton	Hunter	Noland	Syverson
Dahl	Jacobs	Pankau	Viverito
DeLeo	Jones, J.	Peterson	Watson
Demuzio	Koehler	Radogno	Wilhelmi
Dillard	Kotowski	Raoul	Mr. President
Forby	Lauzen	Righter	
Frerichs	Lightford	Risinger	

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This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILL RECALLED

On motion of Senator Bond, **Senate Bill No. 778** was recalled from the order of third reading to the order of second reading.

Senator Bond offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 778

AMENDMENT NO. 1. Amend Senate Bill 778 by replacing everything after the enacting clause with the following:

"Section 5. Upon the payment of the sum of \$8,700 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in St. Clair County, Illinois, to Brad Joseph.

Parcel No. 800XC01

Part of the Southeast Quarter of Section 19, Township 1 North, Range 8 West of the Third Principal Meridian, County of St. Clair, State of Illinois and being more particularly described as follows:

Commencing at the northeast corner of said Southeast Quarter of Section 19; thence on an assumed bearing of North 89 degrees 09 minutes 02 seconds West, on the north line of said Southeast Quarter of Section 19, a distance of 1,722.14 feet to the northeasterly right of way line of Illinois Route 15; thence on said northeasterly right of way line of Illinois Route 15 the following two (2) courses and distances: 1) South 17 degrees 22 minutes 19 seconds West, 185.18 feet; 2) South 47 degrees 37 minutes 41 seconds East, 1,141.37 feet to the former northerly right of way line of the Illinois Central Gulf Railroad and the Point of Beginning.

From said Point of Beginning; thence South 58 degrees 53 minutes 02 seconds East, on said northeasterly right of way line of Illinois Route 15, a distance of 358.62 feet to the former southerly right of way line of said Illinois Central Gulf Railroad; thence North 70 degrees 57 minutes 20 seconds West, on said former southerly right of way line of said Illinois Central Gulf Railroad, 252.53 feet to a bend in the northeasterly right of way line of Illinois Route 15 being 100.00 feet northeasterly of the centerline of Illinois Route 15; thence North 33 degrees 34 minutes 23 seconds West, 123.53 feet to the Point of Beginning.

Said Parcel 800XC01 contains 0.2174 acre or 9,470 square feet, more or less.

The Grantee, their legal representatives, successors and assigns as a part of the consideration hereof does hereby covenant and agree that there is no existing right of access nor will the Grantor permit access in the future, to, from, or over the above described premises from and to the public highway lying adjacent to said premises, said public highway being known as FAP Route 103 (IL 15), previously declared a freeway.

Section 10. Upon the payment of the sum of \$530 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Effingham County, Illinois.

Parcel No. 7501126

A part of Lot 1 of Joseph Leturno's Subdivision of part of the Southeast Quarter of the Northeast Quarter of Section 32, Township 9 North, Range 5 East of the 3rd Principal Meridian, Effingham County,

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Illinois, described as follows:

Commencing at an iron pin with an IDOT cap at the southeast corner of said Northeast Quarter (Recorded in Vol. 2084, Page 243); thence North 00 degrees 02 minutes 59 seconds East (bearings are referenced to the Illinois State Plane Coordinate System East Zone Datum 1983(97)) along the east line of said Northeast Quarter, a distance of 434.89 feet to the Centerline of F.A. 174 (IL 33); thence North 58 degrees 08 minutes 03 seconds West along said Centerline, a distance of 1,296.49 feet; thence North 89 degrees 36 minutes 17 seconds West a distance of 76.62 feet to the southwestwardly right-of-way of F.A. 174 (IL 33) and the Point of Beginning; thence North 89 degrees 36 minutes 17 seconds West a distance of 148.67 feet to the west line of said Southeast Quarter; thence North 00 degrees 02 minutes 59 seconds East along said west line, a distance of 91.34 feet to said southwestwardly right-of-way; thence South 58 degree 08 minutes 03 seconds East along said southwestwardly right-of-way, a distance of 174.96 feet to the Point of Beginning, containing 6,790 square feet, more or less.

Section 15. Upon the payment of the sum of \$53,892 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Champaign County, Illinois:

Parcel No. 5X01001

Commencing at the northeast corner of Lot 35 of Hiram Shepherd's Addition as filed for record in Deed Book 32 Page 52 in the Office of the Recorder of Champaign County, Illinois; thence South 00 degrees 05 minutes 57 seconds East along the east line of said Lot 35, a distance of 17.24 feet to the intersection of the east line of said Lot 35 and the north right-of-way line of University Avenue (S.B.I. Route 10); thence South 89 degrees 28 minutes 59 seconds West 50.26 feet along said north right-of-way line to the True Point of Beginning; thence South 00 degrees 05 minutes 57 seconds East 52.10 feet to the easterly extension of the southerly line of a parcel of land identified as Parcel 5X70703 on a Plat of Survey prepared by Edward L. Clancy, Illinois Professional Land Surveyor Number 2207 dated September 10, 2003 and certified to Champaign County, Illinois; thence South 89 degrees 49 minutes 14 seconds West along said easterly extension of the south line of said Parcel 5X70703, 00 degrees 07 minutes 46 seconds West along the east line of said Parcel 5X70703 a distance of 51.75 feet to the northeast corner of said Parcel 5X70703 and the aforesaid north right-of-way line of University Avenue (SBI Route 10); thence North 89 degrees 28 minutes 59 seconds East along said north right-of-way line, 59.53 feet to the True Point of Beginning, encompassing 3090 square feet (0.071 acres), more or less, all being situated in the City of Urbana, Champaign County, Illinois.

Section 20. Upon the payment of the sum of \$3,500 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in DeWitt County, Illinois:

Parcel No. 5X03703

Part of Lots 4, 5 and 6 of the Wapella Commercial Subdivision as shown on plat recorded in Book "K" on Page 132 as document number 189264 on November 17, 1999, in the DeWitt County Recorder's Office and also being part of Dedications of Right of Way referenced as Tract 36 and Tract 37 in Condemnation Case No. 5044 in the month of March 1926, and more particularly described as follows:

Commencing at the intersection of the east right of way line of S.B.I. Route 2 (U.S. Route 51 as located in 1926) and the north right of way line of Hickory Street in the Village of Wapella, Illinois, said point also being 157.16 feet easterly on an extended line of said north right of way line of Hickory Street from the easterly right of way line of F.A.P. Route 412 (U.S. Route 51); thence on an assumed bearing of South 77 degrees 16 minutes 07 seconds West, along the north right of way line of Hickory Street, 30.00 feet to the centerline of S.B.I. Route 2; thence North 12 degrees 12 minutes 54 seconds West, on the centerline of said S.B.I. Route 2, 356.99 feet; thence northwesterly, on said centerline, 391.46 feet on a curve to the left having a radius of 1000.00 feet, the chord of said curve bears North 23 degrees 25 minutes 46 seconds West, 388.97 feet to the west right of way line of Walnut Street as shown in said Wapella Commercial Subdivision, said point also being the Point of Beginning.

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From said Point of Beginning; thence South 19 degrees 42 minutes 15 seconds East, on the west right of way line of said Walnut Street, 171.99 feet; thence northwesterly, on the west right of way line of said S.B.I. Route 2, a distance of 674.18 feet on a nontangential curve to the left having a radius of 970.00 feet, the chord of said curve bears North 44 degrees 41 minutes 26 seconds West, 660.69 feet to the west line of said Lot 4; thence North 05 degrees 57 minutes 25 seconds West, on the west line of said Lot 4, a distance of 69.52 feet to the east right of way line of said S.B.I. Route 2; thence southeasterly, on said east right of way line, 490.61 feet on a nontangential curve to the right having a radius of 1030.00 feet, the chord of said curve bears South 52 degrees 58 minutes 07 seconds East, 485.99 feet to the west right of way line of said Walnut Street; thence southeasterly, on said west right of way line, 72.61 feet on a nontangential curve to the left having a radius of 657.17 feet, the chord of said curve bears South 16 degrees 32 minutes 18 seconds East, 72.58 feet; thence South 19 degrees 42 minutes 15 seconds East, on said west right of way line, 15.56 feet to the Point of Beginning.

Said parcel contains 0.7614 acres or 33,165 square feet, more or less.

Section 25. Upon the payment of the sum of \$24,533 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Tazewell County, Illinois, to Joan Avis.

Parcel No. 409576V

A part of the East Half of the Northeast Quarter of Section 5, Township 22 North, Range 3 West of the Third Principal Meridian, more particularly described as follows:

Commencing at the northwest corner of said East Half of the Northeast Quarter and running thence easterly 206.2 feet, more or less, along the north line of said Section 5 to a point in said line, said point being 150.0 feet normally distant northwesterly from the Survey Line of Federal Aid Route 406 and the Point of Beginning.

From the Point of Beginning running thence easterly 317.3 feet, more or less, along the north line of Section 5 to a point, said point being 150.0 feet normally distant southeasterly from said Survey Line; thence southwesterly and parallel with said Survey Line 1,651.3 feet, more or less, to a point on the west line of said East Half of the Northeast Quarter; thence northerly along said west line 946.3 feet, more or less, to a point, said point being 150.0 feet normally distant northwesterly from said Survey Line; thence northwesterly and parallel with said Survey Line 650.4 feet, more or less, to the Point of Beginning, said real estate containing 7.926 acres, more or less, of which 0.182 acres is existing public road right of way.

Section 30. Upon the payment of the sum of \$44,670 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Effingham County, Illinois:

Parcel No. 7105E04

A part of Lot 2 in Block Number 28 in Addition "B" to Railroad Addition to the City of Effingham, reference being made in a plat of the said subdivision of the said Block, recorded in Book 29, Page 114, in the Office of the Clerk of the Circuit Court and the Recorder of Effingham County, Effingham, Illinois, lying East of US Route 45, more particularly described as follows:

Commencing at a concrete monument with bronze tablet being the southwest corner of Section 21, Township 8 North, Range 6 East of the Third Principal Meridian, (Monument Record Book 1, Page 21) situated in Effingham County, Illinois; thence South 87 degrees 15 minutes 43 seconds East along the south line of said Section 21, 379.82 feet to intersection of said south line and the centerline of Federal Aid Primary Route 328 (US 45); thence North 00 degrees 40 minutes 00 seconds East along said centerline, 97.26 feet; thence South 88 degrees 06 minutes 39 seconds East, 46.62 feet to the intersection of Federal Primary Route 328 (US 45) east right-of-way line and the north line of Lot 2 in Block Number 28 in Addition "B" to Railroad Addition to the City of Effingham, reference being made in a

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plat of the said subdivision of the said Block, recorded in Book 29, Page 114, in the Office of the Clerk of the Circuit Court and the Recorder of Effingham County, Effingham, Illinois, lying east of US Route 45, being the Point of Beginning; thence South 88 degrees 38 minutes 44 seconds East along the north line of said Lot 2, 120.14 feet to the northeast corner of said Lot 2; thence South 00 degrees 54 minutes 16 seconds West along the east line of said Lot 2, 66.24 feet to the northerly right-of-way line of Fayette Avenue; thence North 87 degrees 17 minutes 35 seconds West along said northerly right-of-way line 65.52 feet; thence North 57 degrees 46 minutes 13 seconds West along said northerly right-of-way to the easterly right-of-way of Federal Aid Primary Route 328 (US 45) 39.90 feet; thence North 23 degrees 57 minutes 32 seconds West along said easterly right-of-way 48.91 feet to the Point of Beginning.

Section 35. Upon the payment of the sum of \$300 to the State of Illinois and subject to the conditions set forth in Section 900 of this Act, the rights or easements of access, crossing, light, air and view from, to and over the following described line and FA 5 (Old US 66) are restored subject to permit requirements of the State of Illinois, Department of Transportation.

Parcel No. 3LR0096

That part of Block 6 in Scott, Humphrey and Pickett's Subdivision to Chenoa in the West Half of the Southeast Quarter of Section 2, Township 26 North, Range 4 East of the Third Principal Meridian, City Of Chenoa, McLean County, Illinois, more particularly described as follows with assumed bearings given for description purposes only:

Commencing at the intersection of the north right of way line of the T. P. & W. Railroad and the southeasterly right of way line of FA 5 (Old US 66); thence northeasterly 95.11 feet on said right of way line along a 4,639.65 foot radius curve to the right whose chord bears North 34 degrees 08 minutes 25 seconds East, 95.11 feet to the Point of Beginning of Release of Access Control on the west line of Block 6 in Scott, Humphrey and Pickett's Subdivision to Chenoa; thence continuing northeasterly 317.96 feet on said right of way line along a 4,639.65 foot radius curve to the right whose chord bears North 36 degrees 41 minutes 27 seconds East, 317.90 feet to the Point of Termination of Release of Access Control on the north line of said Block 6.

The total length of release of access control is 317.96 feet, more or less.

Section 40. Upon the payment of the sum of \$4,600 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Woodford County, Illinois:

Parcel No. 409590V

A part of the Southeast Quarter of Section 15, Township 28 North, Range 3 West of the Third Principal Meridian, Woodford County, State of Illinois, more particularly described as follows.

Commencing at the southeast corner of the Northeast Quarter of the Southeast Quarter of said Section 15; thence South 87 degrees 56 minutes 40 seconds West, along the south line of the Northeast Quarter of the Southeast Quarter of said Section 15, 1,209.56 feet to a point on the existing southeasterly right of way of State Route 26, being the Point of Beginning; thence continuing along said south line South 87 degrees 56 minutes 40 seconds West 35.98 feet; thence North 30 degrees 27 minutes 42 seconds East 664.53 feet; thence along a 1,492.70 foot radius curve to the right whose chord bears North 23 degrees 12 minutes 34 seconds East a distance of 376.86 feet to a point on the existing southeasterly right of way of State Route 26; thence South 14 degrees 24 minutes 30 seconds West 389.01 feet; thence South 15 degrees 32 minutes 28 seconds West 116.51 feet; thence South 30 degrees 27 minutes 42 seconds West 90.00 feet; thence South 38 degrees 08 minutes 20 seconds West 446.61 feet to the Point of Beginning; said described tract containing 1.19 acres, more or less.

Section 45. Upon the payment of the sum of \$154,000 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the rights or easement of access, crossing, light, air and view from, to and over the following described line and IL Route 132 are restored subject to permit requirements of the State of Illinois, Department of Transportation:

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Parcel No. 1WY0989

That part of Lot A of Greystone Commercial, being a subdivision of part of Lot 1 of the Northwest Quarter of Section 18, Township 45 North, Range 11 East of the Third Principal Meridian, Lake County, Illinois, described as follows:

Commencing at the northeast corner of said Lot A; thence on an assumed bearing of North 89 degrees 32 minutes 08 seconds West, 51.10 feet along the north line of said Lot A to the Point of Beginning of Access Control to be released; thence continuing North 89 degrees 32 minutes 08 seconds West, 70.00 feet along said north line to the end of said Access Control release.

Section 50. Upon the payment of the sum of \$250,000 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed, all right, title and interest in and to the following described land in Cook County, Illinois, to the City of Chicago.

Parcel No. 0ZZ1012

That part of Lots 1, 2, and 3 in Block 4 of the Subdivision of Blocks 4 and 5 of Koester and Zander's Addition to Irving Park, being a subdivision of part of Section 23, Township 40 North, Range 13 East of the Third Principal Meridian, according to the plat thereof recorded July 25, 1912 as Document No. 5012087, in Cook County, Illinois, described as follows: Beginning at the northeast corner of said Lot 1; thence on an assumed bearing of South 00 degrees 00 minutes 47 seconds West, on the east line of said Block 4, a distance of 55.99 feet; thence South 35 degrees 39 minutes 58 seconds West, 37.64 feet; thence North 54 degrees 20 minutes 02 seconds West, 127.61 feet to the west line of said Lot 1; thence North 00 degrees 00 minutes 09 seconds East, on said west line, 12.69 feet to the northwest corner of said Lot 1; thence South 89 degrees 45 minutes 32 seconds East, on the north line of said Lot 1, a distance of 125.63 feet to the Point of Beginning.

Said parcel contains 0.154 acre, more or less.

And reserving a permanent easement for roadway purposes as described below.

Parcel No. 0ZZ1012PE

That part of Lots 1, 2, and 3 in Block 4 of the Subdivision of Blocks 4 and 5 of Koester and Zander's Addition to Irving Park, being a subdivision of part of Section 23, Township 40 North, Range 13 East of the Third Principal Meridian, according to the plat thereof recorded July 25, 1912 as Document No. 5012087, in Cook County, Illinois, described as follows: Commencing at the northeast corner of said Lot 1; thence on an assumed bearing of South 00 degrees 00 minutes 47 seconds West, on the east line of said Block 4, a distance of 55.99 feet; thence South 35 degrees 39 minutes 58 seconds West, 37.64 feet to the Point of Beginning; thence North 54 degrees 20 minutes 02 seconds West, 127.61 feet to the west line of said Lot 1; thence North 00 degrees 00 minutes 09 seconds East, on said west line, 12.31 feet; thence South 54 degrees 20 minutes 02 seconds East, 134.78 feet; thence South 35 degrees 39 minutes 58 seconds West, 10.00 feet to the Point of Beginning.

Said parcel contains 0.030 acre, more or less.

It is understood and agreed that there is no existing right of access nor will access be permitted in the future by the State of Illinois, Department of Transportation, from or over the premises below described to and from FAI Route 90/94, previously declared a freeway.

Parcel No. 0ZZ1012AC

A line for the control of access of that part of lots 1, 2, and 3 in Block 4 of the subdivision of Blocks 4 and 5 of Koester and Zander's Addition to Irving Park, being a subdivision of part of Section 23, Township 40 North, Range 13 East of the Third Principal Meridian, according to the plat thereof recorded July 25, 1912 as Document No. 5012087, in Cook County, Illinois, described as follows:

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Commencing at the northeast corner of said Lot 1; thence on an assumed bearing of South 00 degrees 00 minutes 47 seconds West, on the east line of said Block 4, a distance of 55.99 feet; thence South 35 degrees 39 minutes 58 seconds West, 37.64 feet to the Point of Beginning of the access control line being described; thence North 54 degrees 20 minutes 02 seconds West, 127.61 feet to the west line of said Lot 1, and there said access control line terminates.

Section 55. Upon the payment of the sum of \$168,666 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Cook County, Illinois, to the City of Chicago.

Parcel No. 0ZZ0864

That part of Lots 34, 35, and 36 in Block 16 of Mason's Subdivision of the East Half of the Northwest Quarter of Section 23, Township 40 North, Range 13 East of the Third Principal Meridian, according to the plat thereof recorded in Book 77, page 22 and 23 on May 15, 1899 in Cook County, Illinois, described as follows: Beginning at the northeast corner of said Lot 36; thence on an assumed bearing of South 00 degrees 00 minutes 34 seconds East, on the east line of said Block 16, a distance of 66.86 feet; thence South 89 degrees 59 minutes 26 seconds West, 5.00 feet; thence North 54 degrees 48 minutes 20 seconds West, 111.51 feet; thence North 00 degrees 14 minutes 28 seconds East, 3.00 feet to the north line of said Lot 36; thence South 89 degrees 45 minutes 32 seconds East, on said north line, 96.10 feet to the Point of Beginning.

Said parcel contains 0.081 acre, more or less.

It is understood and agreed that there is no existing right of access nor will access be permitted in the future by the State of Illinois, Department of Transportation, from or over the premises below described to and from FAI Route 90/94, previously declared a freeway.

Parcel No. 0ZZ0864AC

A line for the control of access in that part of Lots 32, 33, 34, 35, and 36 in Block 16 of Mason's Subdivision of the East Half of the Northwest Quarter of Section 23, Township 40 North, Range 13 East of the Third Principal Meridian, according to the plat thereof recorded in Book 77, page 122 and 23 on May 15, 1899 in Cook County, Illinois, described as follows: Commencing at the northeast corner of said Lot 36; thence on an assumed bearing of South 00 degrees 00 minutes 34 seconds East, on the east line of said Block 16, a distance of 107.88 feet to the Point of Beginning of the access control line being described; thence North 55 degrees 02 minutes 28 seconds West, on the northerly face of a concrete wall, 153.24 feet to the west line of said Block 16, and there said access control line terminates.

Section 60. Upon the payment of the sum of \$6,776 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Rock Island County, Illinois:

Parcel No. 2DRIX98

A part of Lots 1, 4, 5, 8 and 9 in Block 4 of Warner's Park Addition to the City of East Moline, a subdivision of the Northwest Quarter of Section 31, Township 18 North, Range 1 East of the Fourth Principal Meridian, the plat of said subdivision is recorded in Plat Book 12 at Page 62 in the Recorder's Office of Rock Island County, Illinois, described as follows:

Commencing at the northwest corner of said Lot 1, said point being 111.938 meters [367.25 feet] radially distant northwesterly from the Survey Line of existing pavement in place of FA Route 308 (19th Street); thence South 79 degrees 46 minutes 44 seconds East, 91.520 meters [300.26 feet] along the southerly right of way line of 20th Avenue to a point on the westerly right of way line of said FA Route 308 (19th Street), said point being 20.421 meters [67.00 feet] radially distant northwesterly from said Survey Line and the Point of Beginning.

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From the Point of Beginning thence South 11 degrees 35 minutes 46 seconds West, 211.277 meters [693.17 feet] to a point on said westerly right of way line, said point being 14.935 meters [49.00 feet] distant northwesterly from said Survey Line; thence North 6 degrees 40 minutes 08 seconds West, 32.088 meters [105.28 feet] along said westerly right of way line to a point 25.908 meters [85.00 feet] distant northwesterly from said Survey Line; thence North 5 degrees 21 minutes 23 seconds East, 15.389 meters [50.49 feet] along said westerly right of way line to a point 28.042 meters [92.00 feet] distant northwesterly from said Survey Line; thence North 13 degrees 19 minutes 39 seconds East, 106.680 meters [350.00 feet] along said westerly right of way line to a point 28.042 meters [92.00 feet] distant northwesterly from said Survey Line; thence North 19 degrees 49 minutes 03 seconds East, 59.488 meters [195.17 feet] along said westerly right of way line to the Point of Beginning, containing 1649 square meters [17,750 square feet], more or less.

Section 65. Upon the payment of the sum of \$186,333 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Cook County, Illinois, to City of Chicago.

Parcel No. 0ZZ1042

That part of Lot 201 in Givin's and Gilbert's Subdivision being a Subdivision of the Southeast Quarter of the Northwest Quarter in Section 25, Township 40 North, Range 13 East of the Third Principal Meridian bounded and described as follows: Beginning at the northwest corner of said Lot 201; thence South 89 degrees 17 minutes 41 seconds East being an assumed bearing on the north line of said Lot 201, a distance of 80.59 feet; thence South 47 degrees 41 minutes 33 seconds East, 47.52 feet to the south line of said Lot 201; thence North 89 degrees 22 minutes 01 second West on the south line of said Lot 201, a distance of 115.73 feet to the southwest corner of said Lot 201; thence North 00 degrees 00 minutes 00 seconds East on the west line of said Lot 201, a distance of 31.70 feet to the Point of Beginning, all in Cook County, Illinois.

Said parcel contains 0.0713 acre more or less.

It is understood and agreed that there is no existing right of access nor will access be permitted in the future by the State of Illinois, Department of Transportation, from or over the premises above described to and from FAI Route 90/94, previously declared a freeway.

Section 70. Upon the payment of the sum of \$20,200 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Sangamon County, Illinois:

Parcel No. 675X294

Part of the Southwest Quarter of Section 3, Township 14 North, Range 5 West of the Third Principal Meridian, more particularly described as follows:

Beginning at the southwest corner of the aforementioned Section 3, thence North 00 degrees 49 minutes 32 seconds West along the westerly section line of said Section 3, a distance of 115.33 feet to the beginning of a line described in the right-of-way dedication found in Volume 261 of Deeds on Page 258 in the office of the Sangamon County Recorder of Deeds, thence North 12 degrees 15 minutes 08 seconds East along said right-of-way line a distance of 95.73 feet to the beginning of a 1472.4 foot radius curve to the right, thence continuing northeasterly along said right-of-way line and curve having a long chord with a course of North 17 degrees 34 minutes 34 seconds East and a distance of 312.04 feet to a point on the property line of CWLP as described in Document Number 2001R01609 in Cabinet Number H80B in the office of the Sangamon County Recorder of Deeds, thence North 80 degrees 27 minutes 44 seconds East along said property line a distance of 286.56 feet, thence continuing along said property line South 15 degrees 46 minutes 38 seconds West a distance of 243.56 feet, thence continuing along said property line South 00 degrees 10 minutes 06 seconds East a distance of 56.12 feet to a point on the northwesterly Access Control line as shown on the Right-of-Way Plat for Lucy Baker Labarre dated September 5, 1967, said point being the beginning of a 1255.92 foot radius curve to the left, thence

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southwesterly along said curve having a long chord with a course of South 37 degrees 36 minutes 28 seconds West and a distance of 328.92 feet to a point on the southerly section line of the aforementioned Section 3, thence South 88 degrees 42 minutes 06 seconds West along said southerly section line a distance of 128.92 feet to the Point of Beginning, containing 2.991 acres, more or less.

Section 75. Upon the payment of the sum of \$46,541.67 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Grundy County, Illinois:

Parcel No. 3LR0101

Part of the Northeast Quarter and part of the Southeast Quarter of Section 8, Township 31 North, Range 8 East of the Third Principal Meridian described as follows:

Commencing at the southeast corner of the Northeast Quarter of said Section 8; thence North 01 degree 50 minutes 02 seconds West, 579.95 feet along the east line of the Northeast Quarter of said Section 8; thence South 88 degrees 09 minutes 58 seconds West, 24.92 feet to the west right of way line of Maher Road, and being the Point of Beginning; thence southwesterly 645.92 feet along the arc of a curve concave to the northwest having a radius of 5678.78 feet and chord bearing and distance of South 27 degrees 52 minutes 14 seconds West, 645.57 feet; said curve being parallel with and 50 feet northwesterly of the centerline of Illinois Route 129, to a point of tangency; thence South 31 degrees 07 minutes 45 seconds West, 96.36 feet parallel with and 50 feet northwesterly of the said centerline to a point of curvature; thence southwesterly 865.72 feet along the arc of a curve concave to the northwest having a radius of 3994.79 feet and a chord bearing and distance of South 37 degrees 20 minutes 15 seconds West, 864.02 feet to a point of tangency; said curve being parallel with and 50 feet northwesterly of the said centerline; thence South 43 degrees 32 minutes 45 seconds West, 88.03 feet parallel with and 50 feet northwesterly of said centerline; thence North 46 degrees 27 the plat thereof recorded in Road Plat Book 1 at Pages 58 and 59 in the Grundy County Recorder's Office; thence northeasterly 1394.56 feet along the said westerly right of way line along the arc of a curve concave to the northwest having a radius of 5694.75 feet and a chord bearing and distance of North 34 degrees 56 minutes 14 seconds East, 1391.03 feet; thence northwesterly on a radial line North 62 degrees 08 minutes 03 seconds West, 67.00 feet along the said westerly right of way line; thence northeasterly 595.53 feet along the said westerly right of way line along the arc of a curve that is concave to the northwest having a radius of 5582.75 feet and a chord bearing and distance of North 24 degrees 48 minutes 35 seconds East, 595.25 feet to the west right of way line of Maher Road; thence South 01 degree 34 minutes 23 seconds East, 366.05 feet along the west right of way line of Maher Road to the Point of Beginning, containing 4.573 acres, more or less, located in Garfield Township, Grundy County, Illinois.

Section 80. Upon the payment of the sum of \$9,825 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Sangamon County, Illinois:

Parcel No. 675X300

Part of the Northeast Quarter of Section 11, Township 16 North, Range 5 West of the Third Principal Meridian, Sangamon County, Illinois, further described as follows:

Commencing at stone marking the northeast corner of said Section 11; thence South 00 degrees 11 minutes 47 seconds East, 20.50 feet along the east line of said Northeast Quarter, Section 11 to the Point of Beginning; thence continuing South 00 degrees 11 minutes 47 seconds East, 129.42 feet along said east line to a point on the existing easterly right-of-way line of the original S.B.I. Route 24 (Sand Hill Road); thence along said easterly right-of-way line, along a curve to the left having a radius of 162.80 feet, an arc length of 18.42 feet and a chord bearing South 21 degrees 47 minutes 57 seconds West, 18.41 feet; thence South 18 degrees 33 minutes 26 seconds West, 57.98 feet along said existing easterly right-of-way line; thence North 89 degrees 22 minutes 56 seconds West, 80.41 feet to a point on the existing westerly right-of-way line of said original S.B.I. Route 24 (Sand Hill Road); thence North 18

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degrees 09 minutes 46 seconds East, 220.54 feet along said existing westerly right-of-way line; thence South 76 degrees 13 minutes 50 seconds East, 37.59 feet to the Point of Beginning. Containing 13862 square feet, or 0.318 acres, more or less.

Section 85. Upon the payment of the sum of \$4,766,666 to the State of Illinois, Grantor, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Cook County, Illinois, to the City of Chicago, Grantee.

Parcel No. 0ZZ0737

A parcel of land comprising parts of Lots 6, 7, 8, 9, 11, 22, 24 and all of Lots 10 and 23 in Elijah K. Hubbard's Subdivision of Block 16, and parts of Lots 6, 8 and all of Lot 7 in Elijah K. Hubbard's Subdivision of Block 15, together with part of Vacated Cabrini Street and Vacated Arthington Street, all in Section 16, Township 39 North, Range 14 East of the Third Principal Meridian, described as follows: Commencing at a Iron Pipe Found at the Northwest corner of Lot 11 in Elijah K. Hubbard's Subdivision of Block 15; thence South 89 degrees 43 minutes 02 seconds East along said South line of Vacated Arthington Street, 30.00 feet; thence North 00 degrees 35 minutes 07 seconds East along a line 30 feet East of and Parallel to the West line of Lot 6 in Elijah K. Hubbard's Subdivision of Block 15 extended southerly to a point on the centerline of Vacated Arthington Street also being the Point of Beginning; thence continuing North 00 degrees 35 minutes 07 seconds East along a line 30 feet East of and Parallel to the West line of said Lots 6 and 22 in Elijah K. Hubbard's Subdivision of Block 15 and the West line of said Lots 6 and 11 in Elijah K. Hubbard's Subdivision of Block 16, 500.53 feet to a Point on the South line of Polk Street being 30 feet East of the Northwest corner of Lot 6 in Elijah K. Hubbard's Subdivision of Block 16; thence South 89 degrees 02 minutes 29 seconds East along the South line of Polk Street, 100.00 feet to the intersection with the West line of South Des Plaines Street (as widened); thence South 00 degrees 35 minutes 07 seconds West, 499.35 feet to a point on the centerline of Vacated Arthington Street; thence North 89 degrees 43 minutes 02 seconds West along the centerline of Vacated Arthington Street, 100.00 feet to the Point of Beginning, in Cook County, Illinois.

Containing 1.148 acres, more or less.

It is understood and agreed that there is no existing right of access nor will access be permitted in the future by the State of Illinois, Department of Transportation, from or over the premises above described to and from FAI Route 90/94, previously declared a freeway.

and,

The Property is conveyed AS-IS, WHERE-IS, WITH ALL FAULTS, AND WITHOUT ANY REPRESENTATION OR WARRANTY WHATSOEVER, EXPRESS OR IMPLIED, AS TO ITS CONDITION, ENVIRONMENTAL OR OTHERWISE, OR ITS SUITABILITY OR SUFFICIENCY FOR THE GRANTEE'S INTENDED USES AND PURPOSES. Grantee acknowledges that adverse physical, economic or other conditions (including without limitation, adverse environmental soils and ground-water conditions), either latent or patent, may exist on the property and assumes the Grantor's responsibility for all environmental conditions of the property, known or unknown, including but not limited to responsibility, if any, for investigation, removal or remediation actions relating to the presence, release or threatened release of any hazardous substance or other environmental contamination relating to the property. The Grantee also releases, covenants not to sue, and shall indemnify, defend, and hold the Grantor and its past, present and future officials, employees, and agents, harmless from and against any and all claims, demands, penalties, fees, damages, losses, expenses (including but not limited to fees and costs of regulatory agencies, attorneys, contractors and consultants), and liabilities arising out of, or in any way connected with, the condition of the property including but not limited to any alleged or actual past, present or future presence, release or threatened release of any hazardous substance in, on, under or emanating from the property, or any portion thereof or improvement thereon, from any cause whatsoever; it being intended that the Grantee shall so indemnify the Grantor and such personnel without regard to any fault or responsibility of the Grantor or the Grantee. The obligation to complete all environmental investigation, removal or remediation of the property and the acknowledgements, releases, and covenants herein touch and concern the property, are intended to run with the land and bind the Grantee and Grantee's successors and assigns, and inure to the benefit of the Grantor and its

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successors and assigns.

For purposes of this COVENANT, the term "Hazardous Substance" shall mean petroleum products and compounds containing them; flammable materials; radioactive materials; polychlorinated biphenyls ("PCBs") and compounds containing them; lead; asbestos or asbestos-containing materials in any friable form; underground or above-ground storage tanks; and any substance or material that is now or hereafter becomes regulated under any federal, State, or local statute, ordinance, rule, regulation, or other law relating to environmental protection, contamination or cleanup.

The Grantee's release and covenant not to sue shall include both claims by the Grantee as original plaintiff against the Grantor and any cross-claims, third-party claims or other claims against the Grantor by the Grantee based upon claims made against the Grantee by any third parties. The obligation to indemnify and defend shall include, but not be limited to, any liability of the Grantor to any and all federal, State or local regulatory agencies or other persons or entities for remedial action costs and natural resources damages claims. This COVENANT means that the Grantee accepts the property "as-is, where-is and with-all-faults," and that the Grantee assumes all responsibility of the Grantor to investigate, remove and remediate any contamination and other adverse environmental conditions on the property, and has no recourse against the Grantor or any of its officers, employees or agents for any claim or liability with respect to the property.

This COVENANT shall apply regardless of whether or not the Grantee is culpable, negligent or in violation of any law, ordinance, rule or regulation. Nothing herein shall release, discharge or affect any rights or causes of action that the Grantor or the Grantee may have against any other person or entity, except as otherwise expressly stated herein, and each of the parties reserves all such rights including, but not limited to, claims for contribution or cost recovery relating to any hazardous substance in, on, under or emanating from the property.

Section 90. Upon the payment of the sum of \$578,667 to the State of Illinois, Grantor, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Cook County, Illinois, to the City of Chicago, Grantee.

Parcel No. 0ZZ0326

That part of the Southeast Quarter of Section 2, Township 37 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois, described as follows:

Commencing at the intersection of the north right of way line of 95th Street with the west right of way line of Stony Island Avenue; thence on an assumed bearing of North 01 degree 24 minutes 01 second West, on said west right of way line, 40.00 feet to the Point of Beginning; thence South 43 degrees 29 minutes 11 seconds West, 28.34 feet; thence South 88 degrees 22 minutes 22 seconds West, parallel with the north right of way line of said 95th Street, 246.08 feet; thence North 01 degree 37 minutes 38 seconds West, 150.01 feet; thence North 88 degrees 22 minutes 27 seconds East, 266.67 feet to the west right of way line of said Stony Island Avenue; thence South 01 degree 24 minutes 01 second East, on said west right of way line, 130.00 feet to the Point of Beginning.

Said parcel containing 0.9127 acre, more or less.

Subject to the following;

No access will be permitted to the subject property from Stony Island Avenue. A right-in/right-out only driveway will be permitted from 95th Street.

and,

The Property is conveyed AS-IS, WHERE-IS, WITH ALL FAULTS, AND WITHOUT ANY REPRESENTATION OR WARRANTY WHATSOEVER, EXPRESS OR IMPLIED, AS TO ITS CONDITION, ENVIRONMENTAL OR OTHERWISE, OR ITS SUITABILITY OR SUFFICIENCY FOR THE GRANTEE'S INTENDED USES AND PURPOSES. Grantee acknowledges that adverse

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physical, economic or other conditions (including without limitation, adverse environmental soils and ground-water conditions), either latent or patent, may exist on the property and assumes the Grantor's responsibility for all environmental conditions of the property, known or unknown, including but not limited to responsibility, if any, for investigation, removal or remediation actions relating to the presence, release or threatened release of any hazardous substance or other environmental contamination relating to the property. The Grantee also releases, covenants not to sue, and shall indemnify, defend, and hold the Grantor and its past, present and future officials, employees, and agents, harmless from and against any and all claims, demands, penalties, fees, damages, losses, expenses (including but not limited to fees and costs of regulatory agencies, attorneys, contractors and consultants), and liabilities arising out of, or in any way connected with, the condition of the property including but not limited to any alleged or actual past, present or future presence, release or threatened release of any hazardous substance in, on, under or emanating from the property, or any portion thereof or improvement thereon, from any cause whatsoever; it being intended that the Grantee shall so indemnify the Grantor and such personnel without regard to any fault or responsibility of the Grantor or the Grantee. The obligation to complete all environmental investigation, removal or remediation of the property and the acknowledgements, releases, and covenants herein touch and concern the property, are intended to run with the land and bind the Grantee and Grantee's successors and assigns, and inure to the benefit of the Grantor and its successors and assigns.

For purposes of this COVENANT, the term "Hazardous Substance" shall mean petroleum products and compounds containing them; flammable materials; radioactive materials; polychlorinated biphenyls ("PCBs") and compounds containing them; lead; asbestos or asbestos-containing materials in any friable form; underground or above-ground storage tanks; and any substance or material that is now or hereafter becomes regulated under any federal, State, or local statute, ordinance, rule, regulation, or other law relating to environmental protection, contamination or cleanup.

The Grantee's release and covenant not to sue shall include both claims by the Grantee as original plaintiff against the Grantor and any cross-claims, third-party claims or other claims against the Grantor by the Grantee based upon claims made against the Grantee by any third parties. The obligation to indemnify and defend shall include, but not be limited to, any liability of the Grantor to any and all federal, State or local regulatory agencies or other persons or entities for remedial action costs and natural resources damages claims. This COVENANT means that the Grantee accepts the property "as-is, where-is and with-all-faults," and that the Grantee assumes all responsibility of the Grantor to investigate, remove and remediate any contamination and other adverse environmental conditions on the property, and has no recourse against the Grantor or any of its officers, employees or agents for any claim or liability with respect to the property.

This COVENANT shall apply regardless of whether or not the Grantee is culpable, negligent or in violation of any law, ordinance, rule or regulation. Nothing herein shall release, discharge or affect any rights or causes of action that the Grantor or the Grantee may have against any other person or entity, except as otherwise expressly stated herein, and each of the parties reserves all such rights including, but not limited to, claims for contribution or cost recovery relating to any hazardous substance in, on, under or emanating from the property.

Section 95. Upon the payment of the sum of \$2,200 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Madison County, Illinois, to WR Acquisitions, LLC:

Parcel No. 800XC17

A tract of ground in the S. E. 1/4, S. E. 1/4, Section 22-5-9 described as follows:

Beginning at the intersection at the east right of way line of State Aid Route 44 and the north right of way line of Miland Avenue (Old Vaughn Road); thence North 35 degrees 29 minutes East along the east right of way line of State Aid Route 44 a distance of twenty-eight and no tenths (28.0') feet to a point, thence South 54 degrees 31 minutes East a distance of forty-four and thirty-two hundredths (44.32') feet to a point on the north right of way line of Miland Avenue (Old Vaughn Road); thence North 86 degrees 48 minutes West along the north right of way line of Miland Avenue (Old Vaughn Road) to the Point of

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Beginning.

Containing 0.014 Acres, more or less.

Section 100. Upon the payment of the sum of \$25,434 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Madison County, Illinois, to WR Acquisitions, LLC:

Parcel No. 800XC04

That part of the Southeast Quarter of the Southeast Quarter of Section 22, Township 5 North, Range 9 West of the Third Principal Meridian, City of Wood River, Madison County, Illinois, described as follows:

Commencing at southwesterly corner of lot 4 of "Woodriver Crossing as recorded in Plat Book 65, Page 56; thence northeasterly 201.26 feet on a curve to the right, having a radius of 1372.69 feet, the chord of said curve bears North 42 degrees 08 minutes 53 seconds East, 201.08 feet to the Point of Beginning;

From said Point of Beginning; thence northeasterly 88.41 feet on a curve to the right and concentric with centerline of Illinois Route 111 (FAS 762 [SA 44]) as recorded in Road Record 7, Page 108, having a radius of 1,372.69 feet, the chord of said curve bears North 48 degrees 11 minutes 37 seconds East, 88.39 feet to a point on said easterly right of way line of said Route 111; thence on said easterly right of way line the following (2) courses and distances: 1) South 06 degrees 24 minutes 45 seconds East, parallel and 16.5 feet perpendicular distant from the east line of said Section 22, 106.68 feet; 2) thence North 58 degrees 49 minutes 05 seconds West, 90.94 feet to the Point of Beginning.

Parcel 800XC04 contains 0.0892 acre or 3,885 square feet, more or less.

Section 105. Upon the payment of the sum of \$2,900 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Brown County, Illinois:

Parcel No. 675X269

A part of the Northwest Quarter of the Southwest Quarter of Section 16, Township 1 South, Range 3 West of the Fourth Principal Meridian, Brown County, Illinois, described as follows:

Commencing at a pin at the southwest corner of said Section 16; thence along the west line of said Section 16, North 00 degrees 13 minutes 30 seconds East, 1312.94 feet; thence South 89 degrees 12 minutes 43 seconds East, 13.95 feet to a point on the old centerline of Illinois Route 107 (which has been removed) and the Point of Beginning; thence North 00 degrees 47 minutes 17 seconds East, 198.28 feet; thence North 73 degrees 27 minutes 36 seconds East, 41.90 feet; thence South 00 degrees 47 minutes 17 seconds West, 210.76 feet; thence North 89 degrees 12 minutes 43 seconds West, 40.00 feet to the Point of Beginning, containing 0.188 acre, more or less.

Subject to a permanent easement being a 10 feet wide strip being 5 feet on either side of an existing 18" storm sewer pipe located between Station 25+20.66 at 69.62 feet right to Station 27+03.77 at 134.58 feet right and as shown on the excess land plat 675X269.

Section 110. Upon the payment of the sum of \$6,767 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Brown County, Illinois:

Parcel No. 675X260

A part of the Northeast Quarter of the Southeast Quarter of Section 17 and a part of the Northwest Quarter of the Southwest Quarter of Section 16, all in Township 1 South, Range 3 West of the Fourth Principal Meridian, Brown County, Illinois described as follows:

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Commencing at a pin at the southeast corner of said Section 17; thence along the east line of said Section 17, North 00 degrees 13 minutes 30 seconds East, 1312.94 feet to the Point of Beginning; thence North 89 degrees 12 minutes 43 seconds West, 31.36 feet; thence North 00 degrees 46 minutes 25 seconds East, 356.35 feet; thence South 89 degrees 41 minutes 35 seconds East, 45.00 feet to the old centerline of Illinois Route 107 (which has been removed); thence South 00 degrees 29 minutes 19 seconds West, 76.73 feet; thence South 00 degrees 47 minutes 17 seconds West, 280.00 feet; thence North 89 degrees 12 minutes 43 seconds West, 13.95 feet to the Point of Beginning, containing 0.371 acre, more or less.

Subject to a permanent easement being a 10 feet wide strip being 5 feet on either side of an existing 24' storm sewer pipe located between Station 23+66.64 at 71.32 feet right to Station 26+90.03 at 172.75 feet right and as shown on the excess land plat 675X260.

Section 115. Upon the payment of the sum of \$10,717 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Christian County, Illinois:

Parcel No. 675X291

A part of the Northwest Quarter of Section 24, Township 11 North, Range 1 East of the Third Principal Meridian, Christian County, Illinois, described as follows:

Commencing at a pin found at the northwest corner of said Section 24; thence along the west line of said Section 24, South 00 degrees 28 minutes 53 seconds East, 49.31 feet; thence North 88 degrees 28 minutes 19 seconds East, 3.28 feet to a point on the east existing right of way line of S.B.I. Route 16 (U.S. Route 51) being the Point of Beginning; thence southeasterly along the existing right of way line on a curve having a radius of 510.70 feet, an arc length of 439.77 feet and a chord bearing South 45 degrees 55 minutes 10 seconds East, 426.31 feet to a point 60 feet normal distance from the centerline of Illinois Route 16; thence along a line 60 feet north and parallel with said centerline, South 89 degrees 48 minutes 11 seconds West, 143.49 feet; thence North 86 degrees 29 minutes 10 seconds West, 154.50 feet; thence North 01 degree 42 minutes 03 seconds West, 287.72 feet to the Point of Beginning, containing 0.691 acre, more or less.

Section 120. Upon the payment of the sum of \$2,500 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in LaSalle County, Illinois:

Parcel No. 3LR0109

That part of Section 24, Township 33 North, Range 1 East of the Third Principal Meridian, described as follows:

Commencing at the southwest corner of said Section 24; thence North 00 degrees 18 minutes 30 seconds West, 1,174.76 feet on the west line of said Section 24 to the existing centerline of IL 71; thence North 67 degrees 12 minutes 17 seconds East, 1,574.47 feet on said existing centerline; thence South 22 degrees 47 minutes 43 seconds East, 103.22 feet to the northerly line of "Old" Route 71 and the Point Of Beginning; thence continuing South 22 degrees 47 minutes 43 seconds East, 66.47 feet to the southerly line of "Old" Route 71; thence South 41 degrees 42 minutes 59 seconds West, 263.78 feet on said southerly line of "Old" Route 71; thence southwesterly 337.12 feet along a 724.70 foot radius curve to the right having a chord of South 55 degrees 03 minutes 28 seconds West, 334.09 feet on said southerly line; thence South 67 degrees 29 minutes 04 seconds West, 119.79 feet on said southerly line; thence South 73 degrees 51 minutes 59 seconds West, 250.00 feet on said southerly line; thence North 16 degrees 08 minutes 01 second West, 100.00 feet to the northerly line of "Old" Route 71; thence North 73 degrees 51 minutes 59 seconds East, 250.00 feet on said northerly line; thence South 83 degrees 48 minutes 01 second East, 139.95 feet on said northerly line; thence northeasterly 284.51 feet along a 664.70 foot radius curve to the left having a chord of North 53 degrees 59 minutes 35 seconds East, 282.34 feet on said northerly line; thence North 41 degrees 42 minutes 59 seconds East, 292.36 feet on

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said northerly line to the Point Of Beginning, containing 1.626 acres, more or less, and all being situated in Deer Park Township, LaSalle County, Illinois.

Section 125. Upon the payment of the sum of \$2,000 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the rights of easement of access, crossing, light, air and view from, to and over the following described line and US Route 40 (FA-12) are restored subject to permit requirements of the State of Illinois, Department of Transportation:

Parcel No. 800XC10

A line on the existing southeasterly right-of-way line of F.A.P. Route 12 (U.S. Route 40), in the East half of the Southeast Quarter of Section 22, Township 4 North, Range 5 West of the Third Principal Meridian in Madison County, State of Illinois, described as follows:

Commencing at the southeast corner of the Southeast Quarter of said Section 22; thence on an assumed bearing of North 02 degrees, 14 minutes, 02 seconds West, on the east line of said Southeast quarter, 1,968.24 feet to the Point of Beginning, said Point of Beginning being on the southeasterly right-of-way line of F.A.P. Route 12 (U.S. Route 40) as established according to the dedication of right-of-way for a freeway recorded November 17, 1948 in Book 1096 on Page 283.

From said Point of Beginning; thence North 81 degrees, 36 minutes, 38 seconds West on said existing southeasterly right-of-way line, 38.27 feet to the southeasterly right-of-way line of F.A.P. Route 12 (U.S. Route 40) as established according to the warranty deed recorded May 27, 1940 in Book 810 on Page 7; thence southwesterly 744.38 feet on said southeasterly right-of-way line as established according to said warranty deed recorded May 27, 1940 in Book 810 on Page 7, being a non-tangent curve to the right, having a radius of 9,624.30 feet, the chord of said curve bears South 48 degrees, 54 minutes, 50 seconds West, 744.20 feet to the northwest corner of the tract of land described in Warranty Deed recorded July 15, 1998 in book 4252 on page 2192, said northwest corner being the Point of Terminus of said line.

Section 130. Upon payment of the sum of \$78,666 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the rights or easement of access, crossing, light, air and view from, to and over the following described line and US Route 51 (FA 2) in Macon County are restored subject to permit requirements of the State of Illinois, Department of Transportation:

Parcel No. 5X71001

Direct access to F.A. Route 2 (U.S. Route 51) shall be restored to 81 feet of a tract of land abutting the westerly right of way line of said highway; commencing at the intersection of the south line of the North Half (N 1/2) Northeast Quarter, Northeast Quarter of Section 34, Township 17 North, Range 2 East, 3rd P.M. with the existing westerly right of way line of F.A. 2 and being 68.00 feet left of centerline station 86+09.06; thence North 01 degree 21 minutes 38 seconds East (Assumed Bearing) along said westerly right of way line 211.94 feet to the Point of Beginning, said point being 68.00 feet left of centerline station 88+21; thence 81.00 feet northerly along said west right of way line to a point 68.00 feet left of centerline station 89+02.

Section 135. Upon the payment of the sum of \$1,500 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the rights or easement of access, crossing, light, air and view from, to and over the following described line and FAP Route 12 (US 40) are restored subject to permit requirements of the State of Illinois, Department of Transportation:

Parcel No. 800XC20

A line in a part of the Southwest Quarter of Section 34, situated in Township 5 North, Range 4 West of the Third Principal Meridian, Bond County, Illinois, said line being described as follows:

Commencing at the southwest corner of said Section 34; thence on the south line of the Southwest quarter of Section 34 on an assumed bearing of South 89 degrees 01 minute 01 second East, a distance of 353.34 feet; thence North 01 degree 04 minutes 48 seconds West on a line parallel with the west line of the Southwest Quarter of Section 34, a distance 85.45 feet to the north right of way line of U.S. Route 40

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(150 feet wide) to a set iron rod at the Point of Beginning;

From said Point of Beginning; thence on said north right of way line South 88 degrees 25 minutes 10 seconds East, 421.13 feet to a set iron rod at the Point of Terminus.

Section 140. Upon the payment of the sum of \$1,000 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in St. Clair County, Illinois, to Benjamin R. Brown.

Parcel No. 800XB67

A part of Lot 28E of the Subdivision of Lot 28 in Brackett's Subdivision of Lot 1 in Section 21, Township 1 North, Range 8 West of the Third Principal Meridian, St. Clair County, Illinois, according to the plat recorded in the Recorder's Office of St. Clair County, Illinois, in Book of Deeds 203, on page 462, and described as follows:

Commencing at a stone found at the northwest corner of Lot 28D in the Subdivision of Lot 28 in Brackett's Subdivision of Lot 1 in Section 21, Township 1 North, Range 8 West of the Third Principal Meridian, St. Clair County, Illinois, according to the plat recorded in the Recorder's Office of St. Clair County, Illinois, in Book of Deeds 203, on page 462; thence on an assumed bearing of South 83 degrees 07 minutes 33 seconds East on the southerly line of "J" Street, 99.83 feet to the existing westerly right of way line of FA Route 600 (a/k/a/ Illinois Route 159 and North Illinois Street); thence South 84 degrees 10 minutes 50 seconds East, 83.65 feet to a point on the southerly right of way line of "J" Street, said point being the northwesterly corner of a tract of land described in the Warranty Deed to the State of Illinois, recorded in St. Clair County in Book 3199, on page 1430 on October 24, 1997; thence South 83 degrees 34 minutes 59 seconds East on the southerly right of way line of "J" Street, also being the northerly line of the aforesaid tract of land, 10.00 feet to the Point of Beginning.

From said Point of Beginning; thence continuing South 83 degrees 34 minutes 59 seconds East on said southerly right of way line of "J" Street, 45.00 feet; thence South 44 degrees 59 minutes 41 seconds West, 70.34 feet; thence North 05 degrees 13 minutes 51 seconds East, 55.00 feet to the Point of Beginning.

Parcel 800XB67 herein described contains 0.0284 acre or 1,237 square feet, more or less.

Section 145. Upon the payment of the sum of \$787 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Winnebago County, Illinois:

Parcel No. 2DWIX24

A parcel of land in the Southeast Quarter of Section 19, Township 45 North, Range 2 East of the Third Principal Meridian, Winnebago County, State of Illinois, described as follows:

Commencing at a 3/4" iron pin at the northeast corner of the Southeast Quarter of said Section 19; thence South 1 degree 32 minutes 58 seconds East, 1,117.51 feet on the east line of said Southeast Quarter, to the north line of the premises conveyed to Earl D. Owens, Sr. and Sandra Lou Owens from Earl D. Owens, Sr. and Sandra Lou Owens by Warranty Deed dated January 7, 1987 and recorded as Document No. 87 01 2357 in the Recorder's Office of Winnebago County; thence South 87 degrees 59 minutes 13 seconds West, 538.30 feet on the north line of said premise so conveyed, to the northeast corner of the premises conveyed to the State of Illinois Department of Public Works from William L. Grayum and Beulah Mae Grayum by Instrument dated October 14, 1955 and recorded in Book 984 of Deeds on Page 513 in said Recorder's Office, and the Point of Beginning.

From the Point of Beginning thence South 1 degree 38 minutes 05 seconds East, 74.97 feet on the east line of said premises so conveyed, to the southeast corner thereof; thence South 87 degrees 57 minutes 47 seconds West, 71.21 feet on the south line of said premises so conveyed, to the easterly right of way

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line of a public highway designated FA Route 188 (IL 251); thence North 31 degrees 29 minutes 57 seconds East, 89.95 feet on said easterly right of way line and the extension thereof, to the north line of said premises so conveyed; thence North 87 degrees 59 minutes 13 seconds East, 22.04 feet, to the Point of Beginning, containing 3,496 square feet (0.080 acre), more or less.

Section 150. Upon the payment of the sum of \$116,500 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Champaign County, Illinois:

Parcel No. 5X00121A

Part of the East Half of the Northwest Quarter of Section 4, Township 19 North, Range 9 East of the Third Principal Meridian, also being part of a tract described in dedication of right-of-way for freeway recorded in book 520 at page 547 as document number 544635 in the Champaign County Recorder's Office, all in the City of Urbana, Champaign County, Illinois, more particularly described as follows:

Commencing at the southeast corner of the Northeast Quarter of Section 5, Township 19 North, Range 9 East of the Third Principal Meridian; thence North 00 degrees 43 minutes 06 seconds West, along the east line of said Northeast Quarter of Section 5, 17.3 feet to the surveyed centerline of Federal Aid Route 29 (FAI 74); thence southeasterly, along said surveyed centerline, a curve to the right, convex to the north, with a radius of 11,854.3 feet and an initial tangent bearing South 80 degrees 28 minutes 48 seconds East, a distance of 1,475.60 feet to a point on the centerline of State Bond Issue Route 25 (U.S. Route 45); thence North 24 degrees 24 minutes 43 seconds East, along said centerline of State Bond Issue Route 25, 1,530.3 feet to a point at station 53+32.37 on said centerline, said point referenced as point "A" of a tract described in dedication of right-of-way for freeway recorded in book 520 at page 547 as document number 544635 in the Champaign County Recorder's Office; thence South 89 degrees 39 minutes 13 seconds West, 110.13 feet to a point on the proposed west right-of-way line of said Route 45, said point lying 100.00 feet normal distance west of station 52+86.39 on said centerline, said point also being the true Point of Beginning; thence continuing South 89 degrees 39 minutes 13 seconds West, along said proposed west right-of-way line, 11.98 feet to a point lying 110.88 feet normal distance west of station 52+81.37 on said centerline, said point also lying on the proposed east right-of-way line of Anthony Drive; thence northerly, along said proposed east right-of-way line of Anthony Drive, a curve to the left, convex to the east with a radius of 383.00 feet, and an initial tangent bearing North 02 degrees 16 minutes 56 seconds West, a distance of 99.49 feet to a point on the existing west right-of-way line of aforesaid U.S. Route 45, said point lying 159.85 feet normal distance west of station 53+67.67 on said centerline; thence North 24 degrees 23 minutes 31 seconds East, along said existing west right-of-way line, 181.82 feet to a point lying 159.92 feet normal distance west of station 55+49.49 on said centerline, said point referenced as point "C" of said tract described in said dedication of right-of-way for freeway; thence South 65 degrees 36 minutes 29 seconds East, along the north line of said tract and south line of a tract conveyed to the people of the State of Illinois by warranty deed recorded in book 1005 at page 199 as document number 73R6765 in the Champaign County Recorder's Office, 59.91 feet to a point on the proposed west right-of-way line of said U.S. Route 45, said point lying 100.00 feet normal distance west of station 55+49.51 on said centerline; thence South 24 degrees 24 minutes 43 seconds West, along said proposed west right-of-way line, 263.13 feet to the Point of Beginning, containing 13,685 square feet, (0.314 acres), more or less, all situated in the City of Urbana, Champaign County, Illinois.

AND:

The Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Champaign County, Illinois, to City of Urbana.

Parcel No. 5X00121B

Part of the East Half of the Northwest Quarter of Section 4, Township 19 North, Range 9 East of the Third Principal Meridian, also being part of a tract conveyed to the people of the State of Illinois by warranty deed recorded in book 1005 at page 199 as document number 73R6765 in the Champaign County Recorder's Office, all in the City of Urbana, Champaign County, Illinois, more particularly described as follows:

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Commencing at the northeast corner of the Northwest Quarter of Section 4, Township 19 North, Range 9 East of the Third Principal Meridian; thence North 89 degrees 29 minutes 49 seconds East, along the north line of the Northeast Quarter of said Section 4, 96.11 feet to a point on the existing west right-of-way line of State Bond Issue Route 25 (U.S. Route 45); thence South 24 degrees 23 minutes 31 seconds West, along said existing westerly right-of-way line, 1,096.26 feet; thence South 89 degrees 33 minutes 30 seconds West, along said existing west right-of-way line, 40.97 feet; thence southerly, along said existing west right-of-way line, a curve to the right, convex to the east with a radius of 468.00 feet and an initial tangent bearing South 28 degrees 26 minutes 14 seconds West, a distance of 73.62 feet to a point of tangency; thence South 39 degrees 28 minutes 39 seconds West, along said existing west right-of-way line, 66.27 feet to a point lying 125.37 feet normal distance west of station 57+99.25 on the centerline of said State Bond Issue Route 25 (U.S. Route 45), said point also being the true Point of Beginning; thence South 21 degrees 52 minutes 51 seconds East, along the proposed south right-of-way line of O'Brien Drive, 35.09 feet to a point on the proposed west right-of-way line of said U.S. Route 45, said point lying 100.00 feet normal distance west of station 57+75.00 on said centerline; thence South 24 degrees 24 minutes 43 seconds West, along said proposed west right-of-way line, 225.49 feet to a point lying 100.00 feet normal distance west of station 55+49.51 on said centerline, said point also lying on the south line of a tract conveyed to the people of the State of Illinois by warranty deed recorded in book 1005 at page 199 as document number 73R6765 in the Champaign County Recorder's Office; thence North 65 degrees 36 minutes 29 seconds West, along said south line and north line of a tract described in dedication of right-of-way for freeway recorded in book 520 at page 547 as document number 544635 in the Champaign County Recorder's Office, 59.91 feet to a point on the aforesaid existing west right-of-way line of U.S. Route 45, said point lying 159.92 feet normal distance west of station 55+49.49 on said centerline; thence North 24 degrees 23 minutes 31 seconds East, along said existing west right-of-way line, 44.64 feet to a point on curve, said point lying 159.93 feet normal distance west of station 55+94.13 on said centerline; thence northerly, along said existing west right-of-way line, a curve to the right, convex to the west, with a radius of 332.00 feet and an initial tangent bearing North 19 degrees 31 minutes 02 seconds East, a distance of 115.93 feet to a point of tangency, said point lying 149.66 feet normal distance west of station 57+09.01 on said centerline; thence North 39 degrees 28 minutes 39 seconds East, along said existing west right-of-way line, 93.45 feet to the Point of Beginning, containing 12,436 square feet, (0.285 acres), more or less, all situated in the City of Urbana, Champaign County, Illinois.

It is understood and agreed that there is no existing right of access nor will access be permitted in the future by the State of Illinois, Department of Transportation, from or over the premises above described to and from US Route 45, previously declared a freeway.

Section 155. Upon the payment of the sum of \$188,666.67 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the rights or easement of access, crossing, light, air and view from, to and over the following described line and US Route 30 are restored subject to permit requirements of the State of Illinois, Department of Transportation:

Parcel No. 1WY1015
RELEASE OF ACCESS CONTROL

That part of the Northwest Quarter of Section 2, Township 37 North, Range 7 East of the Third Principal Meridian in Kendall County, Illinois, described as follows:

Commencing at the northwest corner of Lakewood Creek West - Unit 2, being a subdivision of part of the North Half of said Section 2, according to the plat thereof recorded August 15, 2003, as Document No. 200300028799; thence on an assumed bearing of North 89 degrees 29 minutes 55 seconds West, 575.00 feet along the southerly right-of-way line of U.S. Route 30 per Document No. 116443 to the Point of Beginning of Access Control to be released; thence continuing North 89 degrees 29 minutes 55 seconds West, 70.00 feet along said southerly right-of-way line to the end of said Access Control Release.

Section 160. Upon the payment of the sum of \$253,416.67 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the rights or easement of access, crossing, light, air and view from, to and over the following described line and US Route 30 are restored subject to permit requirements of the State of Illinois, Department of Transportation:

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Parcel No. 1WY1050

That part of Section 2, Township 37 North, Range 8 East of the Third Principal Meridian described as follows: Commencing at a point on the north line of the Northwest Quarter of said Section 2, distance of 594.00 feet east of the northwest corner thereof, point also being the northerly end of a monumented line of occupation and as described in a deed in trust recorded as Document 921002; thence South 43 degrees 59 minutes 53 seconds East along said monumented line, 4309.44 feet to the westerly line of U.S. Route 34; thence North 88 degrees 38 minutes 28 seconds West along said westerly line, 156.39 feet; thence North 65 degrees 19 minutes 53 seconds West along the north line of U.S. Route 30, a distance of 500.00 feet; thence North 67 degrees 54 minutes 28 seconds West along said north line, 80.36 feet to the Point of Beginning of the Access Control Release; thence continuing North 67 degrees 54 minutes 28 seconds West along said north line, 91.00 feet to the End of the Access Control Release, Kendall County, Illinois.

Section 900. The Secretary of Transportation shall obtain a certified copy of the portion of this Act containing the title, enacting clause, the effective date, the appropriate Section containing the land description of the property to be transferred or otherwise affected under this Act within 69 days after its effective date and, upon receipt of payment required by the Section shall record the certified document in the Recorder's Office in the county in which the land is located.

Section 999. Effective date. This Act takes effect upon becoming law."

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Bond, **Senate Bill No. 778**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 52; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Luechtefeld	Sandoval
Bomke	Haine	Martinez	Schoenberg
Bond	Halvorson	Millner	Sieben
Burzynski	Harmon	Munoz	Silverstein
Clayborne	Hendon	Murphy	Sullivan
Collins	Holmes	Noland	Syverson
Crotty	Hultgren	Pankau	Viverito
Cullerton	Hunter	Peterson	Watson
Dahl	Jacobs	Radogno	Wilhelmi
DeLeo	Jones, J.	Raoul	Mr. President
Demuzio	Koehler	Righter	
Dillard	Kotowski	Risinger	
Forby	Lightford	Ronen	
Frerichs	Link	Rutherford	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

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Senator Maloney asked and obtained unanimous consent for the Journal to reflect his affirmative vote on **Senate Bill No. 778**.

SENATE BILL RECALLED

On motion of Senator Crotty, **Senate Bill No. 831** was recalled from the order of third reading to the order of second reading.

Senator Crotty offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 831

AMENDMENT NO. 1. Amend Senate Bill 831 by replacing everything after the enacting clause with the following:

"Section 5. The Counties Code is amended by changing Section 5-1035.1 as follows:

(55 ILCS 5/5-1035.1) (from Ch. 34, par. 5-1035.1)

Sec. 5-1035.1. County Motor Fuel Tax Law.

(a) The county board of the counties of DuPage, Kane and McHenry may, by an ordinance or resolution adopted by an affirmative vote of a majority of the members elected or appointed to the county board, impose a tax upon all persons engaged in the county in the business of selling motor fuel, as now or hereafter defined in the Motor Fuel Tax Law, at retail for the operation of motor vehicles upon public highways or for the operation of recreational watercraft upon waterways. Kane County may exempt diesel fuel from the tax imposed pursuant to this Section. The tax may be imposed, in half-cent increments, at a rate not exceeding 4 cents per gallon of motor fuel sold at retail within the county for the purpose of use or consumption and not for the purpose of resale.

(b) The county boards of the counties of Will, Kendall, Boone, Lake, DeKalb, and Grundy may impose a tax upon all persons engaged in the county in the business of selling motor fuel, as defined in subsection (a), at retail for the operation of motor vehicles upon public highways or for the operation of recreational watercraft upon waterways. A county imposing the tax under this subsection (b) may exempt diesel fuel from the tax. The tax may be imposed, in half-cent increments, at a rate not exceeding 4 cents per gallon of motor fuel sold at retail within the county for the purpose of use or consumption and not for the purpose of resale.

The tax under this subsection (b) may not be imposed until the question of imposing the tax has been submitted to the electors of the county at a regular election and approved by a majority of the electors voting on the question. The county board must certify the question to the proper election authority, which must submit the question at an election in accordance with the Election Code.

The election authority must submit the question in substantially the following form:

Shall the county board of (name of county) be authorized to impose a tax upon all persons engaged in the county in the business of selling motor fuel at retail for the operation of motor vehicles upon public highways or for the operation of recreational watercraft upon waterways at a rate of (number of cents) cents per gallon of motor fuel sold?

The election authority must record the votes as "Yes" or "No".

If a majority of the electors voting on the question vote in the affirmative, then the county may, thereafter, impose the tax by an ordinance or resolution adopted by an affirmative vote of a majority of the members elected or appointed to the county board.

(c) The proceeds from the tax imposed under this Section shall be used by the county solely for the purpose of operating, constructing, and improving public highways and waterways, and acquiring real property and rights-of-way ~~right of ways~~ for public highways and waterways within the county imposing the tax.

(d) A tax imposed pursuant to this Section, and all civil penalties that may be assessed as an incident thereof, shall be administered, collected and enforced by the Illinois Department of Revenue in the same manner as the tax imposed under the Retailers' Occupation Tax Act, as now or hereafter amended, insofar as may be practicable; except that in the event of a conflict with the provisions of this Section, this Section shall control. The Department of Revenue shall have full power: to administer and enforce this Section; to collect all taxes and penalties due hereunder; to dispose of taxes and penalties so collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder.

Whenever the Department determines that a refund shall be made under this Section to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall

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cause the order to be drawn for the amount specified, and to the person named, in the notification from the Department. The refund shall be paid by the State Treasurer out of the County Option Motor Fuel Tax Fund.

The Department shall forthwith pay over to the State Treasurer, ex-officio, as trustee, all taxes and penalties collected hereunder, which shall be deposited into the County Option Motor Fuel Tax Fund, a special fund in the State Treasury which is hereby created. On or before the 25th day of each calendar month, the Department shall prepare and certify to the State Comptroller the disbursement of stated sums of money to named counties for which taxpayers have paid taxes or penalties hereunder to the Department during the second preceding calendar month. The amount to be paid to each county shall be the amount (not including credit memoranda) collected hereunder from retailers within the county during the second preceding calendar month by the Department, but not including an amount equal to the amount of refunds made during the second preceding calendar month by the Department on behalf of the county; less the amount expended during the second preceding month by the Department pursuant to appropriation from the County Option Motor Fuel Tax Fund for the administration and enforcement of this Section, which appropriation shall not exceed \$200,000 for fiscal year 1990 and, for each year thereafter, shall not exceed 2% of the amount deposited into the County Option Motor Fuel Tax Fund during the preceding fiscal year.

(e) Nothing in this Section shall be construed to authorize a county to impose a tax upon the privilege of engaging in any business which under the Constitution of the United States may not be made the subject of taxation by this State.

(f) An ordinance or resolution imposing a tax hereunder or effecting a change in the rate thereof shall be effective on the first day of the second calendar month next following the month in which the ordinance or resolution is adopted and a certified copy thereof is filed with the Department of Revenue, whereupon the Department of Revenue shall proceed to administer and enforce this Section on behalf of the county as of the effective date of the ordinance or resolution. Upon a change in rate of a tax levied hereunder, or upon the discontinuance of the tax, the county board of the county shall, on or not later than 5 days after the effective date of the ordinance or resolution discontinuing the tax or effecting a change in rate, transmit to the Department of Revenue a certified copy of the ordinance or resolution effecting the change or discontinuance.

(g) This Section shall be known and may be cited as the County Motor Fuel Tax Law. (Source: P.A. 86-1028; 87-289.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Crotty, **Senate Bill No. 831**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 37; Nays 17.

The following voted in the affirmative:

Althoff	Forby	Lightford	Ronen
Bond	Frerichs	Link	Sandoval
Burzynski	Garrett	Maloney	Silverstein
Clayborne	Haine	Martinez	Syverson
Collins	Halvorson	Munoz	Viverito
Crotty	Harmon	Noland	Wilhelmi
Cullerton	Hendon	Peterson	Mr. President
DeLeo	Hunter	Radogno	
Demuzio	Jacobs	Raoul	
Dillard	Koehler	Risinger	

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The following voted in the negative:

Bomke	Kotowski	Pankau	Sullivan
Dahl	Lauzen	Richter	Watson
Holmes	Luechtefeld	Rutherford	
Hultgren	Millner	Schoenberg	
Jones, J.	Murphy	Sieben	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

At the hour of 1:59 o'clock p.m., Senator Halvorson presiding.

CONSIDERATION OF RESOLUTIONS ON SECRETARY'S DESK

Senator Luechtefeld moved that **Senate Resolution No. 72**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Luechtefeld moved that Senate Resolution No. 72 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Frerichs moved that **Senate Resolution No. 85**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Frerichs moved that Senate Resolution No. 85 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Haine moved that **Senate Resolution No. 121**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Haine moved that Senate Resolution No. 121 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Althoff moved that **Senate Resolution No. 126**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Althoff moved that Senate Resolution No. 126 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Hunter moved that **Senate Resolution No. 129**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Hunter moved that Senate Resolution No. 129 be adopted.

The motion prevailed.

And the resolution was adopted.

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Senator Kotowski moved that **Senate Resolution No. 138**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Kotowski moved that Senate Resolution No. 138 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Forby moved that **Senate Resolution No. 151**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Forby moved that Senate Resolution No. 151 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Althoff moved that **Senate Resolution No. 152**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Althoff moved that Senate Resolution No. 152 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Demuzio moved that **Senate Resolution No. 157**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Demuzio moved that Senate Resolution No. 157 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Burzynski moved that **Senate Joint Resolution No. 17**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Burzynski moved that Senate Joint Resolution No. 17 be adopted.

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

Senator Sandoval moved that **Senate Joint Resolution No. 22**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Sandoval moved that Senate Joint Resolution No. 22 be adopted.

And on that motion a call of the roll was had resulting as follows:

Yeas 34; Nays 19.

The following voted in the affirmative:

Bond	Garrett	Kotowski	Sandoval
Clayborne	Haine	Lightford	Schoenberg
Collins	Halvorson	Link	Silverstein
Crotty	Harmon	Maloney	Sullivan
Cullerton	Hendon	Martinez	Viverito
DeLeo	Holmes	Munoz	Wilhelmi

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Demuzio	Hunter	Noland	Mr. President
Forby	Jacobs	Raoul	
Frerichs	Koehler	Ronen	

The following voted in the negative:

Althoff	Jones, J.	Pankau	Rutherford
Bomke	Lauzen	Peterson	Sieben
Burzynski	Luechtefeld	Radogno	Syverson
Dahl	Millner	Righter	Watson
Hultgren	Murphy	Risinger	

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

Senator Viverito moved that **Senate Joint Resolution No. 29**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

The following amendment was offered in the Committee on State Government and Veterans Affairs, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE JOINT RESOLUTION 29

AMENDMENT NO. 1. Amend Senate Joint Resolution 29 on page 3, line 1, after "Aging", by inserting "and the Older Adult Services Advisory Committee"; and

on page 3, line 2, before "advocacy", by inserting "AARP and other".

Senator Viverito moved that **Senate Joint Resolution No. 29**, as amended, be adopted.

And on that motion a call of the roll was had resulting as follows:

Yeas 53; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Link	Rutherford
Bomke	Haine	Luechtefeld	Sandoval
Bond	Halvorson	Maloney	Schoenberg
Burzynski	Harmon	Martinez	Sieben
Clayborne	Hendon	Millner	Silverstein
Collins	Holmes	Munoz	Sullivan
Crotty	Hultgren	Murphy	Syverson
Cullerton	Hunter	Noland	Viverito
Dahl	Jacobs	Peterson	Watson
DeLeo	Jones, J.	Radogno	Wilhelmi
Demuzio	Koehler	Raoul	Mr. President
Dillard	Kotowski	Righter	
Forby	Lauzen	Risinger	
Frerichs	Lightford	Ronen	

The motion prevailed.

And the resolution, as amended, was adopted.

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

Senator Hunter moved that **Senate Joint Resolution No. 35**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Hunter moved that Senate Joint Resolution No. 35 be adopted.

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

Senator Forby moved that **Senate Joint Resolution No. 37**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Forby moved that Senate Joint Resolution No. 37 be adopted.

And on that motion a call of the roll was had resulting as follows:

Yeas 53; Nays None.

The following voted in the affirmative:

Althoff	Haine	Luechtefeld	Rutherford
Bomke	Halvorson	Maloney	Sandoval
Bond	Harmon	Martinez	Schoenberg
Burzynski	Hendon	Millner	Sieben
Clayborne	Holmes	Munoz	Silverstein
Collins	Hultgren	Murphy	Sullivan
Crotty	Hunter	Noland	Syverson
Cullerton	Jacobs	Pankau	Viverito
Dahl	Jones, J.	Peterson	Watson
Demuzio	Koehler	Radogno	Wilhelmi
Dillard	Kotowski	Raoul	Mr. President
Forby	Lauzen	Righter	
Frerichs	Lightford	Risinger	
Garrett	Link	Ronen	

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

Senator Bomke moved that **Senate Joint Resolution No. 39**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Bomke offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE JOINT RESOLUTION 39

AMENDMENT NO. 1. Amend Senate Joint Resolution 39 on page 2, line 7, after the comma, by inserting the following:

"the Illinois State Historical Society,"; and

on page 3, line 12, after the comma, by inserting the following:

"the Illinois State Historical Society,".

Senator Bomke moved that Senate Joint Resolution No. 39, as amended, be adopted.

And on that motion a call of the roll was had resulting as follows:

Yeas 55; Nays None.

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The following voted in the affirmative:

Althoff	Frerichs	Lightford	Risinger
Bomke	Garrett	Link	Ronen
Bond	Haine	Luechtefeld	Rutherford
Burzynski	Halvorson	Maloney	Sandoval
Clayborne	Harmon	Martinez	Schoenberg
Collins	Hendon	Millner	Sieben
Cronin	Holmes	Munoz	Silverstein
Crotty	Hultgren	Murphy	Sullivan
Cullerton	Hunter	Noland	Syverson
Dahl	Jacobs	Pankau	Viverito
DeLeo	Jones, J.	Peterson	Watson
Demuzio	Koehler	Radogno	Wilhelmi
Dillard	Kotowski	Raoul	Mr. President
Forby	Lauzen	Righter	

The motion prevailed.

And the resolution, as amended, was adopted.

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

Senator Haine moved that **Senate Joint Resolution No. 40**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Haine moved that Senate Joint Resolution No. 40 be adopted.

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

Senator Demuzio moved that **Senate Joint Resolution No. 42**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Demuzio moved that Senate Joint Resolution No. 42 be adopted.

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

Senator Koehler moved that **Senate Joint Resolution No. 43**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

The following amendment was offered in the Committee on State Government and Veterans Affairs, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE JOINT RESOLUTION 43

AMENDMENT NO. 1. Amend Senate Joint Resolution 43 by replacing everything after the heading with the following:

"WHEREAS, Alzheimer's disease is a slow, progressive disorder of the brain that results in loss of memory and other cognitive function and eventually results in death; and

WHEREAS, Because Alzheimer's is accompanied by memory loss, poor judgment, changes in

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personality and behavior, and a tendency to wander, individuals with this disease are at increased risk for accidental injury, getting lost, abuse, neglect, and exploitation; and

WHEREAS, With one in 10 people over age 65 and almost one in every 2 people over 85 having Alzheimer's disease or a related dementia, over the past 10 years, the number of Illinoisans with Alzheimer's and related dementias has risen dramatically to the point that today over 210,000 people are affected; and

WHEREAS, As the baby boom generation enters the age of greatest risk for Alzheimer's, by 2025 their number in Illinois is expected to increase to over 239,000; and

WHEREAS, Alzheimer's disease takes an enormous toll on loving family members, with an estimated one in 4 acting as caregivers for each individual with the disease; and

WHEREAS, Caregivers for individuals with Alzheimer's watch closely the deleterious effects of the disease and often suffer more stress, depression, and health problems than caregivers of people with other illnesses; and

WHEREAS, Alzheimer's disease is considered to be early onset if an individual is younger than 65 when symptoms first appear, and early onset Alzheimer's can strike someone as early as their 30s, 40s, and 50s, with new data showing there may be half a million Americans under age 65 who have dementia or cognitive impairment at a level of severity consistent with dementia; and

WHEREAS, The Alzheimer's Disease Assistance Act created the Alzheimer's Disease Advisory Committee composed of 21 members to review all State programs and services provided by State agencies that are directed toward persons with Alzheimer's disease and related dementias and to recommend changes to improve the State's response to this serious health problem; and

WHEREAS, The 93rd General Assembly created the Legislative Task Force on Alzheimer's Disease pursuant to House Joint Resolution 14; that task force conducted hearings which included each of the State agencies having primary responsibility for implementing the "Alzheimer's Initiative" of the 84th General Assembly when this matter was given a high priority nearly 20 years ago; the agencies were instructed to provide an update on the progress made in implementing that initiative to determine whether the programs and services developed by State agencies reflect the original priority; the reports of the agencies did not demonstrate any particular progress, nor priority commensurate with the original interest and intent of the General Assembly; and

WHEREAS, The 93rd General Assembly Legislative Task Force on Alzheimer's Disease recommended that the function of the statutory Alzheimer's Disease Advisory Committee should be expanded to include oversight and evaluation of the services provided by the various State agencies and to solicit additional findings and recommendations for improving State programs and services; and

WHEREAS, The State of Illinois must not be complacent and must renew its commitment to develop a more aggressive State plan to ensure that the framework of programs and services to help Illinoisans with Alzheimer's and other related dementia are functioning and capable of meeting the challenge of this serious public health problem among Illinoisans; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the Department of Public Health immediately comply with the Alzheimer's Disease Assistance Act in activating the Alzheimer's Disease Advisory Committee and ensuring that it fulfills the requirement of reviewing all State programs and services provided by State agencies directed toward persons with Alzheimer's disease and related dementias and recommending changes to improve the State's response to this serious health problem; and be it further

RESOLVED, That the Department of Public Health, in conjunction with the Alzheimer's Disease Advisory Committee, assess the current and future impact of Alzheimer's disease on the people of this State, examine the existing services and resources addressing the needs of persons with Alzheimer's, their families, and caregivers, and develop a strategy to implement an Alzheimer's Disease and Other

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Related Dementia State Plan in response to this public health crisis; and be it further

RESOLVED, That the Alzheimer's Disease Advisory Committee shall include in its Alzheimer's Disease and Other Related Dementia State Plan an examination of the following:

- (1) trends in the State Alzheimer's population and needs, including the changing population with dementia, including but not limited to:
 - (a) the State role in long-term care, family caregiver support and assistance to persons with early-stage and early on-set Alzheimer's;
 - (b) State policy regarding persons with Alzheimer's and developmental disabilities;
- (2) existing services, resources, and capacity, including but not limited to:
 - (a) the type, cost, and availability of dementia services;
 - (b) the capacity of public safety and law enforcement to respond to persons with Alzheimer's;
 - (c) the availability of home and community-based resources for persons with Alzheimer's and respite care to assist families;
 - (d) an inventory of long-term care special dementia care units;
 - (e) the adequacy and appropriateness of geriatric-psychiatric units for persons with behavior disorders associated with Alzheimer's and related dementias;
 - (f) assisted living residential options for persons with dementia;
 - (g) State support of Alzheimer's research through Illinois universities and other resources;
- (3) needed State policies and responses, including, but not limited to recommendations for the provision of clear and coordinated services and support to persons and families living with Alzheimer's and related disorders and ways to address any identified gaps in service; and be it further

RESOLVED, That the Department on Aging, in cooperation with the Department of Public Health and the Department of Healthcare and Family Services, shall provide support staff to the Alzheimer's Disease Advisory Committee and shall be responsible for preparing any necessary materials and reports in conjunction with the work of the Committee; and be it further

RESOLVED, That the Alzheimer's Disease Advisory Committee shall provide an Alzheimer's Disease and Other Related Dementia State Plan to the Governor and the General Assembly no later than January 1, 2009; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the Governor, the Director of Aging, the Director of Public Health, and the Director of Healthcare and Family Services."

Senator Koehler moved that Senate Joint Resolution No. 43, as amended, be adopted. And on that motion a call of the roll was had resulting as follows:

Yeas 51; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Link	Risinger
Bomke	Haine	Luechtefeld	Ronen
Bond	Halvorson	Maloney	Rutherford
Burzynski	Harmon	Martinez	Sandoval
Collins	Hendon	Millner	Schoenberg
Crotty	Holmes	Munoz	Sieben
Cullerton	Hultgren	Murphy	Silverstein
Dahl	Hunter	Noland	Syverson
DeLeo	Jacobs	Pankau	Viverito
Demuzio	Jones, J.	Peterson	Watson
Dillard	Koehler	Radogno	Wilhelmi
Forby	Kotowski	Raoul	Mr. President
Frerichs	Lauzen	Righter	

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The motion prevailed.

And the resolution, as amended, was adopted.

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

Senator Demuzio moved that **Senate Joint Resolution No. 47**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Demuzio moved that Senate Joint Resolution No. 47 be adopted.

And on that motion a call of the roll was had resulting as follows:

Yeas 49; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Link	Rutherford
Bomke	Haine	Maloney	Sandoval
Bond	Halvorson	Martinez	Schoenberg
Clayborne	Harmon	Millner	Sieben
Collins	Hendon	Munoz	Silverstein
Crotty	Holmes	Murphy	Sullivan
Cullerton	Hultgren	Noland	Viverito
Dahl	Hunter	Pankau	Watson
DeLeo	Jacobs	Peterson	Wilhelmi
Demuzio	Jones, J.	Radogno	Mr. President
Dillard	Koehler	Raoul	
Forby	Kotowski	Righter	
Frerichs	Lightford	Ronen	

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

Senator E. Jones moved that **Senate Joint Resolution No. 50**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

The following amendment was offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE JOINT RESOLUTION 50

AMENDMENT NO. 1. Amend Senate Joint Resolution 50 on page 2, by replacing line 24 with the following:

"the Attorney General, the Secretary of Human Services, and the Governor".

Senator E. Jones moved that Senate Joint Resolution No. 50, as amended, be adopted.

And on that motion a call of the roll was had resulting as follows:

Yeas 53; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Link	Rutherford
Bomke	Haine	Maloney	Sandoval
Bond	Halvorson	Martinez	Schoenberg
Burzynski	Harmon	Millner	Sieben

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Clayborne	Hendon	Munoz	Silverstein
Collins	Holmes	Murphy	Sullivan
Crotty	Hultgren	Noland	Syverson
Cullerton	Hunter	Pankau	Viverito
Dahl	Jacobs	Peterson	Watson
DeLeo	Jones, J.	Radogno	Wilhelmi
Demuzio	Koehler	Raoul	Mr. President
Dillard	Kotowski	Righter	
Forby	Lauzen	Risinger	
Frerichs	Lightford	Ronen	

The motion prevailed.

And the resolution, as amended, was adopted.

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

Senator Garrett moved that **House Joint Resolution No. 1**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Garrett moved that House Joint Resolution No. 1 be adopted.

And on that motion a call of the roll was had resulting as follows:

Yeas 51; Nays None.

The following voted in the affirmative:

Althoff	Frerichs	Link	Ronen
Bomke	Garrett	Maloney	Rutherford
Bond	Haine	Martinez	Sandoval
Burzynski	Halvorson	Millner	Schoenberg
Clayborne	Harmon	Munoz	Sieben
Collins	Hendon	Murphy	Silverstein
Crotty	Hultgren	Noland	Sullivan
Cullerton	Hunter	Pankau	Syverson
Dahl	Jacobs	Peterson	Viverito
DeLeo	Jones, J.	Radogno	Watson
Demuzio	Koehler	Raoul	Wilhelmi
Dillard	Lauzen	Righter	Mr. President
Forby	Lightford	Risinger	

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof.

Senator Martinez moved that **House Joint Resolution No. 17**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Martinez moved that House Joint Resolution No. 17 be adopted.

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof.

President Jones announced that session has been cancelled for Monday, May 21, 2007.

PRESENTATION OF RESOLUTIONS

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SENATE RESOLUTION 197

Offered by Senator Radogno and all Senators:
Mourns the death of Eleanore L. Billik of Brookfield.

SENATE RESOLUTION 198

Offered by Senator Radogno and all Senators:
Mourns the death of Jane Radostits of Lockport.

By unanimous consent, the foregoing resolutions were referred to the Resolutions Consent Calendar.

Senators Silverstein - Schoenberg offered the following Senate Resolution, which was referred to the Committee on Rules:

SENATE RESOLUTION NO. 199

WHEREAS, The United States Department of State has named Iran as being the top state sponsor of terrorism; and

WHEREAS, Iran continues its covert nuclear program in defiance of the will of the international community and international law, which poses a direct threat to international peace and security; and

WHEREAS, Iran provides financial assistance, weapons, and training to Hezbollah, which has been determined by international human rights organizations to perpetrate terrorism and engage in war crimes; and

WHEREAS, Iranian President Mahmoud Ahmadinejad has drawn international condemnation for repeatedly calling for the destruction of Israel; and

WHEREAS, United States companies are legally prohibited from and subject to civil and criminal penalties for doing business in or with states that the U.S. State Department has determined to sponsor terrorism; and

WHEREAS, Billions of dollars in U.S. public pension funds have been invested in foreign companies that have direct financial relationships with the governments of states that sponsor terrorism; and

WHEREAS, The United States Department of the Treasury has taken actions to prohibit international banks from investing in and providing financial assistance to states sponsoring terrorism; and

WHEREAS, The Securities and Exchange Commission has established the Office of Global Security Risk to assess and protect investors from shareholder risk associated with investments in companies doing business with states sponsoring terrorism; and

WHEREAS, There is a global security risk identified with investments that support these terrorism-sponsoring states, which is contrary to the goals that pensions of the dedicated public employees of this State be invested wisely and protected to known risk; and

WHEREAS, It is the goal of the State of Illinois to disassociate from terrorism by divesting taxpayer dollars from companies whose business activities benefit and support Iranian development of weapons of mass destruction and egregious human rights violations; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we call on the public retirement systems and pension funds to immediately enact all necessary actions to ensure that no public funds are invested in entities that have a direct financial relationship with the government of Iran, with the exception of any company engaged solely in providing humanitarian relief.

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Senator Collins offered the following Senate Resolution, which was referred to the Committee on Rules:

SENATE RESOLUTION NO. 200

WHEREAS, The fight against Terrorism requires the United States to place high priority on the security of our borders; and

WHEREAS, The drafters of the United States Constitution emphasized their commitment to the principles of justice, respect for life and dignity, and fair legal proceedings; and

WHEREAS, One of these principles is Habeas Corpus, the legal proceeding that allows prisoners to challenge the legality of their detention; and

WHEREAS, Thomas Jefferson described the Writ of Habeas Corpus as one of the most essential components of a free nation; and

WHEREAS, Nearly 400 men are currently held without charge at the US Naval Base in Guantanamo Bay without a right to Habeas Corpus; and

WHEREAS, It is contrary to the principles of justice embodied in the Constitution to hold individuals without charge, for an indefinite amount of time, without access to fair trial and right to Habeas Corpus; and

WHEREAS, Not allowing individuals in Guantanamo to challenge the legality and conditions of their detention has undermined the moral authority of the United States as a champion of the rule of law and human rights; and

WHEREAS, It is therefore just that the United States Congress restore Habeas Corpus and respect international law; and

WHEREAS, It is only fitting for the great State of Illinois as a member of the United States to call on Congress to implement justice, respect for human rights, respect for human dignity, and fair legal proceedings and restore Habeas Corpus to non-citizens who have been labeled unlawful enemy combatants; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we call on Congress to restore habeas corpus for anyone in United States custody, and in so doing restore United States moral authority as a leading proponent of human rights and the rule of law; and be it further

RESOLVED, That a suitable copy of this resolution be delivered to the Human Rights Watch.

Senator Demuzio offered the following Senate Joint Resolution, which was referred to the Committee on Rules:

SENATE JOINT RESOLUTION NO. 56

WHEREAS, Hundreds of Illinois schools in rural, suburban, and urban areas are designated for federal and State improvement status to improve low student achievement levels; and

WHEREAS, Illinois is committed to closing the gap in learning achievement levels between low-income and middle-income or upper-income children and youth; and

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WHEREAS, Research indicates that successful low-income schools where student achievement rates exceed State averages are led by an outstanding school principal; and

WHEREAS, An essential route to improving student learning in any low-achieving school is through the intervention of a school principal with the motivation, commitment, current knowledge, skills, and disposition to attract, retain, and mobilize teachers to improve the quality of instruction and learning throughout the school; and

WHEREAS, It is a goal of the State of Illinois that all schools have leadership that improves teaching and learning and increases the academic achievement and development of all students; and

WHEREAS, In August 2006 the report, "School Leader Preparation: Blueprint for Change", commissioned by the Board of Higher Education, analyzed the mismatch between leadership credentialing and the needs of Illinois schools and recommended a total of 25 specific actions to be undertaken by the Board of Higher Education, the State Board of Education, the General Assembly, the Governor's office, college and university presidents, and school districts to improve school leadership in this State; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the State Board of Education, the Board of Higher Education, and the Office of the Governor shall jointly appoint a task force to recommend a sequence of strategic steps, based on, but not limited to, the measures detailed in "Blueprint for Change", to implement improvements in school leadership preparation in this State; and be it further

RESOLVED, That the task force shall include representatives from a statewide organization representing principals, an association representing Chicago public school principals, a statewide organization representing education leadership faculty, a statewide organization representing private college and university education deans, a statewide organization representing public university education deans, statewide organizations representing teachers, a statewide organization representing superintendents, a statewide organization representing school board members, the State Board of Education, the Board of Higher Education, and other appropriate stakeholders; and be it further

RESOLVED, That the Governor shall appoint a chairperson in consultation with the State Board of Education and the Board of Higher Education; and be it further

RESOLVED, That the chairperson and the task force shall designate staff from the appropriate State agencies or educational organizations with expertise in school leadership preparation; and be it further

RESOLVED, That this task force shall file a report of its findings with the General Assembly, the Office of the Governor, the State Board of Education, and the Board of Higher Education on or before February 1, 2008; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the State Board of Education, the Board of Higher Education, and the Governor.

MESSAGE FROM THE HOUSE

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION NO. 63

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH

[May 18, 2007]

GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that when the two Houses adjourn on Friday, May 18, 2007, the House of Representatives stands adjourned until Monday, May 21, 2007 at 3:00 o'clock p.m.; and the Senate stands adjourned until Tuesday, May 22, 2007, at 12:00 o'clock noon.

Adopted by the House, May 18, 2007.

MARK MAHONEY, Clerk of the House

By unanimous consent, on motion of Senator Link, the foregoing message reporting House Joint Resolution No. 63 was taken up for immediate consideration.

Senator Link moved that the Senate concur with the House in the adoption of the resolution.

The motion prevailed.

And the Senate concurred with the House in the adoption of the resolution.

Ordered that the Secretary inform the House of Representatives thereof.

RESOLUTIONS CONSENT CALENDAR

SENATE RESOLUTION 181

Offered by Senator Clayborne and all Senators:

Mourns the death of Dr. Ferd J. Mueller of Belleville.

SENATE RESOLUTION 182

Offered by Senator Millner and all Senators:

Mourns the death of Jane Radostits of Lockport.

SENATE RESOLUTION 183

Offered by Senator Lauzen and all Senators:

Mourns the death of Matthew Frank of Hinsdale.

SENATE RESOLUTION 184

Offered by Senator Lauzen and all Senators:

Mourns the death of Jessica A. Nutoni of Oswego.

SENATE RESOLUTION 185

Offered by Senator Lauzen and all Senators:

Mourns the death of Georgeanne McCusker of Yorkville.

SENATE RESOLUTION 186

Offered by Senator Lauzen and all Senators:

Mourns the death of Ashton R. Frieders of Marseilles.

SENATE RESOLUTION 187

Offered by Senator Lauzen and all Senators:

Mourns the death of Tiffany Marie Urso.

SENATE RESOLUTION 188

Offered by Senator Lauzen and all Senators:

Mourns the death of Thomas Peter Caffee of Aurora.

SENATE RESOLUTION 189

Offered by Senator Lauzen and all Senators:

Mourns the death of Katherine Rose Merkel of Oswego.

SENATE RESOLUTION 190

Offered by Senator Lauzen and all Senators:

Mourns the death of U.S. Marine Corps Lance Corporal Jesse De LaTorre.

[May 18, 2007]

SENATE RESOLUTION 191

Offered by Senator Lauzen and all Senators:
Mourns the death of Max L. Hunt of St. Charles.

SENATE RESOLUTION 192

Offered by Senators Althoff – Pankau and all Senators:
Mourns the death of Allan Joseph Hamilton of Huntley.

SENATE RESOLUTION 193

Offered by Senators J. Jones – Watson and all Senators:
Mourns the death of Peter E. “Ed” Frank of Carlyle.

SENATE RESOLUTION 194

Offered by Senator Wilhelmi and all Senators:
Mourns the death of Charla Kay Denton.

The Chair moved the adoption of the Resolutions Consent Calendar. The motion prevailed, and the resolutions were adopted.

At the hour of 2:32 o'clock p.m., pursuant to **House Joint Resolution No. 63**, the Chair announced the Senate stand adjourned until Tuesday, May 22, 2007, at 12:00 o'clock noon.