

1 AN ACT in relation to airports.

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

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

6 Section 5. Findings and purposes.

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

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

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

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

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

26 (5) Public roadway access through the existing
27 western boundary of O'Hare to passenger terminal and
28 parking facilities located inside the boundary of O'Hare
29 and reasonably accessible to that western access is an
30 essential element of the O'Hare Modernization Program.
31 That western access to O'Hare is needed to realize the

1 full economic opportunities created by the O'Hare
2 Modernization Program and to improve ground
3 transportation in the O'Hare area. It is important to the
4 State that the western access be constructed not later
5 than the time existing runway 14R-32L is removed from
6 service.

7 (6) For the reasons stated in paragraphs (1), (2),
8 (3), (4), and (5), it is essential that the O'Hare
9 Modernization Program be completed efficiently and
10 without unnecessary delay.

11 (7) For the reasons stated in paragraphs (1), (2),
12 (3), (4), and (5), it is essential that acquisition of
13 property as required for the O'Hare Modernization Program
14 be completed as expeditiously as practicable.

15 (8) The General Assembly recognizes that the
16 planning, construction, and use of O'Hare and the
17 planning, construction, and use of the O'Hare
18 Modernization Program will be subject to intensive
19 regulatory scrutiny by the United States and that no
20 purpose would be served by duplicative or redundant
21 regulation of the safety and impacts of the airport or
22 the O'Hare Modernization Program.

23 (9) The General Assembly recognizes that the City
24 of Chicago has enacted and successfully implemented
25 ordinances that combat past and ongoing discrimination
26 against minorities and women in the market that competes
27 for contracts with the City of Chicago. These ordinances
28 are among the strongest and most successful in the
29 country, and have made significant progress in combatting
30 discrimination against minorities and women throughout
31 northeastern Illinois.

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

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

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

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

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

1 boundary of O'Hare existing on January 1, 2003; on the south,
2 between the Union Pacific Railroad and the east boundary of
3 York Road by the Canadian Pacific railroad yard; on the west,
4 between the Canadian Pacific Railroad Yard and the railroad
5 spur intersecting York Road between Arthur and Pratt Avenues,
6 by the east boundary of York Road; and on the northwest,
7 between York Road and the Union Pacific/Canadian Pacific
8 Railroad, by the railroad spur, and between the railroad spur
9 and the point at which the extended eastern boundary of
10 Carmen Drive intersects the Union Pacific/Canadian Pacific
11 Railroad, by the Union Pacific/Canadian Pacific Railroad, and
12 between the Union Pacific/Canadian Pacific Railroad and Old
13 Higgins Road, by the extended eastern boundary of Carmen
14 Drive and by Carmen Drive; and (2) provision for air
15 navigation and air safety outside that area in accordance
16 with standards established by the Federal Aviation
17 Administration.

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

19 "City" means the City of Chicago.

20 Section 15. Acquisition of property. In addition to any
21 other powers the City may have, and notwithstanding any other
22 law to the contrary, the City may acquire by gift, grant,
23 lease, purchase, condemnation (including condemnation by
24 quick take under Section 7-103.149 of the Code of Civil
25 Procedure), or otherwise any right, title, or interest in any
26 private property, property held in the name of or belonging
27 to any public body or unit of government, or any property
28 devoted to a public use, or any other rights or easements,
29 including any property, rights, or easements owned by the
30 State, units of local government, or school districts,
31 including forest preserve districts, for purposes related to
32 the O'Hare Modernization Program. The powers given to the
33 City under this Section include the power to acquire, by

1 condemnation or otherwise, any property used for cemetery
2 purposes within or outside of the City, and to require that
3 the cemetery be removed to a different location. The powers
4 given to the City under this Section include the power to
5 condemn or otherwise acquire (other than by condemnation by
6 quick take under Section 7-103 of the Code of Civil
7 Procedure), and to convey, substitute property when the City
8 reasonably determines that monetary compensation will not be
9 sufficient or practical just compensation for property
10 acquired by the City in connection with the O'Hare
11 Modernization Program. The acquisition of substitute property
12 is declared to be for public use. Property acquired under
13 this Section includes property that the City reasonably
14 determines will be necessary for future use, regardless of
15 whether final regulatory or funding decisions have been made;
16 provided, however, that quick-take of such property is
17 subject to Section 7-103.149 of the Code of Civil Procedure.

18 Section 20. Condemnation by other governmental units. No
19 airport property may be subject to taking by condemnation or
20 otherwise by any unit of local government other than the City
21 of Chicago, or by any agency, instrumentality, or political
22 subdivision of the State.

23 Section 21. Reimbursement for tax base losses.

24 (a) Whenever the City acquires parcels of property
25 within any school district or community college district for
26 the O'Hare Modernization Program, the City shall, for the
27 following taxable year and for each of the 5 taxable years
28 thereafter, pay to that district the amount of the total
29 property tax liability of the acquired parcels to the
30 district for the 2002 taxable year, increased or decreased
31 each year by the percentage change of the district's total
32 tax extension for the current taxable year from the total tax

1 extension for the prior taxable year; provided that no annual
2 increase shall exceed the lesser of 5% or the annual increase
3 in the Consumer Price Index. Funds payable by the City under
4 this Section shall be paid exclusively from non-tax revenues
5 generated at airports owned by the City, and shall not exceed
6 the amount of those funds that can be paid for that purpose
7 under 49 U.S.C. 47107(1)(2).

8 (b) Notwithstanding any other provision of this Section:

9 (i) no funds shall be payable by the City under this Section
10 with respect to any taxable year succeeding the 2009 taxable
11 year; (ii) in no event shall such funds be payable on or
12 after January 1, 2010; (iii) in no event shall the total
13 funds paid by the City pursuant to this Section to all
14 districts for all taxable years exceed \$20,000,000; and (iv)
15 any amounts payable to a district by the City with respect to
16 any parcel of property for any taxable year shall be reduced
17 by the amount of taxes actually paid to the district for that
18 taxable year with respect to that parcel or any leasehold
19 interest therein.

20 (c) Whenever the City acquires property that is subject
21 to this Section, the City shall notify the assessor of the
22 county in which the property is located. The assessor or the
23 clerk of that county shall, on an annual basis, notify the
24 affected school district or community college district of all
25 property that has been identified as being subject to this
26 Section, and shall provide the district and the City with
27 such information as may be required in determining the
28 amounts payable by the City under this Section. The City
29 shall make payments as required by this Section no later than
30 90 days after that information is received and verified by
31 the City.

32 (d) As used in this Section, "Consumer Price Index"
33 means the Consumer Price Index for All Urban Consumers for
34 all items published by the United States Department of Labor.

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

10 Section 27. Minority and women-owned businesses and
11 workers. All City contracts for the O'Hare Modernization
12 Program shall be subject to all applicable ordinances of the
13 City governing contracting with minority and women-owned
14 businesses and prohibiting discrimination and requiring
15 appropriate affirmative action with respect to minority and
16 women participants in the work force, including but not
17 limited to Section 2-92-330 of the Municipal Code of the City
18 of Chicago (relating to hiring of Chicago residents), Section
19 2-92-390 of the Municipal Code of the City of Chicago
20 (relating to hiring of women and minorities), and Sections
21 2-92-420 through 2-92-570 of the Municipal Code of the City
22 of Chicago (relating to contracting with minority-owned and
23 women-owned business enterprises), to the extent permitted by
24 law and federal funding restrictions. The City of Chicago
25 shall file semi-annual reports with the General Assembly
26 documenting compliance with such ordinances with respect to
27 work performed as part of the O'Hare Modernization Program
28 and disclosing the extent to which that work is performed by
29 minority and women workers and minority-owned and women-owned
30 business enterprises.

31 Section 28. Advisory Committee. An O'Hare Modernization
32 Advisory Committee is established to monitor, review, and

1 report the utilization of minority owned business enterprises
2 and women owned business enterprises, as defined in Section
3 2-92-420 in the Municipal Code of the City of Chicago, the
4 employment of women, and the employment of minorities, as
5 defined in Section 2-92-420 of the Municipal Code of the City
6 of Chicago, during the O'Hare Modernization project. The City
7 of Chicago shall work with the Advisory Committee in
8 accumulating necessary information for the Committee to
9 submit reports, as necessary, to the General Assembly and the
10 City of Chicago. The Committee shall consist of 13 members: 7
11 members selected by the Mayor of the City of Chicago; 2
12 members selected by the President of the Illinois Senate; 2
13 members selected by the Speaker of the Illinois House of
14 Representatives; one member selected by the Minority Leader
15 of the Illinois Senate; and one member selected by the
16 Minority Leader of the Illinois House of Representatives.

17 The Advisory Committee shall meet periodically and shall
18 report the information gathered to the Mayor of the City of
19 Chicago and to the General Assembly by December 31st of every
20 year.

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

28 Section 90. The Archeological and Paleontological
29 Resources Protection Act is amended by adding Section 1.5 as
30 follows:

31 (20 ILCS 3435/1.5 new)

1 Sec. 1.5. O'Hare Modernization. Nothing in this Act
 2 limits the authority of the City of Chicago to exercise its
 3 powers under the O'Hare Modernization Act or requires that
 4 City, or any person acting on behalf of that City, to obtain
 5 a permit under this Act when acquiring property or otherwise
 6 exercising its powers under the O'Hare Modernization Act.

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

9 (20 ILCS 3440/4.5 new)

10 Sec. 4.5. O'Hare Modernization. Nothing in this Act
 11 limits the authority of the City of Chicago to exercise its
 12 powers under the O'Hare Modernization Act or requires that
 13 City, or any person acting on behalf of that City, to obtain
 14 a permit under this Act when acquiring property or otherwise
 15 exercising its powers under the O'Hare Modernization Act.

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

18 (65 ILCS 5/11-51-1) (from Ch. 24, par. 11-51-1)

19 Sec. 11-51-1. Cemetery removal. Whenever any cemetery is
 20 embraced within the limits of any city, village, or
 21 incorporated town, the corporate authorities thereof, if, in
 22 their opinion, any good cause exists why such cemetery should
 23 be removed, may cause the remains of all persons interred
 24 therein to be removed to some other suitable place. However,
 25 the corporate authorities shall first obtain the assent of
 26 the trustees or other persons having the control or ownership
 27 of such cemetery, or a majority thereof. When such cemetery
 28 is owned by one or more private parties, or private
 29 corporation or chartered society, the corporate authorities
 30 of such city may require the removal of such cemetery to be

1 done at the expense of such private parties, or private
2 corporation or chartered society, if such removal be based
3 upon their application. Nothing in this Section limits the
4 powers of the City of Chicago to acquire property or
5 otherwise exercise its powers under Section 15 of the O'Hare
6 Modernization Act.

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

8 (65 ILCS 5/11-102-2) (from Ch. 24, par. 11-102-2)

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

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

27 (65 ILCS 5/11-102-4) (from Ch. 24, par. 11-102-4)

28 Sec. 11-102-4. Every municipality specified in Section
29 11-102-1 may contract for the removal or relocation of all
30 buildings, railways, mains, pipes, conduits, wires, poles,
31 and all other structures, facilities and equipment which may
32 interfere with the location, expansion or improvement of any

1 public airport, or with the safe approach thereto or take-off
2 therefrom by aircraft, and may acquire by gift, grant, lease,
3 purchase, condemnation or otherwise any private property,
4 public property or property devoted to any public use or
5 rights or easements therein for any purpose authorized by
6 this Section and Sections 11-102-1 through 11-102-3. Nothing
7 in this Section limits the powers of the City of Chicago to
8 acquire property or otherwise exercise its powers under
9 Section 15 of the O'Hare Modernization Act.

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

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

13 (70 ILCS 805/5e) (from Ch. 96 1/2, par. 6308e)

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

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

19 Section 93.5. The Vital Records Act is amended by
20 changing Section 21 as follows:

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

22 Sec. 21. (1) The funeral director or person acting as
23 such who first assumes custody of a dead body or fetus shall
24 make a written report to the registrar of the district in
25 which death occurred or in which the body or fetus was found
26 within 24 hours after taking custody of the body or fetus on
27 a form prescribed and furnished by the State Registrar and in
28 accordance with the rules promulgated by the State Registrar.
29 Except as specified in paragraph (2) of this Section, the
30 written report shall serve as a permit to transport, bury or

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

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

- 22 (a) Remove body or fetus from this State;
- 23 (b) Cremate the body or fetus; or
- 24 (c) Make disposal of any body or fetus in any
25 manner when death is subject to the coroner's or medical
26 examiner's investigation.

27 (3) In accordance with the provisions of paragraph (2)
28 of this Section the funeral director or person acting as such
29 who first assumes custody of a dead body or fetus shall
30 obtain a permit for disposition of such dead human body prior
31 to final disposition or removal from the State of the body or
32 fetus. Such permit shall be issued by the registrar of the
33 district where death occurred or the body or fetus was found.
34 No such permit shall be issued until a properly completed

1 certificate of death has been filed with the registrar. The
2 registrar shall insure the issuance of a permit for
3 disposition within an expedited period of time to accommodate
4 Sunday or holiday burials of decedents whose time of death
5 and religious tenets or beliefs necessitate Sunday or holiday
6 burials.

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

12 (5) A permit for disposition of a dead human body shall
13 be required prior to disinterment of a dead body or fetus,
14 and when the disinterred body is to be shipped by a common
15 carrier. Such permit shall be issued to a licensed funeral
16 director or person acting as such, upon proper application,
17 by the local registrar of the district in which disinterment
18 is to be made. In the case of disinterment, proper
19 application shall include a statement providing the name and
20 address of any surviving spouse of the deceased, or, if none,
21 any surviving children of the deceased, or if no surviving
22 spouse or children, a parent, brother, or sister of the
23 deceased. The application shall indicate whether the
24 applicant is one of these parties and, if so, whether the
25 applicant is a surviving spouse or a surviving child. Prior
26 to the issuance of a permit for disinterment, the local
27 registrar shall, by certified mail, notify the surviving
28 spouse, unless he or she is the applicant, or if there is no
29 surviving spouse, all surviving children except for the
30 applicant, of the application for the permit. The person or
31 persons notified shall have 30 days from the mailing of the
32 notice to object by obtaining an injunction enjoining the
33 issuance of the permit. After the 30-day period has expired,
34 the local registrar shall issue the permit unless he or she

1 has been enjoined from doing so or there are other statutory
2 grounds for refusal. The notice to the spouse or surviving
3 children shall inform the person or persons being notified of
4 the right to seek an injunction within 30 days.
5 Notwithstanding any other provision of this subsection (5), a
6 court may order issuance of a permit for disinterment without
7 notice or prior to the expiration of the 30-day period where
8 the petition is made by an agency of any governmental unit
9 and good cause is shown for disinterment without notice or
10 for the early order. Nothing in this subsection (5) limits
11 the authority of the City of Chicago to acquire property or
12 otherwise exercise its powers under the O'Hare Modernization
13 Act or requires that City, or any person acting on behalf of
14 that City, to obtain a permit under this subsection (5) when
15 exercising powers under the O'Hare Modernization Act.
16 (Source: P.A. 88-261; 89-381, eff. 8-18-95.)

17 Section 94. The Illinois Aeronautics Act is amended by
18 changing Sections 38.01 and 47 and by adding Section 47.1 as
19 follows:

20 (620 ILCS 5/38.01) (from Ch. 15 1/2, par. 22.38a)

21 Sec. 38.01. Project applications.

22 (a) No municipality or political subdivision in this
23 state, whether acting alone or jointly with another
24 municipality or political subdivision or with the state,
25 shall submit any project application under the provisions of
26 the Airport and Airway Improvement Act of 1982, or any
27 amendment thereof, unless the project and the project
28 application have been first approved by the Department. No
29 such municipality or political subdivision shall directly
30 accept, receive, or disburse any funds granted by the United
31 States under the Airport and Airway Improvement Act of 1982,
32 but it shall designate the Department as its agent to accept,

1 receive, and disburse such funds, provided, however, nothing
2 in this Section shall be construed to prohibit any
3 municipality or any political subdivision of more than
4 500,000 inhabitants from disbursing such funds through its
5 corporate authorities. It shall enter into an agreement with
6 the Department prescribing the terms and conditions of such
7 agency in accordance with federal laws, rules and regulations
8 and applicable laws of this state. This subsection (a) does
9 not apply to any project application submitted in connection
10 with the O'Hare Modernization Program as defined in Section
11 10 of the O'Hare Modernization Act.

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

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

21 (620 ILCS 5/47) (from Ch. 15 1/2, par. 22.47)

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

33 It shall be unlawful for any municipality or other

1 political subdivision, or officer or employee thereof, or for
2 any person, to make any alteration or extension of an
3 existing airport or restricted landing area, or to use or
4 operate any airport or restricted landing area, for which a
5 certificate of approval has not been issued by the
6 Department; Provided, that no certificate of approval shall
7 be required for an airport or restricted landing area which
8 was in existence and approved by the Illinois Aeronautics
9 Commission, whether or not being operated, on or before July
10 1, 1945, or for the O'Hare Modernization Program as defined
11 in Section 10 of the O'Hare Modernization Act; except that a
12 certificate of approval shall be required under this Section
13 for construction of a new runway at O'Hare International
14 Airport with a geographical orientation that varies from a
15 geographical east-west orientation by more than 10 degrees,
16 or for construction of a new runway at that airport that
17 would result in more than 8 runways being available for
18 aircraft operations at that airport. The Department shall
19 supervise, monitor, and enforce compliance with the O'Hare
20 Modernization Act by all other departments, agencies, and
21 units of State and local government.

22 Provisions of this Section do not apply to special
23 purpose aircraft designated as such by the Department when
24 operating to or from uncertificated areas other than their
25 principal base of operations, provided mutually acceptable
26 arrangements are made with the property owner, and provided
27 the owner or operator of the aircraft assumes liabilities
28 which may arise out of such operations.

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

30 (620 ILCS 5/47.1 new)

31 Sec. 47.1. Review by Department of O'Hare Modernization
32 Program. The Department shall monitor the design, planning,
33 financing, and construction of the O'Hare Modernization

1 Program as defined in Section 10 of the O'Hare Modernization
2 Act in order to ensure that the O'Hare Modernization Program
3 proceeds in a timely, efficient, and safe manner, and shall
4 monitor the effects of the O'Hare Modernization Program on
5 units of local government throughout the State. The
6 Department shall file reports with the General Assembly as
7 the Department deems appropriate concerning the design,
8 planning, financing, and construction of the O'Hare
9 Modernization Program as defined in Section 10 of the O'Hare
10 Modernization Act, and the effects of the O'Hare
11 Modernization Program on units of local government.

12 Section 95. The Code of Civil Procedure is amended by
13 changing Section 2-103 and adding Section 7-103.149 as
14 follows:

15 (735 ILCS 5/2-103) (from Ch. 110, par. 2-103)

16 Sec. 2-103. Public corporations - Local actions - Libel
17 - Insurance companies.

18 (a) Actions must be brought against a public, municipal,
19 governmental or quasi-municipal corporation in the county in
20 which its principal office is located or in the county in
21 which the transaction or some part thereof occurred out of
22 which the cause of action arose. Except as otherwise
23 provided in Section 7-102 of this Code, if the cause of
24 action is related to an airport owned by a unit of local
25 government or the property or aircraft operations thereof,
26 however, including an action challenging the
27 constitutionality of this amendatory Act of the 93rd General
28 Assembly, the action must be brought in the county in which
29 the unit of local government's principal office is located.
30 Actions to recover damage to real estate which may be
31 overflowed or otherwise damaged by reason of any act of the
32 corporation may be brought in the county where the real

1 estate or some part of it is situated, or in the county where
2 the corporation is located, at the option of the party
3 claiming to be injured. Except as otherwise provided in
4 Section 7-102 of this Code, any cause of action that is
5 related to an airport owned by a unit of local government,
6 and that is pending on or after the effective date of this
7 amendatory Act of the 93rd General Assembly in a county other
8 than the county in which the unit of local government's
9 principal office is located, shall be transferred, upon
10 motion of any party under Section 2-106 of this Code, to the
11 county in which the unit of local government's principal
12 office is located.

13 (b) Any action to quiet title to real estate, or to
14 partition or recover possession thereof or to foreclose a
15 mortgage or other lien thereon, must be brought in the county
16 in which the real estate or some part of it is situated.

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

19 (d) Every action against any owner, publisher, editor,
20 author or printer of a newspaper or magazine of general
21 circulation for libel contained in that newspaper or magazine
22 may be commenced only in the county in which the defendant
23 resides or has his, her or its principal office or in which
24 the article was composed or printed, except when the
25 defendant resides or the article was printed without this
26 State, in either of which cases the action may be commenced
27 in any county in which the libel was circulated or published.

28 (e) Actions against any insurance company incorporated
29 under the law of this State or doing business in this State
30 may also be brought in any county in which the plaintiff or
31 one of the plaintiffs may reside.

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

33 (735 ILCS 5/7-103.149 new)

1 Sec. 7-103.149. Quick-take; O'Hare Modernization Program
2 purposes. Quick-take proceedings under Section 7-103 may be
3 used by the City of Chicago for the purpose of acquiring
4 property within the area bounded on the north, between Carmen
5 Drive and the Union Pacific/Canadian Pacific Railroad, by Old
6 Higgins Road, and between Old Higgins Road and Touhy Avenue,
7 by the Union Pacific/Canadian Pacific Railroad, and east of
8 the Union Pacific/Canadian Pacific Railroad by the northern
9 boundary of O'Hare existing on January 1, 2003; on the east
10 by the eastern boundary of O'Hare existing on January 1,
11 2003; on the southeast by the southeastern boundary of O'Hare
12 existing on January 1, 2003; on the south between the eastern
13 boundary of O'Hare and the Union Pacific Railroad by the
14 southern boundary of O'Hare existing on January 1, 2003; on
15 the south, between the Union Pacific Railroad and the east
16 boundary of York Road by the Canadian Pacific railroad yard;
17 on the west, between the Canadian Pacific Railroad Yard and
18 the railroad spur intersecting York Road between Arthur and
19 Pratt Avenues, by the east boundary of York Road; and on the
20 northwest, between York Road and the Union Pacific/Canadian
21 Pacific Railroad, by the railroad spur, and between the
22 railroad spur and the point at which the extended eastern
23 boundary of Carmen Drive intersects the Union
24 Pacific/Canadian Pacific Railroad, by the Union
25 Pacific/Canadian Pacific Railroad, and between the Union
26 Pacific/Canadian Pacific Railroad and Old Higgins Road, by
27 the extended eastern boundary of Carmen Drive and by Carmen
28 Drive, for the O'Hare Modernization Program as defined in
29 Section 10 of the O'Hare Modernization Act.

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

32 (775 ILCS 35/30 new)

1 Sec. 30. O'Hare Modernization. Nothing in this Act
2 limits the authority of the City of Chicago to exercise its
3 powers under the O'Hare Modernization Act for the purposes of
4 relocation of cemeteries or the graves located therein.

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

7 Section 99. Effective date. This Act takes effect upon
8 its becoming law, and Section 95 of this Act applies to cases
9 pending on or after the effective date.