



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-THIRD GENERAL ASSEMBLY

115TH LEGISLATIVE DAY

TUESDAY, MAY 25, 2004

10:02 O'CLOCK A.M.

SENATE
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115th Legislative Day

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The Senate met pursuant to adjournment.
 Honorable Emil Jones, Jr., President of the Senate, presiding.
 Prayer by Reverend Brandon Boyd, Loami Christian Church, Loami, Illinois.
 Senator Link led the Senate in the Pledge of Allegiance.

The Journal of Monday, May 24, 2004, was being read when on motion of Senator Maloney, 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.

LEGISLATIVE MEASURES FILED

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

Senate Amendment No. 2 to House Bill 826
 Senate Amendment No. 2 to House Bill 834
 Senate Amendment No. 2 to House Bill 868
 Senate Amendment No. 3 to House Bill 1004
 Senate Amendment No. 2 to House Bill 1067
 Senate Amendment No. 3 to House Bill 3001

JOINT ACTION MOTION FILED

The following Joint Action Motion to the Senate Bill listed below has been filed with the Secretary and referred to the Committee on Rules:

Motion to Concur in House Amendment 2 to Senate Bill 132

REPORTS FROM STANDING COMMITTEES

Senator Link, Chairperson of the Committee on Revenue, to which was referred the following Senate floor amendments, reported that the Committee recommends that they be approved for consideration:

Senate Amendment No. 3 to House Bill 855
 Senate Amendment No. 1 to House Bill 868

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

Senator Link, Chairperson of the Committee on Revenue, to which was referred the Motion to concur with House Amendment to the following Senate Bill, reported that the Committee recommends that it be approved for consideration:

Motion to Concur in House Amendment 1 to Senate Bill 2112

Under the rules, the foregoing Motion is eligible for consideration by the Senate.

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

Senate Amendment No. 2 to House Bill 851
 Senate Amendment No. 1 to House Bill 913
 Senate Amendment No. 1 to House Bill 966
 Senate Amendment No. 1 to House Bill 1111

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 Motions to concur with House Amendments to the following Senate Bills, reported that the Committee recommends that they be adopted:

Motion to Concur in House Amendment 1 to Senate Bill 1914
 Motion to Concur in House Amendment 1 to Senate Bill 2148
 Motion to Concur in House Amendment 1 to Senate Bill 2724

Under the rules, the foregoing Motions are eligible for consideration by the Senate.

Senator Munoz, Chairperson of the Committee on Licensed Activities, to which was referred the Motions to concur with House Amendments to the following Senate Bills, reported that the Committee recommends that they be adopted:

Motion to Concur in House Amendment 1 to Senate Bill 2252
 Motion to Concur in House Amendment 1 to Senate Bill 2254
 Motion to Concur in House Amendment 1 to Senate Bill 2377
 Motion to Concur in House Amendment 1 to Senate Bill 2395

Under the rules, the foregoing Motions are eligible for consideration by the Senate.

Senator Ronen, Chairperson of the Committee on Labor and Commerce, to which was referred the following Senate floor amendment, reported that the Committee recommends that it be adopted:

Senate Amendment No. 1 to House Bill 812

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

Senator Ronen, Chairperson of the Committee on Labor and Commerce, to which was referred the Motions to concur with House Amendments to the following Senate Bills, reported that the Committee recommends that they be adopted:

Motion to Concur in House Amendment 1 to Senate Bill 2665
 Motion to Concur in House Amendment 1 to Senate Bill 2901

Under the rules, the foregoing Motions are eligible for consideration by the Senate.

Senator Lightford, Chairperson of the Committee on Financial Institutions, to which was referred the Motion to concur with House Amendment to the following Senate Bill, reported that the Committee recommends that it be adopted:

Motion to Concur in House Amendment 1 to Senate Bill 2710

Under the rules, the foregoing Motion is eligible for consideration by the Senate.

MESSAGES 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 passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 5252

A bill for AN ACT in relation to freedom of information.
 Passed the House, May 24, 2004.

MARK MAHONEY, Clerk of the House

The foregoing **House Bill No. 5252** was taken up, ordered printed and placed on first reading.

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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. 86

WHEREAS, Approximately 4,000,000 Africans and their descendants were enslaved in the United States and colonies that became the United States from 1619 to 1865; and

WHEREAS, The institution of slavery was constitutionally and statutorily sanctioned by the Government of the United States from 1789 through 1865; and

WHEREAS, The slavery that flourished in the United States constituted an immoral and inhumane deprivation of Africans' life, liberty, African citizenship rights, and cultural heritage, and denied them the fruits of their own labor; and

WHEREAS, Sufficient inquiry has not been made into the effects of the institution of slavery on living African-Americans and society in the United States; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there is established the Commission to Study the Transatlantic Slave Trade and its Past and Present Effects on African-Americans (hereinafter referred to as the Commission); and be it further

RESOLVED, That the Commission shall perform the following duties:

(1) Examine the institution of slavery which existed within the United States and the colonies that became the United States from 1619 through 1865; the Commission's examination shall include an examination of:

(A) the capture and procurement of Africans;

(B) the transport of Africans to the United States and the colonies that became the United States for the purpose of enslavement, including their treatment during transport;

(C) the sale and acquisition of Africans as chattel property in interstate and intrastate commerce; and

(D) the treatment of African slaves in the colonies and the United States, including the deprivation of their freedom, exploitation of their labor, and destruction of their culture, language, religion, and families;

(2) Examine the extent to which the Federal and State governments of the United States supported the institution of slavery in constitutional and statutory provisions, including the extent to which such governments prevented, opposed, or restricted efforts of freed African slaves to repatriate to their homeland;

(3) Examine Federal and State laws that discriminated against freed African slaves and their descendants during the period between the end of the Civil War and the present;

(4) Examine other forms of discrimination in the public and private sectors against freed African slaves and their descendants during the period between the end of the Civil War and the present;

(5) Examine the lingering negative effects of the institution of slavery and the matters described in paragraphs (1), (2), (3), and (4) on living African-Americans and on society in the United States;

(6) Recommend appropriate ways to educate the general public of the Commission's findings;

(7) Examine whether African-Americans still suffer from the lingering effects of the matters described in paragraphs (1), (2), (3), and (4); and be it further

RESOLVED, That the members of the Commission shall include the President of the Senate or his or her designee and the Speaker of the House of Representatives or his or her designee, each serving as co-chairpersons, the Governor or his or her designee, one vice-chairperson appointed by each of the

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co-chairpersons, and 25 appointed members, with the Governor, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives appointing 5 members each; and be it further

RESOLVED, That the appointed members shall be from diverse backgrounds so as to reflect the diverse citizenry of Illinois working together, and that their individual qualifications shall include varying educational, professional, and civic experiences that bring different perspectives and cooperative outlooks to the Commission; and be it further

RESOLVED, That the Commission shall broaden outreach by using established channels, including publicly-supported media and electronic, computer-assisted communication systems, and elicit voluntary assistance from educational, legal, civic, and professional organizations and institutions as well as notable individuals; and be it further

RESOLVED, That no later than February 1, 2006, the Commission shall report to the General Assembly, the Governor, and the general public on its activities, accomplishments, and recommendations; and that the Commission shall be dissolved after the filing of this report; and be it further

RESOLVED, That a suitable copy of this resolution be delivered to the Governor of the State of Illinois.

Adopted by the House, May 24, 2004.

MARK MAHONEY, Clerk of the House

The foregoing message from the House of Representatives, reporting House Joint Resolution No. 86, was referred to the Committee on Rules.

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 984

A bill for AN ACT in relation to labor relations.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 984

Passed the House, as amended, May 24, 2004.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1

AMENDMENT NO. 1 Amend Senate Bill 984 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Labor Relations Act is amended by changing Section 15 as follows:
(5 ILCS 315/15) (from Ch. 48, par. 1615)

Sec. 15. Act Takes Precedence. (a) In case of any conflict between the provisions of this Act and any other law, executive order or administrative regulation relating to wages, hours and conditions of employment and employment relations, the provisions of this Act or any collective bargaining agreement negotiated thereunder shall prevail and control. Nothing in this Act shall be construed to replace or diminish the rights of employees established by Sections 28 and 28a of the Metropolitan Transit Authority Act, Sections 2.15 through 2.19 of the Regional Transportation Authority Act. Nothing in this Act shall be construed to replace the necessity of complaints against a sworn peace officer, as defined in Section 2(a) of the Uniform Peace Officer Disciplinary Act, from having a complaint supported by a sworn affidavit.

(b) Except as provided in subsection (a) above, any collective bargaining contract between a public employer and a labor organization executed pursuant to this Act shall supersede any contrary statutes, charters, ordinances, rules or regulations relating to wages, hours and conditions of employment and

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employment relations adopted by the public employer or its agents. Any collective bargaining agreement entered into prior to the effective date of this Act shall remain in full force during its duration.

(c) It is the public policy of this State, pursuant to paragraphs (h) and (i) of Section 6 of Article VII of the Illinois Constitution, that the provisions of this Act are the exclusive exercise by the State of powers and functions which might otherwise be exercised by home rule units. Such powers and functions may not be exercised concurrently, either directly or indirectly, by any unit of local government, including any home rule unit, except as otherwise authorized by this Act.

(Source: P.A. 83-1012.)

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

Under the rules, the foregoing **Senate Bill No. 984**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 2244

A bill for AN ACT in relation to criminal law.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 2244

Passed the House, as amended, May 24, 2004.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2244 by replacing the title with the following: "AN ACT concerning the retail sale of methamphetamine manufacturing chemicals."; and

by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Methamphetamine Manufacturing Chemical Retail Sale Control Act.

Section 5. Purpose. The purpose of this Act is to reduce the harm that methamphetamine is inflicting on individuals, families, communities, the economy, and the environment in Illinois by making it more difficult for persons engaged in the unlawful manufacture of methamphetamine to obtain methamphetamine manufacturing chemicals.

Section 10. Definitions. In this Act:

"Methamphetamine manufacturing chemical" has the meaning ascribed to it in subsection (z-1) of Section 102 of the Illinois Controlled Substances Act.

"Targeted methamphetamine manufacturing chemical" and "targeted medications" mean a subset of "methamphetamine manufacturing chemicals". "Targeted methamphetamine manufacturing chemical" means any medication in the form of a tablet, capsule, caplet, or similar product that is sold over the counter, without a prescription, and that contains either (A) more than 15 milligrams of ephedrine or its salts, optical isomers, or salts of optical isomers or (B) more than 15 milligrams of pseudoephedrine or its salts, optical isomers, or salts of optical isomers. "Targeted methamphetamine manufacturing chemical" does not include any medication in the form of a liquid, liquid cap, gel cap, or other similar substance, or any medication dispensed by a licensed pharmacist pursuant to a valid prescription.

"Package" means an item packaged and marked for retail sale that is not designed to be further broken down or subdivided for the purpose of retail sale.

"Targeted package" means a package containing any amount of a targeted methamphetamine manufacturing chemical.

"Single active ingredient targeted methamphetamine manufacturing chemical" means a targeted methamphetamine manufacturing chemical whose sole active ingredient is ephedrine or its salts, optical isomers, or salts of optical isomers; or pseudoephedrine or its salts, optical isomers, or salts of optical

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isomers.

"Single active ingredient targeted package" means a package containing any amount of single active ingredient targeted methamphetamine manufacturing chemical.

"Multiple active ingredient targeted methamphetamine manufacturing chemical" means a targeted methamphetamine manufacturing chemical that contains at least one active ingredient other than ephedrine or its salts, optical isomers, or salts of optical isomers; or pseudoephedrine or its salts, optical isomers, or salts of optical isomers.

"Multiple active ingredient targeted package" means a package containing any amount of multiple active ingredient targeted methamphetamine manufacturing chemical.

"Stock keeping unit" or "SKU" means the primary or basic unit of measure assigned to an item sold by a retail distributor and the smallest unit of an item that may be dispensed from a retail distributor's inventory.

"Targeted stock keeping unit" means a stock keeping unit assigned to a targeted package.

"Blister pack" means a unit dose package commonly constructed from a formed cavity containing one or more individual doses.

"Capsule" means a solid dosage form in which a medicinal substance is enclosed and consisting of either a hard or soft soluble outer shell.

"Customer" means a person who buys goods from a retail distributor.

"Distribute" means to sell, give, provide or otherwise transfer.

"Dosage unit" means an exact amount of a drug's treatment pre-packaged by the manufacturer or pharmacist in standardized amounts.

"Sales employee" means any employee who at any time (a) operates a cash register at which targeted packages may be sold, (b) works at or behind a pharmacy counter, (c) stocks shelves containing targeted packages, or (d) trains or supervises other employees who engage in any of the preceding activities.

"Tablet" means a solid dosage form of varying weight, size, and shape that may be molded or compressed and that contains a medicinal substance in pure or diluted form.

"Single retail transaction" means a sale by a retail distributor to a specific customer at a specific time.

"Retail distributor" means a grocery store, general merchandise store, drug store, other merchandise store, or other entity or person whose activities as a distributor relating to drug products containing targeted methamphetamine manufacturing chemicals are limited exclusively or almost exclusively to sales for personal use, both in number of sales and volume of sales, either directly to walk-in customers or in face-to-face transactions by direct sales.

Section 15. Package sale restrictions.

(a) Any targeted methamphetamine manufacturing chemical displayed or distributed by any retail distributor in Illinois shall be packaged in blister packs, with each blister containing not more than 2 dosage units, or when the use of blister packs is technically infeasible, in unit dose packets or pouches.

(b) Any targeted package displayed or distributed by any retail distributor in Illinois shall contain no more than 3 grams of ephedrine or its salts, optical isomers, or salts of optical isomers; or pseudoephedrine or its salts, optical isomers, or salts of optical isomers.

(c) A retail distributor may not distribute more than 2 targeted packages in a single retail transaction.

(d) A retail distributor may not permit the purchase of any targeted package by means of a self-service checkout station, unless the self-service checkout station is programmed in a manner that satisfies all of the following conditions for each retail transaction:

(1) When a particular customer seeks to purchase a single targeted package, the self-service checkout station may allow him or her to do so without any special prompts or actions.

(2) If the customer seeks to purchase a second targeted package, the self-service checkout station shall not allow him or her to purchase the second targeted package without the assistance of a sales employee. If the customer then seeks the assistance of a sales employee, the sales employee may instruct the self-service checkout station to allow the sale of the second targeted package.

(3) If the customer seeks to purchase a third targeted package, neither the self-service checkout station nor the store employee shall allow him or her to do so.

(e) A retail distributor, its employees, or its agents may not distribute any targeted package or packages with knowledge that they will be used to manufacture methamphetamine or with reckless disregard of the likely use of such package or packages to manufacture methamphetamine.

Section 20. Display and sale of single active ingredient targeted packages. All single active ingredient targeted packages must be displayed behind a store counter, in an area not accessible to customers, or in

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a locked case so that a customer wanting access to the packages must ask a store employee for assistance.

Section 25. Display and sale of multiple active ingredient targeted packages.

(a) Except as provided in subsection (b), every retail distributor must treat multiple active ingredient targeted packages in at least one of the following 4 ways:

(1) The retail distributor may display the multiple active ingredient targeted packages behind a store counter, in an area not accessible to customers;

(2) The retail distributor may display the multiple active ingredient targeted packages in a locked case so that a customer wanting access to the packages must ask a store employee for assistance;

(3) The retail distributor may (i) require that any customer purchasing a targeted package produce a state-issued photo identification featuring a photograph that reasonably resembles the customer making the purchase, and (ii) record the name, issuing state, and official identification number of the customer into a log specially designed and designated for this purpose; or

(4) The retail distributor may comply with this Section by adopting at least 2 of the following options:

(A) The retail distributor may keep multiple active ingredient targeted packages within 30 feet and the direct line of sight of a cash register or store counter staffed by one or more store employees.

(B) The retail distributor may employ a reliable anti-theft device that uses special package tags and detection alarms designed to prevent the theft of multiple active ingredient targeted packages from the retail distributor's place of business.

(C) The retail distributor may utilize restricted access shelving so that (i) only one multiple active ingredient targeted package can be removed from the shelf at a time, and (ii) there is a delay of 15 seconds or more between the time one such package is removed and the time the next such package can be removed from the shelf.

(D) The retail distributor may keep multiple active ingredient targeted packages under constant video surveillance in a manner that satisfies the following conditions:

(i) A video camera must be positioned so that persons examining or removing the packages are visible;

(ii) The video camera must, at a minimum, record a one-second image every 10 seconds;

(iii) These images must be preserved for a minimum of 72 hours;

(iv) These images must be available to law enforcement authorities immediately upon request; and

(v) The retail distributor must post a sign in a prominent manner stating that the area is under constant video surveillance.

(b) A retail distributor that complies with this Section by adopting 2 of the options listed in paragraph (4) of subsection (a) of this Section must implement the first of the 2 chosen options by the effective date of this Act and the second of the 2 chosen options within 180 days of the effective date of this Act.

If the retail distributor's first chosen option is to employ anti-theft devices as described in clause (a)(4)(B) of this Section, the retailer shall ensure that special package tags are affixed to at least 50 percent of the targeted packages for each targeted stock keeping unit (SKU) by the effective date of the Act, and that special package tags are affixed to all targeted packages within 180 days of the effective date of this Act. If the retail distributor's second chosen option is to employ anti-theft devices as described in clause (a)(4)(b) of this Section, the retail distributor shall ensure that special package tags are affixed to all targeted packages within 180 days of the effective date of this Act.

Section 30. Training and certification.

(a) Every retail distributor of any targeted methamphetamine manufacturing chemical shall train each sales employee on the topics listed on the certification form described in subsection (b) of this Section. This training may be conducted by a live trainer or by means of a computer-based training program. This training shall be completed by the effective date of this Act or within 30 days of the date that each sales employee begins working for the retail distributor, whichever of these 2 dates comes later.

(b) Immediately after training each sales employee as required in subsection (a) of this Section, every retail distributor of any targeted methamphetamine manufacturing chemical shall have each sales

employee read, sign, and date a certification form containing the following language:

(1) My name is (insert name of employee) and I am an employee of (insert name of business) at (insert street address).

(2) I understand that in Illinois there are laws governing the sale of certain over-the-counter medications that contain a chemical called ephedrine or a second chemical called pseudoephedrine. Medications that are subject to these laws are called "targeted medications" and they are sold in "targeted packages".

(3) I understand that "targeted medications" can be used to manufacture the illegal and dangerous drug methamphetamine and that methamphetamine is causing great harm to individuals, families, communities, the economy, and the environment throughout Illinois.

(4) I understand that under Illinois law, the store where I work is not allowed to sell more than 2 "targeted packages" in a single retail transaction. That means the store cannot sell more than 2 "targeted packages" to a single customer at one time.

(5) I understand that under Illinois law, the store where I work cannot allow customers to buy "targeted packages" at self-service check-out lanes, except under certain conditions which have been described to me.

(6) I understand that under Illinois law, I cannot sell "targeted medications" to a person if I know that the person is going to use them to make methamphetamine.

(7) I understand that there are a number of ingredients that are used to make the illegal drug methamphetamine, including "targeted medications" sold in "targeted packages." My employer has shown me a list of these various ingredients, and I have reviewed the list.

(8) I understand that there are certain procedures that I should follow if I suspect that a store customer is purchasing "targeted medications" or other products for the purpose of manufacturing methamphetamine. These procedures have been described to me, and I understand them.

(c) A certification form of the type described in subsection (b) of this Section may be signed with a handwritten signature or a reliable electronic signature that includes, a unique identifier for each employee. The certification shall be retained by the retail distributor for each sales employee for the duration of his or her employment and for at least 30 days following the end of his or her employment. Any such form shall be made available for inspection and copying by any law enforcement officer upon request.

(d) The office of the Illinois Attorney General shall make available to retail distributors the list of methamphetamine ingredients referred to in subsection (b) of this Section.

Section 35. Violations.

(a) An individual who violates any provision of this Act is guilty of a Class A misdemeanor for a first offense and a Class 4 felony for a second or subsequent offense.

(b) Except as provided in subsections (c) and (d) of this Section, the owner and the operator of a retail distributor that violates any provision of this Act are guilty of a business offense and subject to a fine of:

(1) \$500 for a first offense;

(2) \$1,000 for a second offense occurring at the same retail location as and within 3 years of the prior offense; and

(3) \$5,000 for a third or subsequent offense occurring at the same retail location as and within 3 years of the prior offenses.

(c) Any retail distributor that seeks to comply with subsection (c) of Section 15 of this Act by installing automated cash register prompts informing sales employees when the two-package limit described in subsection (c) of Section 15 of this Act has been exceeded shall be subject to all of the penalties described in subsection (b) of this Section except as follows: The owner and the operator of a retail distributor that violates subsection (b) or subsection (c) of Section 30 of this Act are guilty of a business offense and subject to a fine of:

(1) \$100 for a first offense;

(2) \$200 for a second offense occurring at the same retail location as and within 3 years of the prior offense;

(3) \$500 for a third or subsequent offense occurring at the same retail location as and within 3 years of the prior offenses;

(4) \$1,000 for a fourth offense occurring at the same retail location as and within 3 years of the prior offenses; and

(5) \$5,000 for a fifth offense occurring at the same retail location as and within 3 years of the prior offenses.

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(d) The owner and the operator of a retail distributor are not liable for any violation of subsection (c) or subsection (e) of Section 15 of this Act if and only if the owner and the operator:

- (1) strictly complied with subsections (a), (b), and (d) of Section 15 of this Act, Sections 20 and 25 of this Act, and subsection (a) of Section 30 of this Act;
- (2) made a good-faith effort to ensure compliance with subsections (c) and (e) of Section 15 of this Act;
- (3) made a good-faith effort to comply with subsection (b) and subsection (c) of Section 30 of this Act; and
- (4) had no advance knowledge of the violation or violations in question and did not act in reckless disregard of the likelihood of such violation or violations.

Section 40. Defense of Necessity. Conduct which would otherwise be an offense under this Act is justifiable by reason of necessity if the accused was without blame in occasioning or developing the situation and reasonably believed such conduct was necessary to avoid a public or private injury greater than the injury which might reasonably result from his or her own conduct.

Section 45. Immunity from civil liability. In the event that any agent or employee of a retail distributor reports to any law-enforcement agency any suspicious activity concerning a targeted methamphetamine manufacturing chemical or other methamphetamine ingredient or ingredients, the agent or employee and the retail distributor itself are immune from civil liability based on allegations of defamation, libel, slander, false arrest, or malicious prosecution, or similar allegations, except in cases of willful or wanton misconduct.

Section 50. Special exclusion. If the United States Drug Enforcement Administration has formally certified that a targeted methamphetamine manufacturing chemical has been produced in a manner that prevents its use for the manufacture of methamphetamine, this Act does not apply to the sale of the targeted methamphetamine manufacturing chemical produced in that manner.

Section 55. Relationship to other laws and rules. Nothing in this Act shall be construed to conflict with, contradict, restrict, or in any way limit the enforcement of any federal or State law or rule, including but not limited to Section 216 of the Illinois Controlled Substances Act.

Section 60. Preemption and home rule powers.

(a) Except as provided in subsection (b) of this Section, a county or municipality, including a home rule unit, may regulate the sale of targeted methamphetamine manufacturing chemicals and targeted packages in a manner that is not more or less restrictive than the regulation by the State under this Act. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of the powers and functions exercised by the State.

(b) Any regulation of the sale of targeted methamphetamine manufacturing chemicals and targeted packages by a home rule unit that took effect on or before May 1, 2004, is exempt from the provisions of subsection (a) of this Section."

Under the rules, the foregoing **Senate Bill No. 2244**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 2251

A bill for AN ACT concerning professional regulation.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 2251

Passed the House, as amended, May 24, 2004.

MARK MAHONEY, Clerk of the House

[May 25, 2004]

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2251 by replacing everything after the enacting clause with the following:

"Section 5. The Professional Boxing Act is amended by changing Sections 6 and 12 as follows:
(225 ILCS 105/6) (from Ch. 111, par. 5006)

(Section scheduled to be repealed on January 1, 2012)

Sec. 6. Prohibitions. All boxing matches, contests, or exhibits in which physical contact is made including, but not limited to, "ultimate fighting exhibitions", are prohibited in Illinois unless authorized by the Department. This provision does not apply to the following:

(1) Boxing contests or wrestling exhibitions conducted by accredited secondary schools, colleges or universities, although a fee may be charged. Institutions organized to furnish instruction in athletics are not included in this exemption.

(2) Amateur boxing matches sanctioned by the United States Amateur Boxing Federation, Inc. or Golden Gloves of America, amateur wrestling exhibitions, and amateur or professional martial arts or kick boxing.

The Department shall have the authority to determine whether a contest or exhibition is an exempt martial arts or kick boxing event for purposes of this Section. In determining whether a contest or exhibition is an exempt martial arts or kick boxing event the Department shall consider, but not be limited to, the following factors:

(i) whether the event is sanctioned by a body independent of the promoters of the contest or exhibition;

(ii) whether the sanctioning body is exclusively or primarily dedicated to advancing the sport of kick boxing or martial arts;

(iii) whether the sanctioning body limits participation in its events to its registered members;

(iv) whether the sanctioning body has a record of enforcing the rules governing a contest or exhibition;

(v) the record for safety of the sanctioning body;

(vi) the record for safety of the promoters of the contest or exhibition;

(vii) whether the promoter of the contest or exhibition has a record of enforcing and abiding by the rules governing a contest or exhibition; and

(viii) whether the rules for the contest or exhibition provide substantially similar protections for the health, safety and welfare of the contestants and spectators as this Act and its rules.

(Source: P.A. 91-408, eff. 1-1-00.)

(225 ILCS 105/12) (from Ch. 111, par. 5012)

(Section scheduled to be repealed on January 1, 2012)

Sec. 12. ~~Contests~~ ~~Boxing contests~~. Each boxing contestant shall be examined before entering the ring and immediately after each contest by a physician licensed to practice medicine in all of its branches. The physician shall determine, prior to the contest, if each contestant is physically fit to engage in the contest. After the contest the physician shall examine the contestant to determine possible injury. If the contestant's physical condition so indicates, the physician shall recommend to the Department immediate medical suspension. The physician may, at any time during the contest, stop the contest to examine a boxer, and terminate the contest when, in the physician's opinion, continuing the contest could result in serious injury to the boxer. The physician shall certify to the condition of the contestant in writing, over his signature on blank forms provided by the Department. Such reports shall be submitted to the Department in a timely manner. The physician shall be paid by the promoter a fee fixed by the Department. No boxing contest shall be held unless a physician licensed to practice medicine in all of its branches is in attendance.

No contest shall be allowed to begin unless at least one physician and 2 trained paramedics or 2 nurses who are trained to administer emergency medical care are present.

No contest shall be more than 12 rounds in length. The rounds shall not be more than 3 minutes each with a one minute interval between them, and no boxer shall be allowed to participate in more than 12 rounds within 72 consecutive hours. At each boxing contest there shall be a referee in attendance who shall direct and control the contest. The referee, before each contest, shall learn the name of the contestant's chief second and shall hold the chief second responsible for the conduct of his assistant during the progress of the contest.

There shall be 2 judges in attendance who shall render a decision at the end of each contest. The decision of the judges, taken together with the decision of the referee, is final; or, 3 judges shall score the contest with the referee not scoring. The method of scoring shall be set forth in rules.

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Judges, referees, or timekeepers for contests shall be assigned by the Department. The Department or its representative shall have discretion to declare a prize, remuneration, or purse or any part of it belonging to the contestant withheld if in the judgment of the Department or its representative the contestant is not honestly competing. The Department shall have the authority to prevent a contest or exhibition from being held and shall have the authority to stop a fight for noncompliance with any part of this Act or rules or when, in the judgment of the Department, or its representative, continuation of the event would endanger the health, safety, and welfare of the contestants or spectators. The Department's authority to stop a fight contest or exhibition on the basis that the fight would endanger the health, safety, and welfare of the contestants or spectators shall extend to any fight contest or exhibition, regardless of whether that fight contest or exhibition is exempted from the prohibition in Section 6 of this Act.

(Source: P.A. 91-408, eff. 1-1-00; 92-499, eff. 1-1-02.)

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

Under the rules, the foregoing **Senate Bill No. 2251**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 2257

A bill for AN ACT in relation to public bodies.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 2257

Passed the House, as amended, May 24, 2004.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2257 by replacing everything after the enacting clause with the following:

"Section 5. The Metropolitan Water Reclamation District Act is amended by changing Section 4 as follows:

(70 ILCS 2605/4) (from Ch. 42, par. 323)

Sec. 4. The commissioners elected under this Act constitute a board of commissioners for the district by which they are elected, which board of commissioners is the corporate authority of the sanitary district, and, in addition to all other powers specified in this Act, shall establish the policies and goals of the sanitary district. The general superintendent, in addition to all other powers specified in this Act, shall manage and control all the affairs and property of the sanitary district and shall regularly report to the Board of Commissioners on the activities of the sanitary district in executing the policies and goals established by the board. At the regularly scheduled meeting of odd numbered years following the induction of new commissioners the board of commissioners shall elect from its own number a president and a vice-president to serve in the absence of the president, and the chairman of the committee on finance. The board shall provide by rule when a vacancy occurs in the office of the president, vice-president, or the chairman of the committee on finance and the manner of filling such vacancy.

The board shall appoint from outside its own number the general superintendent and treasurer for the district.

The general superintendent must be a resident of the sanitary district and a citizen of the United States. He must be selected solely upon his administrative and technical qualifications and without regard to his political affiliations.

In the event of illness or other prolonged absence, death or resignation creating a vacancy in the office of the general superintendent, or treasurer, the board of commissioners may appoint an acting officer from outside its own number, to perform the duties and responsibilities of the office during the term of the absence or vacancy.

The general superintendent with the advice and consent of the board of commissioners, shall appoint the chief engineer, chief of maintenance and operations, director of personnel, purchasing agent, clerk,

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attorney, director of research and development, and director of information technology. These constitute the heads of the Department of Engineering, Maintenance and Operations, Personnel, Purchasing, Finance, Law, Research and Development, and Information Technology, respectively. No other departments or heads of departments may be created without subsequent amendment to this Act. All such department heads are under the direct supervision of the general superintendent.

The director of personnel must be qualified under Section 4.2a of this Act.

The purchasing agent must be selected in accordance with Section 11.16 of this Act.

In the event of illness or other prolonged absence, death or resignation creating a vacancy in the office of chief engineer, chief of maintenance and operations, director of personnel, purchasing agent, clerk, attorney, director of research and development, or director of information technology, the general superintendent shall appoint an acting officer to perform the duties and responsibilities of the office during the term of the absence or vacancy. Any such officers appointed in an acting capacity are under the direct supervision of the general superintendent.

All appointive officers and acting officers shall give bond as may be required by the board.

The general superintendent, treasurer, acting general superintendent and acting treasurer hold their offices at the pleasure of the board of commissioners.

The acting chief engineer, acting chief of maintenance and operations, acting purchasing agent, acting director of personnel, acting clerk, acting attorney, acting director of research and development, and acting director of information technology hold their offices at the pleasure of the general superintendent.

The chief engineer, chief of maintenance and operations, director of personnel, purchasing agent, clerk, attorney, director of research and development, and director of information technology may be removed from office for cause by the general superintendent. Prior to removal, such officers are entitled to a public hearing before the general superintendent at which hearing they may be represented by counsel. Before the hearing, the general superintendent shall notify the board of commissioners of the date, time, place and nature of the hearing.

In addition to the attorney appointed by the general superintendent, the board of commissioners may appoint from outside its own number an attorney, or retain counsel, to advise the board of commissioners with respect to its powers and duties and with respect to legal questions and matters of policy for which the board of commissioners is responsible.

The general superintendent is the chief administrative officer of the district, has supervision over and is responsible for all administrative and operational matters of the sanitary district including the duties of all employees which are not otherwise designated by law, and is the appointing authority as specified in Section 4.11 of this Act.

The board, through the budget process, shall fix the compensation of all the officers and employees of the sanitary district. Any incumbent of the office of president may appoint an administrative aide which appointment remains in force during his incumbency unless revoked by the president.

Effective upon the election in January, 1985 of the president and vice-president of the board of commissioners and the chairman of the committee on finance, the annual salary of the president shall be \$37,500 and shall be increased to \$39,500 in January, 1987, \$41,500 in January, 1989, \$50,000 in January, 1991, ~~and \$60,000 in January, 2001, and \$66,000 in January, 2005~~; the annual salary of the vice-president shall be \$35,000 and shall be increased to \$37,000 in January, 1987, \$39,000 in January, 1989, \$45,000 in January, 1991, ~~and \$55,000 in January, 2001, and \$60,500 in January, 2005~~; the annual salary of the chairman of the committee on finance shall be \$32,500 and shall be increased to \$34,500 in January, 1987, \$36,500 in January, 1989, \$45,000 in January, 1991, ~~and \$55,000 in January, 2001, and \$60,500 in January, 2005~~.

The annual salaries of the other members of the Board shall be as follows:

For the three members elected in November, 1980, \$26,500 per annum for the first two years of the term; \$28,000 per annum for the next two years of the term and \$30,000 per annum for the last two years.

For the three members elected in November, 1982, \$28,000 per annum for the first two years of the term and \$30,000 per annum thereafter.

For members elected in November, 1984, \$30,000 per annum.

For the three members elected in November, 1986, \$32,000 for each of the first two years of the term, \$34,000 for each of the next two years and \$36,000 for the last two years;

For three members elected in November, 1988, \$34,000 for each of the first two years of the term and \$36,000 for each year thereafter.

For members elected in November, 1990, 1992, 1994, 1996, or 1998, \$40,000.

For members elected in November, 2000 or 2002 ~~and thereafter~~, \$50,000.

For members elected in November, 2004 and thereafter, \$55,000.

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The board of commissioners has full power to pass all necessary ordinances, orders, rules, resolutions and regulations for the proper management and conduct of the business of the board of commissioners and the corporation and for carrying into effect the object for which the sanitary district is formed. All ordinances, orders, rules, resolutions and regulations passed by the board of commissioners must, before they take effect, be approved by the president of the board of commissioners. If he approves thereof, he shall sign them, and such as he does not approve he shall return to the board of commissioners with his objections in writing at the next regular meeting of the board of commissioners occurring after the passage thereof. Such veto may extend to any one or more items or appropriations contained in any ordinance making an appropriation, or to the entire ordinance. If the veto extends to a part of such ordinance, the residue takes effect. If the president of such board of commissioners fails to return any ordinance, order, rule, resolution or regulation with his objections thereto in the time required, he is deemed to have approved it, and it takes effect accordingly. Upon the return of any ordinance, order, rule, resolution, or regulation by the president, the vote by which it was passed must be reconsidered by the board of commissioners, and if upon such reconsideration two-thirds of all the members agree by yeas and nays to pass it, it takes effect notwithstanding the president's refusal to approve thereof.

It is the policy of this State that all powers granted, either expressly or by necessary implication, by this Act or any other Illinois statute to the District may be exercised by the District notwithstanding effects on competition. It is the intention of the General Assembly that the "State action exemption" to the application of federal antitrust statutes be fully available to the District to the extent its activities are authorized by law as stated herein.

(Source: P.A. 91-722, eff. 6-2-00.)

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

Under the rules, the foregoing **Senate Bill No. 2257**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 2270

A bill for AN ACT concerning the Department of Public Health.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 2270

Passed the House, as amended, May 24, 2004.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2270 on page 1, line 9, after "Department shall", by inserting "subject to appropriation and".

Under the rules, the foregoing **Senate Bill No. 2270**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 2339

A bill for AN ACT concerning insurance.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 2339

Passed the House, as amended, May 24, 2004.

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AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2339, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Insurance Code is amended by adding Section 364.01 as follows:

(215 ILCS 5/364.01 new)

Sec. 364.01. Qualified cancer trials.

(a) No individual or group policy of accident and health insurance issued or renewed in this State may be cancelled or non-renewed for any individual based on that individual's participation in a qualified clinical trial.

(b) Qualified cancer trials must meet the following criteria:

(1) the effectiveness of the treatment has not been determined relative to established therapies;

(2) the trial is under clinical investigation as part of an approved cancer research trial in Phase II, Phase III, or Phase IV of investigation;

(3) the trial is:

(A) approved by the Food and Drug Administration; or

(B) approved and funded by the National Institutes of Health, the Centers for Disease Control and Prevention, the Agency for Healthcare Research and Quality, the United States Department of Defense, the United States Department of Veterans Affairs, or the United States Department of Energy in the form of an investigational new drug application, or a cooperative group or center of any entity described in this subdivision (B); and

(4) the patient's primary care physician, if any, is involved in the coordination of care.

Section 10. The Health Maintenance Organization Act is amended by changing Section 5-3 as follows:

(215 ILCS 125/5-3) (from Ch. 111 1/2, par. 1411.2)

Sec. 5-3. Insurance Code provisions.

(a) Health Maintenance Organizations shall be subject to the provisions of Sections 133, 134, 137, 140, 141.1, 141.2, 141.3, 143, 143c, 147, 148, 149, 151, 152, 153, 154, 154.5, 154.6, 154.7, 154.8, 155.04, 355.2, 356m, 356v, 356w, 356x, 356y, 356z.2, 356z.4, 356z.5, 364.01, 367.2, 367.2-5, 367i, 368a, 368b, 368c, 368d, 368e, 401, 401.1, 402, 403, 403A, 408, 408.2, 409, 412, 444, and 444.1, paragraph (c) of subsection (2) of Section 367, and Articles IIA, VIII 1/2, XII, XII 1/2, XIII, XIII 1/2, XXV, and XXVI of the Illinois Insurance Code.

(b) For purposes of the Illinois Insurance Code, except for Sections 444 and 444.1 and Articles XIII and XIII 1/2, Health Maintenance Organizations in the following categories are deemed to be "domestic companies":

(1) a corporation authorized under the Dental Service Plan Act or the Voluntary Health Services Plans Act;

(2) a corporation organized under the laws of this State; or

(3) a corporation organized under the laws of another state, 30% or more of the enrollees of which are residents of this State, except a corporation subject to substantially the same requirements in its state of organization as is a "domestic company" under Article VIII 1/2 of the Illinois Insurance Code.

(c) In considering the merger, consolidation, or other acquisition of control of a Health Maintenance Organization pursuant to Article VIII 1/2 of the Illinois Insurance Code,

(1) the Director shall give primary consideration to the continuation of benefits to enrollees and the financial conditions of the acquired Health Maintenance Organization after the merger, consolidation, or other acquisition of control takes effect;

(2)(i) the criteria specified in subsection (1)(b) of Section 131.8 of the Illinois Insurance Code shall not apply and (ii) the Director, in making his determination with respect to the merger, consolidation, or other acquisition of control, need not take into account the effect on competition of the merger, consolidation, or other acquisition of control;

(3) the Director shall have the power to require the following information:

(A) certification by an independent actuary of the adequacy of the reserves of the Health Maintenance Organization sought to be acquired;

(B) pro forma financial statements reflecting the combined balance sheets of the

acquiring company and the Health Maintenance Organization sought to be acquired as of the end of the preceding year and as of a date 90 days prior to the acquisition, as well as pro forma financial statements reflecting projected combined operation for a period of 2 years;

(C) a pro forma business plan detailing an acquiring party's plans with respect to the operation of the Health Maintenance Organization sought to be acquired for a period of not less than 3 years; and

(D) such other information as the Director shall require.

(d) The provisions of Article VIII 1/2 of the Illinois Insurance Code and this Section 5-3 shall apply to the sale by any health maintenance organization of greater than 10% of its enrollee population (including without limitation the health maintenance organization's right, title, and interest in and to its health care certificates).

(e) In considering any management contract or service agreement subject to Section 141.1 of the Illinois Insurance Code, the Director (i) shall, in addition to the criteria specified in Section 141.2 of the Illinois Insurance Code, take into account the effect of the management contract or service agreement on the continuation of benefits to enrollees and the financial condition of the health maintenance organization to be managed or serviced, and (ii) need not take into account the effect of the management contract or service agreement on competition.

(f) Except for small employer groups as defined in the Small Employer Rating, Renewability and Portability Health Insurance Act and except for medicare supplement policies as defined in Section 363 of the Illinois Insurance Code, a Health Maintenance Organization may by contract agree with a group or other enrollment unit to effect refunds or charge additional premiums under the following terms and conditions:

(i) the amount of, and other terms and conditions with respect to, the refund or additional premium are set forth in the group or enrollment unit contract agreed in advance of the period for which a refund is to be paid or additional premium is to be charged (which period shall not be less than one year); and

(ii) the amount of the refund or additional premium shall not exceed 20% of the Health Maintenance Organization's profitable or unprofitable experience with respect to the group or other enrollment unit for the period (and, for purposes of a refund or additional premium, the profitable or unprofitable experience shall be calculated taking into account a pro rata share of the Health Maintenance Organization's administrative and marketing expenses, but shall not include any refund to be made or additional premium to be paid pursuant to this subsection (f)). The Health Maintenance Organization and the group or enrollment unit may agree that the profitable or unprofitable experience may be calculated taking into account the refund period and the immediately preceding 2 plan years.

The Health Maintenance Organization shall include a statement in the evidence of coverage issued to each enrollee describing the possibility of a refund or additional premium, and upon request of any group or enrollment unit, provide to the group or enrollment unit a description of the method used to calculate (1) the Health Maintenance Organization's profitable experience with respect to the group or enrollment unit and the resulting refund to the group or enrollment unit or (2) the Health Maintenance Organization's unprofitable experience with respect to the group or enrollment unit and the resulting additional premium to be paid by the group or enrollment unit.

In no event shall the Illinois Health Maintenance Organization Guaranty Association be liable to pay any contractual obligation of an insolvent organization to pay any refund authorized under this Section. (Source: P.A. 92-764, eff. 1-1-03; 93-102, eff. 1-1-04; 93-261, eff. 1-1-04; 93-477, eff. 8-8-03; 93-529, eff. 8-14-03; revised 9-25-03.)

Section 15. The Voluntary Health Services Plans Act is amended by changing Section 10 as follows:
(215 ILCS 165/10) (from Ch. 32, par. 604)

Sec. 10. Application of Insurance Code provisions. Health services plan corporations and all persons interested therein or dealing therewith shall be subject to the provisions of Articles IIA and XII 1/2 and Sections 3.1, 133, 140, 143, 143c, 149, 155.37, 354, 355.2, 356r, 356t, 356u, 356v, 356w, 356x, 356y, 356z.1, 356z.2, 356z.4, ~~356z.5, 364.01~~, 367.2, 368a, 401, 401.1, 402, 403, 403A, 408, 408.2, and 412, and paragraphs (7) and (15) of Section 367 of the Illinois Insurance Code.

(Source: P.A. 92-130, eff. 7-20-01; 92-440, eff. 8-17-01; 92-651, eff. 7-11-02; 92-764, eff. 1-1-03; 93-102, eff. 1-1-04; 93-529, eff. 8-14-03; revised 9-25-03.)

Section 20. The Illinois Public Aid Code is amended by changing Section 5-16.8 as follows:
(305 ILCS 5/5-16.8)

Sec. 5-16.8. Required health benefits. The medical assistance program shall (i) provide the

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post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t and the coverage required under Sections 356u, 356w, and 356x of the Illinois Insurance Code and (ii) be subject to the provisions of Section 364.01 of the Illinois Insurance Code. (Source: P.A. 90-7, eff. 6-10-97; 90-741, eff. 1-1-99.)".

Under the rules, the foregoing **Senate Bill No. 2339**, with House Amendment No. 1, was referred to the Secretary's Desk.

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 2382

A bill for AN ACT concerning professional regulation.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 2382

Passed the House, as amended, May 24, 2004.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2382 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Physical Therapy Act is amended by changing Sections 1, 2, 16.5, 17, 31, and 32.2 as follows:

(225 ILCS 90/1) (from Ch. 111, par. 4251)

(Section scheduled to be repealed on January 1, 2006)

Sec. 1. Definitions. As used in this Act:

(1) "Physical therapy" means the evaluation or treatment of a person by the use of the effective properties of physical measures and heat, cold, light, water, radiant energy, electricity, sound, and air; and the use of therapeutic massage, therapeutic exercise, mobilization, and the rehabilitative procedures with or without assistive devices for the purposes of preventing, correcting, or alleviating a physical or mental disability, or promoting physical fitness and well-being. Physical therapy includes, but is not limited to: (a) performance of specialized tests and measurements, (b) administration of specialized treatment procedures, (c) interpretation of referrals from physicians, dentists, advanced practice nurses, physician assistants, and podiatrists, (d) establishment, and modification of physical therapy treatment programs, (e) administration of topical medication used in generally accepted physical therapy procedures when such medication is prescribed by the patient's physician, licensed to practice medicine in all its branches, the patient's physician licensed to practice podiatric medicine, the patient's advanced practice nurse, the patient's physician assistant, or the patient's dentist, and (f) supervision or teaching of physical therapy. Physical therapy does not include radiology, electrosurgery, chiropractic technique or determination of a differential diagnosis; provided, however, the limitation on determining a differential diagnosis shall not in any manner limit a physical therapist licensed under this Act from performing an evaluation pursuant to such license. Nothing in this Section shall limit a physical therapist from employing appropriate physical therapy techniques that he or she is educated and licensed to perform. A physical therapist shall refer to a licensed physician, advanced practice nurse, physician assistant, dentist, or podiatrist any patient whose medical condition should, at the time of evaluation or treatment, be determined to be beyond the scope of practice of the physical therapist.

(2) "Physical therapist" means a person who practices physical therapy and who has met all requirements as provided in this Act.

(3) "Department" means the Department of Professional Regulation.

(4) "Director" means the Director of Professional Regulation.

(5) "Committee" means the Physical Therapy Examining Committee approved by the Director.

(6) "Referral" means a written or oral authorization for physical therapy services for a patient by a physician, dentist, advanced practice nurse, physician assistant, or podiatrist who maintains medical supervision of the patient and makes a diagnosis or verifies that the patient's condition is such that it may be treated by a physical therapist for the purpose of this Act means the following of guidance or

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~~direction to the physical therapist given by the physician, dentist, or podiatrist who shall maintain supervision of the patient.~~

(7) "Documented current and relevant diagnosis" for the purpose of this Act means a diagnosis, substantiated by signature or oral verification of a physician, dentist, advanced practice nurse, physician assistant, or podiatrist, that a patient's condition is such that it may be treated by physical therapy as defined in this Act, which diagnosis shall remain in effect until changed by the physician, dentist, advanced practice nurse, physician assistant, or podiatrist.

(8) "State" includes:

- (a) the states of the United States of America;
- (b) the District of Columbia; and
- (c) the Commonwealth of Puerto Rico.

(9) "Physical therapist assistant" means a person licensed to assist a physical therapist and who has met all requirements as provided in this Act and who works under the supervision of a licensed physical therapist to assist in implementing the physical therapy treatment program as established by the licensed physical therapist. The patient care activities provided by the physical therapist assistant shall not include the interpretation of referrals, evaluation procedures, or the planning or major modification of patient programs.

(10) "Physical therapy aide" means a person who has received on the job training, specific to the facility in which he is employed, but who has not completed an approved physical therapist assistant program.

(11) "Advanced practice nurse" means a person licensed under the Nursing and Advanced Practice Nursing Act who has a collaborative agreement with a collaborating physician that authorizes referrals to physical therapists.

(12) "Physician assistant" means a person licensed under the Physician Assistant Practice Act of 1987 who has been delegated authority to make referrals to physical therapists.

(Source: P.A. 92-651, eff. 7-11-02.)

(225 ILCS 90/2) (from Ch. 111, par. 4252)

(Section scheduled to be repealed on January 1, 2006)

Sec. 2. Licensure requirement; exempt activities. Practice without a license forbidden - exception. No person shall after the date of August 31, 1965 begin to practice physical therapy in this State or hold himself out as being able to practice this profession, unless he is licensed as such in accordance with the provisions of this Act. After the effective date of this amendatory Act of 1990, no person shall practice or hold himself out as a physical therapist assistant unless he is licensed as such under this Act. A physical therapist shall use the initials "PT" in connection with his or her name to denote licensure under this Act, and a physical therapist assistant shall use the initials "PTA" in connection with his or her name to denote licensure under this Act.

This Act does not prohibit:

(1) Any person licensed in this State under any other Act from engaging in the practice for which he is licensed.

(2) The practice of physical therapy by those persons, practicing under the supervision of a licensed physical therapist and who have met all of the qualifications as provided in Sections 7, 8.1, and 9 of this Act, until the next examination is given for physical therapists or physical therapist assistants and the results have been received by the Department and the Department has determined the applicant's eligibility for a license. Anyone failing to pass said examination shall not again practice physical therapy until such time as an examination has been successfully passed by such person.

(3) The practice of physical therapy for a period not exceeding 6 months by a person who is in this State on a temporary basis to assist in a case of medical emergency or to engage in a special physical therapy project, and who meets the qualifications for a physical therapist as set forth in Sections 7 and 8 of this Act and is licensed in another state as a physical therapist.

(4) Practice of physical therapy by qualified persons who have filed for endorsement for no longer than one year or until such time that notification of licensure has been granted or denied, whichever period of time is lesser.

(5) One or more licensed physical therapists from forming a professional service corporation under the provisions of the "Professional Service Corporation Act", approved September 15, 1969, as now or hereafter amended, and licensing such corporation for the practice of physical therapy.

(6) Physical therapy aides from performing patient care activities under the on-site supervision of a licensed physical therapist or licensed physical therapist assistant. These patient care activities shall not include interpretation of referrals, evaluation procedures, the planning of or major

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modifications of, patient programs.

(7) Physical Therapist Assistants from performing patient care activities under the general supervision of a licensed physical therapist. The physical therapist must maintain continual contact with the physical therapist assistant including periodic personal supervision and instruction to insure the safety and welfare of the patient.

(8) The practice of physical therapy by a physical therapy student or a physical therapist assistant student under the on-site supervision of a licensed physical therapist. The physical therapist shall be readily available for direct supervision and instruction to insure the safety and welfare of the patient.

(9) The practice of physical therapy as part of an educational program by a physical therapist licensed in another state or country for a period not to exceed 6 months.

(Source: P.A. 90-580, eff. 5-21-98.)

(225 ILCS 90/16.5)

(Section scheduled to be repealed on January 1, 2006)

Sec. 16.5. Advertising services.

(a) A licensee shall include in every advertisement for services regulated under this Act his or her title as it appears on the license or the initials authorized under this Act.

(b) It is unlawful for any person licensed under this Act to use testimonials or claims of superior quality of care to entice the public. It shall be unlawful to advertise fee comparisons of available services with those of other persons licensed under this Act.

(c) This Act does not authorize the advertising of professional services that the offeror of such services is not licensed to render. Nor shall the advertiser use statements that contain false, fraudulent, deceptive or misleading material or guarantees of success, play upon the vanity or fears of the public, or promote or produce unfair competition.

(d) It is unlawful and punishable under Section 31 for any person licensed under this Act to knowingly advertise that the licensee will accept as payment for services rendered by assignment from any third-party payor the amount the third-party payor covers as payment in full, if the effect is to give the impression of eliminating the need of payment by the patient of any required deductible or copayment applicable in the patient's health benefit plan.

(e) As used in this Section, "advertise" means solicitation by the licensee or through another by means of handbills, posters, circulars, motion pictures, radio, newspapers, or television or in any other manner.

(Source: P.A. 91-310, eff. 1-1-00.)

(225 ILCS 90/17) (from Ch. 111, par. 4267)

(Section scheduled to be repealed on January 1, 2006)

Sec. 17. (1) The Department may refuse to issue or to renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary action as the Department deems appropriate, including the issuance of fines not to exceed \$5000, with regard to a license for any one or a combination of the following:

A. Material misstatement in furnishing information to the Department or otherwise making misleading, deceptive, untrue, or fraudulent representations in violation of this Act or otherwise in the practice of the profession;

B. Violations of this Act, or of the rules or regulations promulgated hereunder;

C. Conviction of any crime under the laws of the United States or any state or territory thereof which is a felony or which is a misdemeanor, an essential element of which is dishonesty, or of any crime which is directly related to the practice of the profession; conviction, as used in this paragraph, shall include a finding or verdict of guilty, an admission of guilt or a plea of nolo contendere;

D. Making any misrepresentation for the purpose of obtaining licenses, or violating any provision of this Act or the rules promulgated thereunder pertaining to advertising;

E. A pattern of practice or other behavior which demonstrates incapacity or incompetency to practice under this Act;

F. Aiding or assisting another person in violating any provision of this Act or Rules;

G. Failing, within 60 days, to provide information in response to a written request made by the Department;

H. Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public. Unprofessional conduct shall include any departure from or the failure to conform to the minimal standards of acceptable and prevailing physical therapy practice, in which proceeding actual injury to a patient need not be established;

I. Unlawful distribution of any drug or narcotic, or unlawful conversion of any drug or

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narcotic not belonging to the person for such person's own use or benefit or for other than medically accepted therapeutic purposes;

J. Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug which results in a physical therapist's or physical therapist assistant's inability to practice with reasonable judgment, skill or safety;

K. Revocation or suspension of a license to practice physical therapy as a physical therapist or physical therapist assistant or the taking of other disciplinary action by the proper licensing authority of another state, territory or country;

L. Directly or indirectly giving to or receiving from any person, firm, corporation, partnership or association any fee, commission, rebate or other form of compensation for any professional services not actually or personally rendered. Nothing contained in this paragraph prohibits persons holding valid and current licenses under this Act from practicing physical therapy in partnership under a partnership agreement, including a limited liability partnership, a limited liability company, or a corporation under the Professional Service Corporation Act or from pooling, sharing, dividing, or apportioning the fees and monies received by them or by the partnership, company, or corporation in accordance with the partnership agreement or the policies of the company or professional corporation;

M. A finding by the Committee that the licensee after having his or her license placed on probationary status has violated the terms of probation;

N. Abandonment of a patient;

O. Willfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act;

P. Willfully failing to report an instance of suspected elder abuse or neglect as required by the Elder Abuse Reporting Act;

Q. Physical illness, including but not limited to, deterioration through the aging process, or loss of motor skill which results in the inability to practice the profession with reasonable judgement, skill or safety;

R. The use of any words (such as physical therapy, physical therapist physiotherapy or physiotherapist), abbreviations, figures or letters with the intention of indicating practice as a licensed physical therapist without a valid license as a physical therapist issued under this Act;

S. The use of the term physical therapist assistant, or abbreviations, figures, or letters with the intention of indicating practice as a physical therapist assistant without a valid license as a physical therapist assistant issued under this Act;

T. Willfully violating or knowingly assisting in the violation of any law of this State relating to the practice of abortion;

U. Continued practice by a person knowingly having an infectious, communicable or contagious disease;

V. Having treated ailments of human beings otherwise than by the practice of physical therapy as defined in this Act, or having treated ailments of human beings as a licensed physical therapist independent of a documented referral or a documented current and relevant diagnosis from a physician, dentist, advanced practice nurse, physician assistant, or podiatrist, or having failed to notify the physician, dentist, advanced practice nurse, physician assistant, or podiatrist who established a documented current and relevant diagnosis that the patient is receiving physical therapy pursuant to that diagnosis;

W. Being named as a perpetrator in an indicated report by the Department of Children and Family Services pursuant to the Abused and Neglected Child Reporting Act, and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act;

X. Interpretation of referrals, performance of evaluation procedures, planning or making major modifications of patient programs by a physical therapist assistant;

Y. Failure by a physical therapist assistant and supervising physical therapist to maintain continued contact, including periodic personal supervision and instruction, to insure safety and welfare of patients;

Z. Violation of the Health Care Worker Self-Referral Act.

(2) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code operates as an automatic suspension. Such suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission and the issuance of an order so finding and discharging the patient; and upon the recommendation of the Committee to the Director that the licensee

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be allowed to resume his practice.

(3) The Department may refuse to issue or may suspend the license of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

(Source: P.A. 89-387, eff. 1-1-96.)

(225 ILCS 90/31) (from Ch. 111, par. 4281)

(Section scheduled to be repealed on January 1, 2006)

Sec. 31. Violations.

(a) Any person who is found to have violated any provision of this Act is guilty of a Class A misdemeanor for the first offense and a Class 4 felony for the second and any subsequent offense.

(b) Any person representing himself or herself or advertising as a physical therapist or that the services he or she renders are physical therapy services, or who uses any words, such as physical therapy, physical therapist, physiotherapy, or physiotherapist, abbreviations, figures, or letters, such as "PT", "DPT", "MPT", "RPT", "LPT", or "PTA", with the intention of indicating that he or she is engaged in the practice of physical therapy as a licensed physical therapist, when he or she does not possess a currently valid license as defined herein, commits a Class A misdemeanor, for a first offense, and a Class 4 felony for a second or subsequent offense.

(c) Any person representing himself or herself or advertising as a physical therapist assistant or that the services he or she renders are physical therapy services, or who uses any words, such as physical therapy or physical therapist assistant, or uses abbreviations, figures, or letters, such as "PT", "DPT", "MPT", "RPT", "LPT", or "PTA", with the intention of indicating that he or she is engaged in the practice of physical therapy as a physical therapist assistant, when he or she does not possess a currently valid license as defined herein, commits a Class A misdemeanor for a first offense, and a Class 4 felony for a second or subsequent offense.

(Source: P.A. 85-342; 86-1396.)

(225 ILCS 90/32.2)

(Section scheduled to be repealed on January 1, 2006)

Sec. 32.2. Unlicensed practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds oneself out to practice physical therapy or as a physical therapist or a physical therapist assistant without being licensed under this Act or who violates Section 16.5 or subsection (b) or (c) of Section 31 shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed \$5,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department has the authority and power to investigate any and all unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

(Source: P.A. 89-387, eff. 1-1-96.)

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

Under the rules, the foregoing **Senate Bill No. 2382**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 2635

A bill for AN ACT concerning taxes.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 2635

House Amendment No. 2 to SENATE BILL NO. 2635

House Amendment No. 3 to SENATE BILL NO. 2635

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Passed the House, as amended, May 24, 2004.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2635 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Sections 27-25, 27-40, 27-45, and 27-75 as follows:

(35 ILCS 200/27-25)

Sec. 27-25. Form of hearing notice. Taxes may be levied or imposed by the municipality or county in the special service area at a rate or amount of tax sufficient to produce revenues required to provide the special services. Prior to the first levy of taxes in the special service area, notice shall be given and a hearing shall be held under the provisions of Sections 27-30 and 27-35. For purposes of this Section the notice shall include:

(a) The time and place of hearing;

(b) The boundaries of the area by legal description and, where possible, by street location, ~~where possible~~;

(c) The permanent tax index number of each parcel located within the area;

(d) The nature of the proposed special services to be provided within the special service area;

(e) ~~(e)~~ A notification that all interested persons, including all persons owning taxable real property located within the special service area, will be given an opportunity to be heard at the hearing regarding the tax levy and an opportunity to file objections to the amount of the tax levy if the tax is a tax upon property; and

(f) ~~(f)~~ The maximum rate of taxes to be extended within the special service area in any year and the ~~may include a~~ maximum number of years taxes will be levied if a maximum number of years is to be established.

After the first levy of taxes within the special service area, taxes may continue to be levied in subsequent years without the requirement of an additional public hearing if the tax rate does ~~, taxes may be extended against the special service area for the services specified without additional hearings.~~ However, the taxes shall not exceed the rate specified in the notice for the original public hearing notice and if a maximum number of years is specified in the notice, the taxes are shall not be extended for a longer period than the number of years specified in the notice if a number of years is specified. Tax rates may be increased and the period specified may be extended, if notice is given and new public hearings are held in accordance with Sections 27-30 and 27-35.

(Source: P.A. 82-640; 88-455.)

(35 ILCS 200/27-40)

Sec. 27-40. Boundaries of special service area. No lien shall be established against any real property in a special service area nor shall a special service area create a valid tax before a certified copy of an ordinance establishing or altering the boundaries of a special service area, containing a legal description of the territory of the area, the permanent tax index numbers of the parcels located within the territory of the area, an accurate map of the territory, a copy of the notice of the public hearing, and a description of the special services to be provided is filed for record in the office of the recorder in each county in which any part of the area is located. The ordinance must be recorded no later than 60 days after the date the ordinance was adopted. An ordinance establishing a special service area recorded beyond the 60 days is not valid. The requirement for recording within 60 days shall not apply to any establishment or alteration of the boundaries of a service area that occurred before September 23, 1991.

(Source: P.A. 90-218, eff. 7-25-97.)

(35 ILCS 200/27-45)

Sec. 27-45. Issuance of bonds. Bonds secured by the full faith and credit of the area included in the special service area may be issued for providing the special services. Bonds, when so issued, shall be retired by the levy of taxes in addition to the taxes specified in Section 27-25 against all of the taxable real property included in the area as provided in the ordinance authorizing the issuance of the bonds or by the imposition of another tax within the special service area. The county clerk shall annually extend taxes against all of the taxable property situated in the county and contained in such special service area in amounts sufficient to pay maturing principal and interest of those bonds without limitation as to rate or amount and in addition to and in excess of any taxes that may now or hereafter be authorized to be

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levied by the municipality or county. Prior to the issuance of those bonds, notice shall be given and a hearing shall be held pursuant to the provisions of Sections 27-30 and 27-35. For purposes of this Section a notice shall include:

- (a) The time and place of hearing;
- (b) The boundaries of the area by legal description and, where possible, by street location ~~, where possible~~;
- (c) The permanent tax index number of each parcel located within the area;
- (d) The nature of the special services to be provided within the proposed special service area;
- (e) If the special services are to be maintained other than by the municipality or the county after the life of the bonds, then a statement indicating who will be responsible for maintenance of the special services after the life of the bonds;

(f) ~~(e)~~ A notification that all interested persons, including all persons owning taxable property located within the special service area, will be given an opportunity to be heard at the hearing regarding the issuance of the bonds and an opportunity to file objections to the issuance of the bonds; and

(g) ~~(d)~~ The maximum amount of bonds proposed to be issued, the maximum period of time over which the bonds will be retired, and the maximum interest rate the bonds will bear.

The question of the creation of a special service area, the levy or imposition of a tax in the special service area and the issuance of bonds for providing special services may all be considered together at one hearing.

Any bonds issued shall not exceed the number of bonds, the interest rate and the period of extension set forth in the notice, unless an additional hearing is held. Bonds issued pursuant to this Article shall not be regarded as indebtedness of the municipality or county, as the case may be, for the purpose of any limitation imposed by any law.

(Source: P.A. 82-640; 88-455.)

(35 ILCS 200/27-75)

Sec. 27-75. Extension of tax levy. If a property tax is levied, the tax shall be extended by the county clerk in the special service area in the manner provided by Articles 1 through 26 of this Code based on equalized assessed values as established under Articles 1 through 26. The municipality or county shall file a certified copy of the ordinance creating the special service area, including an accurate map thereof, a copy of the public hearing notice, and a description of the special services to be provided, with the county clerk. The corporate authorities of the municipality or county may levy taxes in the special service area prior to the date the levy must be filed with the county clerk, for the same year in which the ordinance and map are filed with the county clerk. In addition, the corporate authorities shall file a certified copy of each ordinance levying taxes in the special service area on or before the last Tuesday of December of each year and shall file a certified copy of any ordinance authorizing the issuance of bonds and providing for a property tax levy in the area by December 31 of the year of the first levy.

In lieu of or in addition to an ad valorem property tax, a special tax may be levied and extended within the special service area on any other basis that provides a rational relationship between the amount of the tax levied against each lot, block, tract and parcel of land in the special service area and the special service benefit rendered. In that case, a special tax roll shall be prepared containing: (a) a description of the special services to be provided, (b) an explanation of the method of spreading the special tax, (c) ~~(b)~~ a list of lots, blocks, tracts and parcels of land in the special service area, and (d) ~~(c)~~ the amount assessed against each. The special tax roll shall be included in the ordinance establishing the special service area or in an amendment of the ordinance, and shall be filed with the county clerk for use in extending the tax. The lien and foreclosure remedies provided in Article 9 of the Illinois Municipal Code shall apply upon non-payment of the special tax.

As an alternative to an ad valorem tax based on the whole equalized assessed value of the property, the corporate authorities may provide for the ad valorem tax to be extended solely upon the equalized assessed value of the land in a special service area, without regard to improvements, if the equalized assessed value of the land in the special service area is at least 75% of the total of the whole equalized assessed value of property within the special service area at the time that it was established. If the corporate authorities choose to provide for this method of taxation on the land value only, then each notice given in connection with the special service area must include a statement in substantially the following form: "The taxes to be extended shall be upon the equalized assessed value of the land in the proposed special service area, without regard to improvements."

(Source: P.A. 83-1245; 88-455.)

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

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AMENDMENT NO. 2

AMENDMENT NO. 2 . Amend Senate Bill 2635 as follows:

on page 1, line 20, after "service area", by inserting "and a statement as to whether the proposed special services are for new construction, maintenance, or other purposes"; and

on page 3, line 23, after "service area", by inserting "and a statement as to whether the proposed special services are for new construction, maintenance, or other purposes".

AMENDMENT NO. 3

AMENDMENT NO. 3 . Amend Senate Bill 2635 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Sections 27-25, 27-40, 27-45, and 27-75 as follows:

(35 ILCS 200/27-25)

Sec. 27-25. Form of hearing notice. Taxes may be levied or imposed by the municipality or county in the special service area at a rate or amount of tax sufficient to produce revenues required to provide the special services. Prior to the first levy of taxes in the special service area, notice shall be given and a hearing shall be held under the provisions of Sections 27-30 and 27-35. For purposes of this Section the notice shall include:

(a) The time and place of hearing;

(b) The boundaries of the area by legal description and, where possible, by street location, ~~where possible~~;

(c) The permanent tax index number of each parcel located within the area;

(d) The nature of the proposed special services to be provided within the special service area and a statement as to whether the proposed special services are for new construction, maintenance, or other purposes;

(e) ~~(e)~~ A notification that all interested persons, including all persons owning taxable real property located within the special service area, will be given an opportunity to be heard at the hearing regarding the tax levy and an opportunity to file objections to the amount of the tax levy if the tax is a tax upon property; and

(f) ~~(f)~~ The maximum rate of taxes to be extended within the special service area in any year and the ~~may include a~~ maximum number of years taxes will be levied if a maximum number of years is to be established.

After the first levy of taxes within the special service area, taxes may continue to be levied in subsequent years without the requirement of an additional public hearing if the tax rate does, ~~taxes may be extended against the special service area for the services specified without additional hearings. However, the taxes shall not exceed the rate specified in the notice for the original public hearing notice and if a maximum number of years is specified in the notice, the taxes are shall not be extended for a longer period than the number of years specified in the notice if a number of years is specified.~~ Tax rates may be increased and the period specified may be extended, if notice is given and new public hearings are held in accordance with Sections 27-30 and 27-35.

(Source: P.A. 82-640; 88-455.)

(35 ILCS 200/27-40)

Sec. 27-40. Boundaries of special service area. No lien shall be established against any real property in a special service area nor shall a special service area create a valid tax before a certified copy of an ordinance establishing or altering the boundaries of a special service area, containing a legal description of the territory of the area, the permanent tax index numbers of the parcels located within the territory of the area, an accurate map of the territory, a copy of the notice of the public hearing, and a description of the special services to be provided is filed for record in the office of the recorder in each county in which any part of the area is located. The ordinance must be recorded no later than 60 days after the date the ordinance was adopted. An ordinance establishing a special service area recorded beyond the 60 days is not valid. The requirement for recording within 60 days shall not apply to any establishment or alteration of the boundaries of a service area that occurred before September 23, 1991.

(Source: P.A. 90-218, eff. 7-25-97.)

(35 ILCS 200/27-45)

Sec. 27-45. Issuance of bonds. Bonds secured by the full faith and credit of the area included in the

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special service area may be issued for providing the special services. Bonds, when so issued, shall be retired by the levy of taxes in addition to the taxes specified in Section 27-25 against all of the taxable real property included in the area as provided in the ordinance authorizing the issuance of the bonds or by the imposition of another tax within the special service area. The county clerk shall annually extend taxes against all of the taxable property situated in the county and contained in such special service area in amounts sufficient to pay maturing principal and interest of those bonds without limitation as to rate or amount and in addition to and in excess of any taxes that may now or hereafter be authorized to be levied by the municipality or county. Prior to the issuance of those bonds, notice shall be given and a hearing shall be held pursuant to the provisions of Sections 27-30 and 27-35. For purposes of this Section a notice shall include:

- (a) The time and place of hearing;
- (b) The boundaries of the area by legal description and, where possible, by street location ~~where possible~~;
- (c) The permanent tax index number of each parcel located within the area;
- (d) The nature of the special services to be provided within the proposed special service area and a statement as to whether the proposed special services are for new construction, maintenance, or other purposes;
- (e) If the special services are to be maintained other than by the municipality or the county after the life of the bonds, then a statement indicating who will be responsible for maintenance of the special services after the life of the bonds;
- (f) ~~(e)~~ A notification that all interested persons, including all persons owning taxable property located within the special service area, will be given an opportunity to be heard at the hearing regarding the issuance of the bonds and an opportunity to file objections to the issuance of the bonds; and
- (g) ~~(d)~~ The maximum amount of bonds proposed to be issued, the maximum period of time over which the bonds will be retired, and the maximum interest rate the bonds will bear.

The question of the creation of a special service area, the levy or imposition of a tax in the special service area and the issuance of bonds for providing special services may all be considered together at one hearing.

Any bonds issued shall not exceed the number of bonds, the interest rate and the period of extension set forth in the notice, unless an additional hearing is held. Bonds issued pursuant to this Article shall not be regarded as indebtedness of the municipality or county, as the case may be, for the purpose of any limitation imposed by any law.

(Source: P.A. 82-640; 88-455.)

(35 ILCS 200/27-75)

Sec. 27-75. Extension of tax levy. If a property tax is levied, the tax shall be extended by the county clerk in the special service area in the manner provided by Articles 1 through 26 of this Code based on equalized assessed values as established under Articles 1 through 26. The municipality or county shall file a certified copy of the ordinance creating the special service area, including an accurate map thereof, a copy of the public hearing notice, and a description of the special services to be provided, with the county clerk. The corporate authorities of the municipality or county may levy taxes in the special service area prior to the date the levy must be filed with the county clerk, for the same year in which the ordinance and map are filed with the county clerk. In addition, the corporate authorities shall file a certified copy of each ordinance levying taxes in the special service area on or before the last Tuesday of December of each year and shall file a certified copy of any ordinance authorizing the issuance of bonds and providing for a property tax levy in the area by December 31 of the year of the first levy.

In lieu of or in addition to an ad valorem property tax, a special tax may be levied and extended within the special service area on any other basis that provides a rational relationship between the amount of the tax levied against each lot, block, tract and parcel of land in the special service area and the special service benefit rendered. In that case, a special tax roll shall be prepared containing: (a) a description of the special services to be provided, (b) an explanation of the method of spreading the special tax, (c) ~~(b)~~ a list of lots, blocks, tracts and parcels of land in the special service area, and (d) ~~(c)~~ the amount assessed against each. The special tax roll shall be included in the ordinance establishing the special service area or in an amendment of the ordinance, and shall be filed with the county clerk for use in extending the tax. The lien and foreclosure remedies provided in Article 9 of the Illinois Municipal Code shall apply upon non-payment of the special tax.

As an alternative to an ad valorem tax based on the whole equalized assessed value of the property, the corporate authorities may provide for the ad valorem tax to be extended solely upon the equalized assessed value of the land in a special service area, without regard to improvements, if the equalized

assessed value of the land in the special service area is at least 75% of the total of the whole equalized assessed value of property within the special service area at the time that it was established. If the corporate authorities choose to provide for this method of taxation on the land value only, then each notice given in connection with the special service area must include a statement in substantially the following form: "The taxes to be extended shall be upon the equalized assessed value of the land in the proposed special service area, without regard to improvements.

(Source: P.A. 83-1245; 88-455.)

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

Under the rules, the foregoing **Senate Bill No. 2635**, with House Amendments numbered 1, 2 and 3, was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 2878

A bill for AN ACT concerning human rights.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 2878

House Amendment No. 2 to SENATE BILL NO. 2878

Passed the House, as amended, May 24, 2004.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2878 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Human Rights Act is amended by changing Section 10-101 and by adding Section 10-104 as follows:

(775 ILCS 5/10-101) (from Ch. 68, par. 10-101)

Sec. 10-101. Applicability. With the exception of Section 10-104, this Article shall apply solely to civil actions arising under Article 3 of this Act.

(Source: P.A. 86-910.)

(775 ILCS 5/10-104 new)

Sec. 10-104. Circuit Court Actions by the Illinois Attorney General.

(A) Standing, Venue, and Limitations on Actions.

(1) Whenever the Illinois Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern and practice of discrimination prohibited by this Act, the Illinois Attorney General may commence a civil action in the name of the People of the State of Illinois as parens patriae on behalf of persons within this State to enforce the provisions of this Act in any appropriate circuit court. Venue for the civil action shall be determined under Section 8-111(B)(6). The action shall be commenced no later than 2 years after the occurrence or the termination of an alleged civil rights violation or the breach of a conciliation agreement entered into under this Act, whichever occurs last, to obtain relief with respect to the alleged civil rights violation or breach.

(2) The Illinois Attorney General may commence a civil action under this subsection (A) whether or not a charge has been filed under Sections 7A-102 or 7B-102 and without regard to the status of any such charge; however, if the Department or local agency has obtained a conciliation or settlement agreement with the consent of an aggrieved party, no action may be filed under this subsection (A) by that aggrieved party with respect to the alleged civil rights violation practice which forms the basis for the complaint, except for the purpose of enforcing the terms of that conciliation or settlement agreement.

(B) Relief Which May Be Granted.

(1) In any civil action brought pursuant to subsection (A) of this Section, the Attorney General may obtain as a remedy equitable relief (including any permanent or preliminary injunction, temporary restraining order, or other order, including an order enjoining the defendant from engaging in the civil

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rights violation or ordering such action as may be appropriate) and actual and punitive damages for the aggrieved party to the extent the aggrieved party is entitled to those damages under this Act. In addition, the Attorney General may request and the court may impose a civil penalty to vindicate the public interest:

(a) in an amount not exceeding \$10,000 if the defendant has not been adjudged to have committed any prior civil rights violations under the provision of the Act which is the basis of the complaint;

(b) in an amount not exceeding \$25,000 if the defendant has been adjudged to have committed one other civil rights violation under the provision of the Act which is the basis of the complaint; or

(c) in an amount not exceeding \$50,000 if the defendant has been adjudged to have committed 2 or more civil rights violations under the provision of the Act which is the basis of the complaint.

Judgments obtained in actions brought by the Illinois Attorney General shall be binding on aggrieved parties unless those parties elect not to be bound by those judgments in accordance with subsection (C) of this Section.

(2) The court shall require that damages or other monetary relief awarded for injuries sustained by persons other than the State be paid to those persons to the extent they are identifiable and there is a practicable method for making the payment. The court shall direct that damages which cannot practicably be paid to injured individuals shall be paid to the State on such terms and conditions as in its discretion it determines will best serve the purposes of the Act.

(3) In any action in which monetary relief may be awarded for injuries sustained by a person other than the State, the court shall exclude from the amount of monetary relief awarded any amount of monetary relief: (a) which duplicates amounts that have been awarded for the same injury or (b) which is allocable to persons who have excluded their claims pursuant to this Section.

(4) A civil penalty imposed under paragraph (B)(1) or any damages directed by the court to be paid to the State under paragraph (B)(2) shall be deposited into the Attorney General Court Ordered and Voluntary Compliance Payment Projects Fund created under Section 7 of the Consumer Fraud and Deceptive Business Practices Act and shall be used as set forth in that Section.

(C) Notice and Election. In any action brought pursuant to this Section where the court deems it necessary, the Illinois Attorney General shall, at such times, in such manner, and with such content as the court may direct, cause notice to be given by publication or by other means determined by the court to accord notice to aggrieved parties who may be bound by the court's judgment in the Illinois Attorney General's action. Any aggrieved party who alleges that he or she has been subjected to the unlawful practices described in the Illinois Attorney General's complaint may elect to exclude his or her claim from adjudication in such time and in such manner as the court in the notice directs.

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

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 2878, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Human Rights Act is amended by changing Section 10-101 and by adding Section 10-104 as follows:

(775 ILCS 5/10-101) (from Ch. 68, par. 10-101)

Sec. 10-101. Applicability. With the exception of Section 10-104, this ~~This~~ Article shall apply solely to civil actions arising under Article 3 of this Act.

(Source: P.A. 86-910.)

(775 ILCS 5/10-104 new)

Sec. 10-104. Circuit Court Actions by the Illinois Attorney General.

(A) Standing, venue, limitations on actions, preliminary investigations, notice, and Assurance of Voluntary Compliance.

(1) Whenever the Illinois Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern and practice of discrimination prohibited by this Act, the Illinois Attorney General may commence a civil action in the name of the People of the State, as parents patriae on behalf of persons within the State to enforce the provisions of this Act in any appropriate circuit court. Venue for this civil action shall be determined under Section 8-111(B)(6). Such actions shall be commenced no later than 2 years after the occurrence or the termination of an alleged civil rights violation or the breach of a conciliation agreement or Assurance of Voluntary Compliance entered into under this Act, whichever occurs last, to obtain relief with respect to the alleged civil rights violation or

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breach.

(2) Prior to initiating a civil action, the Attorney General shall conduct a preliminary investigation to determine whether there is reasonable cause to believe that any person or group of persons is engaged in a pattern and practice of discrimination declared unlawful by this Act and whether the dispute can be resolved without litigation. In conducting this investigation, the Attorney General may:

(a) require the individual or entity to file a statement or report in writing under oath or otherwise, as to all information the Attorney General may consider necessary;

(b) examine under oath any person alleged to have participated in or with knowledge of the alleged pattern and practice violation; or

(c) issue subpoenas or conduct hearings in aid of any investigation.

(3) Service by the Attorney General of any notice requiring a person to file a statement or report, or of a subpoena upon any person, shall be made:

(a) personally by delivery of a duly executed copy thereof to the person to be served or, if a person is not a natural person, in the manner provided in the Code of Civil Procedure when a complaint is filed; or

(b) by mailing by certified mail a duly executed copy thereof to the person to be served at his or her last known abode or principal place of business within this State.

(4) In lieu of a civil action, the individual or entity alleged to have engaged in a pattern or practice of discrimination deemed violative of this Act may enter into an Assurance of Voluntary Compliance with respect to the alleged pattern or practice violation.

(5) The Illinois Attorney General may commence a civil action under this subsection (A) whether or not a charge has been filed under Sections 7A-102 or 7B-102 and without regard to the status of any charge, however, if the Department or local agency has obtained a conciliation or settlement agreement or if the parties have entered into an Assurance of Voluntary Compliance no action may be filed under this subsection (A) with respect to the alleged civil rights violation practice that forms the basis for the complaint except for the purpose of enforcing the terms of the conciliation or settlement agreement or the terms of the Assurance of Voluntary Compliance.

(6) If any person fails or refuses to file any statement or report, or obey any subpoena, issued pursuant to subdivision (A)(2) of this Section, the Attorney General will be deemed to have met the requirement of conducting a preliminary investigation and may proceed to initiate a civil action pursuant to subdivision (A)(1) of this Section.

(B) Relief which may be granted.

(1) In any civil action brought pursuant to subsection (A) of this Section, the Attorney General may obtain as a remedy, equitable relief (including any permanent or preliminary injunction, temporary restraining order, or other order, including an order enjoining the defendant from engaging in such civil rights violation or ordering any action as may be appropriate). In addition, the Attorney General may request and the Court may impose a civil penalty to vindicate the public interest:

(a) in an amount not exceeding \$10,000 if the defendant has not been adjudged to have committed any prior civil rights violations under the provision of the Act that is the basis of the complaint;

(b) in an amount not exceeding \$25,000 if the defendant has been adjudged to have committed one other civil rights violation under the provision of the Act within 5 years of the occurrence of the civil rights violation that is the basis of the complaint; and

(c) in an amount not exceeding \$50,000 if the defendant has been adjudged to have committed 2 or more civil rights violations under the provision of the Act within 5 years of the occurrence of the civil rights violation that is the basis of the complaint.

(2) A civil penalty imposed under subdivision (B)(1) of this Section shall be deposited into the Attorney General Court Ordered and Voluntary Compliance Payment Projects Fund, which is a special fund in the State Treasury. Moneys in the Fund shall be used, subject to appropriation, for the performance of any function pertaining to the exercise of the duties of the Attorney General including but not limited to enforcement of any law of this State and conducting public education programs; however, any moneys in the Fund that are required by the court or by an agreement to be used for a particular purpose shall be used for that purpose.

(3) Aggrieved parties seeking actual damages must follow the procedure set out in Sections 7A-102 or 7B-102 for filing a charge.

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

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Under the rules, the foregoing **Senate Bill No. 2878**, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 3013

A bill for AN ACT concerning water safety.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 3013

House Amendment No. 2 to SENATE BILL NO. 3013

Passed the House, as amended, May 24, 2004.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 3013 by replacing everything after the enacting clause with the following:

"Section 5. The Counties Code is amended by adding Section 5-15025 as follows:

(55 ILCS 5/5-15025 new)

Sec. 5-15025. Boil order; notification of certified local public health department required. If a county, or any department or agency of the county, issues a boil order, then the county must notify any certified local public health department that serves an area subject to the boil order as soon as is practical, but no later than 2 hours after issuing the order. In addition to the initial notice, the county must provide, to any affected certified local public health department, a written notification within 24 hours after issuing the boil order. The written notification must include the estimated duration of the order or warning and the geographic area covered by the order or warning.

Section 10. The Illinois Municipal Code is amended by adding Section 11-20-10.5 as follows:

(65 ILCS 5/11-20-10.5 new)

Sec. 11-20-10.5. Boil order; notification of certified local public health department required. If a municipality, or any department or agency of the municipality, issues a boil order, then the municipality must notify any certified local public health department that serves an area subject to the boil order as soon as is practical, but no later than 2 hours after issuing the order. In addition to the initial notice, the municipality must provide, to any affected certified local public health department, a written notification within 24 hours after issuing the boil order. The written notification must include the estimated duration of the order or warning and the geographic area covered by the order or warning.

Section 15. The Public Water District Act is amended by adding Section 7.3 as follows:

(70 ILCS 3705/7.3 new)

Sec. 7.3. Boil order; notification of certified local public health department required. If a public water district issues a boil order, then the district must notify any certified local public health department that serves an area subject to the boil order as soon as is practical, but no later than 2 hours after issuing the order. In addition to the initial notice, the district must provide, to any affected certified local public health department, a written notification within 24 hours after issuing the boil order. The written notification must include the estimated duration of the order or warning and the geographic area covered by the order or warning.

Section 20. The Water Service District Act is amended by adding Section 5.2 as follows:

(70 ILCS 3710/5.2 new)

Sec. 5.2. Boil order; notification of certified local health department required. If a water service district issues a boil order, then the district must notify any certified local public health department that serves an area subject to the boil order as soon as is practical, but no later than 2 hours after issuing the order. In addition to the initial notice, the district must provide, to any affected certified local public health department, a written notification within 24 hours after issuing the boil order. The written

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notification must include the estimated duration of the order or warning and the geographic area covered by the order or warning.

Section 25. The Water Authorities Act is amended by adding Section 6c as follows:

(70 ILCS 3715/6c new)

Sec. 6c. Boil order; notification of certified local health department required. If a water authority issues a boil order, then the authority must notify any certified local public health department that serves an area subject to the boil order as soon as is practical, but no later than 2 hours after issuing the order. In addition to the initial notice, the authority must provide, to any affected certified local public health department, a written notification within 24 hours after issuing the boil order. The written notification must include the estimated duration of the order or warning and the geographic area covered by the order or warning.

Section 30. The Water Commission Act of 1985 is amended by adding Section 2.5 as follows:

(70 ILCS 3720/2.5 new)

Sec. 2.5. Boil order; notification of certified local public health department required. If a water commission issues a boil order, then the commission must notify any certified local public health department that serves an area subject to the boil order as soon as is practical, but no later than 2 hours after issuing the order. In addition to the initial notice, the commission must provide, to any affected certified local public health department, a written notification within 24 hours after issuing the boil order. The written notification must include the estimated duration of the order or warning and the geographic area covered by the order or warning.

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

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 3013, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 1, immediately below line 18, by inserting the following:

"Section 7. The Township Code is amended by adding Section 205-12 as follows:

(60 ILCS 1/205-12 new)

Sec. 205-12. Boil order; notification of certified local public health department required. If a township, or any department or agency of the township, issues a boil order, then the township must notify any certified local public health department that serves an area subject to the boil order as soon as is practical, but no later than 2 hours after issuing the order. In addition to the initial notice, the township must provide, to any affected certified local public health department, a written notification within 24 hours after issuing the boil order. The written notification must include the estimated duration of the order or warning and the geographic area covered by the order or warning."

Under the rules, the foregoing **Senate Bill No. 3013**, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of bills of the following titles, to-wit:

SENATE BILL NO. 2525

A bill for AN ACT concerning public utilities.

SENATE BILL NO. 2830

A bill for AN ACT concerning insurance.

Passed the House, May 24, 2004.

MARK MAHONEY, Clerk of the House

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

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Report on Expenditures for the Title XX Social Services Block Grant for fiscal year 2003 submitted by the Illinois Department of Human Services.

Report on the Winnebago County Flood Hazard Mitigation Project submitted by the Illinois Department of Natural Resources.

Report on the Rock Island County - Phase III Flood Hazard Mitigation Project submitted by the Illinois Department of Natural Resources.

Annual Financial Plans submitted by the Metropolitan Pier and Exposition Authority.

The foregoing reports were ordered received and placed on file in the Secretary's Office.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION 571

Offered by Senator Hunter and all Senators:
Mourns the death of George D. Hunter.

By unanimous consent, the foregoing resolution was referred to the Resolutions Consent Calendar.

Senators Harmon - DeLeo - Cronin offered the following Senate Joint Resolution and, having asked and obtained unanimous consent to suspend the rules for its immediate consideration, moved its adoption:

SENATE JOINT RESOLUTION NO. 82

WHEREAS, The members of the Senate of the State of Illinois were saddened to learn of the passing of Thomas J. Tarpey Sr., Mayor and retired Chief of Police for the Village of River Grove on May 7, 2004; and

WHEREAS, Tom Tarpey was the son of the late William and Nora (Sharkey) Tarpey and the loving husband of the late Barbara (Butler) and brother of the late Margaret; and

WHEREAS, Tom Tarpey began his service to River Grove in his early twenties, serving as a part-time policeman, and eventually moving to full-time in the department where he reached the rank of Chief of Police; and

WHEREAS, Tom Tarpey, who had gained insight to the needs and concerns of the Village's residents through his years on the street, was elected Mayor in 1985; and

WHEREAS, Tom Tarpey was a people's Mayor, waving as he passed, stopping to talk to people on the street, willing to listen to both praise and complaints, and always trying to find a workable solution; and

WHEREAS, Tom Tarpey was the Village's longest serving Mayor, during which time the Village prospered, improvements were made, and the people came together because they once again felt part of the community; and

WHEREAS, Tom Tarpey's passing was deeply felt by many, especially his children, Shawn and son-in-law Brian Campbell, Thomas Jr. and daughter-in-law Alyssa, John and daughter-in-law Gina, and Chrissy and son-in-law Michael Stamm; his mother-in-law, Valeria Butler; his cherished grandchildren, Thomas III, Brian Jr., Cassidy, Molly, Connor, Johnny, Andrew, William, Michael, and Kyle; his brothers, William Jr., Robert and sister-in-law Beverly, Gerald and sister-in-law Donna, and James; his sisters, Eleanor and brother-in-law Don Kraft, Noreen and brother-in-law Larry Waco; and his many nieces and nephews, and the residents of the Village of River Grove; and

WHEREAS, In addition to his wife and sister, he was preceded in death by his sisters-in-law, Mary

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and Theresa; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we mourn the death of Thomas J. Tarpey Sr. along with all who knew and loved him and extend our sincere condolences to his family and friends; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the family of Thomas J. Tarpey Sr. as an expression of our sorrow for their loss.

The motion prevailed.

And the resolution was adopted.

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

READING BILL FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 5252, sponsored by Senator Harmon, was taken up, read by title a first time and referred to the Committee on Rules.

JOINT ACTION MOTIONS FILED

The following Joint Action Motions to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Rules:

Motion to Concur in House Amendment 1 to Senate Bill 1631

Motion to Concur in House Amendment 1 to Senate Bill 2339

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS ON SECRETARY'S DESK

On motion of Senator Obama, **Senate Bill No. 1412**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Obama moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Geo-Karis	Obama	Soden
Bomke	Haine	Peterson	Sullivan, D.
Brady	Halvorson	Petka	Sullivan, J.
Burzynski	Harmon	Radogno	Trotter
Clayborne	Hendon	Rauschenberger	Viverito
Collins	Hunter	Righter	Walsh
Cronin	Jacobs	Risinger	Watson
Crotty	Jones, J.	Ronen	Welch
Cullerton	Jones, W.	Roskam	Winkel
del Valle	Lauzen	Rutherford	Wojcik
DeLeo	Lightford	Sandoval	Mr. President
Demuzio	Luechtefeld	Schoenberg	
Dillard	Maloney	Shadid	
Forby	Martinez	Sieben	
Garrett	Munoz	Silverstein	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1412**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Garrett, **Senate Bill No. 2158**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Garrett moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Geo-Karis	Munoz	Soden
Bomke	Haine	Obama	Sullivan, D.
Brady	Halvorson	Peterson	Sullivan, J.
Burzynski	Harmon	Petka	Trotter
Clayborne	Hendon	Radogno	Viverito
Collins	Hunter	Righter	Walsh
Cronin	Jacobs	Risinger	Watson
Crotty	Jones, J.	Ronen	Welch
Cullerton	Jones, W.	Roskam	Winkel
del Valle	Lauzen	Rutherford	Wojcik
DeLeo	Lightford	Sandoval	Mr. President
Demuzio	Link	Schoenberg	
Dillard	Luechtefeld	Shadid	
Forby	Maloney	Sieben	
Garrett	Martinez	Silverstein	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2158**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Petka, **Senate Bill No. 2165**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Petka moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 41; Nays 16.

The following voted in the affirmative:

Althoff	Geo-Karis	Radogno	Trotter
Bomke	Haine	Rauschenberger	Viverito
Brady	Halvorson	Righter	Walsh
Burzynski	Hendon	Risinger	Watson
Clayborne	Jacobs	Roskam	Welch
Cronin	Jones, J.	Rutherford	Winkel
Crotty	Jones, W.	Shadid	Wojcik
DeLeo	Lauzen	Sieben	Mr. President
Demuzio	Luechtefeld	Soden	
Dillard	Peterson	Sullivan, D.	
Forby	Petka	Sullivan, J.	

The following voted in the negative:

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Collins	Hunter	Munoz	Silverstein
Cullerton	Lightford	Obama	
del Valle	Link	Ronen	
Garrett	Maloney	Sandoval	
Harmon	Martinez	Schoenberg	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2165**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Halvorson, **Senate Bill No. 2424**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Halvorson moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 57; Nays None.

The following voted in the affirmative:

Althoff	Geo-Karis	Munoz	Silverstein
Bomke	Haine	Obama	Soden
Brady	Halvorson	Peterson	Sullivan, D.
Burzynski	Harmon	Petka	Sullivan, J.
Clayborne	Hendon	Radogno	Trotter
Collins	Hunter	Rauschenberger	Viverito
Cronin	Jacobs	Righter	Walsh
Crotty	Jones, J.	Risinger	Watson
Cullerton	Jones, W.	Ronen	Welch
del Valle	Lauzen	Roskam	Winkel
DeLeo	Lightford	Rutherford	Wojcik
Demuzio	Link	Sandoval	Mr. President
Dillard	Luechtefeld	Schoenberg	
Forby	Maloney	Shadid	
Garrett	Martinez	Sieben	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2424**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Hunter, **Senate Bill No. 2551**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Hunter moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 57; Nays None.

The following voted in the affirmative:

Althoff	Geo-Karis	Munoz	Silverstein
Bomke	Haine	Obama	Soden
Brady	Halvorson	Peterson	Sullivan, D.
Burzynski	Harmon	Petka	Sullivan, J.
Clayborne	Hendon	Radogno	Trotter
Collins	Hunter	Rauschenberger	Viverito
Cronin	Jacobs	Righter	Walsh

Crotty	Jones, J.	Risinger	Watson
Cullerton	Jones, W.	Ronen	Welch
del Valle	Lauzen	Roskam	Winkel
DeLeo	Lightford	Rutherford	Wojcik
Demuzio	Link	Sandoval	Mr. President
Dillard	Luechtefeld	Schoenberg	
Forby	Maloney	Shadid	
Garrett	Martinez	Sieben	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2551**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Hunter, **Senate Bill No. 2940**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Hunter moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Haine	Obama	Soden
Bomke	Halvorson	Peterson	Sullivan, D.
Brady	Harmon	Petka	Sullivan, J.
Burzynski	Hendon	Radogno	Trotter
Clayborne	Hunter	Rauschenberger	Viverito
Cronin	Jacobs	Righter	Walsh
Crotty	Jones, J.	Risinger	Watson
Cullerton	Jones, W.	Ronen	Welch
del Valle	Lauzen	Roskam	Winkel
DeLeo	Lightford	Rutherford	Wojcik
Demuzio	Link	Sandoval	Mr. President
Dillard	Luechtefeld	Schoenberg	
Forby	Maloney	Shadid	
Garrett	Martinez	Sieben	
Geo-Karis	Munoz	Silverstein	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2940**.

Ordered that the Secretary inform the House of Representatives thereof.

Senator Collins asked and obtained unanimous consent for the Journal to reflect her affirmative vote on **Senate Bill No. 2940**.

On motion of Senator Harmon, **Senate Bill No. 2982**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Harmon moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 57; Nays None.

The following voted in the affirmative:

Althoff	Geo-Karis	Munoz	Silverstein
Bomke	Haine	Obama	Soden

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Brady	Halvorson	Peterson	Sullivan, D.
Burzynski	Harmon	Petka	Sullivan, J.
Clayborne	Hendon	Radogno	Trotter
Collins	Hunter	Rauschenberger	Viverito
Cronin	Jacobs	Righter	Walsh
Crotty	Jones, J.	Risinger	Watson
Cullerton	Jones, W.	Ronen	Welch
del Valle	Lauzen	Roskam	Winkel
DeLeo	Lightford	Rutherford	Wojcik
Demuzio	Link	Sandoval	Mr. President
Dillard	Luechtefeld	Schoenberg	
Forby	Maloney	Shadid	
Garrett	Martinez	Sieben	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2982**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Harmon, **Senate Bill No. 3211**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Harmon moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 57; Nays None.

The following voted in the affirmative:

Althoff	Geo-Karis	Munoz	Silverstein
Bomke	Haine	Obama	Soden
Brady	Halvorson	Peterson	Sullivan, D.
Burzynski	Harmon	Petka	Sullivan, J.
Clayborne	Hendon	Radogno	Trotter
Collins	Hunter	Rauschenberger	Viverito
Cronin	Jacobs	Righter	Walsh
Crotty	Jones, J.	Risinger	Watson
Cullerton	Jones, W.	Ronen	Welch
del Valle	Lauzen	Roskam	Winkel
DeLeo	Lightford	Rutherford	Wojcik
Demuzio	Link	Sandoval	Mr. President
Dillard	Luechtefeld	Schoenberg	
Forby	Maloney	Shadid	
Garrett	Martinez	Sieben	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 3211**.

Ordered that the Secretary inform the House of Representatives thereof.

At the hour of 10:44 o'clock a.m., Senator Halvorson presiding.

CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILLS ON SECRETARY'S DESK

On motion of Senator Shadid, **House Bill No. 599**, with Senate Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Shadid moved that the Senate refuse to recede from its Amendment No. 1 to **House Bill No. 599** and that a First Committee of Conference consisting of five members on the part of the Senate

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and five members on the part of the House be appointed to adjust the differences between the two Houses in regard to said amendment.

The motion prevailed.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS ON SECRETARY'S DESK

On motion of Senator J. Sullivan, **Senate Bill No. 1914**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator J. Sullivan moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 49; Nays 5; Present 3.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Sullivan, D.
Bomke	Geo-Karis	Meeks	Sullivan, J.
Brady	Haine	Munoz	Trotter
Clayborne	Halvorson	Obama	Viverito
Collins	Harmon	Radogno	Walsh
Cronin	Hendon	Risinger	Watson
Crotty	Hunter	Ronen	Welch
Cullerton	Jacobs	Rutherford	Winkel
del Valle	Jones, J.	Sandoval	Wojcik
DeLeo	Lightford	Schoenberg	Mr. President
Demuzio	Link	Shadid	
Dillard	Luechtefeld	Sieben	
Forby	Maloney	Silverstein	

The following voted in the negative:

Burzynski	Lauzen	Roskam
Jones, W.	Rauschenberger	

The following voted present:

Peterson
Petka
Soden

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1914**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Link, **Senate Bill No. 2112**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Link moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 30; Nays 27.

The following voted in the affirmative:

Collins	Harmon	Munoz	Sullivan, J.
Crotty	Hendon	Obama	Trotter

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Cullerton	Hunter	Ronen	Viverito
del Valle	Lightford	Sandoval	Walsh
DeLeo	Link	Schoenberg	Welch
Demuzio	Maloney	Shadid	Mr. President
Garrett	Martinez	Silverstein	
Halvorson	Meeks	Sullivan, D.	

The following voted in the negative:

Althoff	Forby	Luechtefeld	Roskam
Bomke	Geo-Karis	Peterson	Rutherford
Brady	Haine	Petka	Sieben
Burzynski	Jacobs	Radogno	Soden
Clayborne	Jones, J.	Rauschenberger	Watson
Cronin	Jones, W.	Righter	Winkel
Dillard	Lauzen	Risinger	

This roll call verified.

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2112**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Silverstein, **Senate Bill No. 2148**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Silverstein moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Althoff	Geo-Karis	Meeks	Sieben
Bomke	Haine	Munoz	Silverstein
Brady	Halvorson	Obama	Soden
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Rauschenberger	Viverito
Crotty	Jones, J.	Righter	Walsh
Cullerton	Jones, W.	Risinger	Watson
del Valle	Lauzen	Ronen	Welch
DeLeo	Lightford	Roskam	Winkel
Demuzio	Link	Rutherford	Wojcik
Dillard	Luechtefeld	Sandoval	Mr. President
Forby	Maloney	Schoenberg	
Garrett	Martinez	Shadid	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2148**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Ronen, **Senate Bill No. 2377**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Ronen moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

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Yeas 57; Nays None.

The following voted in the affirmative:

Althoff	Geo-Karis	Meeks	Silverstein
Bomke	Haine	Munoz	Soden
Brady	Halvorson	Obama	Sullivan, D.
Burzynski	Harmon	Peterson	Sullivan, J.
Clayborne	Hendon	Petka	Trotter
Collins	Hunter	Rauschenberger	Viverito
Cronin	Jacobs	Righter	Walsh
Crotty	Jones, J.	Risinger	Watson
Cullerton	Jones, W.	Ronen	Welch
del Valle	Lauzen	Roskam	Winkel
DeLeo	Lightford	Rutherford	Wojcik
Demuzio	Link	Sandoval	Mr. President
Dillard	Luechtefeld	Schoenberg	
Forby	Maloney	Shadid	
Garrett	Martinez	Sieben	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2377**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Crotty, **Senate Bill No. 2395**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Crotty moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Althoff	Geo-Karis	Meeks	Sieben
Bomke	Haine	Munoz	Silverstein
Brady	Halvorson	Obama	Soden
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Rauschenberger	Viverito
Crotty	Jones, J.	Righter	Walsh
Cullerton	Jones, W.	Risinger	Watson
del Valle	Lauzen	Ronen	Welch
DeLeo	Lightford	Roskam	Winkel
Demuzio	Link	Rutherford	Wojcik
Dillard	Luechtefeld	Sandoval	Mr. President
Forby	Maloney	Schoenberg	
Garrett	Martinez	Shadid	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2395**.

Ordered that the Secretary inform the House of Representatives thereof.

[May 25, 2004]

REPORT FROM RULES COMMITTEE

Senator Viverito, Chairperson of the Committee on Rules, during its May 25, 2004 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Education: **Senate Amendment No. 3 to Senate Bill 3001.**

Executive: **Senate Amendment No. 2 to House Bill 1067.**

Licensed Activities: **Senate Amendment No. 3 to House Bill 1004.**

Local Government: **Senate Amendment No. 2 to House Bill 826; Senate Amendment No. 2 to House Bill 834.**

Senator Viverito, Chairperson of the Committee on Rules, during its May 25, 2004 meeting, reported the following Joint Action Motion has been assigned to the indicated Standing Committee of the Senate:

Local Government: **Motion to Concur in House Amendments 1 and 2 to Senate Bill 2175**

COMMITTEE MEETING ANNOUNCEMENTS

Senator Silverstein, Chairperson of the Committee on Executive, announced that the Executive Committee will meet today in Room 212 Capitol Building, at 2:00 o'clock p.m.

Senator Hendon, Chairperson of the Committee on Executive Appointments, announced that the Executive Appointments Committee will meet Wednesday, May 26, 2004 in Room 212 Capitol Building, at 8:30 o'clock a.m.

Senator Crotty, Vice-Chairperson of the Committee on Licensed Activities, announced that the Licensed Activities Committee will meet today in Room A-1 Stratton Building, at 2:30 o'clock p.m.

Senator Shadid, Chairperson of the Committee on Transportation, announced that the Transportation Committee will meet today in Room A-1 Stratton Building, at 12:30 o'clock p.m.

Senator J. Sullivan, Vice-Chairperson of the Committee on Agriculture and Conservation, announced that the Agriculture and Conservation Committee will meet Wednesday, May 26, 2004 in Room A-1 Stratton Building, at 8:30 o'clock a.m.

Senator del Valle, Chairperson of the Committee on Education, announced that the Education Committee will meet today in Room 212 Capitol Building, at 1:30 o'clock p.m.

Senator Haine, Chairperson of the Committee on Local Government, announced that the Local Government Committee will meet today in Room A-1 Stratton Building, at 1:30 o'clock p.m.

Senator Hunter, Vice-Chairperson of the Committee on Health and Human Services, announced that the Health and Human Services Committee will meet today in Room 400 Capitol Building, at 1:00 o'clock p.m.

Senator Clayborne, Chairperson of the Committee on Environment and Energy, announced that the Environment and Energy Committee will meet today in Room 212 Capitol Building, at 1:00 o'clock p.m.

Senator Clayborne, Member of the Committee on Judiciary, announced that the Judiciary Committee will meet today in Room 400 Capitol Building, at 12:30 o'clock p.m.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS ON SECRETARY'S DESK

On motion of Senator Ronen, **Senate Bill No. 2665**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

[May 25, 2004]

Senator Ronen moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 57; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Soden
Brady	Harmon	Peterson	Sullivan, D.
Burzynski	Hendon	Petka	Sullivan, J.
Clayborne	Hunter	Radogno	Trotter
Collins	Jacobs	Rauschenberger	Viverito
Cronin	Jones, J.	Righter	Walsh
Crotty	Jones, W.	Risinger	Watson
Cullerton	Lauzen	Ronen	Welch
del Valle	Lightford	Roskam	Winkel
DeLeo	Link	Rutherford	Wojcik
Demuzio	Luechtefeld	Sandoval	Mr. President
Dillard	Maloney	Schoenberg	
Forby	Martinez	Shadid	
Garrett	Meeks	Sieben	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2665**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Lightford, **Senate Bill No. 2710**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Lightford moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 57; Nays None.

The following voted in the affirmative:

Althoff	Geo-Karis	Meeks	Sieben
Bomke	Haine	Munoz	Silverstein
Brady	Halvorson	Obama	Soden
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Rauschenberger	Viverito
Crotty	Jones, J.	Righter	Walsh
Cullerton	Jones, W.	Risinger	Watson
del Valle	Lauzen	Ronen	Welch
DeLeo	Lightford	Roskam	Winkel
Demuzio	Link	Rutherford	Mr. President
Dillard	Luechtefeld	Sandoval	
Forby	Maloney	Schoenberg	
Garrett	Martinez	Shadid	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2710**.

Ordered that the Secretary inform the House of Representatives thereof.

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On motion of Senator Schoenberg, **Senate Bill No. 2724**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Schoenberg moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 34; Nays 20; Present 3.

The following voted in the affirmative:

Clayborne	Haine	Martinez	Shadid
Collins	Halvorson	Meeks	Silverstein
Crotty	Harmon	Munoz	Sullivan, J.
Cullerton	Hendon	Obama	Trotter
del Valle	Hunter	Peterson	Viverito
DeLeo	Jacobs	Radogno	Walsh
Demuzio	Lightford	Ronen	Mr. President
Forby	Link	Sandoval	
Garrett	Luechtefeld	Schoenberg	

The following voted in the negative:

Althoff	Jones, J.	Roskam	Winkel
Bomke	Lauzen	Rutherford	Wojcik
Brady	Petka	Sieben	
Burzynski	Rauschenberger	Soden	
Cronin	Righter	Watson	
Geo-Karis	Risinger	Welch	

The following voted present:

Dillard
Jones, W.
Maloney

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2724**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Garrett, **Senate Bill No. 2901**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Garrett moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Althoff	Geo-Karis	Meeks	Sieben
Bomke	Haine	Munoz	Silverstein
Brady	Halvorson	Obama	Soden
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Rauschenberger	Viverito
Crotty	Jones, J.	Righter	Walsh

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Cullerton	Jones, W.	Risinger	Watson
del Valle	Lauzen	Ronen	Welch
DeLeo	Lightford	Roskam	Winkel
Demuzio	Link	Rutherford	Wojcik
Dillard	Luechtefeld	Sandoval	Mr. President
Forby	Maloney	Schoenberg	
Garrett	Martinez	Shadid	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2901**.

Ordered that the Secretary inform the House of Representatives thereof.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Lightford, **House Bill No. 4686** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Welch, **House Bill No. 6806** was taken up, read by title a second time and ordered to a third reading.

HOUSE BILL RECALLED

On motion of Senator Ronen, **House Bill No. 812** 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

AMENDMENT NO. 1. Amend House Bill 812 by replacing everything after the enacting clause with the following:

"Section 5. The Unemployment Insurance Act is amended by changing Section 235 as follows:
(820 ILCS 405/235) (from Ch. 48, par. 345)

Sec. 235. The term "wages" does not include:

A. That part of the remuneration which, after remuneration equal to \$6,000 with respect to employment has been paid to an individual by an employer during any calendar year after 1977 and before 1980, is paid to such individual by such employer during such calendar year; and that part of the remuneration which, after remuneration equal to \$6,500 with respect to employment has been paid to an individual by an employer during each calendar year 1980 and 1981, is paid to such individual by such employer during that calendar year; and that part of the remuneration which, after remuneration equal to \$7,000 with respect to employment has been paid to an individual by an employer during the calendar year 1982 is paid to such individual by such employer during that calendar year.

With respect to the first calendar quarter of 1983, the term "wages" shall include only the remuneration paid to an individual by an employer during such quarter with respect to employment which does not exceed \$7,000. With respect to the three calendar quarters, beginning April 1, 1983, the term "wages" shall include only the remuneration paid to an individual by an employer during such period with respect to employment which when added to the "wages" (as defined in the preceding sentence) paid to such individual by such employer during the first calendar quarter of 1983, does not exceed \$8,000.

With respect to the calendar year 1984, the term "wages" shall include only the remuneration paid to an individual by an employer during that period with respect to employment which does not exceed \$8,000; with respect to calendar years 1985, 1986 and 1987, the term "wages" shall include only the remuneration paid to such individual by such employer during that calendar year with respect to employment which does not exceed \$8,500.

With respect to the calendar years 1988 through 2003 ~~and calendar year 2005 and each calendar year thereafter~~, the term "wages" shall include only the remuneration paid to an individual by an employer during that period with respect to employment which does not exceed \$9,000.

With respect to the calendar year 2004, the term "wages" shall include only the remuneration paid to an individual by an employer during that period with respect to employment which does not exceed

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\$9,800. With respect to the calendar years 2005 through 2009, the term "wages" shall include only the remuneration paid to an individual by an employer during that period with respect to employment which does not exceed the following amounts: \$10,500 with respect to the calendar year 2005; \$11,000 with respect to the calendar year 2006; \$11,500 with respect to the calendar year 2007; \$12,000 with respect to the calendar year 2008; and \$12,300 with respect to the calendar year 2009.

With respect to the calendar year 2010 and each calendar year thereafter, the term "wages" shall include only the remuneration paid to an individual by an employer during that period with respect to employment which does not exceed the sum of the wage base adjustment applicable to that year pursuant to Section 1400.1, plus the maximum amount includable as "wages" pursuant to this subsection with respect to the immediately preceding calendar year. Notwithstanding any provision to the contrary, the maximum amount includable as "wages" pursuant to this Section shall not be less than \$12,300 or greater than \$12,960 with respect to any calendar year after calendar year 2009.

The remuneration paid to an individual by an employer with respect to employment in another State or States, upon which contributions were required of such employer under an unemployment compensation law of such other State or States, shall be included as a part of the remuneration herein referred to. For the purposes of this subsection, any employing unit which succeeds to the organization, trade, or business, or to substantially all of the assets of another employing unit, or to the organization, trade, or business, or to substantially all of the assets of a distinct severable portion of another employing unit, shall be treated as a single unit with its predecessor for the calendar year in which such succession occurs, and any employing unit which is owned or controlled by the same interests which own or control another employing unit shall be treated as a single unit with the unit so owned or controlled by such interests for any calendar year throughout which such ownership or control exists. This subsection applies only to Sections 1400, 1405A, and 1500.

B. The amount of any payment (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment), made to, or on behalf of, an individual or any of his dependents under a plan or system established by an employer which makes provision generally for individuals performing services for him (or for such individuals generally and their dependents) or for a class or classes of such individuals (or for a class or classes of such individuals and their dependents), on account of (1) sickness or accident disability (except those sickness or accident disability payments which would be includable as "wages" in Section 3306(b)(2)(A) of the Federal Internal Revenue Code of 1954, in effect on January 1, 1985, such includable payments to be attributable in such manner as provided by Section 3306(b) of the Federal Internal Revenue Code of 1954, in effect on January 1, 1985), or (2) medical or hospitalization expenses in connection with sickness or accident disability, or (3) death.

C. Any payment made to, or on behalf of, an employee or his beneficiary which would be excluded from "wages" by subparagraph (A), (B), (C), (D), (E), (F) or (G), of Section 3306(b)(5) of the Federal Internal Revenue Code of 1954, in effect on January 1, 1985.

D. The amount of any payment on account of sickness or accident disability, or medical or hospitalization expenses in connection with sickness or accident disability, made by an employer to, or on behalf of, an individual performing services for him after the expiration of six calendar months following the last calendar month in which the individual performed services for such employer.

E. Remuneration paid in any medium other than cash by an employing unit to an individual for service in agricultural labor as defined in Section 214.

F. The amount of any supplemental payment made by an employer to an individual performing services for him, other than remuneration for services performed, under a shared work plan approved by the Director pursuant to Section 407.1.

(Source: P.A. 93-634, eff. 1-1-04.)

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 BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Ronen, **House Bill No. 812**, 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.

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

Yeas 58; Nays None.

The following voted in the affirmative:

Althoff	Geo-Karis	Meeks	Sieben
Bomke	Haine	Munoz	Silverstein
Brady	Halvorson	Obama	Soden
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Rauschenberger	Viverito
Crotty	Jones, J.	Righter	Walsh
Cullerton	Jones, W.	Risinger	Watson
del Valle	Lauzen	Ronen	Welch
DeLeo	Lightford	Roskam	Winkel
Demuzio	Link	Rutherford	Wojcik
Dillard	Luechtefeld	Sandoval	Mr. President
Forby	Maloney	Schoenberg	
Garrett	Martinez	Shadid	

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 BILL RECALLED

On motion of Senator Link, **House Bill No. 855** was recalled from the order of third reading to the order of second reading.

Senator Link offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 855 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Income Tax Act is amended by changing Sections 303, 701, and 710 as follows:

(35 ILCS 5/303) (from Ch. 120, par. 3-303)

Sec. 303. (a) In general. Any item of capital gain or loss ; ~~and~~ any item of income from rents or royalties from real or tangible personal property, interest, dividends, and patent or copyright royalties ; ~~and~~ prizes awarded under the Illinois Lottery Law ; and, for taxable years ending on or after December 31, 2004, any item of income from wagering and gambling winnings from Illinois sources, to the extent such item constitutes nonbusiness income, together with any item of deduction directly allocable thereto, shall be allocated by any person other than a resident as provided in this Section.

(b) Capital gains and losses. (1) Real property. Capital gains and losses from sales or exchanges of real property are allocable to this State if the property is located in this State.

(2) Tangible personal property. Capital gains and losses from sales or exchanges of tangible personal property are allocable to this State if, at the time of such sale or exchange:

(A) The property had its situs in this State; or

(B) The taxpayer had its commercial domicile in this State and was not taxable in the state in which the property had its situs.

(3) Intangibles. Capital gains and losses from sales or exchanges

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of intangible personal property are allocable to this State if the taxpayer had its commercial domicile in this State at the time of such sale or exchange.

(c) Rents and royalties. (1) Real property. Rents and royalties from real property are allocable to this State if the property is located in this State.

(2) Tangible personal property. Rents and royalties from tangible personal property are allocable to this State:

(A) If and to the extent that the property is utilized in this State; or

(B) In their entirety if, at the time such rents or royalties were paid or accrued, the taxpayer had its commercial domicile in this State and was not organized under the laws of or taxable with respect to such rents or royalties in the state in which the property was utilized. The extent of utilization of tangible personal property in a state is determined by multiplying the rents or royalties derived from such property by a fraction, the numerator of which is the number of days of physical location of the property in the state during the rental or royalty period in the taxable year and the denominator of which is the number of days of physical location of the property everywhere during all rental or royalty periods in the taxable year. If the physical location of the property during the rental or royalty period is unknown or unascertainable by the taxpayer, tangible personal property is utilized in the state in which the property was located at the time the rental or royalty payer obtained possession.

(d) Patent and copyright royalties.

(1) Allocation. Patent and copyright royalties are allocable to this State:

(A) If and to the extent that the patent or copyright is utilized by the payer in this State; or

(B) If and to the extent that the patent or copyright is utilized by the payer in a state in which the taxpayer is not taxable with respect to such royalties and, at the time such royalties were paid or accrued, the taxpayer had its commercial domicile in this State.

(2) Utilization.

(A) A patent is utilized in a state to the extent that it is employed in production, fabrication, manufacturing or other processing in the state or to the extent that a patented product is produced in the state. If the basis of receipts from patent royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the patent is utilized in this State if the taxpayer has its commercial domicile in this State.

(B) A copyright is utilized in a state to the extent that printing or other publication originates in the state. If the basis of receipts from copyright royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the copyright is utilized in this State if the taxpayer has its commercial domicile in this State.

(e) Illinois lottery prizes. Prizes awarded under the "Illinois Lottery Law", approved December 14, 1973, are allocable to this State.

(e-5) Wagering and gambling winnings. Payments made after December 31, 2004 of winnings from pari-mutuel wagering conducted at a wagering facility licensed under the Illinois Horse Racing Act of 1975 or from gambling games conducted on a riverboat licensed under the Riverboat Gambling Act are allocable to this State.

(f) Taxability in other state. For purposes of allocation of income pursuant to this Section, a taxpayer is taxable in another state if:

(1) In that state he is subject to a net income tax, a franchise tax measured by net income, a franchise tax for the privilege of doing

business, or a corporate stock tax; or

(2) That state has jurisdiction to subject the taxpayer to a net income tax regardless of whether, in fact, the state does or does not.

(g) Cross references. (1) For allocation of interest and dividends by persons other than residents, see Section 301(c)(2).

(2) For allocation of nonbusiness income by residents, see Section 301(a).

(Source: P.A. 79-743.)

(35 ILCS 5/701) (from Ch. 120, par. 7-701)

Sec. 701. Requirement and Amount of Withholding.

(a) In General. Every employer maintaining an office or transacting business within this State and required under the provisions of the Internal Revenue Code to withhold a tax on:

(1) compensation paid in this State (as determined under Section 304(a)(2)(B) to an

individual; or

(2) payments described in subsection (b) shall deduct and withhold from such

compensation for each payroll period (as defined in Section 3401 of the Internal Revenue Code) an amount equal to the amount by which such individual's compensation exceeds the proportionate part of this withholding exemption (computed as provided in Section 702) attributable to the payroll period for which such compensation is payable multiplied by a percentage equal to the percentage tax rate for individuals provided in subsection (b) of Section 201.

(b) Payment to Residents. Any payment (including compensation, but not including a payment from which withholding is required under Section 710 of this Act) to a resident by a payor maintaining an office or transacting business within this State (including any agency, officer, or employee of this State or of any political subdivision of this State) and on which withholding of tax is required under the provisions of the Internal Revenue Code shall be deemed to be compensation paid in this State by an employer to an employee for the purposes of Article 7 and Section 601(b)(1) to the extent such payment is included in the recipient's base income and not subjected to withholding by another state. Notwithstanding any other provision to the contrary, no amount shall be withheld from unemployment insurance benefit payments made to an individual pursuant to the Unemployment Insurance Act unless the individual has voluntarily elected the withholding pursuant to rules promulgated by the Director of Employment Security.

(c) Special Definitions. Withholding shall be considered required under the provisions of the Internal Revenue Code to the extent the Internal Revenue Code either requires withholding or allows for voluntary withholding the payor and recipient have entered into such a voluntary withholding agreement. For the purposes of Article 7 and Section 1002(c) the term "employer" includes any payor who is required to withhold tax pursuant to this Section.

(d) Reciprocal Exemption. The Director may enter into an agreement with the taxing authorities of any state which imposes a tax on or measured by income to provide that compensation paid in such state to residents of this State shall be exempt from withholding of such tax; in such case, any compensation paid in this State to residents of such state shall be exempt from withholding. All reciprocal agreements shall be subject to the requirements of Section 2505-575 of the Department of Revenue Law (20 ILCS 2505/2505-575).

(e) Notwithstanding subsection (a)(2) of this Section, no withholding is required on payments for which withholding is required under Section 3405 or 3406 of the Internal Revenue Code of 1954.

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(Source: P.A. 92-846, eff. 8-23-02; 93-634, eff. 1-1-04.)

(35 ILCS 5/710) (from Ch. 120, par. 7-710)

Sec. 710. Withholding from lottery, wagering, and gambling winnings. (a) In General. Any person making a payment to a resident or nonresident of winnings under the Illinois Lottery Law and not required to withhold Illinois income tax from such payment under Subsection (b) of Section 701 of this Act because those winnings are not subject to Federal income tax withholding, must withhold Illinois income tax from such payment at a rate equal to the percentage tax rate for individuals provided in subsection (b) of Section 201, provided that withholding is not required if such payment of winnings is less than \$1,000. Any person making a payment after December 31, 2004 to a resident or nonresident of winnings from pari-mutuel wagering conducted at a wagering facility licensed under the Illinois Horse Racing Act of 1975 or from gambling games conducted on a riverboat licensed under the Riverboat Gambling Act must withhold Illinois income tax from that payment at a rate equal to the percentage tax rate for individuals provided in subsection (b) of Section 201, provided that the withholding is not required if the payment of winnings is less than \$1,000.

(b) Credit for taxes withheld. Any amount withheld under Subsection (a) shall be a credit against the Illinois income tax liability of the person to whom the payment of winnings was made for the taxable year in which that person incurred an Illinois income tax liability with respect to those winnings.

(Source: P.A. 85-731.)

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

The motion prevailed.

And the amendment was adopted and ordered printed

Floor Amendment No. 2 was held in the Committee on Rules.

Senator Link offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3 . Amend House Bill 855, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 6, by replacing lines 24 and 25 with the following:

"that the withholding is required only if the payment must be reported to the Internal Revenue Service by the person making the payment."

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 Link, **House Bill No. 855**, 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 39; Nays 11; Present 3.

The following voted in the affirmative:

Althoff
Brady

Halvorson
Harmon

Obama
Righter

Sullivan, J.
Trotter

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Collins	Hunter	Ronen	Viverito
Crotty	Jones, W.	Roskam	Walsh
del Valle	Lauzen	Rutherford	Watson
DeLeo	Lightford	Sandoval	Welch
Demuzio	Link	Sieben	Winkel
Dillard	Maloney	Silverstein	Wojcik
Forby	Martinez	Soden	Mr. President
Geo-Karis	Meeks	Sullivan, D.	

The following voted in the negative:

Bomke	Jacobs	Peterson	Rauschenberger
Clayborne	Jones, J.	Petka	Shadid
Cronin	Luechtefeld	Radogno	

The following voted present:

Haine
Hendon
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 in the Senate Amendments adopted thereto.

HOUSE BILL RECALLED

On motion of Senator Silverstein, **House Bill No. 1111** was recalled from the order of third reading to the order of second reading.

Senator Silverstein offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1111 by replacing everything after the enacting clause with the following:

"Section 5. The Code of Civil Procedure is amended by adding Sections 7-103.113, 7-103.114, 7-103.115, 7-103.116, 7-103.117, 7-103.118, 7-103.119, 7-103.120, 7-103.121, 7-103.122, 7-103.123, 7-103.124, and 7-103.125 as follows:

(735 ILCS 5/7-103.113 new)

Sec. 7-103.113. Quick-take; City of Ottawa. Quick-take proceedings under Section 7-103 may be used for a period of 12 months after the effective date of this amendatory Act of the 93rd General Assembly by the City of Ottawa for the acquisition of property for the purpose of immediate eradication of a blighted area resulting from the destruction of most improvements because of fire as follows:

All lots in Block 18 in the Original Town of Ottawa, now the City of Ottawa, in LaSalle County, Illinois.

(735 ILCS 5/7-103.114 new)

Sec. 7-103.114. Quick-take; City of Ottawa. Quick-take proceedings under Section 7-103 may be used for a period of 12 months after the effective date of this amendatory Act of the 93rd General Assembly by the City of Ottawa for the acquisition of property for the purpose of installation of public utilities as follows:

That part of the Southeast Quarter of Section 8, Township 33 North, Range 4 East of the Third Principal Meridian described as follows:

Commencing at the Northwest corner of the Southeast Quarter of [May 25, 2004]

said Section 8; thence South 89 degrees 41 minutes 32 seconds East 48.60 feet along the North line of the said Southeast Quarter to the intersection of said North line and the North Right of Way line of the CSX Railroad which point is also the Point of Beginning; thence continuing South 89 degrees 41 minutes 32 seconds East 1303.50 feet along said North line to the Northeast corner of the West Half of the Southeast Quarter of said Section 8; thence Southeasterly on a 573.75 foot radius curve to the right 564.56 feet, whose chord bears South 33 degrees 50 minutes 57 seconds East 542.06 feet to a point on the North Right of Way line of the CSX railroad; thence North 74 degrees 06 minutes 16 seconds West 1669.24 feet to the Point of Beginning containing 6.140 acres more or less and all situated in LaSalle County, Illinois.

(735 ILCS 5/7-103.115 new)

Sec. 7-103.115. Quick-take; City of Ottawa. Quick-take proceedings under Section 7-103 may be used for a period of 12 months after the effective date of this amendatory Act of the 93rd General Assembly by the City of Ottawa for the acquisition of property for the purpose of installing a rail spur as follows:

That Portion of the East Half of the Northeast Quarter of Section 8, Township 33 North, Range 4 East of the Third Principal Meridian lying South of the public highway between Ottawa and Marseilles which crosses the said East Half of the Northeast Quarter aforesaid on the northeast portion thereof; ALSO that portion of the Southeast Quarter of Section 8, Township 33 North, Range 4 East of the Third Principal Meridian lying North of the right of way of the Chicago, Rock Island & Pacific Railroad Company; EXCEPTING therefrom that part conveyed to the State of Illinois for highway purposes by deed recorded as Document #558356, all situated in LaSalle County, Illinois.

(735 ILCS 5/7-103.116 new)

Sec. 7-103.116. Quick-take; Village of Skokie. Quick-take proceedings under Section 7-103 may be used for a period of 12 months after the effective date of this amendatory Act of the 93rd General Assembly by the Village of Skokie for the acquisition of property for the purpose of open space and the development of a park as follows:

8148 Lincoln Avenue

Index Number (PIN): 10-21-409-002, 003

Lot 2 and the North 1/2 of Lot 3 in the Subdivision of Lot 28 in the Subdivision of the South 105 acres of the Southeast 1/4 of Section 21, Township 41 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

8158 Lincoln Avenue

Index Number (PIN) 10-21-409-001

Lot 1 in the Subdivision of Lot 28 in the Subdivision of the South 105 acres of the Southeast 1/4 of Section 21, Township 41 North, Range 13, East of the Third Principal, in Cook County, Illinois.

(735 ILCS 5/7-103.117 new)

Sec. 7-103.117. Quick-take; City of Oak Forest. Quick-take proceedings under Section 7-103 may be used for a period of 12 months after the effective date of this amendatory Act of the 93rd General Assembly by the City of Oak Forest for the acquisition of property for the purpose of constructing a new middle school as follows:

Lots 1 and 2 in Arthur T. McIntosh and Company's Tinley Woods Unit No. 2, being subdivision in the West 1/2 of the Southwest 1/4 of

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Section 28 and the East 1/2 of Section 29, all in Township 36 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois.

P.I.N.s:

28-28-300-011-0000

28-28-300-015-0000

28-28-300-032-0000

28-28-300-037-0000, all parcels in Cook County.

(735 ILCS 5/7-103.118 new)

Sec. 7-103.118. Quick-take; Village of Machesney Park. Quick-take proceedings under Section 7-103 may be used for a period of 12 months after the effective date of this amendatory Act of the 93rd General Assembly by the Village of Machesney Park for the acquisition of property for the purpose of redevelopment for Route 251 and Route 173 as follows:

STARTING AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4, SECTION 20, T45N, R2E OF THE 3RD PM, THENCE WESTERLY ALONG THE NORTH LINE OF SAID SECTION 20 TO THE POINT OF INTERSECTION OF THE NORTH LINE OF SAID SECTION 20 AND THE WESTERLY RIGHT-OF-WAY LINE OF NORTH SECOND STREET (IL 251); SAID INTERSECTION BEING THE POINT OF BEGINNING; THENCE NORTHERLY ALONG SAID WEST RIGHT-OF-WAY LINE OF NORTH SECOND STREET (IL 251) TO THE NORTH RIGHT-OF-WAY LINE OF (OLD) RALSTON ROAD; THENCE WESTERLY ALONG THE NORTH RIGHT-OF-WAY LINE OF (OLD) RALSTON ROAD TO A POINT OF INTERSECTION OF SAID NORTH RIGHT-OF-WAY LINE AND THE WEST RIGHT-OF-WAY LINE OF SMYTHE AVENUE EXTENDED; THENCE SOUTHERLY ALONG THE WEST RIGHT-OF-WAY LINE OF SMYTHE AVENUE TO A POINT OF INTERSECTION OF SAID WEST RIGHT-OF-WAY LINE AND THE NORTH RIGHT-OF-WAY LINE OF RALSTON ROAD; THENCE SOUTHEASTERLY ALONG THE NORTH RIGHT-OF-WAY LINE OF RALSTON ROAD TO A POINT OF INTERSECTION OF SAID NORTH RIGHT-OF-WAY LINE AND THE WEST RIGHT-OF-WAY LINE OF NORTH SECOND STREET (IL 251); THENCE NORTHEASTERLY ALONG THE WEST RIGHT-OF-WAY LINE OF NORTH SECOND STREET (IL 251) TO THE POINT OF BEGINNING; CONTAINING 20.65 ACRES MORE OR LESS, SITUATED IN HARLEM TOWNSHIP, COUNTY OF WINNEBAGO, STATE OF ILLINOIS.

ALSO;

STARTING AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4, SECTION 20, T45N, R2E OF THE 3RD PM, THENCE WESTERLY ALONG THE NORTH LINE OF SAID SECTION 20 TO THE WEST RIGHT-OF-WAY LINE OF NORTH SECOND STREET (IL 251); THENCE NORTHERLY ALONG SAID WEST RIGHT-OF-WAY LINE TO THE NORTH RIGHT-OF-WAY LINE OF (OLD) RALSTON ROAD; THENCE WESTERLY ALONG THE NORTH RIGHT-OF-WAY LINE OF (OLD) RALSTON ROAD TO A POINT OF INTERSECTION OF SAID NORTH RIGHT-OF-WAY LINE AND THE WEST RIGHT-OF-WAY LINE OF SMYTHE AVENUE EXTENDED; THENCE SOUTHERLY ALONG THE WEST RIGHT-OF-WAY LINE OF SMYTHE AVENUE TO A POINT OF INTERSECTION OF SAID WEST RIGHT-OF-WAY LINE, AS EXTENDED, AND THE SOUTH RIGHT-OF-WAY LINE OF RALSTON ROAD, TO THE POINT OF BEGINNING; THENCE SOUTHERLY ALONG THE WEST RIGHT-OF-WAY LINE OF SMYTHE AVENUE TO THE NORTHEAST CORNER OF LOT 6 IN FRICKE FARMS SUBDIVISION SITUATED IN THE NORTHEAST 1/4, SECTION 19, T45N, R2E OF THE 3RD PM; THENCE WESTERLY ALONG THE NORTH LINE OF SAID LOT 6 TO THE NORTHWEST CORNER OF SAID LOT 6; THENCE SOUTHERLY ALONG THE WEST LINE OF LOTS 6, 5 AND 4 IN SAID FRICKE FARMS SUBDIVISION TO THE SOUTHWEST CORNER OF SAID LOT 4; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID LOT 4 TO THE INTERSECTION OF THE SOUTHERLY LINE OF SAID LOT 4 AND THE WESTERLY RIGHT-OF-WAY LINE OF SMYTHE AVENUE, AS EXTENDED; THENCE SOUTH ALONG THE EASTERLY PROPERTY LINE OF LOTS 3 AND 2 OF SAID FRICKE FARMS SUBDIVISION TO THE POINT OF INTERSECTION OF THE EASTERLY PROPERTY LINE OF SAID LOT 2 AND THE

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WESTERLY RIGHT-OF-WAY LINE OF NORTH SECOND STREET (IL 251); THENCE NORTHEASTERLY ALONG THE WEST RIGHT-OF-WAY LINE OF NORTH SECOND STREET (IL 251) TO A POINT OF INTERSECTION OF SAID WEST RIGHT-OF-WAY LINE AND THE SOUTH RIGHT-OF-WAY LINE OF RALSTON ROAD; THENCE NORTHWESTERLY ALONG THE SOUTH RIGHT-OF-WAY LINE OF RALSTON ROAD TO THE POINT OF BEGINNING; CONTAINING 25.94 ACRES MORE OR LESS, SITUATED IN HARLEM TOWNSHIP, COUNTY OF WINNEBAGO, STATE OF ILLINOIS.

ALSO;

STARTING AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4, SECTION 20, T45N, R2E OF THE 3RD PM, THENCE SOUTHEASTERLY ALONG THE RIGHT-OF-WAY LINE OF ALPINE ROAD S 62 DEGREES 47' 37" E, 129.98 FEET, THENCE SOUTHERLY ALONG SAID RIGHT-OF-WAY LINE AS EXTENDED S 62 DEGREES 47' 37" E, 80.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF ALPINE ROAD; THENCE SOUTHERLY ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ALPINE ROAD TO A POINT OF INTERSECTION OF SAID EASTERLY RIGHT-OF-WAY LINE, AS EXTENDED, AND THE SOUTH RIGHT-OF-WAY LINE OF ILLINOIS HIGHWAY 173, AS EXTENDED; TO THE POINT OF BEGINNING; THENCE SOUTHERLY ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ALPINE ROAD TO A POINT OF INTERSECTION OF SAID EASTERLY RIGHT-OF-WAY LINE AND THE SOUTH LINE OF THE NORTHWEST 1/4 OF SECTION 20, T45N, R2E; THENCE WESTERLY ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF SECTION 20, T45N, R2E TO A POINT OF INTERSECTION OF SAID SOUTH 1/4 SECTION LINE AND THE WEST RIGHT-OF-WAY LINE OF ORLANDO STREET EXTENDED SOUTHERLY; THENCE NORTHERLY ALONG THE WEST RIGHT-OF-WAY LINE OF ORLANDO STREET TO A POINT OF INTERSECTION OF SAID WEST RIGHT-OF-WAY LINE AND THE SOUTH RIGHT-OF-WAY LINE OF ILLINOIS HIGHWAY 173; THENCE EASTERLY ALONG THE SOUTH RIGHT-OF-WAY LINE OF ILLINOIS HIGHWAY 173 TO THE POINT OF BEGINNING; CONTAINING 23.65 ACRES MORE OR LESS, SITUATED IN HARLEM TOWNSHIP, COUNTY OF WINNEGAGO, STATE OF ILLINOIS.

(735 ILCS 5/7-103.119 new)

Sec. 7-103.119. Quick-take; City of Morris. Quick-take proceedings under Section 7-103 may be used for a period of 12 months after the effective date of this amendatory Act of the 93rd General Assembly by the City of Morris for the acquisition of property for the purpose of runway expansion as follows:

That part of the Northwest Quarter of Section 22, Township 34 North, Range 7 East of the 3rd Principal Meridian described as follows:

Commencing at the Northwest Corner of Northwest Quarter of said Section 22; thence North 89° 14'55" East along the North Line of the Northwest Quarter of said Section 22 for a distance of 289.40 feet for a Place of Beginning; thence continuing North 89° 14'55" East along said North Line for a distance of 1700.15 feet; thence South 00° 00'38" West for a distance of 1442.26 feet; thence North 89° 59'22" West for a distance 1700.00 feet; thence North 00° 00'38" East for a distance of 1419.66 feet to the Point of Beginning, containing 55.846 acres, more or less, in Grundy County, Illinois.

(735 ILCS 5/7-103.120 new)

Sec. 7-103.120. Quick-take; City of Oakbrook Terrace. Quick-take proceedings under Section 7-103 may be used for a period of 12 months after the effective date of this amendatory Act of the 93rd General Assembly by the City of Oak Brook Terrace for the acquisition of property for the purpose of water main construction as follows:

Beginning at a point on the east line of the southeast ¼ of Section 21-39-11, located a distance of 520 feet north of the point of intersection of the east line of the southeast ¼ of Section 21 with

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the present northerly right of way line of Butterfield Road; Thence westerly along a line which forms an angle of 90 degrees 00 minutes 00 seconds to the east line of the southeast ¼ of Section 21, a distance of 340 feet, to an angle point; Thence southwesterly from said angle point along a line which forms an angle of 137 degrees 49 minutes 39 seconds as measured clockwise from west to south, a distance of 297 feet, to a point located 30 feet southwest and perpendicular to the south edge of the existing private road; Thence northwesterly along a curved line located 30 feet south of and parallel to the south edge of the existing private road, through an internal angle of 101 degrees 2 minutes 40 seconds, measured counterclockwise from the northeast to the northwest, a distance of 441.7 feet, to a point located 30 feet southeast and perpendicular to the south edge of the existing private road; Thence, northwesterly along a straight line perpendicular to the existing private road, a distance of 30 feet to a point on the south edge of the existing private road; Thence northeasterly and southeasterly along the curved south edge of the existing private road, a distance of 461.5 feet, to a point on the south edge of the existing private road; Thence northeasterly along a straight line and perpendicular to the south edge of the existing private road, a distance of 277 feet, to an angle point (iron pipe); Thence easterly along a straight line, from said angle point, which forms an angle of 137 degrees 49 minutes 39 seconds as measured counterclockwise from south to east, a distance of 350 feet to a point located on the east line of the southeast ¼ of Section 21-39-11 a distance of 30 feet to the point of beginning.

(735 ILCS 5/7-103.121 new)

Sec. 7-103.121. Quick-take; City of Mount Vernon. Quick-take proceedings under Section 7-103 may be used for a period of 12 months after the effective date of this amendatory Act of the 93rd General Assembly by the City of Mount Vernon for the acquisition of all property necessary for the purpose of extending or otherwise improving Veterans Memorial Drive to the west to intersect with the extension of Davidson Drive to the south in that city.

(735 ILCS 5/7-103.122 new)

Sec. 7-103.122. Quick-take; Ogle County. Quick-take proceedings under Section 7-103 may be used for a period of 12 months after the effective date of this amendatory Act of the 93rd General Assembly by Ogle County for the acquisition of property for the purpose of the construction of a railroad overpass as follows:

Tract 1:

A tract of land in the Northeast Quarter in Section 32, Township 40 North, Range 1 East of the Third Principal Meridian, situated in the Township of Flagg, the County of Ogle and the State of Illinois, and described as follows:

Beginning at the Southeast Corner of the Northeast Quarter of said Section 32; thence North 0 degrees 37 minutes 41 seconds West along the East Line of said Northeast Quarter, a distance of 222.63 feet to the Southeasterly Right-of-Way Line of the Union Pacific Railroad; thence South 61 degrees 42 minutes 37 seconds West along said Southeasterly Right-of-Way Line, a distance of 123.75 feet; thence South 0 degrees 37 minutes 58 seconds East parallel with the Centerline of a public road designated Thorpe Road, a distance of 78.13 feet; thence South 4 degrees 09 minutes 28 seconds East, a distance of 1252.37 feet to the Westerly Right-of-Way Line of said Thorpe Road; thence North 89 degrees 22 minutes 02 seconds East, a distance of 32.50 feet to the East Line of the Southeast Quarter of said Section 32; thence North 0 degrees 37 minutes 41 seconds West

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along said East Line, a distance of 1162.94 feet to the Point of Beginning.

Containing 2.308 acres, more or less.

Tract 2:

A tract of land in the Northeast Quarter in Section 32, Township 40 North, Range 1 East of the Third Principal Meridian, the Township of Flagg, the County of Ogle and the State of Illinois, bounded and described as follows:

Commencing at the Southeast Corner of the Northeast Quarter of said Section 32; thence North 0 degrees 37 minutes 41 seconds West along the East line of said Northeast Quarter, a distance of 420.21 feet to the intersection of said East Line and the Northwesterly Right-of-Way Line of the Union Pacific Railroad, said point being the Point of Beginning of the hereinafter described tract of land; thence continuing North 0 degrees 37 minutes 41 seconds West along said East Line, a distance of 1466.85 feet; thence South 89 degrees 22 minutes 02 seconds West, a distance of 32.74 feet to the existing Westerly Right-of-Way Line of a public road designated Thorpe Road; thence South 2 degrees 41 minutes 56 seconds West, a distance of 67.11 feet; thence South 42 degrees 09 minutes 09 seconds West, a distance of 34.04 feet to the beginning of a curve; thence Southwesterly along a line being curved to the left, having a radius of 183.00 feet a central angle of 90 degrees 00 minutes 00 seconds, a chord bearing of South 44 degrees 22 minutes 02 seconds West and an arc distance of 287.46 feet to the termination of said curve; thence South 0 degrees 37 minutes 58 seconds East parallel with the Centerline of said Thorpe Road, a distance of 949.35 feet to the beginning of a curve; thence Southwesterly a line being curved to the right, having a radius of 487.87 feet a central angle of 62 degrees 20 minutes 35 seconds, a chord bearing of South 30 degrees 32 minutes 20 seconds West and an arc distance of 330.95 feet to the Northwesterly Right-of-Way Line of a public road designated Titus Road; thence South 28 degrees 17 minutes 23 seconds East, a distance of 66.00 to the Northwesterly Right-of-Way Line of the Union Pacific Railroad; thence Northeasterly along a line being curved to the left, Having a radius of 602.66 feet, a central angle of 62 degrees 20 minutes 35 seconds, a chord bearing of North 30 degrees 32 minutes 20 seconds East and an arc distance of 602.66 to the termination of said curve; thence North 0 degrees 37 minutes 58 seconds, West parallel with the Centerline of said Thorpe Road, a distance of 949.35 feet to the beginning of a curve; thence Northeasterly along a line being curved to the right, having a radius of 117.00 feet, a central angle of 90 degrees; 00 minutes 00 seconds, a chord bearing of North 44 degrees 22 minutes 02 seconds East and an arc distance of 183.79 Feet to the termination of said curve; thence South 33 degrees 48 minutes 48 seconds East, a distance of 29.87 feet to the Westerly Right-of-Way Line of said Thorpe Road; thence South 2 degrees 41 minutes 56 seconds West, a distance of 1141.69 feet; thence South 0 degrees 37 minutes 58 seconds East parallel with the Centerline of said Thorpe Road, a distance of 201.54 feet to the Northwesterly Right-of-Way Line of the Union Pacific Railroad; thence North 61 degrees 42 minutes 17 seconds East along said Northwesterly Right-of-Way Line, a distance of 123.77 feet to the Point of Beginning.

Containing 5.292 acres, more or less.

Tract 3:

A tract of land in the Southwest Quarter in Section 33, Township 40 North, Range 1 East of the Third Principal Meridian, situated in

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the Township of Flagg, the County of Ogle and the State of Illinois, and described as follows:

Commencing at the Southwest Corner of the Northwest Quarter of said Section 33; thence North 0 degrees 37 minutes 41 seconds West along the West Line of said Northwest Quarter, a distance of 420.21 feet to the intersection of said West Line and the Northwesterly Right of Way Line of the Union Pacific Railroad, said point being the Point of Beginning of the hereinafter described tract of land; thence continuing North 0 degrees 33 minutes 41 seconds West along said West Line, a distance of 1466.85 feet; thence North 89 degrees 22 minutes 02 seconds East, a distance of 33.26 feet to the Easterly Right of Way Line of a public road designated Thorpe Road; thence South 3 degrees 57 minutes 51 seconds East a distance of 1325.00 feet thence South 0 degrees 37 minutes 58 seconds East parallel with the Centerline of said Thorpe Road, a distance of 86.25 feet to the Northwesterly Right of Way of the Union Pacific Railroad, thence South 61 degrees 42 minutes 37 seconds West along said Northwesterly Right of Way Line, a distance of 124.61 feet to the Point of Beginning.

Containing 2.472 acres, more or less.

Tract 4:

A tract of land in the Northwest Quarter in Section 33, Township 40 North, Range 1 East of the Third Principal Meridian, situated in the Township of Flagg, the County of Ogle and the State of Illinois, and described as follows:

Beginning at the Southwest Corner of the Northwest Quarter of said Section 33; thence North 0 degrees 37 minutes 41 seconds West along the West Line of said Northwest Quarter, a distance of 222.63 feet to the Southeasterly Right of Way Line of the Union Pacific Railroad; thence North 61 degrees 42 minutes 37 seconds East along said Southeasterly Right of Way Line, a distance of 124.63 feet; thence South 0 degrees 37 minutes 58 seconds East parallel with the Centerline, of a public road designated Thorpe Road, a distance of 193.42 feet; thence South 2 degrees 53 minutes 32 seconds West, a distance of 1252.37 feet to the Easterly Right-of-Way Line of said Thorpe Road; thence South 89 degrees 22 minutes 02 seconds West, a distance of 33.50 feet to the West Line of the Southwest Quarter of said Section 33; thence North 0 degrees 37 minutes 41 seconds West along said West Line, a distance of 1162.94 feet to the Point of Beginning.

Containing 2.482 acres, more or less.

Tract 5:

A part of the Southeast Quarter of Section 29, Township 40 North, Range 1 East of the Third Principal Meridian, Ogle County, State of Illinois, described as follows:

Beginning at the northeast corner of the Southeast Quarter of said Section 29; thence South 1 degree 14 minutes 19 seconds East, a distance of 397.83 feet (Bearings assumed for description purposes only) on the east line of said Southeast Quarter of Section 29; thence South 88 degrees 41 minutes 41 seconds West, a distance of 36.80 feet; thence North 1 degree 18 minutes 19 seconds West, a distance of 137.80 feet; thence north a distance of 345.45 feet on a tangential curve to the left, having a radius of 220.43 feet, a central angle of 89 degrees 47 minutes 35 seconds and the long chord of said curve bears North 46 degrees 12 minutes 06 seconds West, a distance of 311.17 feet

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to a point of tangency; thence South 88 degrees 54 minutes 05 seconds West, a distance of 94.42 feet; thence North 1 degree 05 minutes 55 seconds West, a distance of 38.83 feet, to the north line of the Southeast Quarter of said Section 29; thence North 88 degrees 37 minutes 28 seconds East, a distance of 351.17 feet on the north line of said Southeast Quarter of Section 29, to the Point of Beginning.

Containing 0.861 acres, more or less.

(735 ILCS 5/7-103.123 new)

Sec. 7-103.123. Quick-take; Sangamon County. Quick-take proceedings under Section 7-103 may be used for a period of 12 months from the effective date of this amendatory Act of the 93rd General Assembly by Sangamon County, for the purpose of road construction and maintenance, for the acquisition of property legally described as:

Parcel No. 3

A part of the East Half of the Southwest Quarter of Section 6, Township 15 North, Range 4 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows:

Commencing at the Northeast corner of the Southwest Quarter of said Section 6; thence South 0 degrees 44 minutes 49 seconds East along the east line of the Southwest Quarter of said Section 6, a distance of 326.11 feet to the point of beginning; thence continuing South 0 degrees 44 minutes 49 seconds East, 359.27 feet; thence North 86 degrees 59 minutes 03 seconds West, 35.08 feet; thence North 0 degrees 44 minutes 49 seconds West, 359.27 feet; thence South 86 degrees 59 minutes 03 seconds East, 35.08 feet to the point of beginning.

All of the above excludes that portion now in use as a public road, said tract to be conveyed containing 0.124 acres, more or less. Said tract being shown by the plat hereto attached and considered a part hereof.

Parcel No. 6

A part of the East Half of the Southwest Quarter of Section 6, Township 15 North, Range 4 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows:

Commencing at the Northeast corner of the Southwest Quarter of said Section 6; thence South 0 degrees 44 minutes 49 seconds East along the east line of the Southwest Quarter of said Section 6, a distance of 276.00 feet to the point of beginning; thence continuing South 0 degrees 44 minutes 49 seconds East, 50.11 feet; thence North 86 degrees 59 minutes 03 seconds West, 35.08 feet; thence North 0 degrees 44 minutes 49 seconds West, 50.11 feet; thence South 86 degrees 59 minutes 03 seconds East, 35.08 feet to the point of beginning.

All of the above excludes that portion now in use as a public road, said tract to be conveyed containing 0.017 acres, more or less. Said tract being shown by the plat hereto attached and considered a part hereof.

Parcel No. 9

A part of the East Half of the Southwest Quarter of Section 6, Township 15 North, Range 4 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows:

Beginning at the Northeast corner of the Southwest Quarter of said Section 6; thence South 0 degrees 44 minutes 49 seconds East along the east line of the Southwest Quarter of said Section 6, a distance of 276.00 feet; thence North 86 degrees 59 minutes 03 seconds West, 35.08 feet; thence North 0 degrees 44 minutes 49 seconds West, 224.01 feet; thence South 89 degrees 15 minutes 11 seconds West, 5.00 feet; thence North 0 degrees 44 minutes 49 seconds West, 49.07 feet to the north line of the Southwest Quarter of said Section 6; thence North 88 degrees 22 minutes 11 seconds East, 40.00 feet to the point of beginning.

All of the above excludes that portion now in use as a public road, said tract to be conveyed containing 0.100 acres, more or less. Said tract being shown by the plat hereto attached and considered a part hereof.

(735 ILCS 5/7-103.124 new)

Sec. 7-103.124. Quick-take; Village of Plainfield. Quick-take proceedings under Section 7-103 may be used for the period of 12 months after the effective date of this amendatory Act of the 93rd General Assembly by the Village of Plainfield for the acquisition of the following described property for the purposes of water, sewer, and roadway extensions:

That part of Outlot "A" in Indian Oaks Estates Unit Six, a subdivision of part of the Southeast Quarter of Section 17 in Township 36 North and Range 9 East of the Third Principal Meridian, in Will County, Illinois, according to the plat thereof recorded April 6, 1989 as Document Number R89-15582, described as follows:

Beginning at the southeasterly corner of Outlot A, thence South 45 degrees 31 minutes 50 seconds West along the south line of the aforesaid Outlot 147.49 feet to the southwesterly corner of the aforesaid Outlot; thence North 0 degrees 0 minutes 26 seconds East along the west line of the aforesaid Outlot 221.82 feet; thence on a northwesterly bearing 134.05 feet to a point on the east line of the aforesaid Outlot that is 201.53 feet north of the southeasterly corner; thence southerly along the east line of the aforesaid Outlot 201.53 feet to the point of beginning; containing 0.511 acres, more or less, all in Will County, Illinois.

Pin No: 03-17-408-023-0000

(735 ILCS 5/7-103.125 new)

Sec. 7-103.125. Quick-take; Village of Plainfield. Quick-take proceedings under Section 7-103 may be used for the period of 12 months after the effective date of this amendatory Act of the 93rd General Assembly by the Village of Plainfield for the acquisition of the following described property for the purposes of roadway extensions and traffic signal installation:

Beginning at a P.K. Nail marking the southwest corner of said Section 33; thence on an assumed bearing of North 00 degrees 30 minutes 36 seconds West 523.00 feet along the west line of the Southwest Quarter of said Section 33; thence North 89 degrees 29 minutes 19 seconds East 40.00 feet; thence South 00 degrees 30 minutes 36 seconds East 379.66 feet along a line 40.00 feet easterly of and parallel to the west line of the Southwest Quarter of said Section 33; thence South 26 degrees 12 minutes 37 seconds East 115.56 feet to a point on the northerly existing right of way line of 135th Street (Pilcher Road); thence South 00 degrees 00 minutes 24 seconds East 40.00 feet to a point on the south line of the Southwest Quarter of

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said Section 33; thence South 89 degrees 59 minutes 36 seconds West 89.76 feet along the south line of the Southwest Quarter of said Section 33 to the Point of Beginning.

Pin No: 01-33-300-008

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 BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Silverstein, **House Bill No. 1111**, 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 46; Nays 8.

The following voted in the affirmative:

Althoff	Haine	Martinez	Sieben
Burzynski	Halvorson	Meeks	Silverstein
Clayborne	Harmon	Munoz	Soden
Collins	Hendon	Peterson	Sullivan, D.
Cronin	Hunter	Radogno	Trotter
Crotty	Jacobs	Risinger	Viverito
Cullerton	Jones, J.	Ronen	Walsh
del Valle	Jones, W.	Roskam	Watson
DeLeo	Lightford	Rutherford	Welch
Dillard	Link	Sandoval	Mr. President
Garrett	Luechtefeld	Schoenberg	
Geo-Karis	Maloney	Shadid	

The following voted in the negative:

Bomke	Lauzen	Sullivan, J.
Demuzio	Rauschenberger	Wojcik
Forby	Richter	

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.

MESSAGE FROM THE SECRETARY OF STATE

OFFICE OF THE SECRETARY OF STATE
JESSE WHITE • Secretary of State

April 28, 2004

Honorable Members
Illinois State Senate
93rd General Assembly
Springfield, Illinois 62706

[May 25, 2004]

Dear Members:

I am nominating Robert Lucid for Appointment to the Executive Inspector General for the Office of the Secretary of State.

I respectfully ask concurrence in and confirmation of this appointment by your Honorable Body:

COMMISSIONER OF THE EXECUTIVE INSPECTOR GENERAL FOR THE OFFICE OF THE SECRETARY OF STATE

To be Commissioner of the Executive Inspector General for the Office of the Secretary of State for a term ending December 31, 2007.

Robert Lucid
(Salaried)

If you have any questions please contact Dale Swinford, Director of Legislative Affairs.

Sincerely,
s/Jesse White
Secretary of State

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

POSTING NOTICE WAIVED

Senator Hendon moved to waive the six day posting requirement on the Secretary of State's Message dated April 28, 2004, so that the appointment may be heard in the Committee on Executive Appointments that is scheduled to meet May 26, 2004.

The motion prevailed.

MOTIONS IN WRITING

Senator Watson submitted the following motion in writing:

Pursuant to Senate Rule 7-9; I move that the Senate Executive Committee be discharged from further consideration of Floor Amendments #1, 2 and 3 to **House Bill 4847** and that Floor Amendments # 1, 2 and 3 to **House Bill 4847** be approved for consideration.

s/Frank Watson _____

s/David Luechtefeld _____

s/Kirk Dillard _____

Senator Watson submitted the following motion in writing:

Pursuant to Senate Rule 7-9; I move that the Senate Executive Committee be discharged from further consideration of Floor Amendment 4 to **House Bill 4847** and that Floor Amendment 4 to **House Bill 4847** be approved for consideration.

s/Frank Watson _____

s/David Luechtefeld _____

s/Kirk Dillard _____

[May 25, 2004]

The foregoing motions in writing were filed with the Secretary and placed on the Senate Calendar.

JOINT ACTION MOTIONS FILED

The following Joint Action Motions to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Rules:

Motion to Concur in House Amendment 1 to Senate Bill 2244
Motion to Concur in House Amendments 1 and 2 to Senate Bill 2248

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION 572

Offered by Senators E. Jones, Collins, Clayborne, Hendon, Hunter, Lightford, Meeks, Obama, Trotter and all Senators:

Mourns the death of Vernon Jarrett of Chicago.

SENATE RESOLUTION 573

Offered by Senator Wojcik and all Senators:

Mourns the death of Staff Sergeant William D. Chaney of Schaumburg.

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

At the hour of 12:30 o'clock p.m., the Chair announced that the Senate stand adjourned until Wednesday, May 26, 2004, at 12:00 o'clock noon.