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NINETY-THIRD GENERAL ASSEMBLY

53RD LEGISLATIVE DAY

TUESDAY, MAY 27, 2003

12:15 O'CLOCK P.M.

SENATE
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53rd Legislative Day

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The Senate met pursuant to adjournment.
Senator Patrick Welch, Peru, Illinois, presiding.
Prayer by Baker Siddiquee, Masjid Islamic Society of Greater Springfield, Springfield, Illinois.
Senator Link led the Senate in the Pledge of Allegiance.

Senator Woolard moved that reading and approval of the Journals of Thursday, May 22, 2003 and Friday, May 23, 2003 be postponed pending arrival of the printed Journals.
The motion prevailed.

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 Floor Amendment No. 2 to House Bill 276
Senate Floor Amendment No. 2 to House Bill 569
Senate Floor Amendment No. 2 to House Bill 940
Senate Floor Amendment No. 4 to House Bill 1482
Senate Floor Amendment No. 3 to House Bill 2550
Senate Floor Amendment No. 1 to Senate Bill 876

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 Amendments 1, 3 and 4 to Senate Bill 372
Motion to Concur in House Amendment 1 to Senate Bill 472

PRESENTATION OF RESOLUTION

SENATE RESOLUTION 174

Offered by Senator Link and all Senators:
Mourns the death of Frank Chess, Jr. of Waukegan.

SENATE RESOLUTION 175

Offered by Senator Geo-Karis and all Senators:
Mourns the death of Anna E. Barnstable, M.D., of Lindenhurst.

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

MESSAGE FROM THE HOUSE

A message from the House by
Mr. Rossi, 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. 472

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. 472

Passed the House, as amended, May 23, 2003.

ANTHONY D. ROSSI, Clerk of the House

[May 27, 2003]

AMENDMENT NO. 1 TO SENATE BILL 472

AMENDMENT NO. 1. Amend Senate Bill 472 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Capital Punishment Reform Study Committee Act.

Section 2. Capital Punishment Reform Study Committee.

(a) There is created the Capital Punishment Reform Study Committee, hereinafter referred to as the Committee, consisting of 15 members appointed as follows:

- (1) Three members appointed by the President of the Senate;
- (2) Two members appointed by the Minority Leader of the Senate;
- (3) Three members appointed by the Speaker of the House of Representatives;
- (4) Two members appointed by the Minority Leader of the House of Representatives;
- (5) One member appointed by the Attorney General;
- (6) One member appointed by the Governor;
- (7) One member appointed by the Cook County State's Attorney;
- (8) One member appointed by the Office of the Cook County Public Defender;
- (9) One member appointed by the Office of the State Appellate Defender; and
- (10) One member appointed by the office of the State's Attorneys Appellate Prosecutor.

(b) The Committee shall study the impact of the various reforms to the capital punishment system enacted by the 93rd General Assembly and annually report to the General Assembly on the effects of these reforms. Each report shall include:

(1) The impact of the reforms on the issue of uniformity and proportionality in the application of the death penalty including, but not limited to, the tracking of data related to whether the reforms have eliminated the statistically significant differences in sentencing related to the geographic location of the homicide and the race of the victim found by the Governor's Commission on Capital Punishment in its report issued on April 15, 2002.

(2) The implementation of training for police, prosecutors, defense attorneys, and judges as recommended by the Governor's Commission on Capital Punishment.

(3) The impact of the various reforms on the quality of evidence used during capital prosecutions.

(4) The quality of representation provided by defense counsel to defendants in capital prosecutions.

(5) The impact of the various reforms on the costs associated with the administration of the Illinois capital punishment system.

(c) The Committee shall hold hearings on a periodic basis to receive testimony from the public regarding the manner in which reforms have impacted the capital punishment system.

(d) The Committee shall submit its final report to the General Assembly no later than 5 years after the effective date of this Act.

Section 5. The Illinois Criminal Justice Information Act is amended by adding Section 7.2 as follows:

(20 ILCS 3930/7.2 new)

Sec. 7.2. Custodial Interview Pilot Program.

(a) Legislative findings and intent. The General Assembly finds that technology has made it possible to electronically record custodial interviews of suspects during first degree murder investigations. This technology will protect law enforcement agencies against claims of abuse and coercion by suspects while providing a memorialized account of interviews at police stations. The technology will also provide a better means for courts to review confessions of suspects with direct evidence of demeanor, tone, manner, and content of statements. The General Assembly intends to create a Custodial Interview Pilot Program to establish 4 pilot programs at police stations in the State of Illinois. For each program, video and audio experts shall install equipment and train participating law enforcement agencies to electronically record custodial interviews at their respective police stations. Participating law enforcement agencies shall choose how to use the equipment in cooperation with the local State's Attorney's office. The participating law enforcement agencies may choose to electronically record interviews of suspects for offenses other than first degree murder if they adopt local protocols in cooperation with the local State's Attorney's office.

(b) Definitions. In this Section:

(1) "Electronically record" means to memorialize by video and audio electronic equipment.

(2) "Custodial interviews" means interviews of suspects during first degree murder investigations or other investigations established by local protocol by law enforcement authorities that take place at the police station.

(c) Custodial Interview Pilot Program. The Authority shall, subject to appropriation, establish a Custodial Interview Pilot Program to operate 4 custodial interview pilot programs. The programs shall be established in a police station in the County of Cook and in 3 other police stations geographically distributed throughout the State. Each participating law enforcement agency must:

(1) Promulgate procedures for recording custodial interviews of suspects during first degree murder investigations by video and audio means.

(2) Promulgate procedures for maintaining and storing video and audio recordings.

(d) Each of the 4 pilot programs established by the Authority shall be in existence for a minimum of 2 years after its establishment under this Act.

(e) Report. No later than one year after the establishment of pilot programs under this Section, the Authority must report to the General Assembly on the efficacy of the Custodial Interview Pilot Program.

(f) The Authority shall adopt rules in cooperation with the Illinois Department of State Police to implement this Section.

Section 6. The Illinois Police Training Act is amended by changing Section 6.1 as follows:

(50 ILCS 705/6.1)

Sec. 6.1. Decertification of full-time and part-time police officers. (a) The Board must review police officer conduct and records to ensure that no police officer is certified or provided a valid waiver if that police officer has been convicted of a felony offense under the laws of this State or any other state which if committed in this State would be punishable as a felony. The Board must also ensure that no police officer is certified or provided a valid waiver if that police officer has been convicted on or after the effective date of this amendatory Act of 1999 of any misdemeanor specified in this Section or if committed in any other state would be an offense similar to Section 11-6, 11-9.1, 11-14, 11-17, 11-19, 12-2, 12-15, 16-1, 17-1, 17-2, 28-3, 29-1, 31-1, 31-6, 31-7, 32-4a, or 32-7 of the Criminal Code of 1961 or to Section 5 or 5.2 of the Cannabis Control Act. The Board must appoint investigators to enforce the duties conferred upon the Board by this Act.

(b) It is the responsibility of the sheriff or the chief executive officer of every local law enforcement agency or department within this State to report to the Board any arrest or conviction of any officer for an offense identified in this Section.

(c) It is the duty and responsibility of every full-time and part-time police officer in this State to report to the Board within 30 days, and the officer's sheriff or chief executive officer, of his or her arrest or conviction for an offense identified in this Section. Any full-time or part-time police officer who knowingly makes, submits, causes to be submitted, or files a false or untruthful report to the Board must have his or her certificate or waiver immediately decertified or revoked.

(d) Any person, or a local or State agency, or the Board is immune from liability for submitting, disclosing, or releasing information of arrests or convictions in this Section as long as the information is submitted, disclosed, or released in good faith and without malice. The Board has qualified immunity for the release of the information.

(e) Any full-time or part-time police officer with a certificate or waiver issued by the Board who is convicted of any offense described in this Section immediately becomes decertified or no longer has a valid waiver. The decertification and invalidity of waivers occurs as a matter of law. Failure of a convicted person to report to the Board his or her conviction as described in this Section or any continued law enforcement practice after receiving a conviction is a Class 4 felony.

(f) The Board's investigators are peace officers and have all the powers possessed by policemen in cities and by sheriff's, provided that the investigators may exercise those powers anywhere in the State, only after contact and cooperation with the appropriate local law enforcement authorities.

(g) The Board must request and receive information and assistance from any federal, state, or local governmental agency as part of the authorized criminal background investigation. The Department of State Police must process, retain, and additionally provide and disseminate information to the Board concerning criminal charges, arrests, convictions, and their disposition, that have been filed before, on, or after the effective date of this amendatory Act of the 91st General Assembly against a basic academy applicant, law enforcement applicant, or law enforcement officer whose fingerprint identification cards are on file or maintained by the Department of State Police. The Federal Bureau of Investigation must provide the Board any criminal history record information contained in its files pertaining to law enforcement officers or any applicant to a Board certified basic law enforcement academy as described in this Act based on fingerprint identification. The Board must make payment of fees to the Department of State Police for each fingerprint card submission in conformance with the requirements of paragraph 22 of Section 55a of the Civil Administrative Code of Illinois.

(h) A police officer who has been certified or granted a valid waiver may also be decertified or have his or her waiver revoked upon a determination by the Board that he or she, while under oath, has

knowingly and willfully made false statements as to a material fact during a homicide proceeding. A determination may be made only after an investigation and hearing upon a verified complaint filed with the Illinois Law Enforcement Training Standards Board. No action may be taken by the Board regarding a complaint unless a majority of the members of the Board are present at the meeting at which the action is taken.

(1) The Board shall adopt rules governing the investigation and hearing of a verified complaint to assure the police officer due process and to eliminate conflicts of interest within the Board itself.

(2) Upon receipt of the initial verified complaint, the Board must make a finding within 30 days of receipt of the complaint as to whether sufficient evidence exists to support the complaint. The Board is empowered to investigate and dismiss the complaint if it finds, by a vote of a majority of the members present, that there is insufficient evidence to support it. Upon the initial filing, the sheriff or police chief, or other employing agency, of the accused officer may suspend, with or without pay, the accused officer pending a decision of the Board. Upon a Board finding of insufficient evidence, the police officer shall be reinstated with back pay, benefits, and seniority status as appropriate. The sheriff or police chief, or employing agency, shall take such necessary action as is ordered by the Board.

(3) If the Board finds, by a vote of a majority of the members present, that sufficient evidence exists to support the complaint, it shall authorize a hearing before an administrative law judge within 45 days of the Board's finding, unless, based upon the complexity and extent of the allegations and charges, additional time is needed. In no event may a hearing before an administrative law judge take place later than 60 days after the Board's finding.

(i) The Board shall have the power and authority to appoint administrative law judges on a contractual basis. The Administrative law judges must be attorneys licensed to practice law in the State of Illinois. The Board shall also adopt rules governing the appointment of administrative law judges and the conduct of hearings consistent with the requirements of this Section. The administrative law judge shall hear all evidence and prepare a written recommendation of his or her findings to the Board. At the hearing the accused police officer shall be afforded the opportunity to:

(1) Be represented by counsel;

(2) Be heard in his or her own defense;

(3) Produce evidence in his or her defense;

(4) Request that the Board compel the attendance of witnesses and production of court records and documents.

(j) Once a case has been set for hearing, the person who filed the verified complaint shall have the opportunity to produce evidence to support any charge against a police officer that he or she, while under oath, has knowingly and willfully made false statements as to a material fact during a homicide proceeding.

(1) The person who filed the verified complaint shall have the opportunity to be represented by counsel and shall produce evidence to support his or her charges;

(2) The person who filed the verified complaint may request the Board to compel the attendance of witnesses and production of court records and documents.

(k) The Board shall have the power to issue subpoenas requiring the attendance and testimony of witnesses and the production of court records and documents and shall have the power to administer oaths.

(l) The administrative law judge shall have the responsibility of receiving into evidence relevant testimony and documents, including court records, to support or disprove the allegations made by the person filing the verified complaint, and, at the close of the case, hear arguments. If the administrative law judge finds that there is not clear and convincing evidence to support the verified complaint that the police officer has, while under oath, knowingly and willfully made false statements as to a material fact during a homicide proceeding, the administrative law judge shall make a written recommendation of dismissal to the Board. If the administrative law judge finds that there is clear and convincing evidence to support the verified complaint that the police officer has, while under oath, knowingly and willfully made false statements as to a material fact during a homicide proceeding, the administrative law judge shall make a written recommendation of decertification to the Board.

(m) Any person, with the exception of the police officer who is the subject of the hearing, who is served by the Board with a subpoena to appear, testify or produce evidence and refuses to comply with the subpoena is guilty of a Class B misdemeanor. Any circuit court or judge, upon application by the Board, may compel compliance with a subpoena issued by the Board.

(n) Within 15 days of receiving the recommendation, the Board shall consider the recommendation of the administrative law judge and the record of the hearing at a Board meeting. If, by a two-thirds vote

of the members present at the Board meeting, the Board finds that there is clear and convincing evidence that the police officer has, while under oath, knowingly and willfully made false statements as to a material fact during a homicide proceeding, the Board shall order that the police officer be decertified as a full-time or part-time police officer. If less than two-thirds of the members present vote to decertify the police officer, the Board shall dismiss the complaint.

(o) The provisions of the Administrative Review Law shall govern all proceedings for the judicial review of any order rendered by the Board. The moving party shall pay the reasonable costs of preparing and certifying the record for review. If the moving party is the police officer and he or she prevails, the court may award the police officer actual costs incurred in all proceedings, including reasonable attorney fees. If the court awards the police officer the actual costs incurred in a proceeding, including reasonable attorney fees, the costs and attorney fees shall be paid, subject to appropriation, from the Illinois Law Enforcement Training Standards Board Costs and Attorney Fees Fund, a special fund that is created in the State Treasury. The Fund shall consist of moneys appropriated or transferred into the Fund for the purpose of making payments of costs and attorney fees in accordance with this subsection (o). The Illinois Law Enforcement Training Standards Board shall administer the Fund and adopt rules for the administration of the Fund and for the submission and disposition of claims for costs and attorney fees in accordance with this subsection (o).

(p) If the police officer is decertified under subsection (h), the Board shall notify the defendant who was a party to the proceeding that resulted in the police officer's decertification and his or her attorney of the Board's decision. Notification shall be by certified mail, return receipt requested, sent to the party's last known address and to the party's attorney if any.

(q) Limitation of action.

(1) No complaint may be filed pursuant to this Section until after a verdict or other disposition is rendered in the underlying case or the underlying case is dismissed in the trial court.

(2) A complaint pursuant to this Section may not be filed more than 2 years after the final resolution of the case. For purposes of this Section, final resolution is defined as the trial court's ruling on the State post-conviction proceeding in the case in which it is alleged the police officer, while under oath, knowingly and willfully made false statements as to a material fact during a homicide proceeding. In the event a post-conviction petition is not filed, an action pursuant to this Section may not be commenced more than 2 years after the denial of a petition for certiorari to the United States Supreme Court, or if no petition for certiorari is filed, 2 years after the date such a petition should have been filed. In the event of an acquittal, no proceeding may be commenced pursuant to this Section more than 6 years after the date upon which judgment on the verdict of acquittal was entered.

(r) Interested parties. Only interested parties to the criminal prosecution in which the police officer allegedly, while under oath, knowingly and willfully made false statements as to a material fact during a homicide proceeding may file a verified complaint pursuant to this Section. For purposes of this Section, "interested parties" include the defendant and any police officer who has personal knowledge that the police officer who is the subject of the complaint has, while under oath, knowingly and willfully made false statements as to a material fact during a homicide proceeding. (Source: P.A. 91-495, eff. 1-1-00.)

Section 10. The Criminal Code of 1961 is amended by changing Sections 9-1 and 14-3 as follows:

(720 ILCS 5/9-1) (from Ch. 38, par. 9-1)

Sec. 9-1. First degree Murder - Death penalties - Exceptions - Separate Hearings - Proof - Findings - Appellate procedures - Reversals.

(a) A person who kills an individual without lawful justification commits first degree murder if, in performing the acts which cause the death:

(1) he either intends to kill or do great bodily harm to that individual or another, or knows that such acts will cause death to that individual or another; or

(2) he knows that such acts create a strong probability of death or great bodily harm to that individual or another; or

(3) he is attempting or committing a forcible felony other than second degree murder.

(b) Aggravating Factors. A defendant who at the time of the commission of the offense has attained the age of 18 or more and who has been found guilty of first degree murder may be sentenced to death if:

(1) the murdered individual was a peace officer or fireman killed in the course of performing his official duties, to prevent the performance of his official duties, or in retaliation for performing his official duties, and the defendant knew or should have known that the murdered individual was a peace officer or fireman; or

(2) the murdered individual was an employee of an institution or facility of the Department of Corrections, or any similar local correctional agency, killed in the course of performing his official

duties, to prevent the performance of his official duties, or in retaliation for performing his official duties, or the murdered individual was an inmate at such institution or facility and was killed on the grounds thereof, or the murdered individual was otherwise present in such institution or facility with the knowledge and approval of the chief administrative officer thereof; or

(3) the defendant has been convicted of murdering two or more individuals under subsection (a) of this Section or under any law of the United States or of any state which is substantially similar to subsection (a) of this Section regardless of whether the deaths occurred as the result of the same act or of several related or unrelated acts so long as the deaths were the result of either an intent to kill more than one person or of separate acts which the defendant knew would cause death or create a strong probability of death or great bodily harm to the murdered individual or another; or

(4) the murdered individual was killed as a result of the hijacking of an airplane, train, ship, bus or other public conveyance; or

(5) the defendant committed the murder pursuant to a contract, agreement or understanding by which he was to receive money or anything of value in return for committing the murder or procured another to commit the murder for money or anything of value; or

(6) the murdered individual was killed in the course of another felony if:

(a) the murdered individual:

(i) was actually killed by the defendant, or

(ii) received physical injuries personally inflicted by the defendant substantially contemporaneously with physical injuries caused by one or more persons for whose conduct the defendant is legally accountable under Section 5-2 of this Code, and the physical injuries inflicted by either the defendant or the other person or persons for whose conduct he is legally accountable caused the death of the murdered individual; and

(b) in performing the acts which caused the death of the murdered individual or which resulted in physical injuries personally inflicted by the defendant on the murdered individual under the circumstances of subdivision (ii) of subparagraph (a) of paragraph (6) of subsection (b) of this Section, the defendant acted with the intent to kill the murdered individual or with the knowledge that his acts created a strong probability of death or great bodily harm to the murdered individual or another; and

(c) the other felony was an inherently violent crime ~~one of the following: armed robbery, armed violence, robbery, predatory criminal sexual assault of a child, aggravated criminal sexual assault, aggravated kidnapping, aggravated vehicular hijacking, forcible detention, arson, aggravated arson, aggravated stalking, burglary, residential burglary, home invasion, calculated criminal drug conspiracy as defined in Section 405 of the Illinois Controlled Substances Act, streetgang criminal drug conspiracy as defined in Section 405.2 of the Illinois Controlled Substances Act, or the attempt to commit an inherently violent crime. In this subparagraph (c), "inherently violent crime" includes, but is not limited to, armed robbery, robbery, predatory criminal sexual assault of a child, aggravated criminal sexual assault, aggravated kidnapping, aggravated vehicular hijacking, aggravated arson, aggravated stalking, residential burglary, and home invasion~~ any of the felonies listed in this subsection (c); or

(7) the murdered individual was under 12 years of age and the death resulted from exceptionally brutal or heinous behavior indicative of wanton cruelty; or

(8) the defendant committed the murder with intent to prevent the murdered individual from testifying or participating in any criminal investigation or prosecution or giving material assistance to the State in any investigation or prosecution, either against the defendant or another; or the defendant committed the murder because the murdered individual was a witness in any prosecution or gave material assistance to the State in any investigation or prosecution, either against the defendant or another; for purposes of this paragraph (8), "participating in any criminal investigation or prosecution" is intended to include those appearing in the proceedings in any capacity such as trial judges, prosecutors, defense attorneys, investigators, witnesses, or jurors; or

(9) the defendant, while committing an offense punishable under Sections 401, 401.1, 401.2, 405, 405.2, 407 or 407.1 or subsection (b) of Section 404 of the Illinois Controlled Substances Act, or while engaged in a conspiracy or solicitation to commit such offense, intentionally killed an individual or counseled, commanded, induced, procured or caused the intentional killing of the murdered individual; or

(10) the defendant was incarcerated in an institution or facility of the Department of Corrections at the time of the murder, and while committing an offense punishable as a felony under Illinois law, or while engaged in a conspiracy or solicitation to commit such offense, intentionally killed an individual or counseled, commanded, induced, procured or caused the intentional killing of the

murdered individual; or

(11) the murder was committed in a cold, calculated and premeditated manner pursuant to a preconceived plan, scheme or design to take a human life by unlawful means, and the conduct of the defendant created a reasonable expectation that the death of a human being would result therefrom; or

(12) the murdered individual was an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel, employed by a municipality or other governmental unit, killed in the course of performing his official duties, to prevent the performance of his official duties, or in retaliation for performing his official duties, and the defendant knew or should have known that the murdered individual was an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel; or

(13) the defendant was a principal administrator, organizer, or leader of a calculated criminal drug conspiracy consisting of a hierarchical position of authority superior to that of all other members of the conspiracy, and the defendant counseled, commanded, induced, procured, or caused the intentional killing of the murdered person; or

(14) the murder was intentional and involved the infliction of torture. For the purpose of this Section torture means the infliction of or subjection to extreme physical pain, motivated by an intent to increase or prolong the pain, suffering or agony of the victim; or

(15) the murder was committed as a result of the intentional discharge of a firearm by the defendant from a motor vehicle and the victim was not present within the motor vehicle; or

(16) the murdered individual was 60 years of age or older and the death resulted from exceptionally brutal or heinous behavior indicative of wanton cruelty; or

(17) the murdered individual was a disabled person and the defendant knew or should have known that the murdered individual was disabled. For purposes of this paragraph (17), "disabled person" means a person who suffers from a permanent physical or mental impairment resulting from disease, an injury, a functional disorder, or a congenital condition that renders the person incapable of adequately providing for his or her own health or personal care; or

(18) the murder was committed by reason of any person's activity as a community policing volunteer or to prevent any person from engaging in activity as a community policing volunteer; or

(19) the murdered individual was subject to an order of protection and the murder was committed by a person against whom the same order of protection was issued under the Illinois Domestic Violence Act of 1986; or

(20) the murdered individual was known by the defendant to be a teacher or other person employed in any school and the teacher or other employee is upon the grounds of a school or grounds adjacent to a school, or is in any part of a building used for school purposes; or

(21) the murder was committed by the defendant in connection with or as a result of the offense of terrorism as defined in Section 29D-30 of this Code.

(c) Consideration of factors in Aggravation and Mitigation.

The court shall consider, or shall instruct the jury to consider any aggravating and any mitigating factors which are relevant to the imposition of the death penalty. Aggravating factors may include but need not be limited to those factors set forth in subsection (b). Mitigating factors may include but need not be limited to the following:

(1) the defendant has no significant history of prior criminal activity;

(2) the murder was committed while the defendant was under the influence of extreme mental or emotional disturbance, although not such as to constitute a defense to prosecution;

(3) the murdered individual was a participant in the defendant's homicidal conduct or consented to the homicidal act;

(4) the defendant acted under the compulsion of threat or menace of the imminent infliction of death or great bodily harm;

(5) the defendant was not personally present during commission of the act or acts causing death;

(6) the defendant's background includes a history of extreme emotional or physical abuse;

(7) the defendant suffers from a reduced mental capacity.

(d) Separate sentencing hearing.

Where requested by the State, the court shall conduct a separate sentencing proceeding to determine the existence of factors set forth in subsection (b) and to consider any aggravating or mitigating factors as indicated in subsection (c). The proceeding shall be conducted:

(1) before the jury that determined the defendant's guilt; or

(2) before a jury impanelled for the purpose of the proceeding if:

- A. the defendant was convicted upon a plea of guilty; or
 - B. the defendant was convicted after a trial before the court sitting without a jury; or
 - C. the court for good cause shown discharges the jury that determined the defendant's guilt; or
- (3) before the court alone if the defendant waives a jury for the separate proceeding.

(e) Evidence and Argument.

During the proceeding any information relevant to any of the factors set forth in subsection (b) may be presented by either the State or the defendant under the rules governing the admission of evidence at criminal trials. Any information relevant to any additional aggravating factors or any mitigating factors indicated in subsection (c) may be presented by the State or defendant regardless of its admissibility under the rules governing the admission of evidence at criminal trials. The State and the defendant shall be given fair opportunity to rebut any information received at the hearing.

(f) Proof.

The burden of proof of establishing the existence of any of the factors set forth in subsection (b) is on the State and shall not be satisfied unless established beyond a reasonable doubt.

(g) Procedure - Jury.

If at the separate sentencing proceeding the jury finds that none of the factors set forth in subsection (b) exists, the court shall sentence the defendant to a term of imprisonment under Chapter V of the Unified Code of Corrections. If there is a unanimous finding by the jury that one or more of the factors set forth in subsection (b) exist, the jury shall consider aggravating and mitigating factors as instructed by the court and shall determine whether the sentence of death shall be imposed. If the jury determines unanimously, after weighing the factors in aggravation and mitigation, that death is the appropriate sentence that there are no mitigating factors sufficient to preclude the imposition of the death sentence, the court shall sentence the defendant to death. If the court does not concur with the jury determination that death is the appropriate sentence, the court shall set forth reasons in writing including what facts or circumstances the court relied upon, along with any relevant documents, that compelled the court to non-concur with the sentence. This document and any attachments shall be part of the record for appellate review. The court shall be bound by the jury's sentencing determination.

If after weighing the factors in aggravation and mitigation, one or more jurors determines that death is not the appropriate sentence, Unless the jury unanimously finds that there are no mitigating factors sufficient to preclude the imposition of the death sentence the court shall sentence the defendant to a term of imprisonment under Chapter V of the Unified Code of Corrections.

(h) Procedure - No Jury.

In a proceeding before the court alone, if the court finds that none of the factors found in subsection (b) exists, the court shall sentence the defendant to a term of imprisonment under Chapter V of the Unified Code of Corrections.

If the Court determines that one or more of the factors set forth in subsection (b) exists, the Court shall consider any aggravating and mitigating factors as indicated in subsection (c). If the Court determines, after weighing the factors in aggravation and mitigation, that death is the appropriate sentence that there are no mitigating factors sufficient to preclude the imposition of the death sentence, the Court shall sentence the defendant to death.

If Unless the court finds that there are no mitigating factors sufficient to preclude the imposition of the sentence of death is not the appropriate sentence, the court shall sentence the defendant to a term of imprisonment under Chapter V of the Unified Code of Corrections.

(h-5) Decertification as a capital case.

In a case in which the defendant has been found guilty of first degree murder by a judge or jury, or a case on remand for resentencing, and the State seeks the death penalty as an appropriate sentence, on the court's own motion or the written motion of the defendant, the court may decertify the case as a death penalty case if the court finds that the only evidence supporting the defendant's conviction is the uncorroborated testimony of an informant witness, as defined in Section 115-21 of the Code of Criminal Procedure of 1963, concerning the confession or admission of the defendant or that the sole evidence against the defendant is a single eyewitness or single accomplice without any other corroborating evidence. If the court decertifies the case as a capital case under either of the grounds set forth above, the court shall issue a written finding. The State may pursue its right to appeal the decertification pursuant to Supreme Court Rule 604(a)(1). If the court does not decertify the case as a capital case, the matter shall proceed to the eligibility phase of the sentencing hearing.

(i) Appellate Procedure.

The conviction and sentence of death shall be subject to automatic review by the Supreme Court. Such review shall be in accordance with rules promulgated by the Supreme Court. The Illinois Supreme Court may overturn the death sentence, and order the imposition of imprisonment under Chapter V of

the Unified Code of Corrections if the court finds that the death sentence is fundamentally unjust as applied to the particular case. If the Illinois Supreme Court finds that the death sentence is fundamentally unjust as applied to the particular case, independent of any procedural grounds for relief, the Illinois Supreme Court shall issue a written opinion explaining this finding.

(j) Disposition of reversed death sentence.

In the event that the death penalty in this Act is held to be unconstitutional by the Supreme Court of the United States or of the State of Illinois, any person convicted of first degree murder shall be sentenced by the court to a term of imprisonment under Chapter V of the Unified Code of Corrections.

In the event that any death sentence pursuant to the sentencing provisions of this Section is declared unconstitutional by the Supreme Court of the United States or of the State of Illinois, the court having jurisdiction over a person previously sentenced to death shall cause the defendant to be brought before the court, and the court shall sentence the defendant to a term of imprisonment under Chapter V of the Unified Code of Corrections.

(k) Guidelines for seeking the death penalty.

The Attorney General and State's Attorneys Association shall consult on voluntary guidelines for procedures governing whether or not to seek the death penalty. The guidelines do not have the force of law and are only advisory in nature. (Source: P.A. 91-357, eff. 7-29-99; 91-434, eff. 1-1-00; 92-854, eff. 12-5-02.)

(720 ILCS 5/14-3) (from Ch. 38, par. 14-3)

Sec. 14-3. Exemptions. The following activities shall be exempt from the provisions of this Article:

(a) Listening to radio, wireless and television communications of any sort where the same are publicly made;

(b) Hearing conversation when heard by employees of any common carrier by wire incidental to the normal course of their employment in the operation, maintenance or repair of the equipment of such common carrier by wire so long as no information obtained thereby is used or divulged by the hearer;

(c) Any broadcast by radio, television or otherwise whether it be a broadcast or recorded for the purpose of later broadcasts of any function where the public is in attendance and the conversations are overheard incidental to the main purpose for which such broadcasts are then being made;

(d) Recording or listening with the aid of any device to any emergency communication made in the normal course of operations by any federal, state or local law enforcement agency or institutions dealing in emergency services, including, but not limited to, hospitals, clinics, ambulance services, fire fighting agencies, any public utility, emergency repair facility, civilian defense establishment or military installation;

(e) Recording the proceedings of any meeting required to be open by the Open Meetings Act, as amended;

(f) Recording or listening with the aid of any device to incoming telephone calls of phone lines publicly listed or advertised as consumer "hotlines" by manufacturers or retailers of food and drug products. Such recordings must be destroyed, erased or turned over to local law enforcement authorities within 24 hours from the time of such recording and shall not be otherwise disseminated. Failure on the part of the individual or business operating any such recording or listening device to comply with the requirements of this subsection shall eliminate any civil or criminal immunity conferred upon that individual or business by the operation of this Section;

(g) With prior notification to the State's Attorney of the county in which it is to occur, recording or listening with the aid of any device to any conversation where a law enforcement officer, or any person acting at the direction of law enforcement, is a party to the conversation and has consented to it being intercepted or recorded under circumstances where the use of the device is necessary for the protection of the law enforcement officer or any person acting at the direction of law enforcement, in the course of an investigation of a forcible felony, a felony violation of the Illinois Controlled Substances Act, a felony violation of the Cannabis Control Act, or any "streetgang related" or "gang-related" felony as those terms are defined in the Illinois Streetgang Terrorism Omnibus Prevention Act. Any recording or evidence derived as the result of this exemption shall be inadmissible in any proceeding, criminal, civil or administrative, except (i) where a party to the conversation suffers great bodily injury or is killed during such conversation, or (ii) when used as direct impeachment of a witness concerning matters contained in the interception or recording. The Director of the Department of State Police shall issue regulations as are necessary concerning the use of devices, retention of tape recordings, and reports regarding their use;

(g-5) With approval of the State's Attorney of the county in which it is to occur, recording or listening with the aid of any device to any conversation where a law enforcement officer, or any person acting at the direction of law enforcement, is a party to the conversation and has consented to it being

intercepted or recorded in the course of an investigation of any offense defined in Article 29D of this Code. In all such cases, an application for an order approving the previous or continuing use of an eavesdropping device must be made within 48 hours of the commencement of such use. In the absence of such an order, or upon its denial, any continuing use shall immediately terminate. The Director of State Police shall issue rules as are necessary concerning the use of devices, retention of tape recordings, and reports regarding their use.

Any recording or evidence obtained or derived in the course of an investigation of any offense defined in Article 29D of this Code shall, upon motion of the State's Attorney or Attorney General prosecuting any violation of Article 29D, be reviewed in camera with notice to all parties present by the court presiding over the criminal case, and, if ruled by the court to be relevant and otherwise admissible, it shall be admissible at the trial of the criminal case.

This subsection (g-5) is inoperative on and after January 1, 2005. No conversations recorded or monitored pursuant to this subsection (g-5) shall be inadmissible in a court of law by virtue of the repeal of this subsection (g-5) on January 1, 2005.

(h) Recordings made simultaneously with a video recording of an oral conversation between a peace officer, who has identified his or her office, and a person stopped for an investigation of an offense under the Illinois Vehicle Code;

(i) Recording of a conversation made by or at the request of a person, not a law enforcement officer or agent of a law enforcement officer, who is a party to the conversation, under reasonable suspicion that another party to the conversation is committing, is about to commit, or has committed a criminal offense against the person or a member of his or her immediate household, and there is reason to believe that evidence of the criminal offense may be obtained by the recording; and

(j) The use of a telephone monitoring device by either (1) a corporation or other business entity engaged in marketing or opinion research or (2) a corporation or other business entity engaged in telephone solicitation, as defined in this subsection, to record or listen to oral telephone solicitation conversations or marketing or opinion research conversations by an employee of the corporation or other business entity when:

(i) the monitoring is used for the purpose of service quality control of marketing or opinion research or telephone solicitation, the education or training of employees or contractors engaged in marketing or opinion research or telephone solicitation, or internal research related to marketing or opinion research or telephone solicitation; and

(ii) the monitoring is used with the consent of at least one person who is an active party to the marketing or opinion research conversation or telephone solicitation conversation being monitored.

No communication or conversation or any part, portion, or aspect of the communication or conversation made, acquired, or obtained, directly or indirectly, under this exemption (j), may be, directly or indirectly, furnished to any law enforcement officer, agency, or official for any purpose or used in any inquiry or investigation, or used, directly or indirectly, in any administrative, judicial, or other proceeding, or divulged to any third party.

When recording or listening authorized by this subsection (j) on telephone lines used for marketing or opinion research or telephone solicitation purposes results in recording or listening to a conversation that does not relate to marketing or opinion research or telephone solicitation; the person recording or listening shall, immediately upon determining that the conversation does not relate to marketing or opinion research or telephone solicitation, terminate the recording or listening and destroy any such recording as soon as is practicable.

Business entities that use a telephone monitoring or telephone recording system pursuant to this exemption (j) shall provide current and prospective employees with notice that the monitoring or recordings may occur during the course of their employment. The notice shall include prominent signage notification within the workplace.

Business entities that use a telephone monitoring or telephone recording system pursuant to this exemption (j) shall provide their employees or agents with access to personal-only telephone lines which may be pay telephones, that are not subject to telephone monitoring or telephone recording.

For the purposes of this subsection (j), "telephone solicitation" means a communication through the use of a telephone by live operators:

- (i) soliciting the sale of goods or services;
- (ii) receiving orders for the sale of goods or services;
- (iii) assisting in the use of goods or services; or
- (iv) engaging in the solicitation, administration, or collection of bank or retail credit accounts.

For the purposes of this subsection (j), "marketing or opinion research" means a marketing or opinion research interview conducted by a live telephone interviewer engaged by a corporation or other business

entity whose principal business is the design, conduct, and analysis of polls and surveys measuring the opinions, attitudes, and responses of respondents toward products and services, or social or political issues, or both; and

(k) Recording the interview or statement of any person when the person knows that the interview is being conducted by a law enforcement officer or prosecutor and the interview takes place at a police station that is currently participating in the Custodial Interview Pilot Program established under the Illinois Criminal Justice Information Act. (Source: P.A. 91-357, eff. 7-29-99; 92-854, eff. 12-5-02.)

Section 15. The Code of Criminal Procedure of 1963 is amended by changing Sections 114-13, 116-3, 122-1, and 122-2.1 and adding Article 107A and Sections 114-15, 115-21, 115-22, 116-5, and 122-2.2 as follows:

(725 ILCS 5/107A Art. heading new) ARTICLE 107A. LINEUP AND PHOTO SPREAD PROCEDURE

(725 ILCS 5/107A-5 new)

Sec. 107A-5. Lineup and photo spread procedure.

(a) All lineups shall be photographed or otherwise recorded. These photographs shall be disclosed to the accused and his or her defense counsel during discovery proceedings as provided in Illinois Supreme Court Rules. All photographs of suspects shown to an eyewitness during the photo spread shall be disclosed to the accused and his or her defense counsel during discovery proceedings as provided in Illinois Supreme Court Rules.

(b) Each eyewitness who views a lineup or photo spread shall sign a form containing the following information:

(1) The suspect might not be in the lineup or photo spread and the eyewitness is not obligated to make an identification.

(2) The eyewitness should not assume that the person administering the lineup or photo spread knows which person is the suspect in the case.

(c) Suspects in a lineup or photo spread should not appear to be substantially different from "fillers" or "distracters" in the lineup or photo spread, based on the eyewitness' previous description of the perpetrator, or based on other factors that would draw attention to the suspect.

(725 ILCS 5/107A-10 new)

Sec. 107A-10. Pilot study on sequential lineup procedures.

(a) Legislative intent. Because the goal of a police investigation is to apprehend the person or persons responsible for committing a crime, it is useful to conduct a pilot study in the field on the effectiveness of the sequential method for lineup procedures.

(b) Establishment of pilot jurisdictions. The Department of State Police shall select 3 police departments to participate in a one-year pilot study on the effectiveness of the sequential lineup method for photo and live lineup procedures. One such pilot jurisdiction shall be a police district within a police department in a municipality whose population is at least 500,000 residents; one such pilot jurisdiction shall be a police department in a municipality whose population is at least 100,000 but less than 500,000; and one such pilot jurisdiction shall be a police department in a municipality whose population is less than 100,000. All such pilot jurisdictions shall be selected no later than January 1, 2004.

(c) Sequential lineup procedures in pilot jurisdictions. For any offense alleged to have been committed in a pilot jurisdiction on or after January 1, 2004, selected lineup identification procedure shall be presented in the sequential method in which a witness is shown lineup participants one at a time, using the following procedures:

(1) The witness shall be requested to state whether the individual shown is the perpetrator of the crime prior to viewing the next lineup participant. Only one member of the lineup shall be a suspect and the remainder shall be "fillers" who are not suspects but fit the general description of the offender without the suspect unduly standing out;

(2) The lineup administrator shall be someone who is not aware of which member of the lineup is the suspect in the case; and

(3) Prior to presenting the lineup using the sequential method the lineup administrator shall:

(A) Inform the witness that the perpetrator may or may not be among those shown, and the witness should not feel compelled to make an identification;

(B) Inform the witness that he or she will view individuals one at a time and will be requested to state whether the individual shown is the perpetrator of the crime, prior to viewing the next lineup participant; and

(C) Ask the witness to state in his or her own words how sure he or she is that the person identified is the actual offender. During the statement, or as soon thereafter as reasonably possible, the witness's actual words shall be documented.

[May 27, 2003]

(d) Application. This Section applies to selected live lineups that are composed and presented at a police station and to selected photo lineups regardless of where presented; provided that this Section does not apply in police investigations in which a spontaneous identification is possible and no lineup procedure is being used. This Section does not affect the right to counsel afforded by the U.S. or Illinois Constitutions or State law at any stage of a criminal proceeding.

(e) Selection of lineups. The participating jurisdictions shall develop a protocol for the selection and administration of lineups which is practical, designed to elicit information for comparative evaluation purposes, and is consistent with objective scientific research methodology.

(f) Training and administrators. The Department of State Police shall offer training to police officers and any other appropriate personnel on the sequential method of conducting lineup procedures in the pilot jurisdictions and the requirements of this Section. The Department of State Police may seek funding for training and administration from the Illinois Criminal Justice Information Authority and the Illinois Law Enforcement Training Standards Board if necessary.

(g) Report on the pilot study. The Department of State Police shall gather information from each of the participating police departments selected as a pilot jurisdiction with respect to the effectiveness of the sequential method for lineup procedures and shall file a report of its findings with the Governor and the General Assembly no later than April 1, 2005.

(725 ILCS 5/114-13) (from Ch. 38, par. 114-13)

Sec. 114-13. Discovery in criminal cases. (a) Discovery procedures in criminal cases shall be in accordance with Supreme Court Rules.

(b) Any public investigative, law enforcement, or other public agency responsible for investigating any homicide offense or participating in an investigation of any homicide offense, other than defense investigators, shall provide to the authority prosecuting the offense all investigative material, including but not limited to reports, memoranda, and field notes, that have been generated by or have come into the possession of the investigating agency concerning the homicide offense being investigated. In addition, the investigating agency shall provide to the prosecuting authority any material or information, including but not limited to reports, memoranda, and field notes, within its possession or control that would tend to negate the guilt of the accused of the offense charged or reduce his or her punishment for the homicide offense. Every investigative and law enforcement agency in this State shall adopt policies to ensure compliance with these standards. Any investigative, law enforcement, or other public agency responsible for investigating any "non-homicide felony" offense or participating in an investigation of any "non-homicide felony" offense, other than defense investigators, shall provide to the authority prosecuting the offense all investigative material, including but not limited to reports and memoranda that have been generated by or have come into the possession of the investigating agency concerning the "non-homicide felony" offense being investigated. In addition, the investigating agency shall provide to the prosecuting authority any material or information, including but not limited to reports and memoranda, within its possession or control that would tend to negate the guilt of the accused of the "non-homicide felony" offense charged or reduce his or her punishment for the "non-homicide felony" offense. This obligation to furnish exculpatory evidence exists whether the information was recorded or documented in any form. Every investigative and law enforcement agency in this State shall adopt policies to ensure compliance with these standards. (Source: Laws 1963, p. 2836.)

(725 ILCS 5/114-15 new)

Sec. 114-15. Mental retardation.

(a) In a first degree murder case in which the State seeks the death penalty as an appropriate sentence, any party may raise the issue of the defendant's mental retardation by motion. A defendant wishing to raise the issue of his or her mental retardation shall provide written notice to the State and the court as soon as the defendant reasonably believes such issue will be raised.

(b) The issue of the defendant's mental retardation shall be determined in a pretrial hearing. The court shall be the fact finder on the issue of the defendant's mental retardation and shall determine the issue by a preponderance of evidence in which the moving party has the burden of proof. The court may appoint an expert in the field of mental retardation. The defendant and the State may offer experts from the field of mental retardation. The court shall determine admissibility of evidence and qualification as an expert.

(c) If after a plea of guilty to first degree murder, or a finding of guilty of first degree murder in a bench trial, or a verdict of guilty for first degree murder in a jury trial, or on a matter remanded from the Supreme Court for sentencing for first degree murder, and the State seeks the death penalty as an appropriate sentence, the defendant may raise the issue of defendant's mental retardation not at eligibility but at aggravation and mitigation. The defendant and the State may offer experts from the field of mental retardation. The court shall determine admissibility of evidence and qualification as an expert.

(d) In determining whether the defendant is mentally retarded, the mental retardation must have manifested itself by the age of 18. IQ tests and psychometric tests administered to the defendant must be the kind and type recognized by experts in the field of mental retardation. In order for the defendant to be considered mentally retarded, a low IQ must be accompanied by significant deficits in adaptive behavior in at least 2 of the following skill areas: communication, self-care, social or interpersonal skills, home living, self-direction, academics, health and safety, use of community resources, and work. An intelligence quotient (IQ) of 75 or below is presumptive evidence of mental retardation.

(e) Evidence of mental retardation that did not result in disqualifying the case as a capital case, may be introduced as evidence in mitigation during a capital sentencing hearing. A failure of the court to determine that the defendant is mentally retarded does not preclude the court during trial from allowing evidence relating to mental disability should the court deem it appropriate.

(f) If the court determines at a pretrial hearing or after remand that a capital defendant is mentally retarded, and the State does not appeal pursuant to Supreme Court Rule 604, the case shall no longer be considered a capital case and the procedural guidelines established for capital cases shall no longer be applicable to the defendant. In that case, the defendant shall be sentenced under the sentencing provisions of Chapter V of the Unified Code of Corrections.

(725 ILCS 5/115-21 new)

Sec. 115-21. Informant testimony.

(a) For the purposes of this Section, "informant" means someone who is purporting to testify about admissions made to him or her by the accused while incarcerated in a penal institution contemporaneously.

(b) This Section applies to any capital case in which the prosecution attempts to introduce evidence of incriminating statements made by the accused to or overheard by an informant.

(c) In any case under this Section, the prosecution shall timely disclose in discovery:

(1) the complete criminal history of the informant;

(2) any deal, promise, inducement, or benefit that the offering party has made or will make in the future to the informant;

(3) the statements made by the accused;

(4) the time and place of the statements, the time and place of their disclosure to law enforcement officials, and the names of all persons who were present when the statements were made;

(5) whether at any time the informant recanted that testimony or statement and, if so, the time and place of the recantation, the nature of the recantation, and the names of the persons who were present at the recantation;

(6) other cases in which the informant testified, provided that the existence of such testimony can be ascertained through reasonable inquiry and whether the informant received any promise, inducement, or benefit in exchange for or subsequent to that testimony or statement; and

(7) any other information relevant to the informant's credibility.

(d) In any case under this Section, the prosecution must timely disclose its intent to introduce the testimony of an informant. The court shall conduct a hearing to determine whether the testimony of the informant is reliable, unless the defendant waives such a hearing. If the prosecution fails to show by a preponderance of the evidence that the informant's testimony is reliable, the court shall not allow the testimony to be heard at trial. At this hearing, the court shall consider the factors enumerated in subsection (c) as well as any other factors relating to reliability.

(e) A hearing required under subsection (d) does not apply to statements covered under subsection (b) that are lawfully recorded.

(f) This Section applies to all death penalty prosecutions initiated on or after the effective date of this amendatory Act of the 93rd General Assembly.

(725 ILCS 5/115-22 new)

Sec. 115-22. Witness inducements. When the State intends to introduce the testimony of a witness in a capital case, the State shall, before trial, disclose to the defendant and to his or her defense counsel the following information, which shall be reduced to writing:

(1) whether the witness has received or been promised anything, including pay, immunity from prosecution, leniency in prosecution, or personal advantage, in exchange for testimony;

(2) any other case in which the witness testified or offered statements against an individual but was not called, and whether the statements were admitted in the case, and whether the witness received any deal, promise, inducement, or benefit in exchange for that testimony or statement; provided that the existence of such testimony can be ascertained through reasonable inquiry;

(3) whether the witness has ever changed his or her testimony;

(4) the criminal history of the witness; and

(5) any other evidence relevant to the credibility of the witness.

(725 ILCS 5/116-3)

Sec. 116-3. Motion for fingerprint or forensic testing not available at trial regarding actual innocence.

(a) A defendant may make a motion before the trial court that entered the judgment of conviction in his or her case for the performance of fingerprint or forensic DNA testing, including comparison analysis of genetic marker groupings of the evidence collected by criminal justice agencies pursuant to the alleged offense, to those of the defendant, to those of other forensic evidence, and to those maintained under subsection (f) of Section 5-4-3 of the Unified Code of Corrections, on evidence that was secured in relation to the trial which resulted in his or her conviction, but which was not subject to the testing which is now requested because the technology for the testing was not available at the time of trial. Reasonable notice of the motion shall be served upon the State.

(b) The defendant must present a prima facie case that:

(1) identity was the issue in the trial which resulted in his or her conviction; and

(2) the evidence to be tested has been subject to a chain of custody sufficient to establish that it has not been substituted, tampered with, replaced, or altered in any material aspect.

(c) The trial court shall allow the testing under reasonable conditions designed to protect the State's interests in the integrity of the evidence and the testing process upon a determination that:

(1) the result of the testing has the scientific potential to produce new, noncumulative evidence materially relevant to the defendant's assertion of actual innocence even though the results may not completely exonerate the defendant;

(2) the testing requested employs a scientific method generally accepted within the relevant scientific community.

(Source: P.A. 90-141, eff. 1-1-98.)

(725 ILCS 5/116-5 new)

Sec. 116-5. Motion for DNA database search (genetic marker groupings comparison analysis).

(a) Upon motion by a defendant charged with any offense where DNA evidence may be material to the defense investigation or relevant at trial, a court may order a DNA database search by the Department of State Police. Such analysis may include comparing:

(1) the genetic profile from forensic evidence that was secured in relation to the trial against the genetic profile of the defendant;

(2) the genetic profile of items of forensic evidence secured in relation to trial, or

(3) the genetic profiles referred to in subdivisions (1) and (2) against:

(i) genetic profiles of offenders maintained under subsection (f) of Section 5-4-3 of the Unified Code of Corrections, or

(ii) genetic profiles, including but not limited to, profiles from unsolved crimes maintained in state or local DNA databases by law enforcement agencies.

(b) If appropriate federal criteria are met, the court may order the Department of State Police to request the National DNA index system to search its database of genetic profiles.

(c) If requested by the defense, a defense representative shall be allowed to view any genetic marker grouping analysis conducted by the Department of State Police. The defense shall be provided with copies of all documentation, correspondence, including digital correspondence, notes, memoranda, and reports generated in relation to the analysis.

(d) Reasonable notice of the motion shall be served upon the State.

(725 ILCS 5/122-1) (from Ch. 38, par. 122-1)

Sec. 122-1. Petition in the trial court. (a) Any person imprisoned in the penitentiary may institute a proceeding under this Article if the person ~~who~~ asserts that:

(1) in the proceedings which resulted in his or her conviction there was a substantial denial of his or her rights under the Constitution of the United States or of the State of Illinois or both; or ~~may~~ institute a proceeding under this Article.

(2) the death penalty was imposed and there is newly discovered evidence not available to the person at the time of the proceeding that resulted in his or her conviction that establishes a substantial basis to believe that the defendant is actually innocent by clear and convincing evidence.

(a-5) A proceeding under paragraph (2) of subsection (a) may be commenced within a reasonable period of time after the person's conviction notwithstanding any other provisions of this Article. In such a proceeding regarding actual innocence, if the court determines the petition is frivolous or is patently without merit, it shall dismiss the petition in a written order, specifying the findings of fact and

conclusions of law it made in reaching its decision. Such order of dismissal is a final judgment and shall be served upon the petitioner by certified mail within 10 days of its entry.

(b) The proceeding shall be commenced by filing with the clerk of the court in which the conviction took place a petition (together with a copy thereof) verified by affidavit. Petitioner shall also serve another copy upon the State's Attorney by any of the methods provided in Rule 7 of the Supreme Court. The clerk shall docket the petition for consideration by the court pursuant to Section 122-2.1 upon his or her receipt thereof and bring the same promptly to the attention of the court.

(c) Except as otherwise provided in subsection (a-5), if the petitioner is under sentence of death, no proceedings under this Article shall be commenced more than 6 months after the denial of a petition for certiorari to the United States Supreme Court on direct appeal, or more than 6 months from the date for filing such a petition if none is filed, unless the petitioner alleges facts showing that the delay was not due to his or her culpable negligence.

When a defendant has a sentence other than death, no proceedings under this Article shall be commenced more than 6 months after the denial of the Petition for Leave to Appeal to the Illinois Supreme Court, or more than 6 months from the date for filing such a petition if none is filed, unless the petitioner alleges facts showing that the delay was not due to his or her culpable negligence.

This limitation does not apply to a petition advancing a claim of actual innocence, no proceedings under this Article shall be commenced more than 6 months after the denial of a petition for leave to appeal or the date for filing such a petition if none is filed or more than 45 days after the defendant files his or her brief in the appeal of the sentence before the Illinois Supreme Court (or more than 45 days after the deadline for the filing of the defendant's brief with the Illinois Supreme Court if no brief is filed) or 3 years from the date of conviction, whichever is sooner, unless the petitioner alleges facts showing that the delay was not due to his or her culpable negligence.

(d) A person seeking relief by filing a petition under this Section must specify in the petition or its heading that it is filed under this Section. A trial court that has received a petition complaining of a conviction or sentence that fails to specify in the petition or its heading that it is filed under this Section need not evaluate the petition to determine whether it could otherwise have stated some grounds for relief under this Article.

(e) A proceeding under this Article may not be commenced on behalf of a defendant who has been sentenced to death without the written consent of the defendant, unless the defendant, because of a mental or physical condition, is incapable of asserting his or her own claim. (Source: P.A. 89-284, eff. 1-1-96; 89-609, eff. 1-1-97; 89-684, eff. 6-1-97; 90-14, eff. 7-1-97.)

(725 ILCS 5/122-2.1) (from Ch. 38, par. 122-2.1)

Sec. 122-2.1. (a) Within 90 days after the filing and docketing of each petition, the court shall examine such petition and enter an order thereon pursuant to this Section.

(1) If the petitioner is under sentence of death and is without counsel and alleges that he is without means to procure counsel, he shall state whether or not he wishes counsel to be appointed to represent him. If appointment of counsel is so requested, the court shall appoint counsel if satisfied that the petitioner has no means to procure counsel.

(2) If the petitioner is sentenced to imprisonment and the court determines the petition is frivolous or is patently without merit, it shall dismiss the petition in a written order, specifying the findings of fact and conclusions of law it made in reaching its decision. Such order of dismissal is a final judgment and shall be served upon the petitioner by certified mail within 10 days of its entry.

(b) If the petition is not dismissed pursuant to this Section, the court shall order the petition to be docketed for further consideration in accordance with Sections 122-4 through 122-6. If the petitioner is under sentence of death, the court shall order the petition to be docketed for further consideration and hearing within one year of the filing of the petition. Continuances may be granted as the court deems appropriate.

(c) In considering a petition pursuant to this Section, the court may examine the court file of the proceeding in which the petitioner was convicted, any action taken by an appellate court in such proceeding and any transcripts of such proceeding. (Source: P.A. 86-655; 87-904.)

(725 ILCS 5/122-2.2 new)

Sec. 122-2.2. Mental retardation and post-conviction relief.

(a) In cases where no determination of mental retardation was made and a defendant has been convicted of first-degree murder, sentenced to death, and is in custody pending execution of the sentence of death, the following procedures shall apply:

(1) Notwithstanding any other provision of law or rule of court, a defendant may seek relief from the death sentence through a petition for post-conviction relief under this Article alleging that the defendant was mentally retarded as defined in Section 114-15 at the time the offense was alleged to

have been committed.

(2) The petition must be filed within 180 days of the effective date of this amendatory Act of the 93rd General Assembly or within 180 days of the issuance of the mandate by the Illinois Supreme Court setting the date of execution, whichever is later.

(3) All other provisions of this Article governing petitions for post-conviction relief shall apply to a petition for post-conviction relief alleging mental retardation.

Section 20. The Capital Crimes Litigation Act is amended by changing Sections 15 and 19 as follows: (725 ILCS 124/15) (Section scheduled to be repealed on July 1, 2004)

Sec. 15. Capital Litigation Trust Fund. (a) The Capital Litigation Trust Fund is created as a special fund in the State Treasury. The Trust Fund shall be administered by the State Treasurer to provide moneys for the appropriations to be made, grants to be awarded, and compensation and expenses to be paid under this Act. All interest earned from the investment or deposit of moneys accumulated in the Trust Fund shall, under Section 4.1 of the State Finance Act, be deposited into the Trust Fund.

(b) Moneys deposited into the Trust Fund shall not be considered general revenue of the State of Illinois.

(c) Moneys deposited into the Trust Fund shall be used exclusively for the purposes of providing funding for the prosecution and defense of capital cases as provided in this Act and shall not be appropriated, loaned, or in any manner transferred to the General Revenue Fund of the State of Illinois.

(d) Every fiscal year the State Treasurer shall transfer from the General Revenue Fund to the Capital Litigation Trust Fund an amount equal to the full amount of moneys appropriated by the General Assembly (both by original and supplemental appropriation), less any unexpended balance from the previous fiscal year, from the Capital Litigation Trust Fund for the specific purpose of making funding available for the prosecution and defense of capital cases. The Public Defender and State's Attorney in Cook County, the State Appellate Defender, the State's Attorneys Appellate Prosecutor, and the Attorney General shall make annual requests for appropriations from the Trust Fund.

(1) The Public Defender in Cook County shall request appropriations to the State Treasurer for expenses incurred by the Public Defender and for funding for private appointed defense counsel in Cook County.

(2) The State's Attorney in Cook County shall request an appropriation to the State Treasurer for expenses incurred by the State's Attorney.

(3) The State Appellate Defender shall request a direct appropriation from the Trust Fund for expenses incurred by the State Appellate Defender in providing assistance to trial attorneys under item (c)(5) of Section 10 of the State Appellate Defender Act and an appropriation to the State Treasurer for payments from the Trust Fund for the defense of cases in counties other than Cook County.

(4) The State's Attorneys Appellate Prosecutor shall request a direct appropriation from the Trust Fund to pay expenses incurred by the State's Attorneys Appellate Prosecutor and an appropriation to the State Treasurer for payments from the Trust Fund for expenses incurred by State's Attorneys in counties other than Cook County.

(5) The Attorney General shall request a direct appropriation from the Trust Fund to pay expenses incurred by the Attorney General in assisting the State's Attorneys in counties other than Cook County.

The Public Defender and State's Attorney in Cook County, the State Appellate Defender, the State's Attorneys Appellate Prosecutor, and the Attorney General may each request supplemental appropriations from the Trust Fund during the fiscal year.

(e) Moneys in the Trust Fund shall be expended only as follows:

(1) To pay the State Treasurer's costs to administer the Trust Fund. The amount for this purpose may not exceed 5% in any one fiscal year of the amount otherwise appropriated from the Trust Fund in the same fiscal year.

(2) To pay the capital litigation expenses of trial defense including, but not limited to, DNA testing, including DNA testing under Section 116-3 of the Code of Criminal Procedure of 1963, analysis, and expert testimony, investigatory and other assistance, expert, forensic, and other witnesses, and mitigation specialists, and grants and aid provided to public defenders or assistance to attorneys who have been appointed by the court to represent defendants who are charged with capital crimes.

(3) To pay the compensation of trial attorneys, other than public defenders, who have been appointed by the court to represent defendants who are charged with capital crimes.

(4) To provide State's Attorneys with funding for capital litigation expenses including, but not limited to, investigatory and other assistance and expert, forensic, and other witnesses necessary to

prosecute capital cases. State's Attorneys in any county other than Cook County seeking funding for capital litigation expenses including, but not limited to, investigatory and other assistance and expert, forensic, or other witnesses under this Section may request that the State's Attorneys Appellate Prosecutor or the Attorney General, as the case may be, certify the expenses as reasonable, necessary, and appropriate for payment from the Trust Fund, on a form created by the State Treasurer. Upon certification of the expenses and delivery of the certification to the State Treasurer, the Treasurer shall pay the expenses directly from the Capital Litigation Trust Fund if there are sufficient moneys in the Trust Fund to pay the expenses.

(5) To provide financial support through the Attorney General pursuant to the Attorney General Act for the several county State's Attorneys outside of Cook County, but shall not be used to increase personnel for the Attorney General's Office.

(6) To provide financial support through the State's Attorneys Appellate Prosecutor pursuant to the State's Attorneys Appellate Prosecutor's Act for the several county State's Attorneys outside of Cook County, but shall not be used to increase personnel for the State's Attorneys Appellate Prosecutor.

(7) To provide financial support to the State Appellate Defender pursuant to the State Appellate Defender Act.

Moneys expended from the Trust Fund shall be in addition to county funding for Public Defenders and State's Attorneys, and shall not be used to supplant or reduce ordinary and customary county funding.

(f) Moneys in the Trust Fund shall be appropriated to the State Appellate Defender, the State's Attorneys Appellate Prosecutor, the Attorney General, and the State Treasurer. The State Appellate Defender shall receive an appropriation from the Trust Fund to enable it to provide assistance to appointed defense counsel throughout the State and to Public Defenders in counties other than Cook. The State's Attorneys Appellate Prosecutor and the Attorney General shall receive appropriations from the Trust Fund to enable them to provide assistance to State's Attorneys in counties other than Cook County. Moneys shall be appropriated to the State Treasurer to enable the Treasurer (i) to make grants to Cook County, (ii) to pay the expenses of Public Defenders and State's Attorneys in counties other than Cook County, (iii) to pay the expenses and compensation of appointed defense counsel in counties other than Cook County, and (iv) to pay the costs of administering the Trust Fund. All expenditures and grants made from the Trust Fund shall be subject to audit by the Auditor General.

(g) For Cook County, grants from the Trust Fund shall be made and administered as follows:

(1) For each State fiscal year, the State's Attorney and Public Defender must each make a separate application to the State Treasurer for capital litigation grants.

(2) The State Treasurer shall establish rules and procedures for grant applications. The rules shall require the Cook County Treasurer as the grant recipient to report on a periodic basis to the State Treasurer how much of the grant has been expended, how much of the grant is remaining, and the purposes for which the grant has been used. The rules may also require the Cook County Treasurer to certify on a periodic basis that expenditures of the funds have been made for expenses that are reasonable, necessary, and appropriate for payment from the Trust Fund.

(3) The State Treasurer shall make the grants to the Cook County Treasurer as soon as possible after the beginning of the State fiscal year.

(4) The State's Attorney or Public Defender may apply for supplemental grants during the fiscal year.

(5) Grant moneys shall be paid to the Cook County Treasurer in block grants and held in separate accounts for the State's Attorney, the Public Defender, and court appointed defense counsel other than the Cook County Public Defender, respectively, for the designated fiscal year, and are not subject to county appropriation.

(6) Expenditure of grant moneys under this subsection (g) is subject to audit by the Auditor General.

(7) The Cook County Treasurer shall immediately make payment from the appropriate separate account in the county treasury for capital litigation expenses to the State's Attorney, Public Defender, or court appointed defense counsel other than the Public Defender, as the case may be, upon order of the State's Attorney, Public Defender or the court, respectively.

(h) If a defendant in a capital case in Cook County is represented by court appointed counsel other than the Cook County Public Defender, the appointed counsel shall petition the court for an order directing the Cook County Treasurer to pay the court appointed counsel's reasonable and necessary compensation and capital litigation expenses from grant moneys provided from the Trust Fund. These petitions shall be considered in camera. Orders denying petitions for compensation or expenses are final.

Counsel may not petition for expenses that may have been provided or compensated by the State Appellate Defender under item (c)(5) of Section 10 of the State Appellate Defender Act.

(i) In counties other than Cook County, and excluding capital litigation expenses or services that may have been provided by the State Appellate Defender under item (c)(5) of Section 10 of the State Appellate Defender Act:

(1) Upon certification by the circuit court, on a form created by the State Treasurer, that all or a portion of the expenses are reasonable, necessary, and appropriate for payment from the Trust Fund and the court's delivery of the certification to the Treasurer, the Treasurer shall pay the certified expenses of Public Defenders from the money appropriated to the Treasurer for capital litigation expenses of Public Defenders in any county other than Cook County, if there are sufficient moneys in the Trust Fund to pay the expenses.

(2) If a defendant in a capital case is represented by court appointed counsel other than the Public Defender, the appointed counsel shall petition the court to certify compensation and capital litigation expenses including, but not limited to, investigatory and other assistance, expert, forensic, and other witnesses, and mitigation specialists as reasonable, necessary, and appropriate for payment from the Trust Fund. Upon certification on a form created by the State Treasurer of all or a portion of the compensation and expenses certified as reasonable, necessary, and appropriate for payment from the Trust Fund and the court's delivery of the certification to the Treasurer, the State Treasurer shall pay the certified compensation and expenses from the money appropriated to the Treasurer for that purpose, if there are sufficient moneys in the Trust Fund to make those payments.

(3) A petition for capital litigation expenses under this subsection shall be considered in camera. Orders denying petitions for compensation or expenses are final.

(j) If the Trust Fund is discontinued or dissolved by an Act of the General Assembly or by operation of law, any balance remaining in the Trust Fund shall be returned to the General Revenue Fund after deduction of administrative costs, any other provision of this Act to the contrary notwithstanding. (Source: P.A. 91-589, eff. 1-1-00.)

(725 ILCS 124/19) (Section scheduled to be repealed on July 1, 2004)

Sec. 19. Report; repeal. (a) The Cook County Public Defender, the Cook County State's Attorney, the State Appellate Defender, the State's Attorneys Appellate Prosecutor, and the Attorney General shall each report separately to the General Assembly by January 1, 2004 detailing the amounts of money received by them through this Act, the uses for which those funds were expended, the balances then in the Capital Litigation Trust Fund or county accounts, as the case may be, dedicated to them for the use and support of Public Defenders, appointed trial defense counsel, and State's Attorneys, as the case may be. The report shall describe and discuss the need for continued funding through the Fund and contain any suggestions for changes to this Act.

(b) ~~(Blank). Unless the General Assembly provides otherwise, this Act is repealed on July 1, 2004.~~ (Source: P.A. 91-589, eff. 1-1-00.)

Section 25. The Unified Code of Corrections is amended by changing Section 5-4-3 as follows:

(730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

Sec. 5-4-3. Persons convicted of, or found delinquent for, certain offenses or institutionalized as sexually dangerous; specimens; genetic marker groups.

(a) Any person convicted of, found guilty under the Juvenile Court Act of 1987 for, or who received a disposition of court supervision for, a qualifying offense or attempt of a qualifying offense, convicted or found guilty of any offense classified as a felony under Illinois law, found guilty or given supervision for any offense classified as a felony under the Juvenile Court Act of 1987, or institutionalized as a sexually dangerous person under the Sexually Dangerous Persons Act, or committed as a sexually violent person under the Sexually Violent Persons Commitment Act shall, regardless of the sentence or disposition imposed, be required to submit specimens of blood, saliva, or tissue to the Illinois Department of State Police in accordance with the provisions of this Section, provided such person is:

(1) convicted of a qualifying offense or attempt of a qualifying offense on or after ~~July 1, 1990~~ ~~the effective date of this amendatory Act of 1989~~, and sentenced to a term of imprisonment, periodic imprisonment, fine, probation, conditional discharge or any other form of sentence, or given a disposition of court supervision for the offense; ~~or~~

(1.5) found guilty or given supervision under the Juvenile Court Act of 1987 for a qualifying offense or attempt of a qualifying offense on or after ~~January 1, 1997~~, ~~the effective date of this amendatory Act of 1996~~; ~~or~~

(2) ordered institutionalized as a sexually dangerous person on or after ~~July 1, 1990~~; ~~the effective date of this amendatory Act of 1989~~; ~~or~~

(3) convicted of a qualifying offense or attempt of a qualifying offense before ~~July 1, 1990~~ ~~the~~

~~effective date of this amendatory Act of 1989~~ and is presently confined as a result of such conviction in any State correctional facility or county jail or is presently serving a sentence of probation, conditional discharge or periodic imprisonment as a result of such conviction; ~~or~~

(3.5) convicted or found guilty of any offense classified as a felony under Illinois law or found guilty or given supervision for such an offense under the Juvenile Court Act of 1987 on or after August 22, 2002; ~~the effective date of this amendatory Act of the 92nd General Assembly; or~~

(4) presently institutionalized as a sexually dangerous person or presently institutionalized as a person found guilty but mentally ill of a sexual offense or attempt to commit a sexual offense; ~~or~~

(4.5) ordered committed as a sexually violent person on or after the effective date of the Sexually Violent Persons Commitment Act; or

(5) seeking transfer to or residency in Illinois under Sections 3-3-11.05 through 3-3-11.5 of the Unified Code of Corrections and the Interstate Compact for Adult Offender Supervision or the Interstate Agreements on Sexually Dangerous Persons Act.

Notwithstanding other provisions of this Section, any person incarcerated in a facility of the Illinois Department of Corrections on or after August 22, 2002 ~~the effective date of this amendatory Act of the 92nd General Assembly~~ shall be required to submit a specimen of blood, saliva, or tissue prior to his or her release on parole or mandatory supervised release, as a condition of his or her parole or mandatory supervised release.

(a-5) Any person who was otherwise convicted of or received a disposition of court supervision for any other offense under the Criminal Code of 1961 or who was found guilty or given supervision for such a violation under the Juvenile Court Act of 1987, may, regardless of the sentence imposed, be required by an order of the court to submit specimens of blood, saliva, or tissue to the Illinois Department of State Police in accordance with the provisions of this Section.

(b) Any person required by paragraphs (a)(1), (a)(1.5), (a)(2), (a)(3.5), and (a-5) to provide specimens of blood, saliva, or tissue shall provide specimens of blood, saliva, or tissue within 45 days after sentencing or disposition at a collection site designated by the Illinois Department of State Police.

(c) Any person required by paragraphs (a)(3), (a)(4), and (a)(4.5) to provide specimens of blood, saliva, or tissue shall be required to provide such samples prior to final discharge, parole, or release at a collection site designated by the Illinois Department of State Police.

(c-5) Any person required by paragraph (a)(5) to provide specimens of blood, saliva, or tissue shall, where feasible, be required to provide the specimens before being accepted for conditioned residency in Illinois under the interstate compact or agreement, but no later than 45 days after arrival in this State.

(c-6) The Illinois Department of State Police may determine which type of specimen or specimens, blood, saliva, or tissue, is acceptable for submission to the Division of Forensic Services for analysis.

(d) The Illinois Department of State Police shall provide all equipment and instructions necessary for the collection of blood samples. The collection of samples shall be performed in a medically approved manner. Only a physician authorized to practice medicine, a registered nurse or other qualified person trained in venipuncture may withdraw blood for the purposes of this Act. The samples shall thereafter be forwarded to the Illinois Department of State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings.

(d-1) The Illinois Department of State Police shall provide all equipment and instructions necessary for the collection of saliva samples. The collection of saliva samples shall be performed in a medically approved manner. Only a person trained in the instructions promulgated by the Illinois State Police on collecting saliva may collect saliva for the purposes of this Section. The samples shall thereafter be forwarded to the Illinois Department of State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings.

(d-2) The Illinois Department of State Police shall provide all equipment and instructions necessary for the collection of tissue samples. The collection of tissue samples shall be performed in a medically approved manner. Only a person trained in the instructions promulgated by the Illinois State Police on collecting tissue may collect tissue for the purposes of this Section. The samples shall thereafter be forwarded to the Illinois Department of State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings.

(d-5) To the extent that funds are available, the Illinois Department of State Police shall contract with qualified personnel and certified laboratories for the collection, analysis, and categorization of known samples.

(e) The genetic marker groupings shall be maintained by the Illinois Department of State Police, Division of Forensic Services.

(f) The genetic marker grouping analysis information obtained pursuant to this Act shall be confidential and shall be released only to peace officers of the United States, of other states or territories,

of the insular possessions of the United States, of foreign countries duly authorized to receive the same, to all peace officers of the State of Illinois and to all prosecutorial agencies, and to defense counsel as provided by Section 116-5 of the Code of Criminal Procedure of 1963. The genetic marker grouping analysis information obtained pursuant to this Act shall be used only for (i) valid law enforcement identification purposes and as required by the Federal Bureau of Investigation for participation in the National DNA database or (ii) technology validation purposes or (iii) assisting in the defense of the criminally accused pursuant to Section 116-5 of the Code of Criminal Procedure of 1963. Notwithstanding any other statutory provision to the contrary, all information obtained under this Section shall be maintained in a single State data base, which may be uploaded into a national database, and which information may be subject to expungement only as set forth in subsection (f-1).

(f-1) Upon receipt of notification of a reversal of a conviction based on actual innocence, or of the granting of a pardon pursuant to Section 12 of Article V of the Illinois Constitution, if that pardon document specifically states that the reason for the pardon is the actual innocence of an individual whose DNA record has been stored in the State or national DNA identification index in accordance with this Section by the Illinois Department of State Police, the DNA record shall be expunged from the DNA identification index, and the Department shall by rule prescribe procedures to ensure that the record and any samples, analyses, or other documents relating to such record, whether in the possession of the Department or any law enforcement or police agency, or any forensic DNA laboratory, including any duplicates or copies thereof, are destroyed and a letter is sent to the court verifying the expungement is completed.

(f-5) Any person who intentionally uses genetic marker grouping analysis information, or any other information derived from a DNA sample, beyond the authorized uses as provided under this Section, or any other Illinois law, is guilty of a Class 4 felony, and shall be subject to a fine of not less than \$5,000.

(g) For the purposes of this Section, "qualifying offense" means any of the following:

(1) any violation or inchoate violation of Section 11-6, 11-9.1, 11-11, 11-18.1, 12-15, or 12-16 of the Criminal Code of 1961; ~~or~~

(1.1) any violation or inchoate violation of Section 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3, 18-4, 19-1, or 19-2 of the Criminal Code of 1961 for which persons are convicted on or after July 1, 2001; ~~or~~

(2) any former statute of this State which defined a felony sexual offense; ~~or~~

(3) (blank); ~~or~~

(4) any inchoate violation of Section 9-3.1, 11-9.3, 12-7.3, or 12-7.4 of the Criminal Code of 1961; ~~or~~

(5) any violation or inchoate violation of Article 29D of the Criminal Code of 1961.

(g-5) (Blank).

(h) The Illinois Department of State Police shall be the State central repository for all genetic marker grouping analysis information obtained pursuant to this Act. The Illinois Department of State Police may promulgate rules for the form and manner of the collection of blood, saliva, or tissue samples and other procedures for the operation of this Act. The provisions of the Administrative Review Law shall apply to all actions taken under the rules so promulgated.

(i) A person required to provide a blood, saliva, or tissue specimen shall cooperate with the collection of the specimen and any deliberate act by that person intended to impede, delay or stop the collection of the blood, saliva, or tissue specimen is a Class A misdemeanor.

(j) Any person required by subsection (a) to submit specimens of blood, saliva, or tissue to the Illinois Department of State Police for analysis and categorization into genetic marker grouping, in addition to any other disposition, penalty, or fine imposed, shall pay an analysis fee of \$200. If the analysis fee is not paid at the time of sentencing, the court shall establish a fee schedule by which the entire amount of the analysis fee shall be paid in full, such schedule not to exceed 24 months from the time of conviction. The inability to pay this analysis fee shall not be the sole ground to incarcerate the person.

(k) All analysis and categorization fees provided for by subsection (j) shall be regulated as follows:

(1) The State Offender DNA Identification System Fund is hereby created as a special fund in the State Treasury.

(2) All fees shall be collected by the clerk of the court and forwarded to the State Offender DNA Identification System Fund for deposit. The clerk of the circuit court may retain the amount of \$10 from each collected analysis fee to offset administrative costs incurred in carrying out the clerk's responsibilities under this Section.

(3) Fees deposited into the State Offender DNA Identification System Fund shall be used by Illinois State Police crime laboratories as designated by the Director of State Police. These funds shall

be in addition to any allocations made pursuant to existing laws and shall be designated for the exclusive use of State crime laboratories. These uses may include, but are not limited to, the following:

(A) Costs incurred in providing analysis and genetic marker categorization as required by subsection (d).

(B) Costs incurred in maintaining genetic marker groupings as required by subsection (e).

(C) Costs incurred in the purchase and maintenance of equipment for use in performing analyses.

(D) Costs incurred in continuing research and development of new techniques for analysis and genetic marker categorization.

(E) Costs incurred in continuing education, training, and professional development of forensic scientists regularly employed by these laboratories.

(I) The failure of a person to provide a specimen, or of any person or agency to collect a specimen, within the 45 day period shall in no way alter the obligation of the person to submit such specimen, or the authority of the Illinois Department of State Police or persons designated by the Department to collect the specimen, or the authority of the Illinois Department of State Police to accept, analyze and maintain the specimen or to maintain or upload results of genetic marker grouping analysis information into a State or national database. (Source: P.A. 91-528, eff. 1-1-00; 92-16, eff. 6-28-01; 92-40, eff. 6-29-01; 92-571, eff. 6-26-02; 92-600, eff. 6-28-02; 92-829, eff. 8-22-02; 92-854, eff. 12-5-02; revised 1-20-03.)

Section 90. The State Finance Act is amended by adding Section 5.595 as follows:

(30 ILCS 105/5.595 new)

Sec. 5.595. The Illinois Law Enforcement Training Standards Board Costs and Attorney Fees Fund.

Section 95. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

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

Under the rules, the foregoing **Senate Bill No. 472**, with House Amendment No. 1 was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

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

HOUSE BILL 2730

A bill for AN ACT making appropriations.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 2730

Concurred in by the House, May 20, 2003.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

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

HOUSE BILL 2685

A bill for AN ACT making appropriations.

Which amendment is as follows:

Senate Amendment No. 2 to HOUSE BILL NO. 2685

Concurred in by the House, May 20, 2003.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

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

HOUSE BILL 2663

[May 27, 2003]

A bill for AN ACT making appropriations.
Which amendment is as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 2663

Concurred in by the House, May 23, 2003.

ANTHONY D. ROSSI, Clerk of the House

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

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

HOUSE BILL 2671

A bill for AN ACT making appropriations.
Which amendment is as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 2671

Concurred in by the House, May 23, 2003.

ANTHONY D. ROSSI, Clerk of the House

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

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

HOUSE BILL 2700

A bill for AN ACT making appropriations.
Which amendment is as follows:
Senate Amendment No. 2 to HOUSE BILL NO. 2700

Concurred in by the House, May 23, 2003.

ANTHONY D. ROSSI, Clerk of the House

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

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

HOUSE BILL 2716

A bill for AN ACT making appropriations.
Which amendment is as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 2716

Concurred in by the House, May 23, 2003.

ANTHONY D. ROSSI, Clerk of the House

HOUSE BILL RECALLED

On motion of Senator Garrett, **House Bill No. 495** was recalled from the order of third reading to the order of second reading.

Senator Garrett offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 495 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by adding Section 2-3.131 and changing Section 3-14.20 as follows:

(105 ILCS 5/2-3.131 new)

Sec. 2-3.131. Inspection and review of school facilities; task force.

(a) The State Board of Education shall adopt rules for the documentation of inspections and reviews of school facilities, including the responsible individual's signature. Such documents shall be kept on file by the regional superintendent of schools.

[May 27, 2003]

(b) The State Board of Education shall convene a task force for the purpose of reviewing the documents required under rules adopted under subsection (a) of this Section and making recommendations regarding training and accreditation of individuals, including regional superintendents of schools (and their designees) and municipal and county building and fire officials (and their designees), with respect to the inspection of school facilities.

The task force shall consist of all of the following members:

- (1) The Executive Director of the Capital Development Board or his or her designee.
- (2) The State Superintendent of Education or his or her designee.
- (3) A person appointed by the State Board of Education.
- (4) A person appointed by the Illinois Statewide School Management Alliance.
- (5) A person appointed by ED-RED.
- (6) A person appointed by the American Institute of Architects Illinois.
- (7) The Chairman of the Illinois Building Commission or his or her designee.
- (8) A person appointed by the Illinois Association of Regional Superintendents of Schools.
- (9) A person appointed by the Illinois Fire Inspectors Association.
- (10) A person appointed by the Illinois Council of Code Administrators.
- (11) A person appointed by the Illinois Plumbing Inspectors Association.
- (12) A person appointed by the Illinois Congress of Parents and Teachers.
- (13) A person appointed by the Illinois Municipal League.

The task force shall issue a report of its findings to the Governor and the General Assembly no later than June 30, 2004.

(105 ILCS 5/3-14.20) (from Ch. 122, par. 3-14.20)

Sec. 3-14.20. Building plans and specifications. To inspect the building plans and specifications, including but not limited to plans and specifications for the heating, ventilating, lighting, seating, water supply, toilets and safety against fire of public school rooms and buildings submitted to him by school boards, and to approve all those which comply substantially with the building code authorized in Section 2-3.12.

Within 10 days after the regional superintendent of schools receives the plans and specifications from a school board and prior to the bidding process, he or she shall notify, in writing, the municipal clerk and, if applicable, the fire chief for the fire protection district where the school that is being constructed or altered lies that plans and specifications have been received. In the case of an unincorporated area, the county clerk shall be notified. If the municipality, fire protection district, or county request a review of the plans and specifications, then the school board shall submit a copy of the plans and specifications. The municipality and, if applicable, the fire protection district or county may comment in writing on the plans and specifications based on the building code authorized in Section 2-3.12, referencing the specific code where a discrepancy has been identified, and respond back to the regional superintendent of schools within 15 days after a copy of the plans and specifications have been received or, if needed for plan review, such additional time as agreed to by the regional superintendent of schools. ~~The local fire department or fire protection district where the school is being constructed or altered may request a review of the plans and specifications. The regional superintendent of schools shall submit a copy of the plans and specifications within 10 business days after the request. The fire department or fire protection district may comment on the plans and specifications based on the building code authorized in Section 2-3.12 of the Code and, if any corrective action must be taken, shall respond to the regional superintendent of schools within 15 days after receipt of the plans and specifications. The Office of the State Fire Marshal may review the plans and specifications at the request of the fire department or fire protection district. The review must be conducted at no cost to the school district.~~

If such plans and specifications are not approved or denied approval by the regional superintendent of schools within 3 months after the date on which they are submitted to him or her, the school board may submit such plans and specifications directly to the State Superintendent of Education for approval or denial. (Source: P.A. 92-593, eff. 1-1-03.)

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

The motion prevailed.

And the amendment was adopted, and ordered printed.

Senator Garrett offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 495, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 2, as follows:

[May 27, 2003]

on page 1, line 10, by replacing "inspections and reviews" with "school plan reviews and inspections"; and

on page 1, by replacing lines 18 through 21 with the following:

"of individuals performing reviews or inspections required under Section 2-3.12, 3-14.20, 3-14.21, or 3-14.22 of this Code, including regional superintendents of schools and others performing reviews or inspections under the authority of a regional superintendent (such as consultants, municipalities, and fire protection districts)."

on page 3, line 6, before "Within", by inserting "If a municipality or, in the case of an unincorporated area, a county or, if applicable, a fire protection district wishes to be notified of plans and specifications received by a regional office of education for any future construction or alteration of a public school facility located within that entity's jurisdiction, then the entity must register this wish with the regional superintendent of schools."; and

on page 3, line 9, by replacing "municipal clerk" with "registered municipality"; and

on page 3, line 10, by replacing "fire chief for the" with "registered"; and

on page 3, line 13, by replacing "county clerk" with "registered county"; and

on page 3, line 14, by replacing "request" with "requests"; and

on page 3, line 18, before "county", by inserting "the".

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 Garrett, **House Bill No. 495**, 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 30; Nays 22; Present 1.

The following voted in the affirmative:

Clayborne	Garrett	Martinez	Trotter
Collins	Haine	Meeks	Viverito
Cronin	Halvorson	Munoz	Walsh
Crotty	Harmon	Ronen	Welch
Cullerton	Hendon	Schoenberg	Woolard
del Valle	Hunter	Shadid	Mr. President
DeLeo	Link	Silverstein	
Demuzio	Maloney	Sullivan, J.	

The following voted in the negative:

Althoff	Jones, W.	Righter	Syverson
Bomke	Luechtefeld	Risinger	Watson
Brady	Peterson	Roskam	Winkel
Burzynski	Petka	Rutherford	Wojcik
Jacobs	Radogno	Soden	
Jones, J.	Rauschenberger	Sullivan, D.	

The following voted present:

Geo-Karis

This roll call verified.

[May 27, 2003]

Following the verification of the roll call, the Chair directed that the name of Senator Lightford having voted in the affirmative, be removed, as that member was absent from the floor at the time of the verification.

This bill, having received the vote of 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 title be as aforesaid, and 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 Watson, **House Bill No. 654** was recalled from the order of third reading to the order of second reading.

Senator Watson offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 654 by replacing everything after the enacting clause with the following:

"Section 5. The Boat Registration and Safety Act is amended by changing Section 5-14 as follows:

(625 ILCS 45/5-14) (from Ch. 95 1/2, par. 315-9)

Sec. 5-14. Water Skiing. A. No person may operate a motorboat that has in tow or is otherwise assisting a person on water skis, an aquaplane, or a similar contrivance in or upon any waterway, unless the motorboat has a capacity of at least 3 persons and is occupied by at least 2 competent persons.

A-1. A person may not operate a motorboat that has in tow or is otherwise assisting a person on water skis, an aquaplane, or a similar contrivance in or upon any waterway, unless there is in the motorboat a person, in addition to the operator, in a position to observe the progress of the person being towed, unless the motorboat is equipped with a ski mirror approved by the Department, mounted in a location inside the motorboat allowing the operator to observe the progress of the person being towed while also safely and legally operating the motorboat. The mirror shall be of a type that recurves and reflects 180 degrees of vision. The reflecting portion of the mirror must be no less than 3 inches in width and 8 inches in length.

The Director of Natural Resources must adopt rules for implementing this subsection A-1.

B. No person may operate a motorboat having in tow or otherwise be assisting a person on water skis, aquaplane or similar contrivance from the period of one-half hour after sunset to one-half hour before sunrise. This paragraph B does not apply to motorboats used in duly authorized water ski tournaments, competitions, exhibitions or trials therefor where adequate lighting is provided.

C. All persons operating a motorboat having in tow or otherwise assisting a person on water skis, aquaplane or similar contrivance, must be careful and prudent in their operation and keep at a reasonable distance from persons and property so as not to endanger the life or property of any person.

D. No person may operate or manipulate any vessel, tow rope or other device by which the direction or location of water skis, aquaplane, or similar device may be affected or controlled in such a way as to cause the water skis, aquaplane, or similar device, or any persons thereon to collide with or strike against any person or object, except ski jumps, buoys and like objects normally used in competitive or recreational skiing. (Source: P.A. 90-412, eff. 1-1-98.)"

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 Watson, **House Bill No. 654**, 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 44; Nays 7; Present 1.

The following voted in the affirmative:

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Bomke	Halvorson	Radogno	Syverson
Brady	Harmon	Righter	Trotter
Burzynski	Hunter	Risinger	Viverito
Clayborne	Jacobs	Ronen	Walsh
Collins	Jones, J.	Roskam	Watson
Cronin	Jones, W.	Rutherford	Winkel
Crotty	Link	Schoenberg	Woolard
Cullerton	Luechtefeld	Shadid	Mr. President
del Valle	Maloney	Silverstein	
DeLeo	Martinez	Soden	
Demuzio	Meeks	Sullivan, D.	
Haine	Munoz	Sullivan, J.	

The following voted in the negative:

Althoff	Hendon	Petka	Welch
Geo-Karis	Peterson	Rauschenberger	

The following voted present:

Wojcik

This bill, having received the vote of 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 title be as aforesaid, and 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 Trotter, **House Bill No. 687** was recalled from the order of third reading to the order of second reading.

Senator Trotter offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 687 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by adding Sections 2310-376, 2310-377, and 2310-378 as follows:

(20 ILCS 2310/2310-376 new)

Sec. 2310-376. Hepatitis C education and outreach.

(a) The Illinois General Assembly finds and declares the following:

(1) The World Health Organization characterizes Hepatitis C as a disease of primary concern to humanity.

(2) Hepatitis C is considered a silent killer; no recognizable signs or symptoms occur until severe liver damage has occurred.

(3) Studies indicate that nearly 4 million Americans (1.8 percent of the population) carry the virus HCV that causes the disease.

(4) 30,000 acute new infections occur each year in the United States, and only 25 to 30 percent are diagnosed.

(5) 8,000 to 10,000 Americans die from the disease each year.

(6) 200,000 Illinois residents may be carriers and could develop the debilitating and potentially deadly liver disease.

(7) Inmates of correctional facilities have a higher incidence of Hepatitis C and, upon their release, present a significant health risk to the general population.

(b) Subject to appropriation, the Department shall conduct an education and outreach campaign, in addition to its overall effort to prevent infectious disease in Illinois, in order to raise awareness about and promote prevention of Hepatitis C.

(20 ILCS 2310/2310-377 new)

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Sec. 2310-377. Lupus education and outreach.

(a) The Illinois General Assembly finds and declares the following:

(1) Lupus is a chronic, incurable auto-immune disease of unknown origin that mainly affects women of childbearing age, is difficult to diagnose, and causes severe, potentially life-threatening organ damage.

(2) The Lupus Foundation of America estimates that 1.4 million people in the U.S. have a form of lupus.

(3) Lupus causes the immune system to attack the body's healthy cells and tissues producing skin damage, rheumatoid arthritis, life-threatening inflammation of multiple major organs, and a potentially fatal failure of the renal, circulatory, or central nervous system.

(4) Symptoms include joint pain, rash, unusual loss of hair, unexplained fever, low blood counts, sensitivity to the sun, and fingers that turn pale or purple when exposed to cold.

(5) According to the Lupus Foundation of America, a survey of its members revealed that more than half of all people with lupus suffered 4 or more years and were examined by 3 or more doctors before obtaining a correct diagnosis.

(6) According to the Center for Disease Control and Prevention, the number of lupus-related deaths between 1979 and 1988 increased dramatically; African American women, ages 45-64, experienced a 70% increase, the largest increase among all groups in the 20 years studied.

(b) Subject to appropriation, the Department shall conduct an education and outreach campaign in order to raise awareness about the symptoms and treatment of lupus, a potentially life-threatening disease.

(20 ILCS 2310/2310-378 new)

Sec. 2310-378. Wilson's disease.

(a) The Illinois General Assembly finds and declares the following:

(1) Wilson's disease is an inherited disorder in which excessive amounts of copper accumulate in the body and can cause liver disease and neurological or psychiatric disorders; and

(2) successful treatment is available for sufferers of Wilson's disease but, without proper treatment, the disease is generally fatal by the age of 30.

(b) Subject to appropriation, the Department shall: (i) conduct a public health information campaign for physicians, hospitals, health facilities, public health departments, and the general public on Wilson's disease, methods of care, and treatment modalities available; (ii) identify and catalog Wilson's disease resources in this State for distribution and referral purposes; and (iii) coordinate services with established programs, including State, federal, and voluntary groups."

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 Trotter, **House Bill No. 687**, 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 51; Nays None.

The following voted in the affirmative:

Althoff	Geo-Karis	Munoz	Sullivan, D.
Bomke	Haine	Peterson	Sullivan, J.
Brady	Halvorson	Petka	Syverson
Burzynski	Harmon	Radogno	Trotter
Clayborne	Hendon	Righter	Viverito
Collins	Hunter	Risinger	Walsh
Cronin	Jacobs	Ronen	Watson
Crotty	Jones, J.	Roskam	Welch
Cullerton	Link	Rutherford	Winkel

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del Valle	Luechtefeld	Schoenberg	Wojcik
DeLeo	Maloney	Shadid	Woolard
Demuzio	Martinez	Silverstein	Mr. President
Garrett	Meeks	Soden	

This bill, having received the vote of 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 title be as aforesaid, and 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 Silverstein, **House Bill No. 920** 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 920 by replacing everything after the enacting clause with the following:

"Section 5. The Northeastern Illinois University Law is amended by changing Section 25-15 as follows:

(110 ILCS 680/25-15)

Sec. 25-15. Membership; terms; vacancies. The Board shall consist of 9 voting members who are residents of this State and are appointed by the Governor, by and with the advice and consent of the Senate, and one voting member who is a student at Northeastern Illinois University. The student member shall be elected by a campus-wide election of all students of the University. The student member shall serve a term of one year beginning on July 1 of each year, except that the student member initially selected under this amendatory Act of the 91st General Assembly shall serve a term beginning on the date of his or her selection and expiring on the next succeeding June 30. A student member may serve only for one term. To be eligible to remain as a student member of the Board, the student member must be a resident of this State, must have and maintain a grade point average that is equivalent to at least 2.5 on a 4.0 scale, and must be a full time ~~undergraduate~~ student enrolled at all times during his or her term of office except for that part of the term which follows the completion of the last full regular semester of an academic year and precedes the first full regular semester of the succeeding academic year at the university (sometimes commonly referred to as the summer session or summer school). If a student member serving on the Board fails to continue to meet or maintain the residency, minimum grade point average, or enrollment requirement established by this Section, his or her membership on the Board shall be deemed to have terminated by operation of law. If any member of the Board appointed by the Governor fails to continue to meet or maintain the residency requirement established by this Section, he or she shall resign membership on the Board within 30 days thereafter and, failing submission of this resignation, his or her membership on the Board shall be deemed to have terminated by operation of law. Of the members first appointed by the Governor, 4 shall be appointed for terms to expire on the third Monday in January, 1999 and until their successors are appointed and qualified, and 3 shall be appointed for terms to expire on the third Monday in January, 2001 and until their successors are appointed and qualified. The 2 additional members appointed by the Governor, by and with the advice and consent of the Senate, under this amendatory Act of the 91st General Assembly, shall not be from the same political party and shall be appointed for terms to expire on the third Monday in January, 2003 and until their successors are appointed and qualified. Any vacancy in membership existing on January 1, 1999 shall be filled by appointment by the Governor, with the advice and consent of the Senate, for a term to expire on the third Monday in January, 2003. If the Senate is not in session on the effective date of this Article, or if a vacancy in an appointive membership occurs at a time when the Senate is not in session, the Governor shall make temporary appointments to fill the vacancy. Members with these temporary appointments shall be deemed qualified to serve upon appointment and shall continue to serve until the next meeting of the Senate when the Governor shall appoint persons to fill such memberships, by and with the advice and consent of the Senate, for the remainder of their respective terms. No more than 5 of the members appointed by the Governor shall be affiliated with the same political party. Each member appointed by the Governor must be a resident of this State. A failure to meet or maintain this residency requirement constitutes a resignation from and creates a vacancy in the Board. Upon the expiration of the terms of members appointed by the Governor for other than temporary appointments, their respective

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successors shall be appointed, by and with the advice and consent of the Senate, for terms of 6 years from the third Monday in January of each odd-numbered year. Any members appointed to the Board shall continue to serve in such capacity until their successors are appointed and qualified. (Source: P.A. 91-565, eff. 8-14-99; 91-778, eff. 1-1-01; 91-798, eff. 7-9-00; 92-16, eff. 6-28-01.)

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. 920**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 52; Nays None.

The following voted in the affirmative:

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

This bill, having received the vote of 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 title be as aforesaid, and 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 Jacobs, **House Bill No. 861** was recalled from the order of third reading to the order of second reading.

Senator Jacobs offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 861 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Section 20-210 as follows:

(35 ILCS 200/20-210)

Sec. 20-210. Taxes payable in installments; payment under specification. Except as otherwise provided in Section 21-30, current taxes shall be payable in 2 equal installments. The collector, when requested by the party paying the taxes, shall receive and receipt for the taxes in installments. The collector shall receive taxes on part of any property charged with taxes when a particular specification of the part is furnished and all parties with an ownership interest in the property agree to the specification. If the tax on the remainder of the property remains unpaid, the collector shall enter that specification in

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his or her return, so that the part on which the tax remains unpaid may be clearly known. The tax may be paid on an undivided share of property. In that case, the collector shall designate on his or her record upon whose undivided share the tax has been paid. (Source: P.A. 87-17; 88-455.)

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 Jacobs, **House Bill No. 861**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 55; Nays None.

The following voted in the affirmative:

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

This bill, having received the vote of 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 title be as aforesaid, and 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 Trotter, **House Bill No. 940** was recalled from the order of third reading to the order of second reading.

Senator Trotter offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 940 by replacing the title with the following:

"AN ACT concerning public works contracts."; and

by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Public Works Contract Change Order Act.

Section 5. Change orders; bidding. If a change order for any public works contract (i) is entered into by a unit of local government or school district and (ii) authorizes or necessitates any increase in the contract price that is 25% or more of the original contract price, then portion of the contract that is covered by the change order must be resubmitted for bidding in the same manner for which the original contract was bid. Bidding for the portion of the contract covered by the change order is subject to any requirements to employ females and minorities on the public works project that existed at the bidding for the original contract, together with any later requirements imposed by law.

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Section 10. Home rule. A home rule unit may not regulate its public works contracts in manner that is inconsistent with this Act. This Section is a limitation of home rule powers under subsection (i) of Section 6 of Article VII of the Illinois Constitution.

Section 15. Mandates. This Act is exempt from the reimbursement requirements of the State Mandates Act.

Section 90. The State Mandates Act is amended by adding Section 8.27 as follows:

(30 ILCS 805/8.27 new)

Sec. 8.27. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by the Public Works Contract Change Order Act."

The motion prevailed.

And the amendment was adopted, and ordered printed.

Floor Amendment No. 2 was referred to the Committee on Rules earlier today.

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

On motion of Senator Harmon, **House Bill No. 1017** was recalled from the order of third reading to the order of second reading.

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1017 by replacing everything after the enacting clause with the following:

"Section 5. The Trusts and Trustees Act is amended by adding Section 15.2 as follows:

(760 ILCS 5/15.2 new)

Sec. 15.2. Trusts for domestic or pet animals.

(a) A trust for the care of one or more designated domestic or pet animals is valid. The trust terminates when no living animal is covered by the trust. A governing instrument shall be liberally construed to bring the transfer within this Section, to presume against a merely precatory or honorary nature of its disposition, and to carry out the general intent of the transferor. Extrinsic evidence is admissible in determining the transferor's intent.

(b) A trust for the care of one or more designated domestic or pet animals is subject to the following provisions:

(1) Except as expressly provided otherwise in the instrument creating the trust, no portion of the principal or income of the trust may be converted to the use of the trustee or to a use other than for the trust's purposes or for the benefit of a covered animal.

(2) Upon termination, the trustee shall transfer the unexpended trust property in the following order:

(A) as directed in the trust instrument;

(B) if there is no such direction in the trust instrument and if the trust was created in a non-residuary clause in the transferor's will, then under the residuary clause in the transferor's will; or

(C) if no taker is produced by the application of subparagraph (A) or (B), then to the transferor's heirs, determined according to Section 2-1 of the Probate Act of 1975.

(3) The intended use of the principal or income may be enforced by an individual designated for that purpose in the trust instrument or, if none, by an individual appointed by a court having jurisdiction of the matter and parties, upon petition to it by an individual.

(4) Except as ordered by the court or required by the trust instrument, no filing report, registration, periodic accounting, separate maintenance of funds, appointment, or fee is required by reason of the existence of the fiduciary relationship of the trustee.

(5) The court may reduce the amount of the property transferred if it determines that the amount substantially exceeds the amount required for the intended use. The amount of the reduction, if any, passes as unexpended trust property under paragraph (2).

(6) If a trustee is not designated or no designated trustee is willing and able to serve, the court shall name a trustee. The court may order the transfer of the property to another trustee if the transfer is necessary to ensure that the intended use is carried out, and if a successor trustee is not designated in the trust instrument or if no designated successor trustee agrees to serve and is able to serve. The court may also make other orders and determinations as are advisable to carry out the intent of the transferor and the purpose of this Section.

(7) The trust is exempt from the operation of the common law rule against perpetuities."

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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 Harmon, **House Bill No. 1017**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 53; Nays None.

The following voted in the affirmative:

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

This bill, having received the vote of 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 title be as aforesaid, and 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 Crotty, **House Bill No. 1038** was recalled from the order of third reading to the order of second reading.

Senator Crotty offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1038 by replacing the title with the following:

"AN ACT concerning patient health information."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Code of Civil Procedure is amended by changing Sections 8-2001 and 8-2003 as follows:

(735 ILCS 5/8-2001) (from Ch. 110, par. 8-2001)

Sec. 8-2001. Examination of records. In this Section, "health care facility" or "facility" means a public or private hospital, ambulatory surgical treatment center, nursing home, independent practice association, or physician hospital organization, or any other entity where health care services are provided to any person. The term does not include an organizational structure whose records are subject to Section 8-2003.

Every private and public ~~health care facility hospital~~ shall, upon the request of any patient who has been treated in such ~~health care facility hospital~~ ~~and after his or her discharge therefrom~~, permit the patient, his or her physician or authorized attorney to examine the ~~health care facility patient care hospital~~ records, including but not limited to the history, bedside notes, charts, pictures and plates, kept

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in connection with the treatment of such patient, and permit copies of such records to be made by him or her or his or her physician or authorized attorney. A request for copies of the records shall be in writing and shall be delivered to the administrator or ~~manager~~ of such ~~health care facility hospital~~. The ~~health care facility hospital~~ shall be reimbursed by the person requesting copies of records at the time of such copying for all reasonable expenses, including the costs of independent copy service companies, incurred by the ~~health care facility hospital~~ in connection with such copying not to exceed a \$20 handling charge for processing the request for copies, and 75 cents per page for the first through 25th pages, 50 cents per page for the 26th through 50th pages, and 25 cents per page for all pages in excess of 50 (except that the charge shall not exceed \$1.25 per page for any copies made from microfiche or microfilm), and actual shipping costs. These rates shall be automatically adjusted as set forth in Section 8-2006. The ~~health care facility hospital~~ may, however, charge for the reasonable cost of all duplication of record material or information that cannot routinely be copied or duplicated on a standard commercial photocopy machine such as x-ray films or pictures.

The requirements of this Section shall be satisfied within ~~30~~ ~~60~~ days of the receipt of a written request by a patient, or by his or her legally authorized representative, for his or her physician, or authorized attorney, or own person. If the health care facility needs more time to comply with the request, then within 30 days after receiving the request, the facility must provide the requesting party with a written statement of the reasons for the delay and the date by which the requested information will be provided. In any event, the facility must provide the requested information no later than 60 days after receiving the request.

A health care facility must provide the public with at least 30 days prior notice of the closure of the facility. The notice must include an explanation of how copies of the facility's records may be accessed by patients. The notice may be given by publication in a newspaper of general circulation in the area in which the health care facility is located.

Failure to comply with the time limit requirement of this Section shall subject the denying party to expenses and reasonable attorneys' fees incurred in connection with any court ordered enforcement of the provisions of this Section. (Source: P.A. 84-7; 92-228, eff. 9-1-01.)

(735 ILCS 5/8-2003) (from Ch. 110, par. 8-2003)

Sec. 8-2003. Records of ~~physicians and other~~ health care practitioners. In this Section, "practitioner" means any health care practitioner, including other than a physician, dentist, podiatrist, advanced practice nurse, physician assistant, clinical psychologist, or clinical social worker. The term includes a medical office, health care clinic, health department, group practice, and any other organizational structure for a licensed professional to provide health care services. The term does not include a health care facility as defined in Section 8-2001.

Every ~~physician and~~ practitioner shall, upon the request of any patient who has been treated by such ~~physician or~~ practitioner, permit the patient and the such patient's physician, practitioner, or authorized attorney to examine and copy the patient's records, including but not limited to those relating to the diagnosis, treatment, prognosis, history, charts, pictures and plates, kept in connection with the treatment of such patient. Such request for examining and copying of the records shall be in writing and shall be delivered to such ~~physician or~~ practitioner. Such written request shall be complied with by the ~~physician or~~ practitioner within a reasonable time after receipt by him or her at his or her office or any other place designated by him or her.

The requirements of this Section shall be satisfied within 30 days of the receipt of a written request. If the practitioner needs more time to comply with the request, then within 30 days after receiving the request, the practitioner must provide the requesting party with a written statement of the reasons for the delay and the date by which the requested information will be provided. In any event, the practitioner must provide the requested information no later than 60 days after receiving the request.

The ~~physician or~~ practitioner shall be reimbursed by the person requesting such records at the time of such copying, for all reasonable expenses, including the costs of independent copy service companies, incurred by the ~~physician or~~ practitioner in connection with such copying not to exceed a \$20 handling charge for processing the request for copies, and 75 cents per page for the first through 25th pages, 50 cents per page for the 26th through 50th pages, and 25 cents per page for all pages in excess of 50 (except that the charge shall not exceed \$1.25 per page for any copies made from microfiche or microfilm), and actual shipping costs. These rates shall be automatically adjusted as set forth in Section 8-2006. The physician or other practitioner may, however, charge for the reasonable cost of all duplication of record material or information that cannot routinely be copied or duplicated on a standard commercial photocopy machine such as x-ray films or pictures.

A health care practitioner must provide the public with at least 30 days prior notice of the closure of the practitioner's practice. The notice must include an explanation of how copies of the practitioner's

records may be accessed by patients. The notice may be given by publication in a newspaper of general circulation in the area in which the health care practitioner's practice is located.

~~The requirements of this Section shall be satisfied within 60 days of the receipt of a request by a patient or his or her physician, practitioner, or authorized attorney.~~

Failure to comply with the time limit requirement of this Section shall subject the denying party to expenses and reasonable attorneys' fees incurred in connection with any court ordered enforcement of the provisions of this Section. (Source: P.A. 84-7; 92-228, eff. 9-1-01.)

(735 ILCS 5/8-2004 rep.)

Section 6. The Code of Civil Procedure is amended by repealing Section 8-2004.
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 Crotty, **House Bill No. 1038**, 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 57; Nays None.

The following voted in the affirmative:

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

This bill, having received the vote of 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 title be as aforesaid, and 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 Halvorson, **House Bill No. 1043** was recalled from the order of third reading to the order of second reading.

Senator Halvorson offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1043 by replacing the title with the following:

"AN ACT in relation to land."; and

by replacing everything after the enacting clause with the following:

"Section 5. Upon the payment of the sum of \$530.00 to the State of Illinois, and subject to the

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conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Rock Island County, Illinois:

Parcel No. 2DRI028

Part of the Southeast Quarter of Section 3, Township 17 North, Range 1 West of the Fourth Principal Meridian in the City of Moline, Rock Island County, Illinois, and more particularly described as follows:

Commencing at the north right-of-way line of 23rd Avenue and the southeast corner of South Moline Township 80 (as recorded in the Rock Island County Courthouse); thence North 89 degrees 35 minutes 10 seconds West, 20.00 feet to the Point of Beginning of Easement; thence North 00 degrees 23 minutes 38 seconds West, 118.65 feet to a point; thence North 32 degrees 23 minutes 38 seconds West, 163.92 feet to a point; thence North 57 degrees 36 minutes 22 seconds East, 20.00 feet to a point; thence South 32 degrees 23 minutes 38 seconds East, 169.66 feet to a point; thence South 00 degrees 23 minutes 38 seconds East, 124.66 feet to a point; thence North 89 degrees 35 minutes 10 seconds West, 20.00 feet to the Point of Beginning of said Easement.

The above described parcel of land contains 5,768.93 square feet, more or less.

Section 10. Upon the payment of the sum of \$5,000.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Woodford County, Illinois:

Parcel No. 3LR0069

A part of the Southeast Quarter of Section 32 in Township 28 North, Range 3 West of the Third Principal Meridian, Partridge Township, Woodford County, Illinois, which lies west of Lourdes Road, County Highway No. 19 described as follows, with bearings being for descriptive purposes only:

Commencing at a stone marking the northeast corner of the Southeast Quarter of Section 32; thence South 88 degrees 59 minutes 03 seconds West along the north line of said Southeast Quarter of Section 32, 497.47 feet to a point that is 40.00 feet normally distant and southwesterly from the centerline of Lourdes Road, also known as County Highway 19, said point being the Point Of Beginning of the land to be described; thence southeasterly on a curve to the right having a radius of 889.19 feet, 453.52 feet which chord bears South 30 degrees 58 minutes 31 seconds East, 448.57 feet to a point that is 40.00 feet normally distant and westerly from the centerline of said Lourdes Road; thence North 28 degrees 44 minutes 52 seconds West, 9.49 feet; thence North 34 degrees 16 minutes 09 seconds West, 97.11 feet; thence North 33 degrees 35 minutes 24 seconds West, 156.93 feet; thence North 62 degrees 31 minutes 57 seconds West, 349.69 feet to a point on the north line of said Southeast Quarter of Section 32; thence North 88 degrees 59 minutes 03 seconds east along said north line of the Southeast Quarter of Section 32, 225.51 feet to the Point Of Beginning, containing 0.694 acre, more or less, subject to any easements, covenants or agreements of record, situate, lying and being in the County of Woodford, State of Illinois.

Section 15. Upon the payment of the sum of \$120,602.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Winnebago County, Illinois, to the City of South Beloit.

Parcel No. 295L025

A parcel of land in the Northwest Quarter of Section 10, Township 46 North, Range 2 East of the Third Principal Meridian, Winnebago County, Illinois, described as follows:

Commencing at the northeast corner of the Northwest Quarter of said Section 10; thence westerly on the north line of said Northwest Quarter, said line having a bearing of South 87 degrees 58 minutes 17 seconds West, a distance of 176.171 meters [577.99 feet] to the westerly right-of-way line of a public road designated Manchester Road; thence southwesterly on said westerly right-of-way line, said line having a bearing of South 26 degrees 11 minutes 13 seconds West, a distance of 11.414 meters [37.45 feet] to the Point of Beginning of the hereinafter described parcel of land, said point being in the old southerly right-of-way line of a public road designated Middle Road; thence continuing southwesterly on said westerly right-of-way line on the last described course, a distance of 30.461 meters [99.94 feet]; thence southerly on said westerly right-of-way line, said line having a bearing of South 7 degrees 01 minute 23 seconds West, a distance of 42.171 meters [138.36 feet]; thence southwesterly a distance of 57.371 meters [188.22 feet] on a non-tangential curve to the left, having a radius of 231.193 meters [758.51 feet], a central angle of 14 degrees 13 minutes 05 seconds and the long chord of said curve bears South 38 degrees 32 minutes 22 seconds West, a chord distance of 57.223 meters [187.74 feet]; thence southwesterly on a line having a bearing of South 31 degrees 22 minutes 59 seconds West, a distance of 37.780 meters [123.95 feet]; thence southeasterly

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on a line having a bearing of South 10 degrees 11 minutes 02 seconds East, a distance of 21.918 meters [71.91 feet]; thence southeasterly a distance of 61.208 meters [200.81 feet] on a non-tangential curve to the right, having a radius of 418.563 meters [1373.24 feet], a central angle of 8 degrees 22 minutes 43 seconds and the long chord of said curve bears South 50 degrees 16 minutes 27 seconds East, a chord distance of 61.153 meters [200.63 feet] to said westerly right-of-way line; thence southerly on said westerly right-of-way line, said line having a bearing of South 9 degrees 57 minutes 57 seconds East, a distance of 62.167 meters [203.96 feet]; thence southeasterly on said westerly right-of-way line, said line having a bearing of South 21 degrees 27 minutes 39 seconds East, a distance of 269.075 meters [882.79 feet] to the old northeasterly right-of-way line of said Manchester Road; thence northwesterly on said old northeasterly right-of-way line, said line having a bearing of North 44 degrees 50 minutes 15 seconds West, a distance of 379.583 meters [1245.35 feet] to the easterly right-of-way and access control line of a public highway designated F.A.I. Route 90; thence northerly on said easterly right-of-way and access control line, said line having a bearing of North 0 degrees 28 minutes 38 seconds West, a distance of 242.848 meters [796.74 feet] to said old southerly right-of-way line of Middle Road; thence easterly on said old southerly right-of-way line, said line having a bearing of North 87 degrees 58 minutes 17 seconds East, a distance of 183.594 meters [602.34 feet] to the Point of Beginning, containing 5.7960 hectares [14.322 acres].

For the purpose of this description, said north line of the Northwest Quarter of Section 10 has been assigned the bearing of South 87 degrees 58 minutes 17 seconds West.

It is understood and agreed that there is no existing right of access nor will access be permitted in the future by the State of Illinois, Department of Transportation, from or over the premises above described to and from FAI Route 90, previously declared a freeway.

Section 20. Upon the payment of the sum of \$960.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Ogle County, Illinois, to Thomas E. Scholl as Trustee of the Loren A. Scholl Trust, Thomas E. Scholl as Trustee of the Dorothea L. Scholl Trust and Thomas E. Scholl as Trustee of the Thomas E. Scholl Trust.

Parcel No. 2139704

A parcel of land in the Northwest Quarter of Section 5, the Northeast Quarter of Section 6, the Northeast Quarter of Section 7 and the Northwest Quarter of Section 8, all in Township 22 North, Range 8 East of the Fourth Principal Meridian, Ogle County, Illinois, consisting of eight tracts of land, described as follows:

Tract One

Commencing at the North Quarter Corner of said Section 7; thence southerly on the west line of the Northeast Quarter of said Section 7, said line having a bearing of South 0 degrees 11 minutes 19 seconds West, a distance of 39.32 feet to the southerly right-of-way line of a public highway designated F.A.S. Route 187 (Sterling Road), said point being the Point of Beginning of the hereinafter described tract of land; thence continuing southerly on said west line of the Northeast Quarter on the last described course, a distance of 3.11 feet; thence easterly on a line having a bearing of South 87 degrees 56 minutes 20 seconds East, a distance of 37.82 feet; thence easterly on a line having a bearing of North 89 degrees 11 minutes 56 seconds East, a distance of 500.00 feet; thence easterly on a line having a bearing of South 87 degrees 56 minutes 20 seconds East, a distance of 100.12 feet; thence easterly on a line having a bearing of North 89 degrees 11 minutes 56 seconds East, a distance of 100.00 feet; thence easterly on a line having a bearing of North 83 degrees 29 minutes 18 seconds East, a distance of 100.50 feet to said southerly right-of-way line; thence westerly on said southerly right-of-way line, said line having a bearing of South 89 degrees 11 minutes 56 seconds West, a distance of 837.72 feet to the Point of Beginning, containing 0.113 acres, more or less.

Tract Two

Commencing at the South Quarter Corner of said Section 6; thence easterly on the south line of the Southeast Quarter of said Section 6, said line having a bearing of North 88 degrees 54 minutes 00 seconds East, a distance of 537.35 feet; thence northerly on a line having a bearing of North 1 degree 05 minutes 59 seconds West, a distance of 57.89 feet to the northerly right-of-way line of a public highway designated F.A.S. Route 187 (Sterling Road), said point being the Point of Beginning of the hereinafter described tract of land; thence easterly on a line having a bearing of North 83 degrees 29 minutes 18 seconds East, a distance of 100.50 feet; thence easterly on a line having a bearing of North 89 degrees 11 minutes 56 seconds East, a distance of 100.00 feet; thence easterly on a line having a bearing of South 89 degrees 22 minutes 09 seconds East, a distance of 200.06 feet; thence easterly on a line having a bearing of South 86 degrees 30 minutes 43 seconds East, a distance of 66.86 feet to said northerly right-

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of-way line; thence westerly on said northerly right-of-way line, said line having a bearing of South 89 degrees 11 minutes 56 seconds West, a distance of 466.67 feet to the Point of Beginning, containing 0.073 acres, more or less.

Tract Three

Commencing at the southeast corner of said Section 6; thence westerly on the south line of the Southeast Quarter of said Section 6, said line having a bearing of South 88 degrees 54 minutes 00 seconds West, a distance of 381.05 feet; thence northerly on a line having a bearing of North 1 degree 05 minutes 41 seconds West, a distance of 48.89 feet to the northerly right-of-way line of a public highway designated F.A.S. Route 187 (Sterling Road), said point being the Point of Beginning of the hereinafter described tract of land; thence westerly on a line having a bearing of North 83 degrees 12 minutes 24 seconds West, a distance of 75.66 feet; thence westerly on a line having a bearing of South 89 degrees 11 minutes 56 seconds West, a distance of 75.00 feet; thence westerly on a line having a bearing of South 81 degrees 36 minutes 15 seconds West, a distance of 75.66 feet to said northerly right-of-way line; thence easterly on said northerly right-of-way line, said line having a bearing of North 89 degrees 11 minutes 56 seconds East, a distance of 225.00 feet to the Point of Beginning, containing 0.034 acres, more or less.

Tract Four

Commencing at the northeast corner of said Section 7; thence westerly on the north line of the Northeast Quarter of said Section 7, said line having a bearing of South 88 degrees 54 minutes 00 seconds West, a distance of 381.56 feet; thence southerly on a line having a bearing of South 1 degree 05 minutes 41 seconds East, a distance of 51.11 feet to the southerly right-of-way line of a public highway designated F.A.S. Route 187 (Sterling Road), said point being the Point of Beginning of the hereinafter described tract of land; thence southwestly on a line having a bearing of South 77 degrees 53 minutes 20 seconds West, a distance of 76.49 feet; thence westerly on a line having a bearing of South 89 degrees 11 minutes 56 seconds West, a distance of 75.00 feet; thence westerly on a line having a bearing of North 84 degrees 16 minutes 53 seconds West, a distance of 176.14 feet to said southerly right-of-way line; thence easterly on said southerly right-of-way line, said line having a bearing of North 89 degrees 11 minutes 56 seconds East, a distance of 90.00 feet; thence easterly on said southerly right-of-way line, said line having a bearing of South 89 degrees 15 minutes 11 seconds East, a distance of 185.07 feet; thence easterly on said southerly right-of-way line, said line having a bearing of North 89 degrees 11 minutes 56 seconds East, a distance of 50.00 feet to the Point of Beginning, containing 0.080 acres, more or less.

Tract Five

Commencing at the southwest corner of said Section 5; thence easterly on the south line of the Southwest Quarter of said Section 5, said line having a bearing of North 89 degrees 09 minutes 44 seconds East, a distance of 593.73 feet; thence northerly on a line having a bearing of North 0 degrees 50 minutes 17 seconds West, a distance of 46.53 feet to the northerly right-of-way line of a public highway designated F.A.S. Route 187 (Sterling Road), said point being the Point of Beginning of the hereinafter described tract of land; thence easterly on said northerly right-of-way line, said line having a bearing of North 89 degrees 11 minutes 56 seconds East, a distance of 800.00 feet; thence westerly on a line having a bearing of North 89 degrees 50 minutes 47 seconds West, a distance of 300.04 feet; thence westerly on a line having a bearing of South 88 degrees 37 minutes 33 seconds West, a distance of 500.03 feet to the Point of Beginning, containing 0.046 acres, more or less.

Tract Six

Commencing at the northwest corner of said Section 8; thence easterly on the north line of the Northwest Quarter of said Section 8, said line having a bearing of North 89 degrees 09 minutes 44 seconds East, a distance of 1317.03 feet to the northwest corner of the Northeast Quarter of the Northwest Quarter of said Section 8; thence southerly on the west line of the Northeast Quarter of the Northwest Quarter of said Section 8, said line having a bearing of South 0 degrees 19 minutes 20 seconds West, a distance of 53.95 feet to the southerly right-of-way line of a public highway designated F.A.S. Route 187 (Sterling Road), said point being the Point of Beginning of the hereinafter described tract of land; thence continuing southerly on said west line of the Northeast Quarter of the Northwest Quarter of said Section 8 on the last described course, a distance of 5.93 feet; thence easterly on a line having a bearing of North 87 degrees 17 minutes 23 seconds East, a distance of 177.95 feet to said southerly right-of-way line; thence westerly on said southerly right-of-way line, said line having a bearing of South 89 degrees 11 minutes 56 seconds West, a distance of 177.73 feet to the Point of Beginning, containing 0.012 acres, more or less.

Tract Seven

Commencing at the South Quarter Corner of said Section 5; thence westerly on the south line of the

Southwest Quarter of said Section 5, said line having a bearing of South 89 degrees 09 minutes 44 seconds West, a distance of 540.32 feet; thence northerly on a line having a bearing of North 0 degrees 50 minutes 26 seconds West, a distance of 45.57 feet to the northerly right-of-way line of a public highway designated F.A.S. Route 187 (Sterling Road), said point being the Point of Beginning of the hereinafter described tract of land; thence northwesterly on a line having a bearing of North 66 degrees 34 minutes 24 seconds West, a distance of 109.66 feet; thence westerly on a line having a bearing of South 89 degrees 11 minutes 56 seconds West, a distance of 100.00 feet; thence southwestwardly on a line having a bearing of South 72 degrees 29 minutes 58 seconds West, a distance of 104.40 feet; thence westerly on a line having a bearing of South 84 degrees 54 minutes 35 seconds West, a distance of 200.56 feet to said northerly right-of-way line; thence easterly on said northerly right-of-way line, said line having a bearing of North 89 degrees 11 minutes 56 seconds East, a distance of 500.00 feet to the Point of Beginning, containing 0.258 acres, more or less.

Tract Eight

Commencing at the North Quarter Corner of said Section 8; thence westerly on the north line of the Northwest Quarter of said Section 8, said line having a bearing of South 89 degrees 09 minutes 44 seconds West, a distance of 340.38 feet; thence southerly on a line having a bearing of South 0 degrees 50 minutes 13 seconds East, a distance of 49.56 feet to the southerly right-of-way line of a public highway designated F.A.S. Route 187 (Sterling Road), said point being the Point of Beginning of the hereinafter described tract of land; thence westerly on a line having a bearing of South 84 degrees 54 minutes 35 seconds West, a distance of 200.56 feet; thence southwestwardly on a line having a bearing of South 69 degrees 54 minutes 32 seconds West, a distance of 105.95 feet; thence westerly on a line having a bearing of South 89 degrees 11 minutes 56 seconds West, a distance of 100.00 feet; thence northwesterly on a line having a bearing of North 66 degrees 34 minutes 24 seconds West, a distance of 109.66 feet to said southerly right-of-way line; thence easterly on said southerly right-of-way line, said line having a bearing of North 89 degrees 11 minutes 56 seconds East, a distance of 25.00 feet; thence easterly on said southerly right-of-way line, said line having a bearing of South 85 degrees 23 minutes 18 seconds East, a distance of 165.79 feet; thence easterly on said southerly right-of-way line, said line having a bearing of North 85 degrees 23 minutes 20 seconds East, a distance of 310.64 feet to the Point of Beginning, containing 0.162 acres, more or less.

For the purpose of this description, said west line of the Northeast Quarter of Section 7 has been assigned the bearing of South 0 degrees 11 minutes 19 seconds West, said north line of the Northeast Quarter of Section 7 has been assigned the bearing of South 88 degrees 54 minutes 00 seconds West and said north line of the Northwest Quarter of Section 8 has been assigned the bearing of South 89 degrees 09 minutes 44 seconds West.

The above described eight tracts of land together contain 0.778 acres, more or less.

Section 25. Upon the payment of the sum of \$51,835.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Rock Island County, Illinois:

Parcel No. 2DR1129

A parcel of land in Lot 4 of William H. Newton, Jr.'s Addition to the City of East Moline, Illinois, situated in the Southeast Quarter of the Northeast Quarter of the Southeast Quarter of Section 2, Township 17 North, Range 1 West of the Fourth Principal Meridian, said Addition filed in the Recorder's Office in Rock Island County, Illinois, on 21 October 1929 in the Book of Plats 19 at Pages 65 and 2480-2489, described as follows:

Beginning at the northeast corner of said Lot 4; thence westerly on the north line of said Lot 4, said line having a bearing of South 89 degrees 15 minutes 40 seconds West, a distance of 151.77 feet to the northwest corner of said Lot 4; thence southerly on the west line of said Lot 4, said line having a bearing of South 0 degrees 16 minutes 22 seconds West, a distance of 130.27 feet to the northerly right-of-way line of a public highway designated S.B.I. Route 80 (Colona Avenue); thence easterly on said northerly right-of-way line, said line having a bearing of North 89 degrees 25 minutes 02 seconds East, a distance of 151.56 feet to the east line of said Lot 4; thence northerly on said east line of Lot 4, said line having a bearing of North 0 degrees 22 minutes 22 seconds East, a distance of 105.76 feet to the Point of Beginning, containing 15,851 square feet (0.360 acre), more or less.

For the purpose of this description, said north line of Lot 4 has been assigned the bearing of South 89 degrees 15 minutes 40 seconds West.

It is understood and agreed that there is no existing right of access nor will access be permitted in the future by the State of Illinois, Department of Transportation, from or over the premises above described to and from SBI Route 80 (Colona Avenue), previously declared a freeway.

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Section 30. Upon the payment of the sum of \$1,500.00 to the State of Illinois, the rights or easement of access, crossing, light, air and view from, to and over the following described line and FA Route 12 (U.S. Rt. 40) are restored subject to permit requirements of the State of Illinois, Department of Transportation:

Parcel No. 800XB04

A line being on the south right of way line of FA Route 12 (U.S. Route 40) in the Northwest Quarter of the Northwest Quarter of Section 3, Township 4 North, Range 4 West of the Third Principal Meridian in Bond County, Illinois, described as follows:

Commencing at an iron pin marking the northwest corner of Lot 21 of the Original Town of Amity, now Pocahontas recorded in Book E, Page 23, said point also being on the south right of way line of said FA Route 12 (U.S. Route 40); thence North 88 degrees 20 minutes 42 seconds East on said south right of way line, 10.05 feet to the Point of Beginning.

From said Point of Beginning; thence continuing North 88 degrees 20 minutes 42 seconds East, 74.01 feet to the point of terminus of said line.

Section 35. Upon the payment of the sum of \$500.00 to the State of Illinois, the rights or easement of access, crossing, light, air and view from, to and over the following described line and FA Route 12 are restored subject to permit requirements of the State of Illinois, Department of Transportation:

Parcel No. 5X18102

Direct access to FA Route 12 (U.S. Route 40) shall be restored to 289 feet of a tract of land abutting the northerly right of way line of said highway and beginning at a point 120.00 feet left of Station 2297+06.31 of the surveyed centerline of said FA Route 12, said point being the intersection of the northerly right of way line of FA Route 12 and the west line of 5 acres in the southwest corner of the East Half of the Northwest Quarter of the Southwest Quarter of Section 26, Township 10 North, Range 10 East of the Third Principal Meridian; thence North 66 degrees 24 minutes 00 seconds East (Bearings based on surveyed centerline bearing of North 66 degrees 24 minutes East from the original Dedication Plat) 172.19 feet along the northerly right of way line of FA Route 12, said line being parallel with and 120.00 feet northerly of the centerline of FA Route 12; thence northeasterly 116.93 feet along said right of way line being on a curve to the right, being concentric with and 120.00 feet northerly of the centerline of FA Route 12, said curve having a radius of 47,532.40 feet, the chord of said curve bears North 66 degrees 28 minutes 14 seconds East 116.93 feet, to the ending point being 120.00 feet left of Station 2299+95.14 of the surveyed centerline of FA Route 12.

Section 40. Upon the payment of the sum of \$2,500.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Grundy County, Illinois:

Parcel No. 3LR0040

Part of the Northeast Quarter of Section 31, Township 34 North, Range 7 East of the Third Principal Meridian, County of Grundy, State of Illinois, described as follows:

Commencing at the southeast corner of the Northeast Quarter of said Section 31; thence North 00 degrees 00 minutes 00 seconds East, 661.15 feet along the east line of said Northeast Quarter; thence North 89 degrees 31 minutes 11 seconds West, 42.46 feet to the Point of Beginning, said point being 690.00 feet left of Station 1083+49.8 on the centerline of Federal Aid Interstate Route 80 as shown on a Right Of Way Plat recorded in Deed Record Book 232, Page 186 in the Recorder's Office of said county; thence South 06 degrees 44 minutes 17 seconds West, 568.80 feet to a point 125.00 feet left of Station 1082+85.7 on said centerline; thence North 89 degrees 44 minutes 11 seconds West, parallel with said centerline, 557.47 feet to a point 125.00 feet left of Station 1077+28.2 on said centerline; thence North 00 degrees 30 minutes 01 second West, 30.00 feet to a point 155.00 feet left of Station 1077+27.8 on said centerline; thence South 89 degrees 44 minutes 11 seconds East, parallel with said centerline, 423.40 feet to a point 155.00 feet left of Station 1081+51.2 on said centerline; thence North 45 degrees 15 minutes 49 seconds East, 70.71 feet to a point 205.00 feet left of Station 1082+01.2 on said centerline; thence North 00 degrees 34 minutes 42 seconds East, 437.01 feet to a point 642.00 feet left of Station 1082+03.6 on said centerline; thence North 45 degrees 39 minutes 16 seconds East, 69.12 feet to a point 690.00 feet left of Station 1082+52.8 on said centerline; thence South 89 degrees 31 minutes 11 seconds East, 97.00 feet to the Point of Beginning, containing 1.825 acres, more or less.

It is understood and agreed that there is no existing right of access nor will access be permitted in the future by the State of Illinois, Department of Transportation, from or over the premises above described to and from FAI Route 80, previously declared a freeway.

Section 45. Upon the payment of the sum of \$8,100.00 to the State of Illinois, and subject to the

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conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Winnebago County, Illinois, to William W. Rader.

Parcel No. 2XW1096

A part of Lots 6, 7, 8, 9, 10, 11, 12, 13 and 14 as designated upon the plat of Camp Grant Island, being B.A. Knight's Subdivision of Island Number 3 in Rock River in Section 15, Township 43 North, Range 1 East of the Third Principal Meridian, Winnebago County, Illinois, described as follows:

Beginning at the southeast corner of said Lot 14, said point being 126.08 feet normally distant westerly from the centerline of pavement in place of FAU Route 5103; thence South 74 degrees 30 minutes 27 seconds West, 45.00 feet along the south line of said Lot 14 to a point on the westerly right of way line of FAU Route 5103, said point being 171.05 feet normally distant westerly from said centerline; thence North 15 degrees 29 minutes 33 seconds West, 217.35 feet along said westerly right of way line to a point on the north line of said Lot 6 and the northerly bank of said Island Number 3, said point being 179.38 feet normally distant westerly from said centerline; thence North 89 degrees 07 minutes 15 seconds East, 46.50 feet along said north line of Lot 6 to a point on the east line of said Lot 6, said point being 133.97 feet normally distant westerly from said centerline; thence South 15 degrees 29 minutes 33 seconds East, 205.61 feet along the east line of said Lots 6, 7, 8, 9, 10, 11, 12, 13 and 14 to the Point of Beginning, containing 0.218 acre [9,517 square feet], more or less.

Subject to the existing rights, if any, of public or quasi-public utilities, easements, the existing rights in and to that part of the land lying within the bed of the Rock River, and the rights of other owners of land bordering on the river in respect to the water of said river.

Section 50. Upon the payment of the sum of \$6,500.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Champaign County, Illinois:

Parcel No. 5X05513

Part of Lot 6 in C.C. Hawes Addition to Mahomet, situated in the County of Champaign, in the State of Illinois, described as follows:

Beginning at the northwest corner of said Lot 6, said point being the intersection of the existing westerly right of way line of FAP 326 (IL. Rte. 47) and the southerly right of way line of Franklin Street; thence South 13 degrees 03 minutes 56 seconds West (Bearings based on Illinois State Plane Coordinates, East Zone NAD 83) 27.283 meters [89.51 feet]; thence South 22 degrees 43 minutes 08 seconds West 25.071 meters [82.25 feet] along a line being parallel to and 8.707 meters [28.57 feet] westerly of the centerline of FAP 326 (IL. Rte. 47), to the south line of said Lot 6; thence North 69 degrees 18 minutes 40 seconds West 2.560 meters [8.40 feet] along said south line, to the southwest corner of said Lot 6, said point being on the existing westerly right of way line of FAP 326 (IL. Rte. 47); thence North 20 degrees 30 minutes 18 seconds East 52.097 meters [170.92 feet] along said existing westerly right of way line, to the Point of Beginning, containing 124 square meters [1,336 square feet], more or less.

Section 55. Upon the payment of the sum of \$5,350.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Sangamon County, Illinois, to Stephen Bartelli.

Parcel No. 675X231

A part of the Southeast Quarter of Section 3, Township 14 North, Range 5 West of the Third Principal Meridian, Sangamon County, Illinois and being more particularly described as follows:

Beginning at the northeast corner of Lot 1 of Hunting Meadows subdivision, the plat thereof being recorded in Plat Cabinet A in Slide 302 of the Sangamon County Recorder's Office; thence South 73 degrees 28 minutes 33 seconds West (Bearings are based on the Illinois State Plat Coordinate System N.A.D. 1983, West Zone), 126.02 feet along the north line of said Lot 1 to the northwest corner of said Lot 1; thence North 16 degrees 24 minutes 50 seconds West, 77.18 feet along the northerly prolongation of the west line of said Lot 1; thence North 72 degrees 45 minutes 48 seconds East, 147.79 feet to the northerly prolongation of the east line of said Lot 1; thence South 01 degree 01 minute 45 seconds East, 82.00 feet along said northerly prolongation of the east line of Lot 1 to the Point of Beginning, containing 10,682 Square Feet, more or less.

It is understood and agreed that there is no existing right of access nor will access be permitted in the future by the State of Illinois, Department of Transportation, from or over the premises above described

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to and from East Lake Shore Drive (Cotton Hill Road).

Section 60. Upon the payment of the sum of \$1,100.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Sangamon County, Illinois, to David Bentley.

Parcel No. 675X237

A part of the Southeast Quarter of the Northeast Quarter of Section 9, Township 13 North, Range 5 West, 3rd Principal Meridian, Sangamon County, Illinois, described as follows:

Commencing at a found 1/4" gas pipe marking the East Quarter corner of Section 9; thence North 01 degree 42 minutes 49 seconds West, 90.28 feet to the existing centerline of IL 104; thence along said centerline, South 88 degrees 17 minutes 11 seconds West, 1043.40 feet; thence continuing on said centerline, South 88 degrees 39 minutes 47 seconds West, 373.93 feet; thence continuing on said centerline, South 88 degrees 22 minutes 47 seconds West, 150.00 feet to the intersection with the centerline of I-55 Frontage Road 1 (FR-1); thence along the centerline of FR-1, North 01 degree 38 minutes 15 seconds West, 285.50 feet to the point of curvature; thence 762.16 feet along the centerline curve to the right, having a radius of 1147.50, chord bearing North 17 degrees 23 minutes 24 seconds East, 748.23 feet; thence North 53 degrees 34 minutes 57 seconds West, 75.00 feet to the existing west right of way line, also being the Point of Beginning; thence along said right of way line, North 00 degrees 49 minutes 26 seconds West, 206.09 feet to the northeast corner of the Southwest Quarter of the Northeast Quarter of Section 9, also being the existing north right of way line; thence along said right of way line, North 88 degrees 30 minutes 33 seconds East, 201.47 feet to the existing west right of way line; thence South 49 degrees 13 minutes 18 seconds West, 17.38 feet to a point of curvature; thence 273.17 feet along a curve to the left, having a radius of 1222.50 chord bearing South 42 degrees 49 minutes 08 seconds West, 272.60 feet to the Point of Beginning, containing 0.439 acres.

Section 65. Upon the payment of the sum of \$5,250.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Adams County, Illinois:

Parcel No. 675X227(A)

A part of the North Half of Section 29, Township 2 North, Range 7 West of the Fourth Principal Meridian in Adams County, described as follows:

Commencing at the northeast corner of the Northwest Quarter of said Section 29; thence South 00 degrees 16 minutes 05 seconds West along the east line of the Northwest Quarter of said Section 29, a distance of 48.28 feet to a point on the existing northerly right of way line of S.B.I. Route 36, said point being the Point of Beginning; thence North 88 degrees 56 minutes 53 seconds East along the existing northerly right of way line of S.B.I. Route 36, a distance of 373.22 feet; thence easterly 176.95 feet along a curve to the right having a radius of 1462.39 feet, the chord of said curve bears North 75 degrees 59 minutes 22 seconds East, a distance of 176.85 feet to the north line of the Northeast Quarter of said Section 29; thence North 89 degrees 51 minutes 14 seconds East along the north line of the Northeast Quarter of said Section 29, a distance of 259.88 feet to the existing westerly right of way line of F.A. Route 302 (IL. 336); thence South 46 degrees 37 minutes 52 seconds West along the existing westerly right of way line of F.A. Route 302 (IL. 336), a distance of 68.67 feet to the existing southeasterly right of way line of S.B.I. Route 36; thence westerly along the existing southeasterly right of way line of S.B.I. Route 36, a distance of 963.27 feet along a curve to the left having a radius of 1392.39 feet, the chord of said curve bears South 67 degrees 48 minutes 30 seconds West, a distance of 944.17 feet to the existing easterly right of way line of F.A. Route 733 (IL. 61); thence North 42 degrees 05 minutes 45 seconds West, a distance of 123.80 feet; thence North 32 degrees 10 minutes 43 seconds East, a distance of 308.24 feet; thence North 88 degrees 56 minutes 53 seconds East, a distance of 38.38 feet to the Point of Beginning, containing 2.823 acres, more or less.

Further upon the payment of the sum shown to the State of Illinois, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Adams County, Illinois, to Herbert A. Duffy and Anita L. Duffy.

Parcel No. 675X227(B)

A part of the North Half of Section 29, Township 2 North, Range 7 West of the Fourth Principal Meridian in Adams County, described as follows:

Commencing at the northeast corner of the Northwest Quarter of said Section 29; thence South 00 degrees 16 minutes 05 seconds West along the east line of the Northwest Quarter of said Section 29, a

distance of 48.28 feet to a point on the existing northerly right of way line of S.B.I. Route 36; thence South 88 degrees 56 minutes 53 seconds West along the existing northerly right of way line of S.B.I. Route 36, a distance of 38.38 feet; thence South 32 degrees 10 minutes 43 seconds West along the existing westerly right of way line of S.B.I. Route 36, a distance of 308.24 feet to the Point of Beginning; thence South 42 degrees 05 minutes 45 seconds East, a distance of 123.80 feet; thence South 18 degrees 21 minutes 19 seconds West, a distance of 51.42 feet; thence South 35 degrees 43 minutes 13 seconds West, a distance of 269.69 feet; thence South 45 degrees 47 minutes 08 seconds West, a distance of 219.11 feet; thence South 27 degrees 37 minutes 54 seconds West, a distance of 195.11 feet; thence South 30 degrees 33 minutes 41 seconds West, a distance of 320.08 feet; thence South 27 degrees 08 minutes 12 seconds West, a distance of 445.55 feet to a point on the existing westerly access control line for F.A. Route 302 (IL. 336); thence South 48 degrees 09 minutes 55 seconds West along the existing westerly access control line for F.A. Route 302 (IL. 336), a distance of 285.63 feet; thence South 32 degrees 44 minutes 06 seconds West along the existing westerly access control line for F.A. Route 302 (IL. 336), a distance of 306.25 feet; thence South 88 degrees 47 minutes 03 seconds West along the existing westerly access control line for F.A. Route 302 (IL. 336), a distance of 79.54 feet to a point on the existing westerly right of way line of F.A. Route 733 (IL. 61); thence North 24 degrees 42 minutes 39 seconds East along the existing westerly right of way line of F.A. Route 733 (IL. 61), a distance of 284.04 feet; thence North 34 degrees 10 minutes 34 seconds East, a distance of 403.76 feet; thence North 12 degrees 18 minutes 39 seconds East, a distance of 103.08 feet; thence North 28 degrees 29 minutes 05 seconds East, a distance of 268.09 feet; thence North 30 degrees 53 minutes 44 seconds East, a distance of 392.84 feet; thence North 37 degrees 52 minutes 17 seconds East, a distance of 462.51 feet; thence North 42 degrees 12 minutes 52 seconds East, a distance of 206.48 feet; thence North 60 degrees 47 minutes 43 seconds East, a distance of 48.51 feet to the Point of Beginning, containing 7.684 acres, more or less.

Said tracts A and B contain a total of 10.507 acres, more or less.

It is understood and agreed that there is no existing right of access nor will access be permitted in the future by the State of Illinois, Department of Transportation, from or over the premises above described to and from SBI Route 36, between Station 48+145LT and Station 48+334.201 and between Station 49+041.611LT and 49+062.529LT.

Section 70. Upon the payment of the sum of \$48,000.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in St. Clair County, Illinois, to ENK Realty, L.L.C.

Parcel No. 800XB20

That part of Lot 2 of Ranken Estate Subdivision of Lands of D. Ranken dec'd in Township 2 North, Range 9 West of the Third Principal Meridian and in Township 2 North, Range 8 West of the Third Principal Meridian, according to the plat thereof recorded in Book of Plats "A", on Pages 189 and 190, in St. Clair County, Illinois, described as follows:

Commencing at the intersection of the south line of said Lot 2 with the northwesterly right of way line of Illinois Route 157 as established according to the Warranty Deed recorded May 3, 1963 in Book 1839, on Page 99; thence on an assumed bearing of North 24 degrees 24 minutes 01 second East on said northwesterly right of way line, 226.50 feet to an angle point on said northwesterly right of way line to the Point of Beginning;

From said Point of Beginning; thence North 12 degrees 03 minutes 31 seconds East, on said northwesterly right of way line, 153.51 feet to the southwesterly right of way line of Tucker Drive according to the Quit Claim Deed recorded July 12, 1991 in Book 2822 on Page 2271; thence South 41 degrees 52 minutes 18 seconds East, 85.00 feet to a line 75.00 feet northwesterly of and parallel with the centerline of Illinois Route 157; thence South 24 degrees 24 minutes 01 second West, on said parallel line, 115.76 feet; thence North 65 degrees 35 minutes 59 seconds West, 45.00 feet to the Point of Beginning.

Parcel 800XB20 herein described contains 0.181 acres or 7,878 square feet, more or less.

It is understood and agreed that there is no existing right of access nor will access be permitted in the future by the State of Illinois, Department of Transportation, from or over the premises above described to and from IL Route 157, previously declared a freeway.

Section 75. Upon the payment of the sum of \$1.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Lee County, Illinois, to the City of Dixon.

Parcel No. 2XLE099

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A parcel of land in the Southeast Quarter of Section 31, Township 22 North, Range 9 East of the Fourth Principal Meridian, Lee County, State of Illinois, described as follows:

Commencing at the southwest corner of Lot 34 as designated upon the Plat of Loveland Place Tracts, a subdivision of the Southeast Quarter of said Section 31, the Plat of said Subdivision is recorded in Book C at Page 4 in the Recorder's Office of Lee County; thence North 1 degree 20 minutes 14 seconds West, 50.00 feet (Bearings assumed for description purposes only) on the west line of said Lot 34, to the easterly right of way line of a public street designated Willett Avenue and the Point of Beginning.

From the Point of Beginning thence South 15 degrees 47 minutes 12 seconds East, 64.05 feet on said easterly right of way line; thence South 54 degrees 22 minutes 58 seconds East, 31.95 feet on said easterly right of way line; thence North 88 degrees 53 minutes 57 seconds West, 35.19 feet; thence South 82 degrees 05 minutes 13 seconds West, 101.49 feet; thence South 87 degrees 02 minutes 21 seconds West, 102.66 feet; thence North 68 degrees 21 minutes 52 seconds West, 69.07 feet; thence North 32 degrees 32 minutes 12 seconds West, 119.94 feet; thence North 74 degrees 25 minutes 48 seconds East, 50.18 feet; thence South 81 degrees 26 minutes 48 seconds East, 44.51 feet; thence South 55 degrees 02 minutes 46 seconds East, 85.28 feet; thence South 74 degrees 08 minutes 39 seconds East, 38.49 feet; thence North 86 degrees 38 minutes 07 seconds East, 43.44 feet; thence North 61 degrees 17 minutes 02 seconds East, 45.68 feet; thence North 48 degrees 46 minutes 30 seconds East, 45.46 feet; thence North 15 degrees 52 minutes 15 seconds East, 20.12 feet, to the easterly right of way line of said Willett Avenue, thence South 1 degree 20 minutes 14 seconds East, 49.05 feet on said easterly right of way line, to the Point of Beginning, containing 0.656 acre (28,594 square feet), more or less.

Access to Willett Avenue from the abutting property shall be by way of an entrance to be provided thereto in accordance with the "Policy on Permits for Access Driveways to State Highways".

Direct access to Willett Avenue shall not be so restricted easterly of Chaining Station 520+98.99 on the Center Line of the eastbound lane of FA Route 561 (IL 2).

The property may only be used for public purposes, or title shall revert without further action to the Illinois Department of Transportation.

Section 80. Upon the payment of the sum of \$84,500.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in DuPage County, Illinois, to Harris Trust and Savings Bank as Trustee under Trust #L-1594 and dated August 10, 1987.

Parcel No. 1WY0952

PART OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 4 OF HINSDALE INDUSTRIAL PARK, UNIT TWO RECORDED AS DOCUMENT NUMBER R69-42012; THENCE SOUTH 00 DEGREES 28 MINUTES 44 SECONDS WEST ALONG THE WEST LINE OF SAID LOT, 198.01 FEET TO THE NORTHERLY LINE OF THE F.A. KUBAC PROPERTY; THENCE NORTH 89 DEGREES 18 MINUTES 16 SECONDS WEST ALONG SAID NORTHERLY LINE, 60.00 FEET TO A LINE THAT IS PARALLEL WITH AND 60.00 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE WESTERLY LINE OF SAID LOT 4; THENCE NORTH 00 DEGREES 28 MINUTES 44 SECONDS EAST ALONG SAID PARALLEL LINE, 197.35 FEET TO THE WESTERLY EXTENSION OF THE NORTHERLY LINE OF SAID LOT; THENCE SOUTH 89 DEGREES 55 MINUTES 59 SECOND EAST ALONG SAID WESTERLY EXTENSION, 60.00 FEET TO THE POINT OF BEGINNING; IN DUPAGE COUNTY, ILLINOIS. CONTAINING 0.272 ACRE, MORE OR LESS.

Section 85. Upon the payment of the sum of \$1,900.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Livingston County, Illinois:

Parcel No. 3LR0075

That part of the Southwest Quarter of Section 1, Township 29 North, Range 3 East of the Third Principal Meridian, described as follows:

Commencing at the southwest corner of said Southwest Quarter; thence North 03 degrees 47 minutes 02 seconds East on an assumed bearing 1,158.36 feet along the west line of said Quarter; thence South 86 degrees 56 minutes 30 seconds East, 113.20 feet to a point on the east right of way line of F.A. 24 (Illinois Route 23) as shown on the right of way plat recorded in Highway Plat Book 1, Page

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82 at the office of the Livingston County Recorder said point being the True Point of Beginning; thence North 03 degrees 03 minutes 30 seconds East 256.92 feet to the west line of the F.A. Route 118 roadway right of way dedicated per Deed Record Book 199, Page 180 at the office of the Livingston County Recorder; thence North 19 degrees 37 minutes 58 seconds East, 73.31 feet along said west right of way line; thence North 21 degrees 16 minutes 39 seconds East, 58.08 feet along said west right of way line; thence North 17 degrees 51 minutes 39 seconds East, 190.43 feet along said west right of way line; thence North 11 degrees 03 minutes 39 seconds East, 189.21 feet along said west right of way line; thence North 04 degrees 14 minutes 39 seconds East, 189.34 feet along said west right of way line; thence North 02 degrees 33 minutes 21 seconds West, 189.21 feet along said west right of way line; thence North 11 degrees 27 minutes 21 seconds West, 190.05 feet along said west right of way line; thence North 12 degrees 46 minutes 21 seconds West, 135.86 feet along said west right of way line; thence South 89 degrees 12 minutes 52 seconds East, 82.29 feet to said east right of way line; thence South 12 degrees 46 minutes 32 seconds East, 116.57 feet along said east right of way line; thence South 07 degrees 23 minutes 21 seconds East, 190.84 feet along said east right of way line; thence South 02 degrees 57 minutes 21 seconds East, 188.79 feet along said east right of way line; thence South 04 degrees 14 minutes 39 seconds West, 229.43 feet along said east right of way line; thence South 11 degrees 27 minutes 39 seconds West, 188.79 feet along said east right of way line; thence South 17 degrees 59 minutes 39 seconds West, 190.37 feet along said east right of way line; thence South 21 degrees 16 minutes 39 seconds West, 58.08 feet along said east right of way line; thence South 19 degrees 36 minutes 39 seconds West, 195.14 feet along said east right of way line; thence South 16 degrees 15 minutes 48 seconds West, 122.75 feet along said east right of way line to the Point of Beginning, containing 2.100 acres, more or less, all being situated in Long Point Township, Livingston County, Illinois.

Section 90. Upon the payment of the sum of \$51,500.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Champaign County, Illinois:

Parcel No. 5X05413

Part of the East Half of the South Half of the Northwest Quarter of the Southwest Quarter of Section 4, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, being a part of Federal Aid Interstate 74 and U.S. Route 45 and being more particularly described as follows:

Commencing at the southeast corner of the Northwest Quarter of the Southwest Quarter of Section 4, Township 19 North, Range 9 East of the Third Principal Meridian, proceed on an assumed bearing of North 00 degrees 00 minutes 00 seconds East 168.19 feet along the east line of the Northwest Quarter of the Southwest Quarter of said Section 4 and the east line of a tract surveyed by Charles S. Danner, Illinois Professional Land Surveyor No. 1470 as shown by plat of survey dated March 22, 1965 and recorded in Miscellaneous Record Book 784 at Page 456 in the Office of the Recorder of Champaign County, Illinois and resurveyed by Rex A. Bradfield, Illinois Professional Land Surveyor No. 2537 as shown by plat of survey dated December 21, 1988 to the point of intersection with the south right-of-way line of Federal Aid Interstate 74, being the northeast corner of said tract surveyed by Charles S. Danner and resurveyed by Rex A. Bradfield, said point of intersection being the Point of Beginning; thence South 69 degrees 52 minutes 00 seconds West 149.28 feet along the south right-of-way line of Federal Aid Interstate 74 to the point of intersection with the east right-of-way line of U.S. Route 45, being the northwest corner of said tract surveyed by Charles S. Danner and resurveyed by Rex A. Bradfield; thence South 25 degrees 12 minutes 00 seconds West 111.89 feet along the east right-of-way line of U.S. Route 45 to the southwest corner of said tract surveyed by Charles S. Danner and resurveyed by Rex A. Bradfield; thence South 89 degrees 52 minutes 00 seconds West 71.66 feet along a westerly extension of the south line of said tract surveyed by Charles S. Danner and resurveyed by Rex A. Bradfield; thence North 24 degrees 35 minutes 16 seconds East 49.33 feet; thence North 30 degrees 09 minutes 16 seconds East 50.01 feet; thence North 38 degrees 26 minutes 12 seconds East 49.95 feet; thence North 53 degrees 23 minutes 00 seconds East 50.03 feet; thence North 63 degrees 50 minutes 10 seconds East 49.96 feet; thence North 73 degrees 32 minutes 38 seconds East 49.91 feet; thence North 85 degrees 03 minutes 13 seconds East 50.10 feet to the east line of the Northwest Quarter of the Southwest Quarter of said Section 4; thence South 00 degrees 00 minutes 00 seconds West 44.76 feet along the east line of the Northwest Quarter of the Southwest Quarter of said Section 4 to the Point of Beginning, encompassing 0.394 acres, more or less, situated in Champaign County, Illinois.

It is understood and agreed that there is no existing right of access nor will access be permitted in the

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future by the State of Illinois, Department of Transportation, from or over the premises above described to and from either FAI Route 74, or US Route 45, previously declared freeways.

Section 95. Upon the payment of the sum of \$2,300.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the dedication for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Tazewell County, Illinois:

Parcel No. 409559V

A part of Lot 1 in Block 1 of Homewood Heights, being a subdivision of part of the Northwest Quarter of Section 7, Township 25 North, Range 4 West, and part of the Northeast Quarter of Section 12, Township 25 North, Range 5 West of the Third Principal Meridian, Tazewell County, Illinois, being more particularly described as follows:

Commencing at the most easterly corner of said Lot 1, said point being 54.11 feet normally distant westerly from centerline Station 176+51.31 of S.B.I. Route 24 (Illinois Route 29) and the Point of Beginning of the tract to be described:

From the Point of Beginning, thence South 32 degrees 46 minutes 14 seconds West (bearings are for descriptive purposes only), a distance of 150.67 feet to a point 59.71 feet normally distant westerly from said centerline Station 178+01.82; thence North 70 degrees 28 minutes 32 seconds West, a distance of 20.68 feet to a point 80.00 feet normally distant westerly from said centerline Station 178+05.80; thence North 18 degrees 10 minutes 12 seconds East, a distance of 92.66 feet to a point 100.00 feet normally distant westerly from said centerline Station 177+15.00; thence North 59 degrees 09 minutes 00 seconds East, a distance of 73.31 feet to the northeasterly line of said Lot 1, said point being 65.00 feet normally distant westerly from said centerline Station 176+50.90; thence South 57 degrees 32 minutes 52 seconds East, along said northeasterly line of Lot 1, a distance of 10.91 feet to the Point of Beginning containing 4591.31 square feet, more or less, or 0.105 acre, more or less.

Except: The State of Illinois, Department of Transportation, its successors and assigns, shall reserve a permanent easement, privilege, right and authority to construct, reconstruct, extend, replace, repair, inspect, maintain and operate a storm sewer system, and appurtenances thereto, upon, under, over, across, and through the above described real estate. The Department shall reserve access thereto for the purpose of inspection, reconstruction, extension, repair, maintenance, operation or replacement of said storm sewer. Further, no new structure or improvement shall be constructed, installed, or placed upon the above described real estate nor any use or activity conducted which would interfere with the Department's exercise of its rights herein reserved.

Section 100. Upon the payment of the sum of \$2,500.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Sangamon County, Illinois, to Harold D. Carter and Carol A. Carter:

Parcel No. 675X188

A part of the Northeast Quarter of the Northwest Quarter of Section 4, Township 17 North, Range 4 West, of the Third Principal Meridian, Sangamon County, Illinois, described as follows:

Commencing at a gas pipe at the north quarter corner of said Section 4, thence South 00 degrees 17 minutes 24 seconds East along the quarter section line 1,242.96 feet; thence South 89 degrees 42 minutes 36 seconds West 52.30 feet to the west existing right of way line of Elm Street also the Point of Beginning; thence South 00 degrees 46 minutes 49 seconds East 102.67 feet; thence South 24 degrees 59 minutes 01 second West 90.06 feet; thence southwesterly along a curve to the left having a radius of 4,782.15 feet and an arc length of 366.78 feet; thence North 01 degree 07 minutes 02 seconds West 136.78 feet to the north existing right of way line of Federal Aid Route 5; thence along said existing right of way line northeasterly along a curve to the right having a radius of 4,884.65 feet and an arc length of 386.05 feet; thence continuing along said northerly right of way line, North 27 degrees 05 minutes 13 seconds East 44.80 feet to the Point of Beginning, containing 0.950 acres more or less.

Section 900. The Secretary of Transportation shall obtain a certified copy of the portions of this Act containing the title, enacting clause, the effective date, the appropriate Section or Sections containing the land descriptions of the property to be transferred or otherwise affected, and this Section within 60 days after its effective date and, upon receipt of payment required by the Section or Sections, if any payment is required, shall record the certified document in the Recorder's Office in the county which the land is located.

Section 905. According to the terms of an intergovernmental agreement between the County of DuPage and the State of Illinois, and subject to the conditions set forth in Section 917 of this Act, the

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Director of the Illinois Department of Corrections is authorized to convey by quitclaim deed to the County of DuPage, Illinois, all right, title, and interest in and to the following described land in the following described Parcel 26 in the County of DuPage, Illinois, in exchange for the fair market value of that land, less any improvements requested by the Department of Corrections, including but not limited to lighting, fencing, and signage that constitute part of the Illinois Youth Center-Warrenville:

Parcel 26:

That part of the Northeast Quarter of Section 4, Township 38 North, Range 9, East of the Third Principal Meridian, lying North of the Center line of Ferry Road, which lies west of a line described as follows: Beginning at a point in the center line of said Ferry Road, 65.380 meters (214.50 feet) west of the northerly right of way line of the Chicago, Aurora and Elgin Railroad; thence North 02 Degrees 38 Minutes West to the North line of said Section 4, and east of a line described as follows: Beginning at a point on said north line of said Section 4 which is 90.123 meters (4.48 chains) east of the Quarter Section post in the south line of Section 33, Township 39 North, Range 9 East of the Third Principal Meridian, and running thence South 3 Degrees West, 243.615 meters (12.11 chains) to the center line of said Ferry Road (except the east 98.146 meters (322.00 feet), as measured along the south line thereof) in DuPage County, Illinois.

Parcel 26 is that part of the above described parcel taken for roadway purposes, described as follows: Commencing at the intersection of the northerly line of the Chicago, Aurora and Elgin Railroad and the center line of Ferry Road; thence North 89 Degrees 12 Minutes 36 Seconds west along said center line, a distance of 65.332 meters; thence North 89 Degrees 16 Minutes 36 Seconds west along said center line, a distance of 98.147 meters for a point of beginning; thence North 89 Degrees 17 Minutes 01 Seconds west along said center line, a distance of 350.744 meters; thence North 03 Degrees 03 Minutes 30 Seconds east, a distance of 21.226 meters; thence South 89 Degrees 39 Minutes 43 Seconds east, a distance of 350.758 meters; thence South 02 Degrees 50 Minutes 34 Seconds west, a distance of 23.539 meters to the point of beginning, in DuPage County, Illinois.

The property shall be used only for public purposes or title shall revert without further action to the State of Illinois.

Section 910. According to the terms of an intergovernmental agreement between the County of DuPage and the State of Illinois, and subject to the conditions set forth in Section 917 of this Act, the Director of the Illinois Department of Corrections is authorized to execute a Grant of Temporary Construction Easement over the following described land in the following described parcel 26.1 TE in the County of DuPage in exchange for the fair market value of that easement:

Parcel 26.1 TE:

That part of the Northeast Quarter of Section 4, Township 38 North, Range 9, East of the Third Principal Meridian, lying North of the Center line of Ferry Road, which lies west of a line described as follows: Beginning at a point in the center line of said Ferry Road, 65.380 meters (214.50 feet) west of the northerly right of way line of the Chicago, Aurora and Elgin Railroad; thence North 02 Degrees 38 Minutes West to the North line of said Section 4, and east of a line described as follows: Beginning at a point on said north line of said Section 4 which is 90.123 meters (4.48 chains) east of the Quarter Section post in the south line of Section 33, Township 39 North, Range 9 East of the Third Principal Meridian, and running thence South 3 Degrees West, 243.615 meters (12.11 chains) to the center line of said Ferry Road (except the east 98.146 meters (322.00 feet), as measured along the south line thereof) in DuPage County, Illinois.

Parcel 26.1 TE is that part of the above described parcel taken for Temporary Easement Purposes, described as follows: Commencing at the intersection of the Northerly line of the Chicago, Aurora and Elgin Railroad and the Center line of Ferry Road; thence North 89 Degrees 12 Minutes 36 Seconds west along said center line, a distance of 65.332 meters; thence North 89 Degrees 16 Minutes 36 Seconds west along said center line, a distance of 98.147 meters; thence North 02 Degrees 50 Minutes 34 Seconds East, a distance of 23.539 meters; thence North 89 Degrees 39 Minutes 43 Seconds west, a distance of 92.216 meters for a point of beginning; thence continuing northwesterly along the last described course, a distance of 18.800 meters; thence North 00 Degrees 20 Minutes 21 Seconds east, a distance of 5.012 meters; thence South 89 Degrees 39 Minutes 42 Seconds East, a distance of 18.800 meters; thence South 00 Degrees 20 Minutes 17 Seconds West, a distance of 5.012 meters to the point of beginning, in DuPage County, Illinois.

The property may be used only for public purposes or the easement shall revert without further action to the State of Illinois.

Section 915. According to the terms of an intergovernmental agreement between the County of DuPage and the State of Illinois, and subject to the conditions set forth in Section 917 of this Act, the Director of the Illinois Department of Corrections is authorized to execute a Grant of Temporary

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Construction Easement over the following described land in the following described parcel 26.2 TE in the County of DuPage in exchange for the fair market value of that easement:

Parcel 26.2 TE:

That part of the Northeast Quarter of Section 4, Township 38 North, Range 9 East of the Third Principal Meridian, lying North of the Center line of Ferry Road, which lies west of a line described as follows: Beginning at a point in the center line of said Ferry Road, 65.380 meters (214.50 feet) west of the northerly right of way line of the Chicago, Aurora and Elgin Railroad; thence North 02 Degrees 38 Minutes West to the North line of said Section 4, and east of a line described as follows: Beginning at a point on said north line of said Section 4 which is 90.123 meters (4.48 chains) east of the Quarter Section post in the south line of Section 33, Township 39 North, Range 9 East of the Third Principal Meridian, and running thence South 3 Degrees West, 243.615 meters (12.11 chains) to the center line of said Ferry Road (except the east 98.146 meters (322.00 feet), as measured along the south line thereof) in DuPage County, Illinois.

Parcel 26.2 TE is that part of the above described parcel taken for Temporary Easement Purposes, described as follows: Commencing at the intersection of the northerly line of the Chicago, Aurora and Elgin Railroad and the center line of Ferry Road; thence North 89 Degrees 12 Minutes 36 Seconds west along said center line, a distance of 65.332 meters; thence North 89 Degrees 16 Minutes 36 Seconds west along said center line, a distance of 98.147 meters thence North 02 Degrees 50 Minutes 34 Seconds east, a distance of 23.539 meters for a point of beginning, thence North 89 Degrees 39 Minutes 43 Seconds west, a distance of 2.116 meters; thence North 00 Degrees 20 Minutes 21 Seconds east, a distance of 5.012 meters; thence South 89 Degrees 39 Minutes 43 Seconds east, a distance of 2.335 meters; thence South 02 Degrees 50 Minutes 34 Seconds west, a distance of 5.017 meters to the point of beginning, in DuPage County, Illinois.

The property may be used only for public purposes or the easement shall revert without further action to the State of Illinois.

Section 917. The Director of the Illinois Department of Corrections shall obtain a certified copy of the portions of this Act containing the title, enacting clause, the effective date, the appropriate Section or Sections containing the land descriptions of the property to be transferred or otherwise affected, and this Section within 60 days after its effective date and, upon receipt of payment required by the Section or Sections, if any payment is required, shall record the certified document in the Recorder's Office in the county in which the land is located.

Section 920. Subject to the conditions set forth in Section 927 of this Act, the Director of the Department of Natural Resources, on behalf of the State of Illinois, is authorized to execute and deliver to Springfield Plastics, Inc., a Nevada Corporation, with offices at 7300 West State, Route 104, Auburn, Illinois, hereinafter "Grantee", a quitclaim deed to the following described real property, for and in consideration of the fencing and trees to be provided by Grantee as hereinafter specified under Section 925, to wit:

Part of the Southwest Quarter of Section 8, Township 13 North, Range 6 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows: Beginning at an iron pipe at the intersection of the Southerly right-of-way line of State Route 104 and the Easterly line of the abandoned Chicago and Northwestern Railroad right-of-way; thence Southwesterly along the Easterly line of said abandoned Railroad right-of-way, 1563.58 feet to an iron pin; thence West parallel with the North line of the Southeast Quarter of said Section 8, to a point 20.00 feet Westerly of and perpendicularly distant from the Easterly line of said abandoned Railroad right-of-way; thence Northeasterly parallel with the Easterly line of said abandoned Railroad right-of-way, to the Southerly right-of-way line of Illinois Route 104; thence Easterly along said Southerly right-of-way line, to the Point of Beginning, containing 0.71 acres, more or less.

Section 925. As full consideration for the conveyance of the real property described in Section 920, Grantee shall: (1) provide all material, equipment and labor required to erect a chain-link fence, with a minimum height of 6 feet, along the Westerly line of such real property, running from a point near the Southwest corner of Grantee's existing building to the Southwest corner of such real property, being approximately 700 feet in length; and (2) provide all material, equipment and labor required to plant 4 (2 inch minimum caliper) oak trees on adjoining real property to be retained by the Department of Natural Resources, as directed by the Department.

Section 927. The Director of the Department of Natural Resources shall obtain a certified copy of the portions of this Act containing the title, enacting clause, the effective date, the appropriate Section or Sections containing the land descriptions of the property to be transferred or otherwise affected, and this Section within 60 days after its effective date and, upon receipt of payment required by the Section or Sections, if any payment is required, shall record the certified document in the Recorder's Office in the

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county in which the land is located.

Section 999. Effective date. This Act takes effect upon becoming law.".

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Halvorson, **House Bill No. 1043**, 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 57; Nays None.

The following voted in the affirmative:

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

This bill, having received the vote of 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 title be as aforesaid, and that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Martinez, **House Bill No. 3023**, 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 32; Nays 25.

The following voted in the affirmative:

Clayborne	Halvorson	Meeks	Viverito
Collins	Harmon	Munoz	Walsh
Crotty	Hendon	Obama	Welch
Cullerton	Hunter	Ronen	Woolard
del Valle	Jacobs	Sandoval	Mr. President
DeLeo	Lightford	Schoenberg	
Demuzio	Link	Shadid	
Garrett	Maloney	Silverstein	
Haine	Martinez	Trotter	

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The following voted in the negative:

Althoff	Jones, W.	Righter	Syverson
Bomke	Laufen	Risinger	Watson
Brady	Luechtefeld	Roskam	Winkel
Burzynski	Peterson	Rutherford	Wojcik
Cronin	Petka	Soden	
Geo-Karis	Radogno	Sullivan, D.	
Jones, J.	Rauschenberger	Sullivan, J.	

This bill, having received the vote of 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 title be as aforesaid, and that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Trotter, **House Bill No. 2391**, 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 30; Nays 26; Present 1.

The following voted in the affirmative:

Clayborne	Halvorson	Martinez	Silverstein
Collins	Harmon	Meeks	Trotter
Crotty	Hendon	Munoz	Viverito
Cullerton	Hunter	Obama	Walsh
del Valle	Jacobs	Ronen	Woolard
DeLeo	Lightford	Sandoval	Mr. President
Garrett	Link	Schoenberg	
Haine	Maloney	Shadid	

The following voted in the negative:

Althoff	Jones, J.	Rauschenberger	Sullivan, J.
Bomke	Jones, W.	Righter	Syverson
Brady	Laufen	Risinger	Watson
Burzynski	Luechtefeld	Roskam	Winkel
Cronin	Peterson	Rutherford	Wojcik
Demuzio	Petka	Soden	
Geo-Karis	Radogno	Sullivan, D.	

The following voted present:

Welch

This roll call verified.

This bill, having received the vote of 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 title be as aforesaid, and that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Munoz, **House Bill No. 3047**, 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 56; Nays None.

The following voted in the affirmative:

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

This bill, having received the vote of 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 title be as aforesaid, and that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Munoz, **House Bill No. 3231**, 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 42; Nays 12.

The following voted in the affirmative:

Althoff	Haine	Munoz	Syverson
Brady	Halvorson	Peterson	Trotter
Burzynski	Harmon	Radogno	Viverito
Crotty	Hunter	Ronen	Walsh
Cullerton	Jacobs	Rutherford	Watson
del Valle	Jones, W.	Sandoval	Welch
DeLeo	Lightford	Schoenberg	Winkel
Demuzio	Link	Shadid	Woolard
Dillard	Maloney	Silverstein	Mr. President
Garrett	Martinez	Soden	
Geo-Karis	Meeks	Sullivan, D.	

The following voted in the negative:

Bomke	Jones, J.	Risinger
Clayborne	Lauzen	Roskam
Cronin	Petka	Sullivan, J.
Hendon	Righter	Wojcik

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

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Ordered that the title be as aforesaid, and 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 Harmon, **House Bill No. 3402** was recalled from the order of third reading to the order of second reading.

Senator Harmon offered the following amendment:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 3402 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois State Auditing Act is amended by changing Section 3-1 as follows:

(30 ILCS 5/3-1) (from Ch. 15, par. 303-1)

Sec. 3-1. Jurisdiction of Auditor General. The Auditor General has jurisdiction over all State agencies to make post audits and investigations authorized by or under this Act or the Constitution.

The Auditor General has jurisdiction over local government agencies and private agencies only:

(a) to make such post audits authorized by or under this Act as are necessary and incidental to a post audit of a State agency or of a program administered by a State agency involving public funds of the State, but this jurisdiction does not include any authority to review local governmental agencies in the obligation, receipt, expenditure or use of public funds of the State that are granted without limitation or condition imposed by law, other than the general limitation that such funds be used for public purposes;

(b) to make investigations authorized by or under this Act or the Constitution; and

(c) to make audits of the records of local government agencies to verify actual costs of state-mandated programs when directed to do so by the Legislative Audit Commission at the request of the State Board of Appeals under the State Mandates Act.

In addition to the foregoing, the Auditor General may conduct an audit of the Metropolitan Pier and Exposition Authority, the Regional Transportation Authority, the Suburban Bus Division, the Commuter Rail Division and the Chicago Transit Authority and any other subsidized carrier when authorized by the Legislative Audit Commission. Such audit may be a financial, management or program audit, or any combination thereof.

The audit shall determine whether they are operating in accordance with all applicable laws and regulations. Subject to the limitations of this Act, the Legislative Audit Commission may by resolution specify additional determinations to be included in the scope of the audit.

In addition to the foregoing, the Auditor General must also conduct a financial audit of the Illinois Sports Facilities Authority's expenditures of public funds in connection with the reconstruction, renovation, remodeling, extension, or improvement of all or substantially all of any existing "facility", as that term is defined in the Illinois Sports Facilities Authority Act.

The Auditor General may also conduct an audit, when authorized by the Legislative Audit Commission, of any hospital which receives 10% or more of its gross revenues from payments from the State of Illinois, Department of Public Aid, Medical Assistance Program.

The Auditor General is authorized to conduct financial and compliance audits of the Illinois Distance Learning Foundation and the Illinois Conservation Foundation.

As soon as practical after the effective date of this amendatory Act of 1995, the Auditor General shall conduct a compliance and management audit of the City of Chicago and any other entity with regard to the operation of Chicago O'Hare International Airport, Chicago Midway Airport and Merrill C. Meigs Field. The audit shall include, but not be limited to, an examination of revenues, expenses, and transfers of funds; purchasing and contracting policies and practices; staffing levels; and hiring practices and procedures. When completed, the audit required by this paragraph shall be distributed in accordance with Section 3-14.

The Auditor General shall conduct a financial and compliance and program audit of distributions from the Municipal Economic Development Fund during the immediately preceding calendar year pursuant to Section 8-403.1 of the Public Utilities Act at no cost to the city, village, or incorporated town that received the distributions.

The Auditor General must conduct an audit of the Health Facilities Planning Board pursuant to Section 19.5 of the Illinois Health Facilities Planning Act.

The Auditor General must conduct an annual audit of the water enterprise fund of a county that has assumed the assets, liabilities, rights, powers, duties, and functions of a water commission under Section

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0.02 of the Water Commission Act of 1985. (Source: P.A. 90-813, eff. 1-29-99; 91-782, eff. 6-9-00; 91-935, eff. 6-1-01.)

Section 10. The Counties Code is amended by changing Section 5-1005 and by adding Section 5-1127 as follows:

(55 ILCS 5/5-1005) (from Ch. 34, par. 5-1005)

Sec. 5-1005. Powers. Each county shall have power:

1. To purchase and hold the real and personal estate necessary for the uses of the county, and to purchase and hold, for the benefit of the county, real estate sold by virtue of judicial proceedings in which the county is plaintiff.

2. To sell and convey or lease any real or personal estate owned by the county.

3. To make all contracts and do all other acts in relation to the property and concerns of the county necessary to the exercise of its corporate powers.

4. To take all necessary measures and institute proceedings to enforce all laws for the prevention of cruelty to animals.

5. To purchase and hold or lease real estate upon which may be erected and maintained buildings to be utilized for purposes of agricultural experiments and to purchase, hold and use personal property for the care and maintenance of such real estate in connection with such experimental purposes.

6. To cause to be erected, or otherwise provided, suitable buildings for, and maintain a county hospital and necessary branch hospitals and/or a county sheltered care home or county nursing home for the care of such sick, chronically ill or infirm persons as may by law be proper charges upon the county, or upon other governmental units, and to provide for the management of the same. The county board may establish rates to be paid by persons seeking care and treatment in such hospital or home in accordance with their financial ability to meet such charges, either personally or through a hospital plan or hospital insurance, and the rates to be paid by governmental units, including the State, for the care of sick, chronically ill or infirm persons admitted therein upon the request of such governmental units. Any hospital maintained by a county under this Section is authorized to provide any service and enter into any contract or other arrangement not prohibited for a hospital that is licensed under the Hospital Licensing Act, incorporated under the General Not-For-Profit Corporation Act, and exempt from taxation under paragraph (3) of subsection (c) of Section 501 of the Internal Revenue Code.

7. To contribute such sums of money toward erecting, building, maintaining, and supporting any non-sectarian public hospital located within its limits as the county board of the county shall deem proper.

8. To purchase and hold real estate for the preservation of forests, prairies and other natural areas and to maintain and regulate the use thereof.

9. To purchase and hold real estate for the purpose of preserving historical spots in the county, to restore, maintain and regulate the use thereof and to donate any historical spot to the State.

10. To appropriate funds from the county treasury to be used in any manner to be determined by the board for the suppression, eradication and control of tuberculosis among domestic cattle in such county.

11. To take all necessary measures to prevent forest fires and encourage the maintenance and planting of trees and the preservation of forests.

12. To authorize the closing on Saturday mornings of all offices of all county officers at the county seat of each county, and to otherwise regulate and fix the days and the hours of opening and closing of such offices, except when the days and the hours of opening and closing of the office of any county officer are otherwise fixed by law; but the power herein conferred shall not apply to the office of State's Attorney and the offices of judges and clerks of courts and, in counties of 500,000 or more population, the offices of county clerk.

13. To provide for the conservation, preservation and propagation of insectivorous birds through the expenditure of funds provided for such purpose.

14. To appropriate funds from the county treasury and expend the same for care and treatment of tuberculosis residents.

15. In counties having less than 1,000,000 inhabitants, to take all necessary or proper steps for the extermination of mosquitoes, flies or other insects within the county.

16. To install an adequate system of accounts and financial records in the offices and divisions of the county, suitable to the needs of the office and in accordance with generally accepted principles of accounting for governmental bodies, which system may include such reports as the county board may determine.

17. To purchase and hold real estate for the construction and maintenance of motor vehicle parking facilities for persons using county buildings, but the purchase and use of such real estate shall not be for revenue producing purposes.

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18. To acquire and hold title to real property located within the county, or partly within and partly outside the county by dedication, purchase, gift, legacy or lease, for park and recreational purposes and to charge reasonable fees for the use of or admission to any such park or recreational area and to provide police protection for such park or recreational area. Personnel employed to provide such police protection shall be conservators of the peace within such park or recreational area and shall have power to make arrests on view of the offense or upon warrants for violation of any of the ordinances governing such park or recreational area or for any breach of the peace in the same manner as the police in municipalities organized and existing under the general laws of the State. All such real property outside the county shall be contiguous to the county and within the boundaries of the State of Illinois.

19. To appropriate funds from the county treasury to be used to provide supportive social services designed to prevent the unnecessary institutionalization of elderly residents, or, for operation of, and equipment for, senior citizen centers providing social services to elderly residents.

20. To appropriate funds from the county treasury and loan such funds to a county water commission created under the "Water Commission Act", approved June 30, 1984, as now or hereafter amended, in such amounts and upon such terms as the county may determine or the county and the commission may agree. The county shall not under any circumstances be obligated to make such loans. The county shall not be required to charge interest on any such loans.

21. Beginning October 1, 2003, to exercise the powers and assume the obligations of a water commission abolished under Section 0.02 of the Water Commission Act of 1985.

All contracts for the purchase of coal under this Section shall be subject to the provisions of "An Act concerning the use of Illinois mined coal in certain plants and institutions", filed July 13, 1937, as amended. (Source: P.A. 86-962; 86-1028.)

(55 ILCS 5/5-1127 new)

Sec. 5-1127. Homeland security and bioterrorism response plan. The health department and emergency management agency of the home county of a water commission abolished under Section 0.02 of the Water Commission Act of 1985 shall develop a homeland security and bioterrorism response plan and ongoing operations for the home county, including but not limited to, equipment, training, personnel, and other critical recurring public health programs. The homeland security and bioterrorism response plan shall include, but need not be limited to, the following:

(1) As designated by the county board of health, the procurement of appropriate antibiotics or other remedies for distribution to first responders to events of bioterrorism.

(2) The organization of a sufficient number of volunteers as deemed necessary by the county board or health department for the dissemination of information and other duties assigned by the board for the purpose of responding to events of bioterrorism.

(3) The establishment of municipal liaisons for every municipality wholly or partially within the county in order to assist, if necessary, and to coordinate county health department efforts in the event of a bioterrorism incident.

(4) The distribution of county public service announcements and advertisements designed to educate county residents on what to do and where to turn for help in the event of a bioterrorism incident.

Funding for the plan and its operation shall derive from revenues collected under the Water Commission Act of 1985 and transferred to the home county board under this amendatory Act of the 93rd General Assembly.

Section 15. The Illinois Municipal Code is amended by changing Section 11-124-1 as follows:

(65 ILCS 5/11-124-1) (from Ch. 24, par. 11-124-1)

Sec. 11-124-1. (a) The corporate authorities of each municipality may contract with any person, corporation, municipal corporation, political subdivision, public water district or any other agency for a supply of water. Any such contract entered into by a municipality shall provide that payments to be made thereunder shall be solely from the revenues to be derived from the operation of the waterworks system of the municipality, and the contract shall be a continuing valid and binding obligation of the municipality payable from the revenues derived from the operation of the waterworks system of the municipality for the period of years, not to exceed 40, as may be provided in such contract. Any such contract shall not be a debt within the meaning of any constitutional or statutory limitation. No prior appropriation shall be required before entering into such a contract and no appropriation shall be required to authorize payments to be made under the terms of any such contract notwithstanding any provision in this Code to the contrary. (a) Payments to be made under any such contract shall be an operation and maintenance expense of the waterworks system of the municipality. Any such contract made by a municipality for a supply of water may contain provisions whereby the municipality is obligated to pay for such supply of water without setoff or counterclaim and irrespective of whether such

supply of water is ever furnished, made available or delivered to the municipality or whether any project for the supply of water contemplated by any such contract is completed, operable or operating and notwithstanding any suspension, interruption, interference, reduction or curtailment of the supply of water from such project. Any such contract may provide that if one or more of the other purchasers of water defaults in the payment of its obligations under such contract or a similar contract made with the supplier of the water, one or more of the remaining purchasers party to such contract or such similar contract shall be required to pay for all or a portion of the obligations of the defaulting purchasers. (b) Payments to be made under any such contract with a municipal joint action water agency under the Intergovernmental Cooperation Act shall be an operation and maintenance expense of the waterworks system of the municipality. Any such contract made by a municipality for a supply of water with a municipal joint action water agency under the provisions of the Intergovernmental Cooperation Act may contain provisions whereby the municipality is obligated to pay for such supply of water without setoff or counterclaim and irrespective of whether such supply of water is ever furnished, made available or delivered to the municipality or whether any project for the supply of water contemplated by any such contract is completed, operable or operating and notwithstanding any suspension, interruption, interference, reduction or curtailment of the supply of water from such project. Any such contract with a municipal joint action water agency may provide that if one or more of the other purchasers of water defaults in the payment of its obligations under such contract or a similar contract made with the supplier of the water, one or more of the remaining purchasers party to such contract or such similar contract shall be required to pay for all or a portion of the obligations of the defaulting purchasers.

The changes in this Section made by these amendatory Acts of 1984 are intended to be declarative of existing law.

(b) A municipality with a water supply contract with a home county of a water commission abolished under Section 0.02 of the Water Commission Act of 1985 shall provide water to unincorporated areas of that home county that adjoin that municipality in accordance with the terms of this subsection. The provision of water by the municipality shall be in accordance with an ordinance of the home county. The ordinance of the home county shall not be effective unless it finds that the area to be served receives well water that is tainted, contaminated, or otherwise substandard. The ordinance of the home county shall designate the system within the unincorporated area to receive and distribute municipal water. A home rule unit may not provide water in a manner that is inconsistent with the provisions of this amendatory Act of the 93rd General Assembly. This subsection 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 powers and functions exercised by the State. (Source: P.A. 83-1123; 83-1524.)

Section 20. The Water Commission Act of 1985 is amended by adding Sections 0.01, 0.02, 0.03, 0.04, 0.05, 0.06, 0.07, 0.08, 0.09, 0.010, 0.011, 0.012, 0.013, and 0.014 as follows:

(70 ILCS 3720/0.01 new)

Sec. 0.01. Purpose and findings. It is the purpose of this amendatory Act of the 93rd General Assembly to abolish the commissions created by this Water Commission Act of 1985 and to transfer to the respective home counties all assets, property, liabilities, rights, powers, duties, and functions of the commissions.

The General Assembly finds and declares that it is necessary and in the best interests of the people of the State of Illinois and the persons served by these commissions to change the governance of water systems created and functioning under the Water Commission Act of 1985. The changes established by this amendatory Act of the 93rd General Assembly are intended to save costs by eliminating an unnecessary additional level of government, make the governance of water systems more responsive to electors and water users, serve more equitably the municipalities receiving water, prevent the retention of unnecessary cash reserves at the expense of water users and taxpayers, spread the costs of the water system more equitably among users, increase the benefits resulting from the creation of water systems, rebate excess revenues to residents of the home county, and fund homeland defense and bioterrorism response operations.

It is not the intent of this amendatory Act of 2003 to change or permit the changing of any financial covenants or obligations to supply water of a water commission established under the Water Commission Act of 1985.

(70 ILCS 3720/0.02 new)

Sec. 0.02. Districts abolished; assets, property, liabilities, rights, powers, duties, and functions assumed. Notwithstanding any other provisions of law, including any other provision of this Water Commission Act of 1985, any water commission established under this Act is abolished on October 1, 2003. On October 1, 2003, the home county of the commission that is abolished shall assume all assets, property, liabilities, rights, powers, duties, and functions of the abolished commission.

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(70 ILCS 3720/0.03 new)

Sec. 0.03. Transfer of personnel. On October 1, 2003, personnel employed by a water commission that is abolished by this amendatory Act of the 93rd General Assembly are transferred to the home county of the commission. The rights of these employees under collective bargaining agreements are not affected by this amendatory Act of the 93rd General Assembly.

(70 ILCS 3720/0.04 new)

Sec. 0.04. Transfer of property. Effective October 1, 2003, all books, records, documents, property (real and personal), unexpended appropriations, and pending business of a water commission abolished under this amendatory Act of the 93rd General Assembly are transferred and delivered to the home county.

(70 ILCS 3720/0.05 new)

Sec. 0.05. Taxes.

Beginning on October 1, 2003, the county board of a home county of a water commission that is abolished under this amendatory Act of the 93rd General Assembly shall have the power to levy and collect the tax set forth in subsection (f) of Section 2 of this Act. The revenues collected from this tax may be used only to repay the debts and obligations incurred by an abolished water commission. This taxing power expires upon the repayment of the indebtedness and obligations of the water commission that exist on September 30, 2003.

(70 ILCS 3720/0.06 new)

Sec. 0.06. Taxpayer rebate. On or before October 1, 2004, the county board of the home county shall rebate the amount of \$25,000,000 to the taxpayers in the areas in which these funds were collected.

(70 ILCS 3720/0.07 new)

Sec. 0.07. Water enterprise fund. On October 1, 2003, the home county shall establish a water enterprise fund. All moneys transferred to the home county under this amendatory Act of the 93rd General Assembly shall, for accounting purposes, be stated separately in the water enterprise fund, but these moneys may be appropriated from the fund for any county water, public health, or safety purpose.

The Illinois Auditor General shall annually audit the water enterprise fund and the results of that audit must be made available to the public.

(70 ILCS 3720/0.08 new)

Sec. 0.08. Water service for unincorporated areas. A municipality with a water supply contract with a home county of a water commission abolished under Section 0.02 of the Water Commission Act of 1985 shall provide water to unincorporated areas of that home county that adjoin that municipality in accordance with the terms of this subsection. The provision of water by the municipality shall be in accordance with an ordinance of the home county. The ordinance of the home county shall not be effective unless it finds that the area to be served receives well water that is tainted, contaminated, or otherwise substandard. The ordinance of the home county shall designate the system within the unincorporated area to receive and distribute municipal water.

(70 ILCS 3720/0.09 new)

Sec. 0.09. Water subsidy guaranty. Except to satisfy the obligations of the abolished water commission, the water rates charged to municipalities that are in effect on the effective date of this amendatory Act of the 93rd General Assembly may not be increased for a period of 5 years. After this 5-year period, the home county may not increase this rate without the affirmative vote of three-fifths of the county board.

(70 ILCS 3720/0.010 new)

Sec. 0.010. Ordinances, orders, and resolutions.

(a) On October 1, 2003, the ordinances, orders, and resolutions of a water commission abolished by this amendatory Act of the 93rd General Assembly that were in effect on September 30, 2003 and that pertain to the assets, property, liabilities, rights, powers, duties, and functions transferred to the home county shall become, with respect to that territory, the ordinances, orders, and resolutions of the home county and shall continue in effect until amended or repealed.

(b) Any ordinances, orders, or resolutions pertaining to the assets, property, liabilities, rights, powers, duties, and functions transferred to the home county under this amendatory Act of the 93rd General Assembly that have been proposed by a water commission abolished by this amendatory Act of the 93rd General Assembly but have not taken effect or been finally adopted by September 30, 2003 shall become, with respect to that territory, the proposed ordinances, orders, and resolutions of the home county, and any procedures that have already been completed by the abolished water commission for those proposed ordinances, orders, or resolutions need not be repeated.

(c) As soon as practical after October 1, 2003, the home county shall revise and clarify the ordinances, orders, and resolutions transferred to it under this amendatory Act of the 93rd General

Assembly. The home county may propose and adopt such other ordinances, orders, or resolutions as may be necessary to consolidate and clarify the ordinances, orders, and resolutions assumed under this amendatory Act of the 93rd General Assembly.

(70 ILCS 3720/0.011 new)

Sec. 0.011. Cross references. Beginning on October 1, 2003, all references in other statutes, however phrased, to a water commission abolished under this amendatory Act of the 93rd General Assembly shall be references to the home county in its capacity as successor to the abolished water commission.

(70 ILCS 3720/0.012 new)

Sec. 0.012. Savings provisions.

(a) The assets, property, liabilities, rights, powers, duties, and functions transferred to a home county by this amendatory Act of the 93rd General Assembly shall be vested in that county subject to the provisions of this amendatory Act of the 93rd General Assembly. An act done by an abolished water commission or by an officer, employee, or agent of the abolished water commission with respect to the transferred assets, property, liabilities, rights, powers, duties, or functions shall have the same legal effect as if done by the home county or by an officer, employee, or agent of the home county.

(b) The transfer of assets, liabilities, rights, powers, duties, and functions under this amendatory Act of the 93rd General Assembly does not invalidate any previous action taken by or in respect to an abolished water commission or its officers, employees, or agents. References to an abolished water commission or to its officers, employees, or agents in any document, contract, agreement, or law shall, in appropriate contexts, be deemed to refer to the home county or to its officers, employees, or agents.

(c) The transfer under this amendatory Act of the 93rd General Assembly of assets, property, liabilities, rights, powers, duties, and functions of an abolished water commission does not affect any person's rights, obligations, or duties, including any applicable civil or criminal penalties, arising out of those transferred assets, property, liabilities, rights, powers, duties, and functions.

(d) With respect to matters pertaining to an asset, liability, right, power, duty, or function transferred to a home county under this amendatory Act of the 93rd General Assembly:

(1) Beginning October 1, 2003, a report or notice that was previously required to be made or given by any person to an abolished water commission or to any of its officers, employees, or agents must be made or given in the same manner to the home county or to its appropriate officer, employee, or agent.

(2) Beginning October 1, 2003, a document that was previously required to be furnished or served by any person to or upon an abolished water commission or to or upon any of its officers, employees, or agents must be furnished or served in the same manner to or upon the home county or to or upon its appropriate officer, employee, or agent.

(e) This amendatory Act of the 93rd General Assembly does not affect any act done, ratified, or cancelled, any right occurring or established, or any action or proceeding had or commenced in an administrative, civil, or criminal cause before October 1, 2003. Any such action or proceeding that pertains to an asset, property, liability, right, power, duty, or function transferred to a home county under this Act and that is pending on October 1, 2003 may be prosecuted, defended, or continued by the home county.

(70 ILCS 3720/0.013 new)

Sec. 0.013. Disputes. Any disputes that arise as a result of the abolishment of a water commission and the assumption of the assets, property, liabilities, rights, powers, duties, and functions of the abolished commission shall be resolved by and appropriate action commenced in the circuit court.

(70 ILCS 3720/0.014 new)

Sec. 0.014. Home rule. A home rule unit may not regulate its water systems in a manner that is inconsistent with the provisions of this amendatory Act of the 93rd General Assembly. 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 powers and functions exercised by the State.

Section 90. The State Mandates Act is amended by adding Section 8.27 as follows:

(30 ILCS 805/8.27 new)

Sec. 8.27. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 93rd General Assembly.

Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

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

Senator Harmon moved that the foregoing amendment be ordered to lie on the table.

The motion to table prevailed.

Senators Harmon - Cronin offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2____. Amend House Bill 3402, AS AMENDED, by replacing the title with the following:

"AN ACT concerning local government."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois State Auditing Act is amended by changing Section 3-1 as follows:

(30 ILCS 5/3-1) (from Ch. 15, par. 303-1)

Sec. 3-1. Jurisdiction of Auditor General. The Auditor General has jurisdiction over all State agencies to make post audits and investigations authorized by or under this Act or the Constitution.

The Auditor General has jurisdiction over local government agencies and private agencies only:

(a) to make such post audits authorized by or under this Act as are necessary and incidental to a post audit of a State agency or of a program administered by a State agency involving public funds of the State, but this jurisdiction does not include any authority to review local governmental agencies in the obligation, receipt, expenditure or use of public funds of the State that are granted without limitation or condition imposed by law, other than the general limitation that such funds be used for public purposes;

(b) to make investigations authorized by or under this Act or the Constitution; and

(c) to make audits of the records of local government agencies to verify actual costs of state-mandated programs when directed to do so by the Legislative Audit Commission at the request of the State Board of Appeals under the State Mandates Act.

In addition to the foregoing, the Auditor General may conduct an audit of the Metropolitan Pier and Exposition Authority, the Regional Transportation Authority, the Suburban Bus Division, the Commuter Rail Division and the Chicago Transit Authority and any other subsidized carrier when authorized by the Legislative Audit Commission. Such audit may be a financial, management or program audit, or any combination thereof.

The audit shall determine whether they are operating in accordance with all applicable laws and regulations. Subject to the limitations of this Act, the Legislative Audit Commission may by resolution specify additional determinations to be included in the scope of the audit.

In addition to the foregoing, the Auditor General must also conduct a financial audit of the Illinois Sports Facilities Authority's expenditures of public funds in connection with the reconstruction, renovation, remodeling, extension, or improvement of all or substantially all of any existing "facility", as that term is defined in the Illinois Sports Facilities Authority Act.

The Auditor General may also conduct an audit, when authorized by the Legislative Audit Commission, of any hospital which receives 10% or more of its gross revenues from payments from the State of Illinois, Department of Public Aid, Medical Assistance Program.

The Auditor General is authorized to conduct financial and compliance audits of the Illinois Distance Learning Foundation and the Illinois Conservation Foundation.

As soon as practical after the effective date of this amendatory Act of 1995, the Auditor General shall conduct a compliance and management audit of the City of Chicago and any other entity with regard to the operation of Chicago O'Hare International Airport, Chicago Midway Airport and Merrill C. Meigs Field. The audit shall include, but not be limited to, an examination of revenues, expenses, and transfers of funds; purchasing and contracting policies and practices; staffing levels; and hiring practices and procedures. When completed, the audit required by this paragraph shall be distributed in accordance with Section 3-14.

The Auditor General shall conduct a financial and compliance and program audit of distributions from the Municipal Economic Development Fund during the immediately preceding calendar year pursuant to Section 8-403.1 of the Public Utilities Act at no cost to the city, village, or incorporated town that received the distributions.

The Auditor General must conduct an audit of the Health Facilities Planning Board pursuant to Section 19.5 of the Illinois Health Facilities Planning Act.

The Auditor General must conduct an annual audit of the water fund of a county water commission organized pursuant to the Water Commission Act of 1985. (Source: P.A. 90-813, eff. 1-29-99; 91-782, eff. 6-9-00; 91-935, eff. 6-1-01.)

Section 10. The Illinois Municipal Code is amended by changing Section 11-124-1 as follows:

(65 ILCS 5/11-124-1) (from Ch. 24, par. 11-124-1)

Sec. 11-124-1. Contracts for supply of water. (a) The corporate authorities of each municipality may contract with any person, corporation, municipal corporation, political subdivision, public water district or any other agency for a supply of water. Any such contract entered into by a municipality shall provide that payments to be made thereunder shall be solely from the revenues to be derived from the operation of the waterworks system of the municipality, and the contract shall be a continuing valid and binding obligation of the municipality payable from the revenues derived from the operation of the waterworks system of the municipality for the period of years, not to exceed 40, as may be provided in such contract. Any such contract shall not be a debt within the meaning of any constitutional or statutory limitation. No prior appropriation shall be required before entering into such a contract and no appropriation shall be required to authorize payments to be made under the terms of any such contract notwithstanding any provision in this Code to the contrary. (a) Payments to be made under any such contract shall be an operation and maintenance expense of the waterworks system of the municipality. Any such contract made by a municipality for a supply of water may contain provisions whereby the municipality is obligated to pay for such supply of water without setoff or counterclaim and irrespective of whether such supply of water is ever furnished, made available or delivered to the municipality or whether any project for the supply of water contemplated by any such contract is completed, operable or operating and notwithstanding any suspension, interruption, interference, reduction or curtailment of the supply of water from such project. Any such contract may provide that if one or more of the other purchasers of water defaults in the payment of its obligations under such contract or a similar contract made with the supplier of the water, one or more of the remaining purchasers party to such contract or such similar contract shall be required to pay for all or a portion of the obligations of the defaulting purchasers. (b) Payments to be made under any such contract with a municipal joint action water agency under the Intergovernmental Cooperation Act shall be an operation and maintenance expense of the waterworks system of the municipality. Any such contract made by a municipality for a supply of water with a municipal joint action water agency under the provisions of the Intergovernmental Cooperation Act may contain provisions whereby the municipality is obligated to pay for such supply of water without setoff or counterclaim and irrespective of whether such supply of water is ever furnished, made available or delivered to the municipality or whether any project for the supply of water contemplated by any such contract is completed, operable or operating and notwithstanding any suspension, interruption, interference, reduction or curtailment of the supply of water from such project. Any such contract with a municipal joint action water agency may provide that if one or more of the other purchasers of water defaults in the payment of its obligations under such contract or a similar contract made with the supplier of the water, one or more of the remaining purchasers party to such contract or such similar contract shall be required to pay for all or a portion of the obligations of the defaulting purchasers.

The changes in this Section made by these amendatory Acts of 1984 are intended to be declarative of existing law.

(b) A municipality with a water supply contract with a county water commission organized pursuant to the Water Commission Act of 1985 shall provide water to unincorporated areas of that home county in accordance with the terms of this subsection. The provision of water by the municipality shall be in accordance with a mandate of the home county as provided in Section 0.01 of the Water Commission Act of 1985. A home rule unit may not provide water in a manner that is inconsistent with the provisions of this amendatory Act of the 93rd General Assembly. This subsection 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 powers and functions exercised by the State. (Source: P.A. 83-1123; 83-1524.)

Section 15. The Water Commission Act of 1985 is amended by changing Section 2 and by adding Sections 0.01, 0.02, 0.03, 0.04, and 0.05 as follows:

(70 ILCS 3720/2) (from Ch. 111 2/3, par. 252)

Sec. 2. The General Assembly hereby finds and declares that it is necessary and in the public interest to help assure a sufficient and economic supply of a source of water within those county wide areas of this State where, because of a growth in population and proximity to large urban centers, the health, safety and welfare of the residents is threatened by an ever increasing shortage of a continuing, available and adequate source and supply of water on an economically reasonable basis; however, it is not the intent of the General Assembly to interfere with the power of municipalities to provide for the retail distribution of water to their residents or the customers of their water systems. Therefore, in order to provide for a sufficient and economic supply of water to such areas, it is hereby declared to be the law of this State that:

(a) With respect to any water commission constituted pursuant to Division 135 of the Illinois Municipal Code or established by operation of law under Public Act 83-1123, as amended, which water commission includes municipalities which in the aggregate have within their corporate limits more than

50% of the population of a county (hereinafter referred to as a "home county"), and such county is contiguous to a county which has a population in excess of 1,000,000 inhabitants, the provisions of this Act shall apply. With respect to any such water commission (hereinafter referred to as a "county water commission"):

(i) the terms of all commissioners of such commission holding office at the time a water commission becomes a county water commission shall terminate 30 days after such time and new commissioners shall be appointed as the governing board of the county water commission as hereinafter provided in subsection (c); and

(ii) the county water commission shall continue to be a body corporate and politic, and shall bear the name of the home county but shall be independent from and not a part of the county government and shall itself be a political subdivision and a unit of local government, and upon appointment of the new commissioners as the governing board of such water commission as provided in subsection (c), such water commission shall remain responsible for the full payment of, and shall by operation of law be deemed to have assumed and shall pay when due all debts and obligations of the commission as the same is constituted and as such debts and obligations existed on the date such water commission becomes a county water commission and such additional debts and obligations as are incurred by such commission after such date and prior to the appointment of the new commissioners as the governing board of such commission, and further shall continue to have and exercise all powers and functions and duties of a water commission created pursuant to Division 135 of the Illinois Municipal Code, as now or hereafter amended, and the county water commission may rely on that Division, as modified and supplemented by the provisions of this Act, as lawful authority under which it may act.

(b) Any county water commission shall have as its territory within its corporate limits, subject to taxation for its purposes, and subject to the powers and limitations as conferred by this Act, (i) all of the territory of the home county except that territory located within the corporate limits of excluded units as hereinafter defined and (ii) also all of the territory located outside the home county and included within the corporate limits of an included unit as hereinafter defined. As used in this Act, "excluded unit" means a unit of local government having a waterworks system and having within its corporate limits territory within the home county and which, at the time any commission becomes a county water commission, receives, or has contracted at such time for the receipt of, more than 25% of the water distributed by such unit's water system from a source outside of the home county. As used in this Section, "included unit" means any unit of local government having a waterworks system and having within its corporate limits territory within the home county, which unit of local government is not an excluded unit. No other water commission shall be constituted under Division 135 of the Illinois Municipal Code in any home county after the effective date of this Act to provide water from any source located outside the home county. Except as authorized by a county water commission, no home county or included unit shall enter into any new or renew or extend any existing contract, agreement or other arrangement for the acquisition or sale of water from any source located outside a home county; provided, however, that any included unit may contract for a supply of water in case of a temporary emergency from any other unit of local government or any entity. In the event that any included unit elects to serve retail customers outside its corporate boundaries and to establish rates and charges for such water in excess of those charged within its corporate boundaries, such rates and charges shall have a reasonable relationship to the actual cost of providing and delivering the water; this provision is declarative of existing law. It is declared to be the law of this State pursuant to paragraphs (g) and (h) of Section 6 of Article VII of the Illinois Constitution that in any home county, the provisions of this Act and Division 135 of the Illinois Municipal Code, as modified and supplemented by this Act and this amendatory Act of the 93rd General Assembly, constitute a limitation upon the power of any such county and upon all units of local government (except excluded units) within such county, including home rule units, limiting to such county, units of local government and home rule units the power to acquire, supply or distribute water or to establish any water commission for such purposes involving water from any source located outside the home county in a manner other than as provided or permitted by this Act and Division 135, as modified and supplemented by this Act, and further constitute an exercise of exclusive State power with respect to the acquisition, supply and distribution of water from any source located outside the home county by any such county and by units of local government (except excluded units), including home rule units, within such county and with respect to the establishment for such purposes of any water commission therein, which power may not be exercised concurrently by any unit of local government or home rule unit. Upon the request of any included unit, a county water commission shall provide such included unit Lake Michigan water in an amount up to the then current Department of Transportation allocation of Lake Michigan water for such included unit.

With respect to a water commission to which the provisions of subsection (a) apply, all uninhabited

territory that is owned and solely occupied by such a commission and is located not within its home county but within a non-home rule municipality adjacent to its home county shall, notwithstanding any other provision of law, be disconnected from that municipality by operation of this Act on the effective date of this amendatory Act of 1991, and shall thereafter no longer be within the territory of the municipality for any purpose; except that for the purposes of any statute that requires contiguity of territory, the territory of the water commission shall be disregarded and the municipality shall not be deemed to be noncontiguous by virtue of the disconnection of the water commission territory.

(c) The governing body of any water commission to which the provisions of subsection (a) apply shall be a board of commissioners, each to be appointed within 30 days after the water commission becomes a county water commission to a term commencing on such date, as follows:

(i) one commissioner, who shall serve as chairman, who shall be a resident of the home county, to be appointed by the chairman of the county board of such county with the advice and consent of the county board, provided that following the expiration of the term or vacancy of the current chairman serving on the effective date of this amendatory Act of the 93rd General Assembly, any subsequent appointment as chairman shall also be subject to the advice and consent of the county water commission;

(ii) one commissioner from each county board district within the home county, to be appointed by the chairman of the county board of the home county with the advice and consent of the county board; and

(iii) one commissioner from each county board district within the home county, to be appointed by the majority vote of the mayors of those included units which are municipalities and which have the greatest percentage of their respective populations residing within such county board district of the home county.

The mayors of the respective county board districts shall meet for the purpose of making said respective appointments at a time and place designated by that mayor in each county board district of the included unit with the largest population voting for a commissioner upon not less than 10 days' written notice to each other mayor entitled to vote.

The commissioners so appointed shall serve for a term of 6 years, or until their successors have been appointed and have qualified in the same manner as the original appointments, except that at the first meeting of such commissioners, (A) the commissioners first appointed pursuant to paragraph (ii) of this subsection shall determine publicly by lot 1/3 of their number to serve for terms of 2 years, 1/3 of their number to serve for terms of 4 years and 1/3 of their number to serve for terms of 6 years, any odd number of commissioners so determined by dividing into thirds to serve 6 year terms, and (B) the commissioners first appointed pursuant to paragraph (iii) of this subsection shall determine publicly by lot 1/3 of their number to serve for terms of 2 years, 1/3 of their number to serve for terms of 4 years and 1/3 of their number to serve for terms of 6 years, any odd number of commissioners so determined by dividing into thirds to serve 6 year terms. The commissioner first appointed pursuant to paragraph (i) of this subsection, who shall serve as chairman, shall serve for a term of 6 years. Any commissioner may be a member of the governing board or an officer or employee of such county or any unit of local government within such county. A commissioner is eligible for reappointment upon the expiration of his term. A vacancy in the office of a commissioner shall be filled for the balance of the unexpired term by appointment and qualification as to residency in the same manner as the original appointment was made. Each commissioner shall receive the same compensation which shall not be more than \$600 per year, except that no such commissioner who is a member of the governing board or an officer or employee of such county or any unit of local government within such county may receive any compensation for serving as a commissioner. Each commissioner may be removed by the appointing authority for any cause for which any other county or municipal officer may be removed. The county water commission shall determine its own rules of proceeding. A quorum shall be a majority of the commissioners then in office. All ordinances or resolutions shall be passed by not less than a majority of a quorum. No commissioner or employee of the commission, no member of the county board or other official elected within such county, no mayor or president or other member of the corporate authorities of any unit of local government within such county, and no employee of such county or any such unit of local government, shall be interested directly or indirectly in any contract or job of work or materials, or the profits thereof, or services to be performed for or by the commission. A violation of any of the foregoing provisions of this subsection is a Class C misdemeanor. A conviction is cause for the removal of a person from his office or employment.

(d) Except as provided in subsection (g), subject to the referendum provided for in subsection (e), a county water commission may borrow money for corporate purposes on the credit of the commission, and issue general obligation bonds therefor, in such amounts and form and on such conditions as it shall

prescribe, but shall not become indebted in any manner or for any purpose in an amount including existing indebtedness in the aggregate to exceed 5.75% of the aggregate value of the taxable property within the territorial boundaries of the county water commission, as equalized and assessed by the Department of Revenue and as most recently available at the time of the issue of said bonds. Before or at the time of incurring any indebtedness, except as provided in subsection (g), the commission shall provide for the collection of a direct annual tax, which shall be unlimited as to rate or amount, sufficient to pay the interest on such debt as it falls due and also to pay and discharge the principal thereof at maturity, which shall be within 40 years after the date of issue thereof. Such tax shall be levied upon and collected from all of the taxable property within the territory of the county water commission. Dissolution of the county water commission for any reason shall not relieve the taxable property within such territory of the county water commission from liability for such tax. The clerk of the commission shall file a certified copy of the resolution or ordinance by which such bonds are authorized to be issued and such tax is levied with the County Clerk of each county in which any of the territory of the county water commission is located and such filing shall constitute, without the doing of any other act, full and complete authority for each such County Clerk to extend such tax for collection upon all the taxable property within the territory of the county water commission subject to such tax in each and every year required sufficient to pay the principal of and interest on such bonds, as aforesaid, without limit as to rate or amount, and shall be in addition to and in excess of all other taxes authorized to be levied by the commission or any included unit. The general obligation bonds shall be issued pursuant to an ordinance or resolution and may be issued in one or more series, and shall bear such date or dates, mature at such time or times and in any event not more than 40 years from the date thereof, be sold at such price at private or public sale as determined by a county water commission, bear interest at such rate or rates such that the net effective interest rate received upon the sale of such bonds does not exceed the maximum rate determined under Section 2 of the Bond Authorization Act, which rates may be fixed or variable, be in such denominations, be in such form, either coupon or registered, carry such conversion, registration, and exchange privileges, be executed in such manner, be payable in such medium of payment at such place or places within or without the State of Illinois, be subject to such terms of redemption, and contain or be subject to such other terms as the ordinance or resolution may provide, and shall not be restricted by the provisions of any other terms of obligations of public agencies or private persons.

(e) No issue of general obligation bonds by a county water commission (except bonds to refund an existing bonded indebtedness) shall be authorized unless the commission certifies the proposition of issuing such bonds to the proper election officials, who shall submit the proposition to the voters at an election in accordance with the general election law, and the proposition has been approved by a majority of those voting on the proposition.

The proposition shall be in the form provided in Section 5 or shall be substantially in the following form:

Shall general obligation
bonds for the purpose of
(state purpose), in the YES
sum of \$...(insert amount), -----
be issued by the NO
(insert corporate name of
the county water commission)?

(f) In order to carry out and perform its powers and functions and duties under the provisions of this Act and Division 135 of the Illinois Municipal Code, as modified and supplemented by this Act, the governing body of any county water commission may by ordinance levy annually upon all taxable property within its territory a tax at a rate not to exceed .005% of the value of such property, as equalized or assessed by the Department of Revenue for the year in which the levy is made. In addition, any county water commission may by ordinance levy upon all taxable property within its territory, for one year only, an additional tax for such purposes at a rate not to exceed .20% of the value of such property, as equalized or assessed by the Department of Revenue for that year; provided, however, that such tax may not be levied more than once in any county water commission.

(g) Any county water commission shall have the power to borrow money, subject to the indebtedness limitation provided in subsection (d), from the home county or included units, in such amounts and in such terms as agreed by the governing bodies of the commission and the home county or included units.

(h) No county water commission constituted pursuant to the Act shall engage in the retail sale or

distribution of water to residents or customers of any municipality.

(i) Nothing in the Section requires any municipality to contract with a county water commission for a supply of water.

(j) The State of Illinois recognizes that any such contract for the supply of water executed by a unit of local government and a county water commission may contain terms and conditions intended by the parties thereto to be absolute conditions thereof. The State of Illinois also recognizes that persons may loan funds to a county water commission (including, without limitation, the purchase of revenue or general obligation bonds of such commission) in reliance upon the terms and conditions of any such contract for the supply of water. Therefore, the State of Illinois pledges and agrees to those parties and persons which make loans of funds to a county water commission that it will not impair or limit the power or ability of a county water commission or a unit of local government fully to carry out the financial obligations and obligation to furnish water pursuant to the terms of any contract for the supply of water entered into by such county water commission or unit of local government for the term of such contracts or loans. All other terms and conditions of such contracts and intergovernmental agreements shall be binding to the extent that they are not inconsistent with this amendatory Act of the 93rd General Assembly. (Source: P.A. 87-145.)

(70 ILCS 3720/0.01 new)

Sec. 0.01. Service to areas with contaminated or tainted water.

(a) Notwithstanding the terms of a water supply contract existing on the effective date of this amendatory Act of the 93rd General Assembly, a municipality with a water supply contract with a county water commission must provide water to territories outside that municipality, provided that the territory to be served currently receives well water that is tainted or contaminated. The home county board must find that the water supply in such territory is tainted or contaminated such that the health of persons served in that territory is likely to be adversely affected now or in the future. The county water commission shall determine which municipality in the home county is most appropriate for supplying water to the territory with the contaminated wells within 30 days of a county board finding that there is a tainted or contaminated water supply.

The municipality shall provide access to water for such territory no later than 90 days after the county water commission has determined by resolution that the municipality is the most appropriate municipality for providing access to water for the territory. "Access to water" includes access through the municipal main, but the municipality need not otherwise provide infrastructure to deliver water from the municipal main. The municipality may sell water to such territory at a rate higher than the rate charged to municipal customers, in accordance with existing law.

(b) Unless otherwise provided by law, property in unincorporated territory receiving water pursuant to subsection (a) of this Section shall not be annexed without consent of the owner of the property. A municipality's furnishing water pursuant to subsection (a) of this Section may not be conditioned on an agreement to annex. "Owner" for the purpose of this subsection is any person or persons in title, or in the case of property owned in trust, having the beneficial ownership of such property, who owned the property on the date water is first so received pursuant to subsection (a) of this Section. Upon transfer of ownership of such property, the municipality may annex it by ordinance.

(c) This amendatory Act of the 93rd General Assembly 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 powers and functions exercised by the State.

(70 ILCS 3720/0.02 new)

Sec. 0.02. Rate equalization. Notwithstanding the terms of a water supply contract existing on the effective date of this amendatory Act of the 93rd General Assembly, all parties to a water supply contract with a county water commission, irrespective of whether such party is a charter member or subsequent entrant, shall pay rates equal to the rates paid by other parties to such water supply contract and shall not pay any additional fees, costs, or differentials as a condition of becoming a party to such water supply contract. Subsequent entrants to a water supply contract shall pay their pro-rata portion of the original capital costs less any rebates and the actual costs of connection to the water commission system.

(70 ILCS 3720/0.03 new)

Sec. 0.03. Water subsidy guaranty. Except to satisfy the obligations of persons who loaned funds to the county water commission, the water rates charged to municipalities that are in effect on the effective date of this amendatory Act of the 93rd General Assembly may not be increased for a period of 5 years.

(70 ILCS 3720/0.04 new)

Sec. 0.04. Five-year annual transfer of funds to home county. Beginning July 1, 2003 and prior to July 1 of each year through and including 2007, each county water commission shall from any legally

available sources transfer the sum of \$15,000,000 to the county board of the home county to be used for county purposes. This amendatory Act of the 93rd General Assembly is subordinate to any legally required payment of principal, interest, or required reserve pursuant to the county water commission's debt obligations.

(70 ILCS 3720/0.05 new)

Sec. 0.05. Home rule. A municipality, including a home rule unit, must regulate its water systems and provide access to water as required under the provisions of this amendatory Act of the 93rd General Assembly. This Section is a denial and limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

Section 90. The State Mandates Act is amended by adding Section 8.27 as follows:

(30 ILCS 805/8.27 new)

Sec. 8.27. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 93rd General Assembly.

Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

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. 3 was held in the Committee on Rules.

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 Harmon, **House Bill No. 3402**, 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 57; Nays None.

The following voted in the affirmative:

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

This bill, having received the vote of 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 title be as aforesaid, and that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

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

At the hour of 2:15 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 3:44 o'clock p.m., the Senate resumed consideration of business.
Senator Welch, presiding.

At the hour of 3:45 o'clock p.m., the Chair announced that the Senate stand adjourned until Wednesday, May 28, 2003, at 10:00 o'clock a.m.