



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-THIRD GENERAL ASSEMBLY

69TH LEGISLATIVE DAY

WEDNESDAY, JANUARY 14, 2004

12:10 O'CLOCK A.M.

SENATE
Daily Journal Index
69th Legislative Day

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The Senate met pursuant to adjournment.
 Honorable Emil Jones, Jr., President of the Senate, presiding.
 Prayer by Reverend Jeff Chitwood, South Side Christian Church, Springfield, Illinois.
 Senator Link led the Senate in the Pledge of Allegiance.

The Journal of Thursday, November 20, 2003, was being read when on motion of Senator Haine, further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Friday, November 21, 2003, was being read when on motion of Senator Haine, further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Tuesday, January 6, 2004, was being read when on motion of Senator Haine further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

Reports Received

The Secretary placed before the Senate the following reports:

Fiscal Responsibility Report Card submitted by the Office of the Comptroller pursuant to 35 ILCS 200/30-30 and 200/30-31.

Charter Schools Annual Report for School Year 2002-2003 submitted by the Illinois State Board of Education pursuant to 105 ILCS 5/27A-12.

2002 Annual Report submitted by the Illinois State Board of Education pursuant to Section 2-3.11 of the School Code of Illinois.

2003 Case Report submitted by the Legislative Reference Bureau pursuant to 25 ILCS 135/5.05.

Report on the Illinois Department of Children and Family Services submitted by the Office of the Inspector General pursuant to 20 ILCS 505/35.5 and 35.6.

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

LEGISLATIVE MEASURES FILED

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

Senate Floor Amendment No. 1 to House Bill 599

Senate Floor Amendment No. 1 to House Bill 600

Senate Floor Amendment No. 2 to House Bill 621

Senate Floor Amendment No. 2 to House Bill 1045

COMMUNICATIONS

GENERAL ASSEMBLY
 STATE OF ILLINOIS

[January 14, 2004]

December 8, 2003

Senate President Emil Jones, Jr.
327 State House
Springfield, IL 62706

Dear President Jones:

Please be advised that effective today I am resigning from my position on the Senate Select Committee on Public Pension Investments.

Sincerely,
Barack Obama

cc: Secretary of the Senate, Linda Hawker

MESSAGES FROM THE PRESIDENT

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

EMIL JONES, JR.
Senate President

327 State Capitol
Springfield, Illinois 62706

January 13, 2004

Ms. Linda Hawker
Secretary of the Senate
Room 403, State House
Springfield, IL 62706

Dear Madam Secretary:

Please be advised that effective today I appoint Senator James Clayborne to the vacancy created by the resignation of Senator Barack Obama on the Senate Select Committee on Public Pension Investments.

Sincerely,
Emil Jones, Jr.
Senate President

cc: Senate Minority Leader Frank Watson
House Speaker Michael J. Madigan
House Minority Leader Tom Cross

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

EMIL JONES, JR.
Senate President

327 State Capitol
Springfield, Illinois 62706

January 13, 2003

The Honorable. Linda Hawker
Secretary of the Senate
Room 403, State House
Springfield, IL 62706

[January 14, 2004]

Dear Madam Secretary:

Pursuant to Rule 3-5(c), I hereby re-appoint Senator Vince Demuzio to replace Senator James DeLeo as a member of the Rules Committee. This appointment is effective immediately.

Very truly yours,
Emil Jones, Jr.
Senate President

cc: Senate Minority Leader Frank Watson
House Speaker Michael J. Madigan
House Minority Leader Tom Cross

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION 350

Offered by Senator Risinger and all Senators:
Mourns the death of Samuel Robert Swanson II of Galesburg.

SENATE RESOLUTION 351

Offered by Senator Risinger and all Senators:
Mourns the death of Ronald L. Graffouliere of Galesburg.

SENATE RESOLUTION 352

Offered by Senator Risinger and all Senators:
Mourns the death of James E. Mecum of Cambridge.

SENATE RESOLUTION 353

Offered by Senator Silverstein and all Senators:
Mourns the death of Rabbi Oscar Z. Fasman formerly of Chicago.

SENATE RESOLUTION 354

Offered by Senator Shadid and all Senators:
Mourns the death of Laura Melany Valentine of East Peoria.

SENATE RESOLUTION 355

Offered by Senator Haine and all Senators:
Mourns the death of Clarence E. Willis, Sr. of Alton.

SENATE RESOLUTION 356

Offered by Senator Haine and all Senators:
Mourns the death of William "Bill" Little of Alton.

SENATE RESOLUTION 357

Offered by Senator Geo-Karis and all Senators:
Mourns the death of Angelo Geocaris.

SENATE RESOLUTION 358

Offered by Senator Link and all Senators:
Mourns the death of Walter Benjamin Kyle.

SENATE RESOLUTION 359

Offered by Senator Hunter and all Senators:
Mourns the death of Serina Mary Fortineaux Smith of Hazelcrest.

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SENATE RESOLUTION 360

Offered by Senator J. Sullivan and all Senators:
Mourns the death of Mildred T. "Ditter" Behrends of Mason City.

SENATE RESOLUTION 361

Offered by Senator Shadid and all Senators:
Mourns the death of James Ardis, Jr. of Peoria.

SENATE RESOLUTION 362

Offered by Senator Garrett and all Senators:
Mourns the death of Sergeant Uday Singh, U.S. Army, of Lake Forest

SENATE RESOLUTION 363

Offered by Senator Haine and all Senators:
Mourns the death of David R. Polivick of Granite City.

SENATE RESOLUTION 364

Offered by Senator Haine and all Senators:
Mourns the death of Milton R. "Dick" Allen of Granite City.

SENATE RESOLUTION 365

Offered by Senator Silverstein and all Senators:
Mourns the death of Joseph T. Potasiak of Chicago.

SENATE RESOLUTION 366

Offered by Senator Silverstein and all Senators:
Mourns the death of Sister Mary Luke Makuch of Chicago.

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

INTRODUCTION OF BILLS

SENATE BILL NO. 2140. Introduced by Senator Garrett, a bill for AN ACT concerning property taxes.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2141. Introduced by Senator Demuzio, a bill for AN ACT respecting education.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2142. Introduced by Senator Garrett, a bill for AN ACT concerning groundwater protection.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2143. Introduced by Senator Garrett, a bill for AN ACT concerning family law.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2144. Introduced by Senator Jacobs, a bill for AN ACT concerning gaming.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2145. Introduced by Senator Jacobs, a bill for AN ACT concerning environmental protection.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2146. Introduced by Senator Jacobs, a bill for AN ACT concerning public employee benefits.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2147. Introduced by Senator Silverstein, a bill for AN ACT concerning fire safety.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2148. Introduced by Senator Silverstein, a bill for AN ACT concerning tobacco.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2149. Introduced by Senator Silverstein, a bill for AN ACT in relation to criminal law.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2150. Introduced by Senator Silverstein, a bill for AN ACT concerning reporters.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

JOINT ACTION MOTION FILED

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

Motion to Concur in House Amendment 1 to Senate Bill 1676

MESSAGE FROM THE HOUSE

A message from the House by

Mr. Bolin, Assistant Clerk:

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

HOUSE JOINT RESOLUTION NO. 43

WHEREAS, House Joint Resolution 21 of the 93rd General Assembly created a Joint Task Force on Illinois Immigrants and Refugees; and

WHEREAS, The Task Force was scheduled to submit a report of its findings and recommendations to the General Assembly no later than December 31, 2003; and

WHEREAS, The Task Force will be unable to complete its report by that date; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the Joint Task Force on Illinois Immigrants and Refugees shall summarize its findings and recommendations in a report to the General Assembly no later than May 1, 2004.

Adopted by the House, November 21, 2003.

[January 14, 2004]

The foregoing message from the House of Representatives, reporting House Joint Resolution No. 43, was referred to the Committee on Rules.

EXCUSED FROM ATTENDANCE

On motion of Senator Demuzio, Senator Sandoval was excused from attendance due to a death in the family.

REPORTS FROM RULES COMMITTEE

Senator Demuzio, Chairperson of the Committee on Rules, during its January 14, 2004 meeting, reported the following House Resolution has been assigned to the indicated Standing Committee of the Senate:

Executive: **House Joint Resolution No. 43.**

Senator Demuzio, Chairperson of the Committee on Rules, during its January 14, 2004 meeting, reported the following Senate Bill has been assigned to the indicated Standing Committee of the Senate:

Executive: **Senate Bill No. 2123.**

Senator Demuzio, Chairperson of the Committee on Rules, during its January 14, 2004 meeting, reported the following Senate Bill has been assigned to the indicated Standing Committee of the Senate:

Local Government: **House Bill No. 3828.**

Senator Demuzio, Chairperson of the Committee on Rules, to which was referred **House Bills Numbered 599, 600, 722, 900 and 2735** on July 1, 2003, pursuant to Rule 3-9(b), reported that the Committee recommends that the bills be approved for consideration and returned to the calendar in their former position.

The report of the Committee was concurred in.

And **House Bills Numbered 599, 600, 722, 900 and 2735** were returned to the order of third reading.

Senator Demuzio, Chairperson of the Committee on Rules, to which was referred **House Bills Numbered 621 and 1045** on December 22, 2003, pursuant to Rule 3-9(b), reported that the Committee recommends that the bills be approved for consideration and returned to the calendar in their former position.

The report of the Committee was concurred in.

And **House Bills Numbered 621 and 1045** were returned to the order of third reading.

Senator Demuzio, Chairperson of the Committee on Rules, to which was referred **House Bill No. 719** on December 22, 2003, pursuant to Rule 3-9(b), reported that the Committee recommends that the bills be approved for consideration and returned to the calendar in their former position.

The report of the Committee was concurred in.

And **House Bill 719** was returned to the Secretary's Desk.

Senator Demuzio, Chairperson of the Committee on Rules, to which was referred **Senate Bill No. 1676** on December 22, 2003, pursuant to Rule 3-9(b), reported that the Committee recommends that the bill be approved for consideration and returned to the calendar in its former position.

The report of the Committee was concurred in.

And **Senate Bill No. 1676** was returned to the order of Secretary's Desk.

Senator Demuzio, Chairperson of the Committee on Rules, during its January 14, 2004 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

[January 14, 2004]

Executive: **Senate Floor Amendment No. 2 to House Bill 621; Senate Floor Amendment No. 1 to House Bill 900; Senate Floor Amendment No. 2 to House Bill 1045.**

Insurance and Pensions: **Senate Floor Amendment No. 1 to House Bill 599.**

Senator Demuzio, Chairperson of the Committee on Rules, during its January 14, 2004 meeting, reported the following Joint Action Motion has been assigned to the indicated Standing Committee of the Senate:

Executive: **Motion to Concur in House Amendment 1 to Senate Bill 1676**

Senator Demuzio, Chairperson of the Committee on Rules, reported that the following Legislative Measure has been approved for consideration:

Senate Floor Amendment No. 1 to House Bill 600

Senator Demuzio, Chairperson of the Committee on Rules, reported that the following Legislative Measure has been approved for consideration:

Motion to recede from Senate Amendment No. 2 to House Bill 719

The foregoing nonconcurrence was placed on the Secretary's Desk.

The foregoing floor amendment was placed on the Secretary's Desk.

INTRODUCTION OF BILLS

SENATE BILL NO. 2151. Introduced by Senator Bomke, a bill for AN ACT concerning municipalities.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2152. Introduced by Senator Walsh, a bill for AN ACT concerning vehicles.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2153. Introduced by Senator J. Jones, a bill for AN ACT concerning land use.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2154. Introduced by Senator J. Jones, a bill for AN ACT concerning agriculture.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2155. Introduced by Senator J. Jones, a bill for AN ACT in relation to wildlife.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2156. Introduced by Senator J. Jones, a bill for AN ACT concerning wildlife.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2157. Introduced by Senator Haine, a bill for AN ACT concerning public employee benefits.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2158. Introduced by Senator Garrett, a bill for AN ACT concerning taxes.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2159. Introduced by Senator Althoff, a bill for AN ACT concerning fire protection.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2160. Introduced by Senator Althoff, a bill for AN ACT concerning counties.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2161. Introduced by Senator Althoff, a bill for AN ACT concerning municipalities.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2162. Introduced by Senator Forby, a bill for AN ACT in relation to firearms.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2163. Introduced by Senator Forby, a bill for AN ACT in relation to firearms.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

At the hour of 12:35 o'clock p.m., Senator DeLeo presiding.

COMMITTEE MEETING ANNOUNCEMENTS

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

Senator Martinez, Vice-Chairperson of the Committee on Insurance & Pensions announced that the Insurance & Pensions Committee will meet today in Room 212 Capitol Building, at 1:45 o'clock p.m.

HOUSE BILL RECALLED

On motion of Senator E. Jones, **House Bill No. 600** was recalled from the order of third reading to the order of second reading.

Senator E. Jones offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO HOUSE BILL 600

AMENDMENT NO. 1. Amend House Bill 600 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Pension Code is amended by changing Sections 5-129.1, 5-132, 5-167.2, 5-167.4, 5-168, 6-111, 6-128, 6-128.2, 6-128.4, 6-142, 6-143, 6-151.1, 6-160, 6-164, 6-165, 6-210.1, 6-211, 6-222, 8-137, 8-150.1, 8-167, 8-172, 8-174, 8-174.1, 8-192, 11-134.1, 11-145.1, 11-163, 11-167, 11-170.1, 11-178, 11-181, 12-133, and 12-149 and adding Sections 6-124.1, 6-141.2, 6-210.2, 6-210.3,

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8-138.4, 8-138.5, 8-172.1, 11-133.3, 11-133.4, 12-133.6, and 12-133.7 as follows:

(40 ILCS 5/5-129.1)

Sec. 5-129.1. Withdrawal at mandatory retirement age - amount of annuity.

(a) In lieu of any annuity provided in the other provisions of this Article, a policeman who is required to withdraw from service on or after January 1, 2000 due to attainment of mandatory retirement age and has at least 10 but less than 20 years of service credit may elect to receive an annuity equal to 30% of average salary for the first 10 years of service plus 2% of average salary for each completed year of service or fraction thereof in excess of 10, but not to exceed a maximum of 48% of average salary.

(b) For the purpose of this Section, "average salary" means the average of the highest 4 consecutive years of salary within the last 10 years of service, or such shorter period as may be used to calculate a minimum retirement annuity under Section 5-132.

(c) For the purpose of qualifying for the annual increases provided in Section 5-167.1, a policeman whose retirement annuity is calculated under this Section shall be deemed to qualify for a minimum annuity.

(d) A policeman with less than 20 years of service credit who was required to withdraw from service on or after January 1, 2000 but before June 28, 2002 due to attainment of mandatory retirement age is also entitled to have his or her retirement annuity calculated in accordance with this Section. If payment of the annuity has already begun, the annuity shall be recalculated. The resulting increase, if any, shall accrue from the starting date of the annuity; the amount of the increase relating to the period before the annuity is recalculated shall be paid to the annuitant in a lump sum, without interest.

(Source: P.A. 92-599, eff. 6-28-02.)

(40 ILCS 5/5-132) (from Ch. 108 1/2, par. 5-132)

Sec. 5-132. Minimum annuity. Any policeman who withdraws on or after July 8, 1957, or any policeman transferred to the police service of the city under the Exchange of Functions Act of 1957 who withdraws on or after July 17, 1959, after completing at least 20 years of service, for whom the annuity otherwise provided in this Article is less than that stated in this Section has a right to receive annuity as follows:

(a) If he is age 55 or more on withdrawal, his annuity after such withdrawal, shall be equal to 2% of the average salary for 4 consecutive years of highest salaries within the last 10 years of service before withdrawal, for each year of service, together with 1/6 of 1% of such average salary for each complete month of service of each fractional year, but not in excess of 75% of the average annual salary.

(b) If he is age 50 or more but less than age 55 on withdrawal, his annuity shall be equal to 2% of the average salary for the 4 highest consecutive years of the last 10 years of service for each year of service, together with 1/16 of 1% of such average salary for each month of each fractional year of service, reduced by 1/2 of 1% for each month that he is less than age 55.

(c) If he is less than age 50 on withdrawal, he may, upon attainment of age 50 or over, become entitled to the annuity provided in this Section or, he may, upon application before age 50, receive a refund of the deductions from salary, plus interest at 1 1/2% per annum if he is entitled to refund under Section 5-163.

(d) In lieu of the annuity provided in the foregoing provisions of this Section 5-132 any policeman who withdraws from the service after December 31, 1973, after having attained age 53 in the service with 23 or more years of service credit shall be entitled to an annuity computed as follows if such annuity is greater than that provided in the foregoing paragraphs of this Section 5-132: An annuity equal to 50% of the average salary for the 4 highest consecutive years of the last 10 years of service plus additional annuity equal to 2% of such average salary for each completed year of service or fraction thereof rendered after his attainment of age 53 and the completion of 23 years of service.

Any policeman who has completed 23 years of service prior to his attainment of age 53 in the service and continues in the service until his attainment of age 53 shall have added to his annuity, computed as provided in the immediately preceding paragraph, an additional annuity equal to 1% of such average salary for each completed year of service or fraction thereof in excess of 23 years up to age 53.

(e) In lieu of the annuity provided in the foregoing provisions of this Section any policeman who withdraws from the service either (i) after December 31, 1983 with at least 22 years of service credit and having attained age 52 in the service, or (ii) after December 31, 1984 with at least 21 years of service credit and having attained age 51 in the service, or (iii) after December 31, 1985 with at least 20 years of service credit and having attained age 50 in the service, or (iv) after December 31, 1990, with at least 20 years of service credit regardless of age, shall be entitled to an annuity to begin not earlier than upon attainment of age 50 if under such age at withdrawal, computed as follows: an annuity equal to 50% of the average salary for the 4 highest consecutive years of the last 10 years of service, plus additional annuity equal to 2% of such average salary for each completed year of service or fraction thereof

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rendered after his completion of the minimum number of years of service required for him to be eligible under this subsection (e). In lieu of any annuity provided in the foregoing provisions of this Section, any policeman who withdraws from the service after December 31, 2003, with at least 20 years of service credit regardless of age, shall be entitled to an annuity to begin not earlier than upon attainment of age 50, if under that age at withdrawal, equal to 2.5% of the average salary for the 4 highest consecutive years of the last 10 years of service for each completed year of service or fraction thereof. However, the annuity provided under this subsection (e) may not exceed 75% of such average salary.

(f) A policeman withdrawing after September 1, 1969, may, in addition, be entitled to the benefits provided by Section 5-167.1 of this Article if he so qualifies under that Section.

If, on withdrawal, total service is less than 20 years, the policeman shall not be entitled to an annuity under this Section but may receive an annuity under the other provisions of this Article or, if entitled thereto under Section 5--163, a refund of the deductions from salary, including, in the case of policemen transferred to the police service of the city under the Exchange of Functions Act of 1957, the additional contribution paid on salary received from August 1, 1957, to July 17, 1959, as provided in the Park Policemen's Annuity Act, together with interest at 1 1/2% per annum.

Moneys voluntarily contributed under the Policemen's Annuity and Benefit Fund Act of the Illinois Municipal Code, or the Park Policemen's Annuity Act, shall be refunded to the contributing policemen who were in service on January 1, 1954, or in the case of policemen transferred to the police service of the city under the Exchange of Functions Act of 1957, who were in service on July 17, 1959.

The age and service annuity formula in this Section shall not apply to any policeman who, having retired before July 8, 1957, or before July 17, 1959, in the case of a policeman transferred under the provisions of the Exchange of Functions Act of 1957, re-enters the police service after such dates, whichever are applicable.

(Source: P.A. 86-1488.)

(40 ILCS 5/5-167.2) (from Ch. 108 1/2, par. 5-167.2)

Sec. 5-167.2. Retirement before September 1, 1967. A retired policeman, qualifying for minimum annuity or who retired from service with 20 or more years of service, before September 1, 1967, shall, in January of the year following the year he attains the age of 65, or in January of the year 1970, if then more than 65 years of age, have his then fixed and payable monthly annuity increased by an amount equal to 2% of the original grant of annuity, for each year the policeman was in receipt of annuity payments after the year in which he attains, or did attain the age of 63. An additional 2% increase in such then fixed and payable original granted annuity shall accrue in each January thereafter. Beginning January 1, 1986, the rate of such increase shall be 3% instead of 2%.

The provisions of the preceding paragraph of this Section apply only to a retired policeman eligible for such increases in his annuity who contributes to the Fund a sum equal to \$5 for each full year of credited service upon which his annuity was computed. All such sums contributed shall be placed in a Supplementary Payment Reserve and shall be used for the purposes of such Fund account.

Beginning with the monthly annuity payment due in July, 1982, the fixed and granted monthly annuity payment for any policeman who retired from the service, before September 1, 1976, at age 50 or over with 20 or more years of service and entitled to an annuity on January 1, 1974, shall be not less than \$400. It is the intent of the General Assembly that the change made in this Section by this amendatory Act of 1982 shall apply retroactively to July 1, 1982.

Beginning with the monthly annuity payment due on January 1, 1986, the fixed and granted monthly annuity payment for any policeman who retired from the service before January 1, 1986, at age 50 or over with 20 or more years of service, or any policeman who retired from service due to termination of disability and who is entitled to an annuity on January 1, 1986, shall be not less than \$475.

Beginning with the monthly annuity payment due on January 1, 1992, the fixed and granted monthly annuity payment for any policeman who retired from the service before January 1, 1992, at age 50 or over with 20 or more years of service, and for any policeman who retired from service due to termination of disability and who is entitled to an annuity on January 1, 1992, shall be not less than \$650.

Beginning with the monthly annuity payment due on January 1, 1993, the fixed and granted monthly annuity payment for any policeman who retired from the service before January 1, 1993, at age 50 or over with 20 or more years of service, and for any policeman who retired from service due to termination of disability and who is entitled to an annuity on January 1, 1993, shall be not less than \$750.

Beginning with the monthly annuity payment due on January 1, 1994, the fixed and granted monthly annuity payment for any policeman who retired from the service before January 1, 1994, at age 50 or over with 20 or more years of service, and for any policeman who retired from service due to

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termination of disability and who is entitled to an annuity on January 1, 1994, shall be not less than \$850.

Beginning with the monthly annuity payment due on January 1, 2004, the fixed and granted monthly annuity payment for any policeman who retired from the service before January 1, 2004, at age 50 or over with 20 or more years of service, and for any policeman who retired from service due to termination of disability and who is entitled to an annuity on January 1, 2004, shall be not less than \$950.

Beginning with the monthly annuity payment due on January 1, 2005, the fixed and granted monthly annuity payment for any policeman who retired from the service before January 1, 2005, at age 50 or over with 20 or more years of service, and for any policeman who retired from service due to termination of disability and who is entitled to an annuity on January 1, 2005, shall be not less than \$1,050.

The difference in amount between the original fixed and granted monthly annuity of any such policeman on the date of his retirement from the service and the monthly annuity provided for in the immediately preceding paragraph shall be paid as a supplement in the manner set forth in the immediately following paragraph.

To defray the annual cost of the increases indicated in the preceding part of this Section, the annual interest income accruing from investments held by this Fund, exclusive of gains or losses on sales or exchanges of assets during the year, over and above 4% a year shall be used to the extent necessary and available to finance the cost of such increases for the following year and such amount shall be transferred as of the end of each year beginning with the year 1969 to a Fund account designated as the Supplementary Payment Reserve from the Interest and Investment Reserve set forth in Section 5-207.

In the event the funds in the Supplementary Payment Reserve in any year arising from: (1) the interest income accruing in the preceding year above 4% a year and (2) the contributions by retired persons are insufficient to make the total payments to all persons entitled to the annuity specified in this Section and (3) any interest earnings over 4% a year beginning with the year 1969 which were not previously used to finance such increases and which were transferred to the Prior Service Annuity Reserve, may be used to the extent necessary and available to provide sufficient funds to finance such increases for the current year and such sums shall be transferred from the Prior Service Annuity Reserve. In the event the total money available in the Supplementary Payment Reserve from such sources are insufficient to make the total payments to all persons entitled to such increases for the year, a proportionate amount computed as the ratio of the money available to the total of the total payments specified for that year shall be paid to each person for that year.

The Fund shall be obligated for the payment of the increases in annuity as provided for in this Section only to the extent that the assets for such purpose are available.

(Source: P.A. 91-357, eff. 7-29-99.)

(40 ILCS 5/5-167.4) (from Ch. 108 1/2, par. 5-167.4)

Sec. 5-167.4. Widow annuitant minimum annuity.

(a) Notwithstanding any other provision of this Article, beginning January 1, 1996, the minimum amount of widow's annuity payable to any person who is entitled to receive a widow's annuity under this Article is \$700 per month, without regard to whether the deceased policeman is in service on or after the effective date of this amendatory Act of 1995.

Notwithstanding any other provision of this Article, beginning January 1, 1999, the minimum amount of widow's annuity payable to any person who is entitled to receive a widow's annuity under this Article is \$800 per month, without regard to whether the deceased policeman is in service on or after the effective date of this amendatory Act of 1998.

Notwithstanding any other provision of this Article, beginning January 1, 2004, the minimum amount of widow's annuity payable to any person who is entitled to receive a widow's annuity under this Article is \$900 per month, without regard to whether the deceased policeman is in service on or after the effective date of this amendatory Act of the 93rd General Assembly.

Notwithstanding any other provision of this Article, beginning January 1, 2005, the minimum amount of widow's annuity payable to any person who is entitled to receive a widow's annuity under this Article is \$1,000 per month, without regard to whether the deceased policeman is in service on or after the effective date of this amendatory Act of the 93rd General Assembly.

(b) Effective January 1, 1994, the minimum amount of widow's annuity shall be \$700 per month for the following classes of widows, without regard to whether the deceased policeman is in service on or after the effective date of this amendatory Act of 1993: (1) the widow of a policeman who dies in service with at least 10 years of service credit, or who dies in service after June 30, 1981; and (2) the widow of a policeman who withdraws from service with 20 or more years of service credit and does not withdraw a

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refund, provided that the widow is married to the policeman before he withdraws from service.

(c) The city, in addition to the contributions otherwise made by it under the other provisions of this Article, shall make such contributions as are necessary for the minimum widow's annuities provided under this Section in the manner prescribed in Section 5-175.

(Source: P.A. 89-12, eff. 4-20-95; 90-766, eff. 8-14-98.)

(40 ILCS 5/5-168) (from Ch. 108 1/2, par. 5-168)

Sec. 5-168. Financing.

(a) Except as expressly provided in this Section, the city shall levy a tax annually upon all taxable property therein for the purpose of providing revenue for the fund.

The tax shall be at a rate that will produce a sum which, when added to the amounts deducted from the policemen's salaries and the amounts deposited in accordance with subsection (g), is sufficient for the purposes of the fund.

For the years 1968 and 1969, the city council shall levy a tax annually at a rate on the dollar of the assessed valuation of all taxable property that will produce, when extended, not to exceed \$9,700,000. Beginning with the year 1970 and each year thereafter the city council shall levy a tax annually at a rate on the dollar of the assessed valuation of all taxable property that will produce when extended an amount not to exceed the total amount of contributions by the policemen to the Fund made in the calendar year 2 years before the year for which the applicable annual tax is levied, multiplied by 1.40 for the tax levy year 1970; by 1.50 for the year 1971; by 1.65 for 1972; by 1.85 for 1973; by 1.90 for 1974; by 1.97 for 1975 through 1981; by 2.00 for 1982 and for each year thereafter.

(b) The tax shall be levied and collected in like manner with the general taxes of the city, and is in addition to all other taxes which the city is now or may hereafter be authorized to levy upon all taxable property therein, and is exclusive of and in addition to the amount of tax the city is now or may hereafter be authorized to levy for general purposes under any law which may limit the amount of tax which the city may levy for general purposes. The county clerk of the county in which the city is located, in reducing tax levies under Section 8-3-1 of the Illinois Municipal Code, shall not consider the tax herein authorized as a part of the general tax levy for city purposes, and shall not include the tax in any limitation of the percent of the assessed valuation upon which taxes are required to be extended for the city.

(c) On or before January 10 of each year, the board shall notify the city council of the requirement that the tax herein authorized be levied by the city council for that current year. The board shall compute the amounts necessary for the purposes of this fund to be credited to the reserves established and maintained within the fund; shall make an annual determination of the amount of the required city contributions; and shall certify the results thereof to the city council.

As soon as any revenue derived from the tax is collected it shall be paid to the city treasurer of the city and shall be held by him for the benefit of the fund in accordance with this Article.

(d) If the funds available are insufficient during any year to meet the requirements of this Article, the city may issue tax anticipation warrants against the tax levy for the current fiscal year.

(e) The various sums, including interest, to be contributed by the city, shall be taken from the revenue derived from such tax or otherwise as expressly provided in this Section. Any moneys of the city derived from any source other than the tax herein authorized shall not be used for any purpose of the fund nor the cost of administration thereof, unless applied to make the deposit expressly authorized in this Section or the additional city contributions required under subsection (h).

(f) If it is not possible or practicable for the city to make its contributions at the time that salary deductions are made, the city shall make such contributions as soon as possible thereafter, with interest thereon to the time it is made.

(g) In lieu of levying all or a portion of the tax required under this Section in any year, the city may deposit with the city treasurer no later than March 1 of that year for the benefit of the fund, to be held in accordance with this Article, an amount that, together with the taxes levied under this Section for that year, is not less than the amount of the city contributions for that year as certified by the board to the city council. The deposit may be derived from any source legally available for that purpose, including, but not limited to, the proceeds of city borrowings. The making of a deposit shall satisfy fully the requirements of this Section for that year to the extent of the amounts so deposited. Amounts deposited under this subsection may be used by the fund for any of the purposes for which the proceeds of the tax levied under this Section may be used, including the payment of any amount that is otherwise required by this Article to be paid from the proceeds of that tax.

(h) In addition to the contributions required under the other provisions of this Article, by November 1 of the following specified years, the city shall deposit with the city treasurer for the benefit of the fund, to be held and used in accordance with this Article, the following specified amounts: \$6,300,000 in

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1999; \$5,880,000 in 2000; \$5,460,000 in 2001; \$5,040,000 in 2002; and \$4,620,000 in 2003 ; \$4,200,000 in 2004; \$3,780,000 in 2005; \$3,360,000 in 2006; \$2,940,000 in 2007; \$2,520,000 in 2008; \$2,100,000 in 2009; \$1,680,000 in 2010; \$1,260,000 in 2011; \$840,000 in 2012; and \$420,000 in 2013.

The additional city contributions required under this subsection are intended to decrease the unfunded liability of the fund and shall not decrease the amount of the city contributions required under the other provisions of this Article. The additional city contributions made under this subsection may be used by the fund for any of its lawful purposes.

(Source: P.A. 89-12, eff. 4-20-95; 90-766, eff. 8-14-98.)

(40 ILCS 5/6-111) (from Ch. 108 1/2, par. 6-111)

Sec. 6-111. Salary. "Salary": Subject to Section 6-211, the annual salary of a fireman, as follows:

(a) For age and service annuity, minimum annuity, and disability benefits, the actual amount of the annual salary, except as otherwise provided in this Article. ;

(b) For prior service annuity, widow's annuity, widow's prior service annuity and child's annuity to and including August 31, 1957, the amount of the annual salary up to a maximum of \$3,000; ;

(c) Except as otherwise provided in Section 6-141.1, for widow's annuity, beginning September 1, 1957, the amount of annual salary up to a maximum of \$6,000.

(d) "Salary" means the actual amount of the annual salary attached to the permanent career service rank held by the fireman, except as provided in subsection (e).

(e) In the case of a fireman who holds an exempt position above career service rank:

(1) For the purpose of computing employee and city contributions, "salary" means the actual salary attached to the exempt rank position held by the fireman.

(2) For the purpose of computing benefits: "salary" means the actual salary attached to the exempt rank position held by the fireman, if (i) the contributions specified in Section 6-211 have been made, (ii) the fireman has held one or more exempt positions for at least 5 consecutive years and has held the rank of battalion chief or field officer for at least 5 years during the exempt period, and (iii) the fireman was born before 1955; otherwise, "salary" means the salary attached to the permanent career service rank held by the fireman, as provided in subsection (d).

(f) Beginning on the effective date of this amendatory Act of the 93rd General Assembly, and for any prior periods for which contributions have been paid under subsection (g) of this Section, all salary payments made to any active or former fireman who holds or previously held the permanent assigned position or classified career service rank, grade, or position of ambulance commander shall be included as salary for all purposes under this Article.

(g) Any active or former fireman who held the permanent assigned position or classified career service rank, grade, or position of ambulance commander may elect to have the full amount of the salary attached to that permanent assigned position or classified career service rank, grade, or position included in the calculation of his or her salary for any period during which the fireman held the permanent assigned position or classified career service rank, grade, or position of ambulance commander by applying in writing and making all employee and employer contributions, without interest, related to the actual salary payments corresponding to the permanent assigned position or classified career service rank, grade, or position of ambulance commander for all periods beginning on or after January 1, 1995. All applicable contributions must be paid in full to the Fund before January 1, 2006 before the payment of any benefit under this subsection (g) will made made.

Any former fireman or widow of a fireman who (i) held the permanent assigned position or classified career service rank, grade, or position of ambulance commander, (ii) is in receipt of annuity on the effective date of this amendatory Act of the 93rd General Assembly, and (iii) pays to the Fund contributions under this subsection (g) for salary payments at the permanent assigned position or classified career service rank, grade, or position of ambulance commander shall have his or her annuity recalculated to reflect the ambulance commander salary and the resulting increase shall become payable on the next annuity payment date following the date the contribution is received by the Fund.

In the case of an active or former fireman who (i) dies before January 1, 2006 without making an election under this subsection and (ii) was eligible to make an election under this subsection at the time of death (or would have been eligible had the death occurred after the effective date of this amendatory Act), any surviving spouse, child, or parent of the fireman who is eligible to receive a benefit under this Article based on the fireman's salary may make that election and pay the required contributions on behalf of the deceased fireman. If the death occurs within the 30 days immediately preceding January 1, 2006, the deadline for application and payment is extended to January 31, 2006.

Any portion of the compensation received for service as an ambulance commander for which the corresponding contributions have not been paid shall not be included in the calculation of salary.

(h) Beginning January 1, 1999, with respect to a fireman who is licensed by the State as an Emergency

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Medical Technician, references in this Article to the fireman's salary or the salary attached to or appropriated for the permanent assigned position or classified career service rank, grade, or position of the fireman shall be deemed to include any additional compensation payable to the fireman by virtue of being licensed as an Emergency Medical Technician, as provided under a collective bargaining agreement with the city.

(i) Beginning on the effective date of this amendatory Act of the 93rd General Assembly (and for any period prior to that date for which contributions have been paid under subsection (j) of this Section), the salary of a fireman, as calculated for any purpose under this Article, shall include any duty availability pay received by the fireman (i) pursuant to a collective bargaining agreement or (ii) pursuant to an appropriation ordinance in an amount equivalent to the amount of duty availability pay received by other firemen pursuant to a collective bargaining agreement, and references in this Article to the salary attached to or appropriated for the permanent assigned position or classified career service rank, grade, or position of the fireman shall be deemed to include that duty availability pay.

(j) An active or former fireman who received duty availability pay at any time after December 31, 1994 and before the effective date of this amendatory Act of the 93rd General Assembly and who either (1) retired during that period or (2) had attained age 46 and at least 16 years of service by the effective date of this amendatory Act may elect to have that duty availability pay included in the calculation of his or her salary for any portion of that period for which the pay was received, by applying in writing and paying to the Fund, before January 1, 2006, the corresponding employee contribution, without interest.

In the case of an applicant who is receiving an annuity at the time the application and contribution are received by the Fund, the annuity shall be recalculated and the resulting increase shall become payable on the next annuity payment date following the date the contribution is received by the Fund.

In the case of an active or former fireman who (i) dies before January 1, 2006 without making an election under this subsection and (ii) was eligible to make an election under this subsection at the time of death (or would have been eligible had the death occurred after the effective date of this amendatory Act), any surviving spouse, child, or parent of the fireman who is eligible to receive a benefit under this Article based on the fireman's salary may make that election and pay the required contribution on behalf of the deceased fireman. If the death occurs within the 30 days immediately preceding January 1, 2006, the deadline for application and payment is extended to January 31, 2006.

Any duty availability pay for which the corresponding employee contribution has not been paid shall not be included in the calculation of salary.

(k) The changes to this Section made by this amendatory Act of the 93rd General Assembly are not limited to firemen in service on or after the effective date of this amendatory Act.

(Source: P.A. 83-1362.)

(40 ILCS 5/6-124.1 new)

Sec. 6-124.1. Withdrawal at compulsory retirement age - amount of annuity.

(a) In lieu of any annuity provided in the other provisions of this Article, a fireman who is required to withdraw from service due to attainment of compulsory retirement age and has at least 10 but less than 20 years of service credit may elect to receive an annuity equal to 30% of average salary for the first 10 years of service plus 2% of average salary for each completed year of service or remaining fraction thereof in excess of 10, but not to exceed a maximum of 50% of average salary.

(b) For the purpose of this Section, "average salary" means the average of the fireman's highest 4 consecutive years of salary within the last 10 years of service.

(c) For the purpose of qualifying for the annual increases provided in Section 6-164, a fireman whose retirement annuity is calculated under this Section shall be deemed to qualify for a minimum annuity.

(40 ILCS 5/6-128) (from Ch. 108 1/2, par. 6-128)

Sec. 6-128. (a) A future entrant who withdraws on or after July 21, 1959, after completing at least 23 years of service, and for whom the annuity otherwise provided in this Article is less than that stated in this Section, has a right to receive annuity as follows:

If he is age 53 or more on withdrawal, his annuity after withdrawal, shall be equal to 50% of his average salary ~~determined by striking an average of 4 consecutive highest years of salary within the last 10 years of service immediately preceding the date of withdrawal.~~

An employee who reaches compulsory retirement age and who has less than 23 years of service shall be entitled to a minimum annuity equal to an amount determined by the product of (1) his years of service and (2) 2% of his average salary ~~for the 4 consecutive highest years of salary within the last 10 years of service immediately prior to his reaching compulsory retirement age.~~

An employee who remains in service after qualifying for annuity under this Section shall have added to this annuity an additional 1% of average salary for each completed year of service or fraction thereof rendered until July 21, 1959, and an additional 1% for a total of 2% of average salary from July 21,

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1959. Each future entrant who has completed 23 years of service before reaching age 53 shall have added to this annuity 1% of average salary for each completed year of service or fraction thereof in excess of 23 years up to age 53. ~~"Salary" as referred to in this paragraph shall be determined by striking an average of the 4 consecutive highest years of salary within the last 10 years of service immediately preceding withdrawal.~~

(b) In lieu of the annuity provided in the foregoing provisions of this Section any future entrant who withdraws from the service either (i) after December 31, 1983 with at least 22 years of service credit and having attained age 52 in the service, or (ii) after December 31, 1984 with at least 21 years of service credit and having attained age 51 in the service, or (iii) after December 31, 1985 with at least 20 years of service credit and having attained age 50 in the service, or (iv) after December 31, 1990 with at least 20 years of service regardless of age, may elect to receive an annuity, to begin not earlier than upon attainment of age 50 if under that age at withdrawal, computed as follows: an annuity equal to 50% of the average salary ~~for the 4 highest consecutive years of the last 10 years of service~~, plus additional annuity equal to 2% of ~~such~~ average salary for each completed year of service or fraction thereof rendered after his completion of the minimum number of years of service required for him to be eligible under this subsection (b). However, the annuity provided under this subsection (b) may not exceed 75% of ~~such~~ average salary.

(c) In lieu of the annuity provided in any other provision of this Section, a future entrant who withdraws from service after the effective date of this amendatory Act of the 93rd General Assembly with at least 20 years of service may elect to receive an annuity, to begin no earlier than upon attainment of age 50 if under that age at withdrawal, equal to 50% of average salary plus 2.5% of average salary for each completed year of service or fraction thereof over 20, but not to exceed 75% of average salary.

(d) For the purpose of this Section, "average salary" means the average of the highest 4 consecutive years of salary within the last 10 years of service.

(Source: P.A. 86-1488.)

(40 ILCS 5/6-128.2) (from Ch. 108 1/2, par. 6-128.2)

Sec. 6-128.2. Minimum retirement annuities.

(a) Beginning with the monthly payment due in January, 1988, the monthly annuity payment for any person who is entitled to receive a retirement annuity under this Article in January, 1990 and has retired from service at age 50 or over with 20 or more years of service, and for any person who retires from service on or after January 24, 1990 at age 50 or over with 20 or more years of service, shall not be less than \$475 per month. The \$475 minimum annuity is exclusive of any automatic annual increases provided by Sections 6-164 and 6-164.1, but not exclusive of previous raises in the minimum annuity as provided by any Section of this Article.

Beginning January 1, 1992, the minimum retirement annuity payable to any person who has retired from service at age 50 or over with 20 or more years of service and is entitled to receive a retirement annuity under this Article on that date, or who retires from service at age 50 or over with 20 or more years of service after that date, shall be \$650 per month.

Beginning January 1, 1993, the minimum retirement annuity payable to any person who has retired from service at age 50 or over with 20 or more years of service and is entitled to receive a retirement annuity under this Article on that date, or who retires from service at age 50 or over with 20 or more years of service after that date, shall be \$750 per month.

Beginning January 1, 1994, the minimum retirement annuity payable to any person who has retired from service at age 50 or over with 20 or more years of service and is entitled to receive a retirement annuity under this Article on that date, or who retires from service at age 50 or over with 20 or more years of service after that date, shall be \$850 per month.

Beginning January 1, 2004, the minimum retirement annuity payable to any person who has retired from service at age 50 or over with 20 or more years of service and is entitled to receive a retirement annuity under this Article on that date, or who retires from service at age 50 or over with 20 or more years of service after that date, shall be \$950 per month.

Beginning January 1, 2005, the minimum retirement annuity payable to any person who has retired from service at age 50 or over with 20 or more years of service and is entitled to receive a retirement annuity under this Article on that date, or who retires from service at age 50 or over with 20 or more years of service after that date, shall be \$1,050 per month.

The minimum annuities established by this subsection (a) do include previous raises in the minimum annuity as provided by any Section of this Article, but do not include any sums which have been added or will be added to annuity payments by the automatic annual increases provided by Sections 6-164 and 6-164.1. Such annual increases shall be paid in addition to the minimum amounts specified in this subsection.

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(b) Notwithstanding any other provision of this Article, beginning January 1, 1990, the minimum retirement annuity payable to any person who is entitled to receive a retirement annuity under this Article on that date shall be \$475 per month.

(c) The changes made to this Section by this amendatory Act of the 93rd General Assembly shall apply to all persons receiving a retirement annuity under this Article, without regard to whether the retirement of the fireman occurred prior to the effective date of this amendatory Act of 1993.

(Source: P.A. 86-273; 86-1027; 86-1028; 86-1475; 87-849; 87-1265.)

(40 ILCS 5/6-128.4) (from Ch. 108 1/2, par. 6-128.4)

Sec. 6-128.4. Minimum widow's annuities.

(a) Notwithstanding any other provision of this Article, beginning January 1, 1996, the minimum amount of widow's annuity payable to any person who is entitled to receive a widow's annuity under this Article is \$700 per month, without regard to whether the deceased fireman is in service on or after the effective date of this amendatory Act of 1995.

(b) Notwithstanding Section 6-128.3, beginning January 1, 1994, the minimum widow's annuity under this Article shall be \$700 per month for (1) all persons receiving widow's annuities on that date who are survivors of employees who retired at age 50 or over with at least 20 years of service, and (2) persons who become eligible for widow's annuities and are survivors of employees who retired at age 50 or over with at least 20 years of service.

(c) Notwithstanding Section 6-128.3, beginning January 1, 1999, the minimum widow's annuity under this Article shall be \$800 per month for (1) all persons receiving widow's annuities on that date who are survivors of employees who retired at age 50 or over with at least 20 years of service, and (2) persons who become eligible for widow's annuities and are survivors of employees who retired at age 50 or over with at least 20 years of service.

(d) Notwithstanding Section 6-128.3, beginning January 1, 2004, the minimum widow's annuity under this Article shall be \$900 per month for all persons receiving widow's annuities on or after that date, without regard to whether the deceased fireman is in service on or after the effective date of this amendatory Act of the 93rd General Assembly.

(e) Notwithstanding Section 6-128.3, beginning January 1, 2005, the minimum widow's annuity under this Article shall be \$1,000 per month for all persons receiving widow's annuities on or after that date, without regard to whether the deceased fireman is in service on or after the effective date of this amendatory Act of the 93rd General Assembly.

(Source: P.A. 89-136, eff. 7-14-95; 90-766, eff. 8-14-98.)

(40 ILCS 5/6-141.2 new)

Sec. 6-141.2. Minimum annuity for certain widows. Notwithstanding the other provisions of this Article, the widow's annuity payable to the widow of a fireman who dies on or after July 1, 1997 while an active fireman with at least 10 years of creditable service shall be no less than 50% of the retirement annuity that the deceased fireman would have been eligible to receive if he had attained age 50 and 20 years of service on the day before his death and retired on that day. In the case of a widow's annuity that is payable on the effective date of this amendatory Act of the 93rd General Assembly, the increase provided by this Section, if any, shall begin to accrue on the first annuity payment date following that effective date.

(40 ILCS 5/6-142) (from Ch. 108 1/2, par. 6-142)

Sec. 6-142. Wives and widows not entitled to annuities.

(A) Except as provided in subsection (B), the following wives or widows have no right to annuity from the fund:

(a) A wife or widow married subsequent to the effective date of a fireman who dies in service if she was not married to him before he attained age 63;

(b) A wife or widow of a fireman who withdraws, whether or not he enters upon annuity, and dies while out of service, if the marriage occurred after the effective date and she was not his wife while he was in service and before he attained age 63;

(c) A wife or widow of a fireman who (1) has served 10 or more years, (2) dies out of service after he has withdrawn from service, and (3) has withdrawn or applied for refund of the sums to his credit for annuity to which he had a right to refund;

(d) A wife or widow of a fireman who dies out of service after he has withdrawn before age 63, and who has not served at least 10 years;

(e) A wife whose marriage was dissolved or widow of a fireman whose judgment of dissolution of marriage from her fireman husband is annulled, vacated or set aside by proceedings in court subsequent to the death of the fireman, unless (1) such proceedings are filed within 5 years after the date of the dissolution of marriage and within one year after the death of the fireman and (2) the board is made a

party to the proceedings;

(f) A wife or widow who married the fireman while he was in receipt of disability benefit or disability pension from this fund, unless he returned to the service subsequent to the marriage and remained therein for a period or periods aggregating one year, or died while in service.

(B) Beginning on the effective date of this amendatory Act of the 93rd General Assembly, the limitation on marriage after withdrawal under subdivision (A)(b) and the limitation on marriage during disability under subdivision (A)(f) no longer apply to a widow who was married to the deceased fireman before the fireman begins to receive a retirement annuity and for at least one year immediately preceding the date of death, regardless of whether the deceased fireman is in service on or after the effective date of this amendatory Act of the 93rd General Assembly; except that this subsection (B) does not apply to the widow of a fireman who received a refund of contributions for widow's annuity under Section 6-160, unless the refund is repaid to the Fund, with interest at the rate of 4% per year, compounded annually, from the date of the refund to the date of repayment. If the widow of a fireman who died before the effective date of this amendatory Act becomes eligible for a widow's annuity because of this amendatory Act, the annuity shall begin to accrue on the date of application for the annuity, but in no event sooner than the effective date of this amendatory Act.

(Source: P.A. 81-230.)

(40 ILCS 5/6-143) (from Ch. 108 1/2, par. 6-143)

Sec. 6-143. Widow's remarriage.

(a) Beginning on the effective date of this amendatory Act of the 93rd General Assembly, a widow's annuity shall no longer be subject to termination or suspension under this Section due to remarriage. Any widow's annuity that was previously terminated or suspended under this Section by reason of remarriage shall, upon application, be resumed as of the date of the application, but in no event sooner than the effective date of this amendatory Act. The resumption shall not be retroactive. This subsection (a) applies regardless of whether or not the deceased fireman was in service on or after the effective date of this amendatory Act.

(b) This subsection (b) does not apply on or after the effective date of this amendatory Act of the 93rd General Assembly.

Any annuity granted to a widow who remarries on or after December 31, 1989 shall be suspended when she remarries, unless (i) she remarries after attaining the age of 60 regardless of whether or not the deceased fireman was in service on or after the effective date of this amendatory Act of 1995 or (ii) she has been granted a Section 6-140 annuity as the widow of a fireman killed in performance of duty. An annuity suspended under this Section shall, upon application, be resumed if the subsequent marriage ends by dissolution of marriage, declaration of invalidity of marriage, or the death of the husband; this resumption shall not be retroactive.

If a widow remarries after attaining age 60 or after she has been granted an annuity under Section 6-140 and the remarriage takes place after December 31, 1989, regardless of whether or not the deceased fireman was in service on or after the effective date of this amendatory Act of 1995, the widow's annuity shall continue without interruption.

Any widow's annuity that was previously terminated by reason of remarriage prior to December 31, 1989 or suspended shall, upon application, be resumed, as of the date of the application, if the subsequent marriage ended by dissolution of marriage, declaration of invalidity of marriage, or the death of the husband, regardless of whether or not the deceased fireman was in service on the effective date of this amendatory Act of 1995; this resumption shall not be retroactive.

When a widow dies, if she has not received, in the form of an annuity, an amount equal to the accumulated employee contributions for widow's annuity, the difference between such accumulated contributions and the sum received by her, along with any part of the accumulated contributions for age and service annuity remaining in the fund at her death, shall be refunded to the fireman's children, in equal parts to each; except that if a child is less than age 18, the part of any such amount that is required to pay an annuity to the child shall be transferred to the child's annuity reserve. If no children or descendants thereof survive the fireman, the refund shall be paid to the estate of the fireman. In making refunds under this Section, no interest shall be considered upon either the total of annuity payments made or the amounts subject to refund.

(Source: P.A. 89-136, eff. 7-14-95.)

(40 ILCS 5/6-151.1) (from Ch. 108 1/2, par. 6-151.1)

Sec. 6-151.1. The General Assembly finds and declares that service in the Fire Department requires that firemen, in times of stress and danger, must perform unusual tasks; that by reason of their occupation, firemen are subject to exposure to great heat and to extreme cold in certain seasons while in performance of their duties; that by reason of their employment firemen are required to work in the

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midst of and are subject to heavy smoke fumes, and carcinogenic, poisonous, toxic or chemical gases from fires; and that in the course of their rescue and paramedic duties firemen are exposed to disabling infectious diseases, including AIDS, hepatitis C, and stroke. The General Assembly further finds and declares that all the aforementioned conditions exist and arise out of or in the course of such employment.

Any active fireman who has completed 7 ~~ten~~ or more years of service and is unable to perform his duties in the Fire Department by reason of heart disease, tuberculosis, or any disease of the lungs or respiratory tract, AIDS, hepatitis C, or stroke resulting ~~solely~~ from his service as a fireman, shall be entitled to receive an occupational disease disability benefit during any period of such disability for which he does not have a right to receive salary.

Any active fireman who has completed 7 ~~ten~~ or more years of service and is unable to perform his duties in the fire department by reason of a disabling cancer, which develops or manifests itself during a period while the fireman is in the service of the department, shall be entitled to receive an occupational disease disability benefit during any period of such disability for which he does not have a right to receive salary. In order to receive this occupational disease disability benefit, the type of cancer involved must be a type which may be caused by exposure to heat, radiation or a known carcinogen as defined by the International Agency for Research on Cancer.

Any fireman who shall enter the service after the effective date of this amendatory Act shall be examined by one or more practicing physicians appointed by the Board, and if that said examination discloses impairment of the heart, lungs, or respiratory tract, or the existence of AIDS, hepatitis C, stroke, or any cancer, then the such fireman shall not be entitled to receive an occupational disease disability benefit unless and until a subsequent examination reveals no such impairment, AIDS, hepatitis C, stroke, or cancer.

The occupational disease disability benefit shall be 65% of the fireman's salary at the time of his removal from the Department payroll. However, beginning January 1, 1994, no occupational disease disability benefit that has been payable under this Section for at least 10 years shall be less than 50% of the current salary attached from time to time to the rank and grade held by the fireman at the time of his removal from the Department payroll, regardless of whether that removal occurred before the effective date of this amendatory Act of 1993.

Such fireman also shall have a right to receive child's disability benefit of \$30 per month on account of each unmarried child who is less than 18 years of age or handicapped, dependent upon the fireman for support, and either the issue of the fireman or legally adopted by him. The total amount of child's disability benefit payable to the fireman, when added to his occupational disease disability benefit, shall not exceed 75% of the amount of salary which he was receiving at the time of the grant of occupational disease disability benefit.

The first payment of occupational disease disability benefit or child's disability benefit shall be made not later than one month after the benefit is granted. Each subsequent payment shall be made not later than one month after the date of the latest payment.

Occupational disease disability benefit shall be payable during the period of the disability until the fireman reaches the age of compulsory retirement. Child's disability benefit shall be paid to such a fireman during the period of disability until such child or children attain age 18 or marry, whichever event occurs first; except that attainment of age 18 by a child who is so physically or mentally handicapped as to be dependent upon the fireman for support, shall not render the child ineligible for child's disability benefit. The fireman thereafter shall receive such annuity or annuities as are provided for him in accordance with other provisions of this Article.

(Source: P.A. 88-528.)

(40 ILCS 5/6-160) (from Ch. 108 1/2, par. 6-160)

Sec. 6-160. Refund - Widow's annuity contributions. When a fireman attains age 63 in service and is not then married, or when an unmarried fireman withdraws before age 63 and enters upon annuity, his contributions for widow's annuity shall then be refunded to him, upon request. A refund under this Section may be repaid as provided in Section 6-142(B).

(Source: P.A. 81-1536.)

(40 ILCS 5/6-164) (from Ch. 108 1/2, par. 6-164)

Sec. 6-164. Automatic annual increase; retirement after September 1, 1959.

(a) A fireman qualifying for a minimum annuity who retires from service after September 1, 1959 shall, upon either the first of the month following the first anniversary of his date of retirement if he is age 60 (age 55 if born before January 1, 1955 ~~1945~~) or over on that anniversary date, or upon the first of the month following his attainment of age 60 (age 55 if born before January 1, 1955 ~~1945~~) if that occurs after the first anniversary of his retirement date, have his then fixed and payable monthly annuity

increased by 1 1/2%, and such first fixed annuity as granted at retirement increased by an additional 1 1/2% in January of each year thereafter up to a maximum increase of 30%. Beginning July 1, 1982 for firemen born before January 1, 1930, and beginning January 1, 1990 for firemen born after December 31, 1929 and before January 1, 1940, and beginning January 1, 1996 for firemen born after December 31, 1939 but before January 1, 1945, and beginning January 1, 2004, for firemen born after December 31, 1944 but before January 1, 1955, such increases shall be 3% and such firemen shall not be subject to the 30% maximum increase.

Any fireman born before January 1, 1945 who qualifies for a minimum annuity and retires after September 1, 1967 but has not received the initial increase under this subsection before January 1, 1996 is entitled to receive the initial increase under this subsection on (1) January 1, 1996, (2) the first anniversary of the date of retirement, or (3) attainment of age 55, whichever occurs last. The changes to this Section made by this amendatory Act of 1995 apply beginning January 1, 1996 and apply without regard to whether the fireman or annuitant terminated service before the effective date of this amendatory Act of 1995.

Any fireman born before January 1, 1955 who qualifies for a minimum annuity and retires after September 1, 1967 but has not received the initial increase under this subsection before January 1, 2004 is entitled to receive the initial increase under this subsection on (1) January 1, 2004, (2) the first anniversary of the date of retirement, or (3) attainment of age 55, whichever occurs last. The changes to this Section made by this amendatory Act of the 93rd General Assembly apply without regard to whether the fireman or annuitant terminated service before the effective date of this amendatory Act.

(b) Subsection (a) of this Section is not applicable to an employee receiving a term annuity.

(c) To help defray the cost of such increases in annuity, there shall be deducted, beginning September 1, 1959, from each payment of salary to a fireman, 1/8 of 1% of each such salary payment and an additional 1/8 of 1% beginning on September 1, 1961, and September 1, 1963, respectively, concurrently with and in addition to the salary deductions otherwise made for annuity purposes.

Each such additional 1/8 of 1% deduction from salary which shall, on September 1, 1963, result in a total increase of 3/8 of 1% of salary, shall be credited to the Automatic Increase Reserve, to be used, together with city contributions as provided in this Article, to defray the cost of the 1 1/2% annuity increments herein specified. Any balance in such reserve as of the beginning of each calendar year shall be credited with interest at the rate of 3% per annum.

The salary deductions provided in this Section are not subject to refund, except to the fireman himself, in any case in which a fireman withdraws prior to qualification for minimum annuity and applies for refund, or applies for annuity, and also where a term annuity becomes payable. In such cases, the total of such salary deductions shall be refunded to the fireman, without interest, and charged to the aforementioned reserve.

(Source: P.A. 89-136, eff. 7-14-95.)

(40 ILCS 5/6-165) (from Ch. 108 1/2, par. 6-165)

Sec. 6-165. Financing; tax.

(a) Except as expressly provided in this Section, each city shall levy a tax annually upon all taxable property therein for the purpose of providing revenue for the fund. For the years prior to the year 1960, the tax rate shall be as provided for in the "Firemen's Annuity and Benefit Fund of the Illinois Municipal Code". The tax, from and after January 1, 1968 to and including the year 1971, shall not exceed .0863% of the value, as equalized or assessed by the Department of Revenue, of all taxable property in the city. Beginning with the year 1972 and each year thereafter the city shall levy a tax annually at a rate on the dollar of the value, as equalized or assessed by the Department of Revenue of all taxable property within such city that will produce, when extended, not to exceed an amount equal to the total amount of contributions by the employees to the fund made in the calendar year 2 years prior to the year for which the annual applicable tax is levied, multiplied by 2.23 through the calendar year 1981, and by 2.26 for the year 1982 and for each year thereafter.

To provide revenue for the ordinary death benefit established by Section 6-150 of this Article, in addition to the contributions by the firemen for this purpose, the city council shall for the year 1962 and each year thereafter annually levy a tax, which shall be in addition to and exclusive of the taxes authorized to be levied under the foregoing provisions of this Section, upon all taxable property in the city, as equalized or assessed by the Department of Revenue, at such rate per cent of the value of such property as shall be sufficient to produce for each year the sum of \$142,000.

The amounts produced by the taxes levied annually, together with the deposit expressly authorized in this Section, shall be sufficient, when added to the amounts deducted from the salaries of firemen and applied to the fund, to provide for the purposes of the fund.

(b) The taxes shall be levied and collected in like manner with the general taxes of the city, and shall

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be in addition to all other taxes which the city may levy upon all taxable property therein and shall be exclusive of and in addition to the amount of tax the city may levy for general purposes under Section 8-3-1 of the Illinois Municipal Code, approved May 29, 1961, as amended, or under any other law or laws which may limit the amount of tax which the city may levy for general purposes.

(c) The amounts of the taxes to be levied in each year shall be certified to the city council by the board.

(d) As soon as any revenue derived from such taxes is collected, it shall be paid to the city treasurer and held for the benefit of the fund, and all such revenue shall be paid into the fund in accordance with the provisions of this Article.

(e) If the funds available are insufficient during any year to meet the requirements of this Article, the city may issue tax anticipation warrants, against the tax levies herein authorized for the current fiscal year.

(f) The various sums, hereinafter stated, including interest, to be contributed by the city, shall be taken from the revenue derived from the taxes or otherwise as expressly provided in this Section. Except for defraying the cost of administration of the fund during the calendar year in which a city first attains a population of 500,000 and comes under the provisions of this Article and the first calendar year thereafter, any money of the city derived from any source other than these taxes or the sale of tax anticipation warrants shall not be used to provide revenue for the fund, nor to pay any part of the cost of administration thereof, unless applied to make the deposit expressly authorized in this Section or the additional city contributions required under subsection (h).

(g) In lieu of levying all or a portion of the tax required under this Section in any year, the city may deposit with the city treasurer no later than March 1 of that year for the benefit of the fund, to be held in accordance with this Article, an amount that, together with the taxes levied under this Section for that year, is not less than the amount of the city contributions for that year as certified by the board to the city council. The deposit may be derived from any source legally available for that purpose, including, but not limited to, the proceeds of city borrowings. The making of a deposit shall satisfy fully the requirements of this Section for that year to the extent of the amounts so deposited. Amounts deposited under this subsection may be used by the fund for any of the purposes for which the proceeds of the taxes levied under this Section may be used, including the payment of any amount that is otherwise required by this Article to be paid from the proceeds of those taxes.

(h) In addition to the contributions required under the other provisions of this Article, by November 1 of the following specified years, the city shall deposit with the city treasurer for the benefit of the fund, to be held and used in accordance with this Article, the following specified amounts: \$6,300,000 in 1999; \$5,880,000 in 2000; \$5,460,000 in 2001; \$5,040,000 in 2002; and \$4,620,000 in 2003; \$4,200,000 in 2004; \$3,780,000 in 2005; \$3,360,000 in 2006; \$2,940,000 in 2007; \$2,520,000 in 2008; \$2,100,000 in 2009; \$1,680,000 in 2010; \$1,260,000 in 2011; \$840,000 in 2012; and \$420,000 in 2013.

The additional city contributions required under this subsection are intended to decrease the unfunded liability of the fund and shall not decrease the amount of the city contributions required under the other provisions of this Article. The additional city contributions made under this subsection may be used by the fund for any of its lawful purposes.

(Source: P.A. 89-136, eff. 7-14-95; 90-766, eff. 8-14-98.)

(40 ILCS 5/6-210.1) (from Ch. 108 1/2, par. 6-210.1)

Sec. 6-210.1. Credit for former employment with the fire department.

(a) Any fireman who (1) accumulated service credit in the Article 8 fund for service as an employee of the Chicago Fire Department and (2) has terminated that Article 8 service credit and received a refund of contributions therefor, may establish service credit in this Fund for all or any part of that period of service under the Article 8 fund by making written application to the Board by January 1, 2000 and paying to this Fund (i) employee contributions based upon the actual salary received and the rates in effect for members of this Fund at the time of such service, plus (ii) interest thereon calculated as follows:

(1) For applications received by the Board before July 14, the effective date of this amendatory Act of 1995, interest shall be calculated

on the amount of employee contributions determined under item (i) above, at the rate of 4% per annum, compounded annually, from the date of termination of such service to the date of payment.

(2) For applications received by the Board on or after July 14, the effective date of this amendatory Act of 1995, interest shall be

calculated on the amount of employee contributions determined under item (i) above, at the rate of 4% per annum, compounded annually, from the first date of the period for which credit is being established under this subsection (a) to the date of payment.

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(b) A fireman who, at any time during the period 1970 through 1983, was an employee of the Chicago Fire Department but did not participate in any pension fund subject to this Code with respect to that employment may establish service credit in this Fund for all or any part of that employment by making written application to the Board by January 1, ~~2005~~ 2000 and paying to this Fund (i) employee contributions based upon the actual salary received and the rates in effect for members of this Fund at the time of that employment, plus (ii) interest thereon calculated at the rate of 4% per annum, compounded annually, from the first date of the employment for which credit is being established under this subsection (b) to the date of payment.

(c) A fireman may pay the contributions required for service credit under this Section established on or after July 14, ~~the effective date of this amendatory Act of~~ 1995 in the form of payroll deductions, in accordance with such procedures and limitations as may be established by Board rule and any applicable rules or ordinances of the employer.

(d) ~~Employer contributions shall be transferred as provided in Sections 6-210.2 and 8-172.1.~~ The employer shall not be responsible for making any additional employer contributions for any credit established under this Section.

(Source: P.A. 89-136, eff. 7-14-95.)

(40 ILCS 5/6-210.2 new)

Sec. 6-210.2. City contributions for paramedics. Municipality credits computed and credited under Article 8 for all firemen who (1) accumulated service credit in the Article 8 fund for service as a paramedic, (2) have terminated that Article 8 service credit and received a refund of contributions, and (3) are participants in this Article 6 fund on the effective date of this amendatory Act of the 93rd General Assembly shall be transferred by the Article 8 fund to this Fund, together with interest at the rate of 11% per annum, compounded annually, to the date of the transfer, as provided in Section 8-172.1 of this Code. These city contributions shall be credited to the individual fireman only if he or she pays for prior service as a paramedic in full to this Fund.

(40 ILCS 5/6-210.3 new)

Sec. 6-210.3. Payments and rollovers.

(a) The Board may adopt rules prescribing the manner of repaying refunds and purchasing any other credits permitted under this Article. The rules may prescribe the manner of calculating interest when payments or repayments are made in installments.

(b) Rollover contributions from other retirement plans qualified under the Internal Revenue Code of 1986 may be used to purchase any optional credit or repay any refund permitted under this Article.

(40 ILCS 5/6-211) (from Ch. 108 1/2, par. 6-211)

Sec. 6-211. Permanent and temporary positions; exempt positions above career service rank.

(a) Except as specified in subsection (b), no annuity, pension or other benefit shall be paid to a fireman or widow, under this Article, based upon any salary paid by virtue of a temporary appointment, and - all contributions, annuities and benefits shall be related to the salary which attaches to the permanent position of the fireman.

Any fireman temporarily serving in a position or rank other than that to which he has received permanent appointment shall be considered, while so serving, as though he were in his permanent position or rank, except that no increase in any pension, annuity or other benefit hereunder shall accrue to him by virtue of any service performed by him subsequent to attaining the compulsory retirement age provided by law or ordinance.

This Section ~~does~~ shall not apply to any person certified to the fire department by the civil service commission of the city, during the period of probationary service.

A fireman who holds a position at the will of the Fire Commissioner or other appointing authority, whether or not such position is an "exempt" position, shall be deemed to hold a temporary position, ~~and such employee's contributions and benefits shall be based upon the employee's permanent career service salary. The provisions of this paragraph shall be retroactive to January 1, 1976.~~

(b) Beginning on the effective date of this amendatory Act of the 93rd General Assembly, for service in an exempt position above career service rank, employee contributions shall be based on the actual full salary attached to the exempt rank position held by the fireman.

For service in an exempt position above career service rank, benefit computations under this Article shall be based on the actual full salary attached to the exempt rank position held by the fireman if and only if:

(1) employee contributions have been paid on the actual full salary attached to the exempt rank position held by the fireman for all service on or after January 1, 1994 in an exempt position above career service rank;

(2) the fireman has held one or more exempt positions for at least 5 consecutive years (or, in the

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case of a fireman who retired due to attainment of compulsory retirement age before December 1, 2003, held one or more exempt positions for a consecutive period of at least 3 years and 9 months and made the payment required under subsection (c) for a period of at least 5 years and has held the rank of battalion chief or field officer for at least 5 years (at least 3 years and 9 months in the case of a fireman who retired due to attainment of compulsory retirement age before December 1, 2003) during the exempt period; and

(3) the fireman was born before 1955.

(c) For service prior to the effective date of this amendatory Act of the 93rd General Assembly in an exempt position above career service rank for which contributions have been paid only on the salary attached to the fireman's permanent career service rank, a fireman may make the contributions required under subsection (b) by paying to the Fund before the later of the date of retirement or 6 months after the effective date of this amendatory Act, but in no event later than July 1, 2005, an amount equal to the difference between the employee contributions actually made for that service and the employee contributions that would have been made based on the actual full salary attached to the exempt rank position held by the fireman on or after January 1, 1994, plus interest thereon at the rate of 4% per year, compounded annually, from the date of the service to the date of payment (or to the date of retirement if retirement is before the effective date of this amendatory Act). In the case of a fireman who retired in an exempt rank position after January 1, 1994 and before January 1, 1999 and in the case of a fireman who retired due to attaining compulsory retirement age before December 1, 2003, the payment under this subsection (c) shall be for a period of at least 5 years.

If a fireman dies while eligible to make the contributions required under subsection (b) but before the contributions are paid, the fireman's widow may elect to make the contributions.

(d) Subsection (e) of Section 6-111 and the changes made to this Section by this amendatory Act of the 93rd General Assembly apply to a fireman who retires (or becomes disabled) on or after January 1, 1994. In the case of a benefit payable on the effective date of this amendatory Act, the resulting increase in benefit shall begin to accrue with the first benefit payment period commencing after the required contributions are paid.

(e) If a fireman or his survivors do not qualify to have benefits computed on the full amount of salary received for service in an exempt position as provided in subsection (b), benefits shall be computed on the basis of the salary attached to the permanent career service rank, and a refund of any employee contributions paid on the difference between the actual salary and the salary attached to the permanent career service rank shall be payable to the fireman upon termination of service, or to the fireman's widow or estate upon the fireman's death.

(f) The tax levy computed under Section 6-165 shall be based on employee contributions, including the payments of employee contributions under subsections (a), (b), and (c) of this Section 6-211.

(g) The city shall pay to the Fund on an annual basis, in addition to the usual city contributions, an amount at least equal to the sum of (1) the increase in normal cost resulting from subsection (e) of Section 6-111 and the changes made to this Section by this amendatory Act of the 93rd General Assembly, plus (2) amortization (over a period of 30 years from the effective date of this amendatory Act) of the initial unfunded liability resulting from subsection (e) of Section 6-111 and the changes made to this Section by this amendatory Act of the 93rd General Assembly. The payment required under this subsection shall be no less than \$400,000 per year. Payment shall begin with the first calendar year commencing after the effective date of this amendatory Act and shall be in addition to the tax levy otherwise calculated under Section 6-165. The city may increase that tax levy by the amount of the payment required under this subsection, or it may utilize any funds appropriated for this purpose.

(Source: P.A. 83-16.)

(40 ILCS 5/6-222) (from Ch. 108 1/2, par. 6-222)

Sec. 6-222. Administrative review.

(a) The provisions of the Administrative Review Law, and all amendments and modifications thereof and the rules adopted pursuant thereto shall apply to and govern all proceedings for the judicial review of final administrative decisions of the retirement board hereunder. The term "administrative decision" is as defined in Section 3-101 of the Code of Civil Procedure.

(b) If any fireman whose application for either a duty disability benefit under Section 6-151 or for an occupational disease disability benefit under Section 6-151.1 has been denied by the Retirement Board brings an action for administrative review challenging the denial of disability benefits and the fireman prevails in the action in administrative review, then the prevailing fireman shall be entitled to recover from the Fund court costs and litigation expenses, including reasonable attorney's fees, as part of the costs of the action.

(Source: P.A. 82-783.)

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(40 ILCS 5/8-137) (from Ch. 108 1/2, par. 8-137)

Sec. 8-137. Automatic increase in annuity.

(a) An employee who retired or retires from service after December 31, 1959 and before January 1, 1987, having attained age 60 or more, shall, in January of the year after the year in which the first anniversary of retirement occurs, have the amount of his then fixed and payable monthly annuity increased by 1 1/2%, and such first fixed annuity as granted at retirement increased by a further 1 1/2% in January of each year thereafter. Beginning with January of the year 1972, such increases shall be at the rate of 2% in lieu of the aforesaid specified 1 1/2%, and beginning with January of the year 1984 such increases shall be at the rate of 3%. Beginning in January of 1999, such increases shall be at the rate of 3% of the currently payable monthly annuity, including any increases previously granted under this Article. An employee who retires on annuity after December 31, 1959 and before January 1, 1987, but before age 60, shall receive such increases beginning in January of the year after the year in which he attains age 60.

An employee who retires from service on or after January 1, 1987 shall, upon the first annuity payment date following the first anniversary of the date of retirement, or upon the first annuity payment date following attainment of age 60, whichever occurs later, have his then fixed and payable monthly annuity increased by 3%, and such annuity shall be increased by an additional 3% of the original fixed annuity on the same date each year thereafter. Beginning in January of 1999, such increases shall be at the rate of 3% of the currently payable monthly annuity, including any increases previously granted under this Article.

(a-5) Notwithstanding the provisions of subsection (a), upon the first annuity payment date following (1) the third anniversary of retirement, (2) the attainment of age 53, or (3) January 1, 2002, ~~the date 60 days after the effective date of this amendatory Act of the 92nd General Assembly,~~ whichever occurs latest, the monthly annuity of an employee who retires on annuity prior to the attainment of age 60 and ~~who~~ has not received an increase under subsection (a) shall be increased by 3%, and the ~~such~~ annuity shall be increased by an additional 3% of the current payable monthly annuity, including any ~~such~~ increases previously granted under this Article, on the same date each year thereafter. The increases provided under this subsection are in lieu of the increases provided in subsection (a).

(a-6) Notwithstanding the provisions of subsections (a) and (a-5), for all calendar years following the year in which this amendatory Act of the 93rd General Assembly takes effect, an increase in annuity under this Section that would otherwise take effect at any time during the year shall instead take effect in January of that year.

(b) Subsections (a), ~~and~~ (a-5), ~~and~~ (a-6) are not applicable to an employee retiring and receiving a term annuity, as herein defined, nor to any otherwise qualified employee who retires before he makes employee contributions (at the 1/2 of 1% rate as provided in this Act) for this additional annuity for not less than the equivalent of one full year. Such employee, however, shall make arrangement to pay to the fund a balance of such 1/2 of 1% contributions, based on his final salary, as will bring such 1/2 of 1% contributions, computed without interest, to the equivalent of or completion of one year's contributions.

Beginning with January, 1960, each employee shall contribute by means of salary deductions 1/2 of 1% of each salary payment, concurrently with and in addition to the employee contributions otherwise made for annuity purposes.

Each such additional contribution shall be credited to an account in the prior service annuity reserve, to be used, together with city contributions, to defray the cost of the specified annuity increments. Any balance in such account at the beginning of each calendar year shall be credited with interest at the rate of 3% per annum.

Such additional employee contributions are not refundable, except to an employee who withdraws and applies for refund under this Article, and in cases where a term annuity becomes payable. In such cases his contributions shall be refunded, without interest, and charged to such account in the prior service annuity reserve.

(Source: P.A. 92-599, eff. 6-28-02; 92-609, eff. 7-1-02; revised 8-26-02.)

(40 ILCS 5/8-138.4 new)

Sec. 8-138.4. Early retirement incentive.

(a) To be eligible for the benefits provided in this Section, an employee must:

(1) have been a contributor to the Fund who (i) on October 15, 2003, was in active payroll status as an employee; (ii) returns to active payroll status from an approved leave of absence prior to December 15, 2003; (iii) on October 15, 2003, is receiving ordinary or duty disability benefits under Section 8-160 or 8-161; or (iv) has been subjected to an involuntary termination or layoff by the employer and restored to service by his or her employer prior to January 31, 2004;

(2) have not previously retired under this Article;

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(3) file with the Board on or before January 30, 2004, a written election requesting the benefits provided in this Section;

(4) withdraw from service on or after January 31, 2004 and on or before February 29, 2004 (or the date established under subsection (a-5), if applicable); and

(5) by the date of withdrawal or by February 29, 2004, whichever is earlier, have attained age 50 with at least 10 years of creditable service in this Fund, without including any creditable service established under this Section, and a total of at least 70 combined years of age and creditable service, without including any creditable service established under this Section, in one or more of the participating systems under the Retirement Systems Reciprocal Act.

A person is not eligible for the benefits provided in this Section if the person (i) elects to receive the alternative annuity for city officers under Section 8-243.2, or (ii) elects to receive a retirement annuity calculated under the alternative formula formerly set forth in Section 20-122.

(a-5) To ensure that the efficient operation of employers under this Article is not jeopardized by the simultaneous retirement of large numbers of critical personnel, each employer may, for its critical employees, extend the February 29, 2004 deadline for terminating employment under this Article established in subdivision (a)(4) of this Section to a date not later than May 31, 2004 by so notifying the Fund by January 31, 2004.

(b) An eligible employee may establish up to 5 years of creditable service under this Section, in increments of one month, by making the contributions specified in subsection (d). In addition, for each month of creditable service established under this Section, a person's age at retirement shall be deemed to be one month older than it actually is, except for determination of eligibility for automatic annual increases under Sections 8-137 and 8-137.1. Furthermore, an eligible employee must establish at least the amount of age and creditable service necessary to bring his or her age and total creditable service, including service in this Fund, service established under this Section, and service in any of the other participating systems under the Retirement Systems Reciprocal Act, to a minimum that will satisfy the requirements of Section 8-138.

The creditable service under this Section may be used for all purposes under this Article and the Retirement Systems Reciprocal Act, except for the computation of average annual salary and the determination of salary, earnings, or compensation under this or any other Article of this Code.

(c) An eligible employee shall be entitled to have his or her retirement annuity calculated in accordance with the formula provided in Section 8-138, except that the annuity shall not be subject to reduction because of withdrawal or commencement of the annuity before attainment of age 60.

(d) For each month of creditable service established under this Section, the employee must pay to the Fund an employee contribution, to be calculated by the Fund, equal to 4.25% of the member's monthly salary rate on October 15, 2003. The employee may elect to pay the entire contribution before the retirement annuity commences, or to have it deducted from the annuity over a period not longer than 24 months. If the retired employee dies before the contribution has been paid in full, the unpaid installments may be deducted from any annuity or other benefit payable to the employee's survivors.

All employee contributions paid under this Section shall not be deemed contributions made by employees for annuity purposes under Section 8-173, and shall be made and credited to a special reserve, without interest. Employee contributions paid under this Section may be refunded under the same terms and conditions as are applicable to other employee contributions for retirement annuity.

(e) Notwithstanding Section 8-165, an annuitant who reenters service under this Article after receiving a retirement annuity based on benefits provided under this Section thereby forfeits the right to continue to receive those benefits, and shall have his or her retirement annuity recalculated at the appropriate time without the benefits provided in this Section.

(f) No employer action in declaring an employee to be a critical employee pursuant to subsection (a-5) shall be construed as an impairment of any pension benefit or entitlement. No early retirement option or resultant benefit conferred under this Section shall, in any manner, vest for any employee until the earlier date of the employer's decision to release the employee from service or May 31, 2004.

(40 ILCS 5/8-138.5 new)

Sec. 8-138.5. Early retirement incentive for employees who have earned maximum pension benefits.

(a) A person who is eligible for the benefits provided under Section 8-138.4 and who, if he or she had retired on or before February 29, 2004, would have been entitled to a pension equal to 80% of his or her highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding February 29, 2004 without receiving the benefits provided in Section 8-138.4, may elect, by filing written election with the Fund by January 30, 2004, to receive a lump sum from the Fund equal to 100% of his or her salary on February 29, 2004 or the date of withdrawal, whichever is earlier. To be eligible to receive the benefit provided under this Section, the person must withdraw from service on or

after January 31, 2004 and on or before February 29, 2004 (or the date established under subsection (b), if applicable). If a person elects to receive the benefit provided under this Section, his or her retirement annuity otherwise payable under Section 8-138 shall be reduced by an amount equal to the actuarial equivalent of the lump sum.

(b) To ensure that the efficient operation of employers under this Article is not jeopardized by the simultaneous retirement of large numbers of critical personnel, each employer may, for its critical employees, extend the February 29, 2004 deadline for terminating employment under this Article established in subdivision (a) of this Section to a date not later than May 31, 2004 by so notifying the Fund by January 31, 2004.

(40 ILCS 5/8-150.1) (from Ch. 108 1/2, par. 8-150.1)

Sec. 8-150.1. Minimum annuities for widows. The widow (otherwise eligible for widow's annuity under other Sections of this Article 8) of an employee hereinafter described, who retires from service or dies while in the service subsequent to the effective date of this amendatory provision, and for which widow the amount of widow's annuity and widow's prior service annuity combined, fixed or provided for such widow under other provisions of this Article is less than the amount provided in this Section, shall, from and after the date her otherwise provided annuity would begin, in lieu of such otherwise provided widow's and widow's prior service annuity, be entitled to the following indicated amount of annuity:

(a) The widow of any employee who dies while in service on or after the date on which he attains age 60 if the death occurs before July 1, 1990, or on or after the date on which he attains age 55 if the death occurs on or after July 1, 1990, with at least 20 years of service, or on or after the date on which he attains age 50 if the death occurs on or after the effective date of this amendatory Act of 1997 with at least 30 years of service, shall be entitled to an annuity equal to one-half of the amount of annuity which her deceased husband would have been entitled to receive had he withdrawn from the service on the day immediately preceding the date of his death, conditional upon such widow having attained the age of 60 or more years on such date if the death occurs before July 1, 1990, or age 55 or more if the death occurs on or after July 1, 1990, or age 50 or more if the death occurs on or after January 1, 1998 and the employee is age 50 or over with at least 30 years of service or age 55 or over with at least 25 years of service. Except as provided in subsection (k), this widow's annuity shall not, however, exceed the sum of \$500 a month if the employee's death in service occurs before January 23, 1987. The widow's annuity shall not be limited to a maximum dollar amount if the employee's death in service occurs on or after January 23, 1987.

If the employee dies in service before July 1, 1990, and if such widow of such described employee shall not be 60 or more years of age on such date of death, the amount provided in the immediately preceding paragraph for a widow 60 or more years of age, shall, in the case of such younger widow, be reduced by 0.25% for each month that her then attained age is less than 60 years if the employee was born before January 1, 1936 or dies in service on or after January 1, 1988, or by 0.5% for each month that her then attained age is less than 60 years if the employee was born on or after July 1, 1936 and dies in service before January 1, 1988.

If the employee dies in service on or after July 1, 1990, and if the widow of the employee has not attained age 55 on or before the employee's date of death, the amount otherwise provided in this subsection (a) shall be reduced by 0.25% for each month that her then attained age is less than 55 years; except that if the employee dies in service on or after January 1, 1998 at age 50 or over with at least 30 years of service or at age 55 or over with at least 25 years of service, there shall be no reduction due to the widow's age if she has attained age 50 on or before the employee's date of death, and if the widow has not attained age 50 on or before the employee's date of death the amount otherwise provided in this subsection (a) shall be reduced by 0.25% for each month that her then attained age is less than 50 years.

(b) The widow of any employee who dies subsequent to the date of his retirement on annuity, and who so retired on or after the date on which he attained the age of 60 or more years if retirement occurs before July 1, 1990, or on or after the date on which he attained age 55 if retirement occurs on or after July 1, 1990, with at least 20 years of service, or on or after the date on which he attained age 50 if the retirement occurs on or after the effective date of this amendatory Act of 1997 with at least 30 years of service, shall be entitled to an annuity equal to one-half of the amount of annuity which her deceased husband received as of the date of his retirement on annuity, conditional upon such widow having attained the age of 60 or more years on the date of her husband's retirement on annuity if retirement occurs before July 1, 1990, or age 55 or more if retirement occurs on or after July 1, 1990, or age 50 or more if the retirement on annuity occurs on or after January 1, 1998 and the employee is age 50 or over with at least 30 years of service or age 55 or over with at least 25 years of service. Except as provided in subsection (k), this widow's annuity shall not, however, exceed the sum of \$500 a month if the

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employee's death occurs before January 23, 1987. The widow's annuity shall not be limited to a maximum dollar amount if the employee's death occurs on or after January 23, 1987, regardless of the date of retirement; provided that, if retirement was before January 23, 1987, the employee or eligible spouse repays the excess spouse refund with interest at the effective rate from the date of refund to the date of repayment.

If the date of the employee's retirement on annuity is before July 1, 1990, and if such widow of such described employee shall not have attained such age of 60 or more years on such date of her husband's retirement on annuity, the amount provided in the immediately preceding paragraph for a widow 60 or more years of age on the date of her husband's retirement on annuity, shall, in the case of such then younger widow, be reduced by 0.25% for each month that her then attained age was less than 60 years if the employee was born before January 1, 1936 or withdraws from service on or after January 1, 1988, or by 0.5% for each month that her then attained age is less than 60 years if the employee was born on or after January 1, 1936 and withdraws from service before January 1, 1988.

If the date of the employee's retirement on annuity is on or after July 1, 1990, and if the widow of the employee has not attained age 55 by the date of the employee's retirement on annuity, the amount otherwise provided in this subsection (b) shall be reduced by 0.25% for each month that her then attained age is less than 55 years; except that if the employee retires on annuity on or after January 1, 1998 at age 50 or over with at least 30 years of service or at age 55 or over with at least 25 years of service, there shall be no reduction due to the widow's age if she has attained age 50 on or before the employee's date of death, and if the widow has not attained age 50 on or before the employee's date of death the amount otherwise provided in this subsection (b) shall be reduced by 0.25% for each month that her then attained age is less than 50 years.

(c) The foregoing provisions relating to minimum annuities for widows shall not apply to the widow of any former municipal employee receiving an annuity from the fund on August 9, 1965 or on the effective date of this amendatory provision, who re-enters service as a municipal employee, unless such employee renders at least 3 years of additional service after the date of re-entry.

(d) In computing the amount of annuity which the husband specified in the foregoing paragraphs (a) and (b) of this Section would have been entitled to receive, or received, such amount shall be the annuity to which such husband would have been, or was entitled, before reduction in the amount of his annuity for the purposes of the voluntary optional reversionary annuity provided for in Section 8-139 of this Article, if such option was elected.

(e) (Blank).

(f) (Blank).

(g) The amendatory provisions of this amendatory Act of 1985 relating to annuity discount because of age for widows of employees born before January 1, 1936, shall apply only to qualifying widows of employees withdrawing or dying in service on or after July 18, 1985.

(h) Beginning on January 1, 1999, the minimum amount of widow's annuity shall be \$800 per month for life for the following classes of widows, without regard to the fact that the death of the employee occurred prior to the effective date of this amendatory Act of 1998:

(1) any widow annuitant alive and receiving a life annuity on the effective date of this amendatory Act of 1998, except a reciprocal annuity;

(2) any widow annuitant alive and receiving a term annuity on the effective date of this amendatory Act of 1998, except a reciprocal annuity;

(3) any widow annuitant alive and receiving a reciprocal annuity on the effective date of this amendatory Act of 1998, whose employee spouse's service in this fund was at least 5 years;

(4) the widow of an employee with at least 10 years of service in this fund who dies after retirement, if the retirement occurred prior to the effective date of this amendatory Act of 1998;

(5) the widow of an employee with at least 10 years of service in this fund who dies after retirement, if withdrawal occurs on or after the effective date of this amendatory Act of 1998;

(6) the widow of an employee who dies in service with at least 5 years of service in this fund, if the death in service occurs on or after the effective date of this amendatory Act of 1998.

The increases granted under items (1), (2), (3) and (4) of this subsection (h) shall not be limited by any other Section of this Act.

(i) The widow of an employee who retired or died in service on or after January 1, 1985 and before July 1, 1990, at age 55 or older, and with at least 35 years of service credit, shall be entitled to have her widow's annuity increased, effective January 1, 1991, to an amount equal to 50% of the retirement annuity that the deceased employee received on the date of retirement, or would have been eligible to receive if he had retired on the day preceding the date of his death in service, provided that if the widow had not attained age 60 by the date of the employee's retirement or death in service, the amount of the

annuity shall be reduced by 0.25% for each month that her then attained age was less than age 60 if the employee's retirement or death in service occurred on or after January 1, 1988, or by 0.5% for each month that her attained age is less than age 60 if the employee's retirement or death in service occurred prior to January 1, 1988. However, in cases where a refund of excess contributions for widow's annuity has been paid by the Fund, the increase in benefit provided by this subsection (i) shall be contingent upon repayment of the refund to the Fund with interest at the effective rate from the date of refund to the date of payment.

(j) If a deceased employee is receiving a retirement annuity at the time of death and that death occurs on or after June 27, 1997, the widow may elect to receive, in lieu of any other annuity provided under this Article, 50% of the deceased employee's retirement annuity at the time of death reduced by 0.25% for each month that the widow's age on the date of death is less than 55; except that if the employee dies on or after January 1, 1998 and withdrew from service on or after June 27, 1997 at age 50 or over with at least 30 years of service or at age 55 or over with at least 25 years of service, there shall be no reduction due to the widow's age if she has attained age 50 on or before the employee's date of death, and if the widow has not attained age 50 on or before the employee's date of death the amount otherwise provided in this subsection (j) shall be reduced by 0.25% for each month that her age on the date of death is less than 50 years. However, in cases where a refund of excess contributions for widow's annuity has been paid by the Fund, the benefit provided by this subsection (j) is contingent upon repayment of the refund to the Fund with interest at the effective rate from the date of refund to the date of payment.

(k) For widows of employees who died before January 23, 1987 after retirement on annuity or in service, the maximum dollar amount limitation on widow's annuity shall cease to apply, beginning with the first annuity payment after the effective date of this amendatory Act of 1997; except that if a refund of excess contributions for widow's annuity has been paid by the Fund, the increase resulting from this subsection (k) shall not begin before the refund has been repaid to the Fund, together with interest at the effective rate from the date of the refund to the date of repayment.

(l) In lieu of any other annuity provided in this Article, an eligible spouse of an employee who dies in service ~~on or after January 1, 2002 (regardless of whether that death in service occurs prior to at least 60 days after~~ the effective date of this amendatory Act of the ~~93rd 92nd~~ General Assembly) with at least 10 years of service shall be entitled to an annuity of 50% of the minimum formula annuity earned and accrued to the credit of the employee at the date of death. For the purposes of this subsection, the minimum formula annuity earned and accrued to the credit of the employee is equal to 2.40% for each year of service of the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of death, up to a maximum of 80% of the highest average annual salary. This annuity shall not be reduced due to the age of the employee or spouse. In addition to any other eligibility requirements under this Article, the spouse is eligible for this annuity only if the marriage was in effect for 10 full years or more.

(Source: P.A. 92-599, eff. 6-28-02.)

(40 ILCS 5/8-167) (from Ch. 108 1/2, par. 8-167)

Sec. 8-167. Restoration of rights. An employee who has withdrawn as a refund the amounts credited for annuity purposes, and who (i) re-enters service of the employer and serves for periods comprising at least 90 days ~~2 years~~ after the date of the last refund paid to him or (ii) has completed at least 2 years of service under a participating system (as defined in the Retirement Systems Reciprocal Act) other than this Fund after the date of the last refund, shall have his annuity rights restored by compliance with the following provisions:

(a) After ~~that 90 day or~~ such 2 year period, whichever applies, he shall repay in full to the fund, while in service, ~~in full~~ all refunds received, together with interest at the effective rate from the dates of refund to the date of repayment. ~~;~~

(b) If payment is not made in a single sum, the repayment may be made in installments by deductions from salary or otherwise in such manner and amounts and manner as the board, by rule, may prescribe, with interest at the effective rate accruing on unpaid balances. ~~;~~

(c) If the employee withdraws from service or dies in service before full repayment is made, service credit shall be restored in accordance with Section 8-230.3(b).

(d) If the employee repays the refund while participating in a participating system (as defined in the Retirement Systems Reciprocal Act) other than this Fund, the service credit restored must be used for a proportional annuity calculated in accordance with the Retirement Systems Reciprocal Act. If not so used, the restored service credit shall be forfeited and the amount of the repayment shall be refunded, without interest. ; such rights shall not be restored, but the amount, including interest, repaid by him, but without any further interest otherwise normally credited, shall be refunded to him or to his widow, or in the manner provided by the refund provisions of this Article if no widow survives.

This Section applies also to any person who received a refund from any annuity and benefit fund or pension fund which was merged into and superseded by the annuity and benefit fund provided for in this Article on or after December 31, 1959. Upon repayment such person shall receive credit for all annuity purposes in the annuity and benefit fund provided for in this Article for the period of service covered by the repayment such refund.

The amount of refund repayment is considered as salary deductions for age and service annuity and widow's annuity purposes in the case of a male person. In the latter case the amount of refund repayment is allocated in the applicable proportion for age and service and widow's annuity purposes. Such person shall also be credited with city contributions for age and service annuity, and widow's annuity if a male employee, in the amount which would have been credited and accrued if such person had been a participant in and contributor to the annuity and benefit fund provided for in this Article during the period of such service on the basis of his salary during such period.

(Source: P.A. 81-1536.)

(40 ILCS 5/8-172) (from Ch. 108 1/2, par. 8-172)

Sec. 8-172. Refunds - Transfer of city contributions. Whenever any amount is refunded as provided in Sections 8-168 and 8-169, except in the case of a male employee who becomes a widower while in service after he becomes age 65, the amounts to the credit of the male employee from contributions by the city; shall be transferred to the prior service annuity reserve. Thereafter, except as otherwise provided in Section 8-172.1, any such amounts shall become a credit to the city and, with interest thereon at the effective rate, be used to reduce the amount which the city would otherwise pay during a succeeding year.

(Source: Laws 1963, p. 161.)

(40 ILCS 5/8-172.1 new)

Sec. 8-172.1. Transfer of city contributions for paramedics.

(a) Municipality credits computed and credited under this Article 8 for all persons who (1) accumulated service credit in this Article 8 fund for service as a paramedic, (2) have terminated that Article 8 service credit and received a refund of contributions, and (3) are participants in the Article 6 fund on the effective date of this amendatory Act of the 93rd General Assembly shall be transferred by this Article 8 fund to the Article 6 fund together with interest at the rate of 11% per annum, compounded annually, to the date of transfer. The city shall not be responsible for making any additional employer contributions to the Fund to replace the amounts transferred under this Section.

(b) Municipality credits computed and credited under this Article 8 for all persons who (1) accumulated service credit in this Article 8 fund for service as a paramedic, (2) have terminated that Article 8 service credit and received a refund of contributions, and (3) are not participants in the Article 6 fund on the effective date of this amendatory Act of the 93rd General Assembly shall be used as provided in Section 8-172.

(40 ILCS 5/8-174) (from Ch. 108 1/2, par. 8-174)

Sec. 8-174. Contributions for age and service annuities for present employees and future entrants. (a) Beginning on the effective date and prior to July 1, 1947, 3 1/4%; and beginning on July 1, 1947 and prior to July 1, 1953, 5%; and beginning July 1, 1953, and prior to January 1, 1972, 6%; and beginning January 1, 1972, 6-1/2% of each payment of the salary of each present employee and future entrant shall be contributed to the fund as a deduction from salary for age and service annuity.

Such deductions beginning on the effective date and prior to July 1, 1947 shall be made for a future entrant while he is in the service until he attains age 65 and for a present employee while he is in the service until the amount so deducted from his salary with the amount deducted from his salary or paid by him according to law to any municipal pension fund in force on the effective date with interest on both such amounts at 4% per annum equals the sum that would have been to his credit from sums deducted from his salary if deductions at the rate herein stated had been made during his entire service until he attained age 65 with interest at 4% per annum for the period subsequent to his attainment of age 65. Such deductions beginning July 1, 1947 shall be made and continued for employees while in the service.

(b) Concurrently with each employee contribution beginning on the effective date and prior to July 1, 1947 the city shall contribute 5 3/4%; and beginning on July 1, 1947 and prior to July 1, 1953, 7%; and beginning July 1, 1953, 6% of each payment of such salary until the employee attains age 65. Notwithstanding any provision of this subsection (b) to the contrary, the city shall not make a contribution for any credit established by an employee under subsection (b) of Section 8-138.4.

(c) Each employee contribution made prior to the date the age and service annuity for an employee is fixed and each corresponding city contribution shall be credited to the employee and allocated to the account of the employee for whose benefit it is made.

(Source: P.A. 81-1536.)

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(40 ILCS 5/8-174.1) (from Ch. 108 1/2, par. 8-174.1)

Sec. 8-174.1. Employer contributions on behalf of employees.

(a) The employer may make and may incur an obligation to make contributions on behalf of its employees in an amount not to exceed the employee contributions required by Sections 8-137, 8-161, 8-174, 8-182 and 8-182.1 for all salary earned after December 31, 1981. If such employee contributions are not made or an obligation to make such contributions is not incurred by the employer on behalf of its employees, the amount that could have been contributed shall continue to be deducted from salary. If employee contributions are made by the employer on behalf of its employees, they shall be treated as employer contributions in determining tax treatment under the United States Internal Revenue Code; however, each city shall continue to withhold Federal and State income taxes based upon these contributions until the Internal Revenue Service or the Federal courts rule that pursuant to Section 414(h) of the United States Internal Revenue Code, these contributions shall not be included as gross income of the employee until such time as they are distributed or made available. The employer may make these contributions on behalf of its employees by a reduction in the cash salary of the employee or by an offset against a future salary increase or by a combination of a reduction in salary and offset against a future salary increase. The employer shall pay these employee contributions from the same source of funds used in paying salary to the employee or, if the employer is a Board of Education, it may also or alternatively pay such contributions in whole or in part from the proceeds of the pension contribution liability tax authorized by Section 34-60.1 of the School Code, as amended. If such a tax is levied with respect to any fiscal year of a Board of Education, that portion of the contributions to be paid by the Board of Education on behalf of its employees for that fiscal year from the proceeds of such a tax shall not be due and payable into the Fund until the collection, in the calendar year following the calendar year in which such levy was made, of the actual tax bills extending the second installment of real estate taxes for the Board of Education for that calendar year, pursuant to Section 21-30 of the Property Tax Code, and such Board of Education shall not be required to pay those contributions to be paid from the proceeds of such a tax into the Fund except as collected from the extension of the actual tax bills. If employee contributions are made by the employer on behalf of its employees, they shall be treated for all purposes of this Article 8, including Section 8-173, in the same manner and to the same extent as employee contributions made by employees and deducted from salary; provided, however, that contributions which are made by a Board of Education on behalf of its employees shall not be treated as a pension or retirement obligation of the Board of Education for purposes of Section 12 of "An Act in relation to State revenue sharing with local governmental entities", approved July 31, 1969, as amended. For purposes of Section 8-173, contributions made by a Board of Education on behalf of its employees shall be treated as contributions made by or on behalf of employees to the Fund for the fiscal year for which the Board of Education incurred the obligation to make such contributions.

(b) Subject to the requirements of federal law and the rules of the Board, the Fund may allow the employee to elect to have the employer make on behalf of the employee the optional contributions that the employee has elected to pay to the Fund, and the contributions so made on the employee's behalf shall be treated as employer contributions for the purpose of determining federal tax treatment. The employer shall make contributions on behalf of an employee by a reduction in the cash salary of the employee and shall pay contributions from the same source of funds that is used to pay earnings of the employee. The election to have the contributions made on the employee's behalf is irrevocable, and the optional contributions may not thereafter be prepaid, by direct payment or otherwise.

If the provision authorizing the optional contribution requires payment by a stated date (rather than the date of withdrawal or retirement), the requirement will be deemed to have been satisfied if (i) on or before the stated date the employee executes a valid irrevocable election to have the contributions made on his or her behalf under this subsection, and (ii) the contributions made on his or her behalf are in fact paid to the Fund as provided in the election.

If employee contributions are made by the employer on the employee's behalf under this subsection, they shall be treated for all purposes of this Article 8, including Section 8-173, in the same manner and to the same extent as optional employee contributions made prior to the date made on the employee's behalf.

(Source: P.A. 88-670, eff. 12-2-94.)

(40 ILCS 5/8-192) (from Ch. 108 1/2, par. 8-192)

Sec. 8-192. Board created. A board of 5 members shall constitute a Board of Trustees authorized to carry out the provisions of this Article. The board shall be known as the Retirement Board of the Municipal Employees', Officers', and Officials' Annuity and Benefit Fund of the city, or for the sake of brevity may also be known and referred to as the Retirement Board of the Municipal Employees' Annuity and Benefit Fund of such city. The board shall consist of the city comptroller, the city treasurer,

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and 3 members who shall be employees, to be elected as follows:

Within 30 days after the effective date, the mayor of the city shall arrange for and hold an election.

One employee shall be elected for a term ending on the first day in the month of December of the first year next following the effective date; one for a term ending December 1st of the following year; and one for a term ending on December 1st of the second following year.

The city comptroller, with the approval of the board, may appoint a designee from among employees of the city who are versed in the affairs of the comptroller's office to act in the absence of the comptroller on all matters pertaining to administering the provisions of this Article.

The members of a Retirement Board of a municipal employees', officers', and officials' annuity and benefit fund holding office in a city at the time this Article becomes effective, including elective and ex-officio members, shall continue in office until the expiration of their terms and until their respective successors are elected or appointed and have qualified.

An employee member who takes advantage of the early retirement incentives provided under this amendatory Act of the 93rd General Assembly may continue as a member until the end of his or her term.

(Source: P.A. 85-964.)

(40 ILCS 5/11-133.3 new)

Sec. 11-133.3. Early retirement incentive.

(a) To be eligible for the benefits provided in this Section, an employee must:

(1) have been a contributor to the Fund who (i) on October 15, 2003, was in active payroll status as an employee; (ii) returns to active payroll status from an approved leave of absence prior to December 15, 2003; (iii) on October 15, 2003, is receiving ordinary or duty disability benefits under Section 11-155 or 11-156 or (iv) has been subjected to an involuntary termination or layoff by the employer and restored to service by his or her employer prior to January 31, 2004;

(2) have not previously retired under this Article;

(3) file with the Board on or before January 30, 2004, a written election requesting the benefits provided in this Section;

(4) withdraw from service on or after January 31, 2004 and on or before February 29, 2004 (or the date established under subsection (a-5), if applicable); and

(5) by the date of withdrawal or by January 31, 2004, whichever is earlier, have attained age 50 with at least 10 years of creditable service in this Fund, without including any creditable service established under this Section, and a total of at least 70 combined years of age and creditable service, without including any creditable service established under this Section, in one or more of the participating systems under the Retirement Systems Reciprocal Act.

A person is not eligible for the benefits provided in this Section if the person elects to receive a retirement annuity calculated under the alternative formula formerly set forth in Section 20-122.

(a-5) To ensure that the efficient operation of employers under this Article is not jeopardized by the simultaneous retirement of large numbers of critical personnel, each employer may, for its critical employees, extend the February 29, 2004 deadline for terminating employment under this Article established in subdivision (a)(4) of this Section to a date not later than May 31, 2004 by so notifying the Fund by January 31, 2004.

(b) An eligible employee may establish up to 5 years of creditable service under this Section, in increments of one month, by making the contributions specified in subsection (d). In addition, for each month of creditable service established under this Section, a person's age at retirement shall be deemed to be one month older than it actually is, except for determination of eligibility for automatic annual increases under Sections 11-134.1 and 11-134.3. Furthermore, an eligible employee must establish at least the amount of age and creditable service necessary to bring his or her age and total creditable service, including service in this Fund, service established under this Section, and service in any of the other participating systems under the Retirement Systems Reciprocal Act, to a minimum that will satisfy the requirements of Section 11-134.

The creditable service under this Section may be used for all purposes under this Article and the Retirement Systems Reciprocal Act, except for the computation of average annual salary and the determination of salary, earnings, or compensation under this or any other Article of this Code.

(c) An eligible employee shall be entitled to have his or her retirement annuity calculated in accordance with the formula provided in Section 11-134, except that the annuity shall not be subject to reduction because of withdrawal or commencement of the annuity before attainment of age 60.

(d) For each month of creditable service established under this Section, the employee must pay to the Fund an employee contribution, to be calculated by the Fund, equal to 4.25% of the member's monthly salary rate on October 15, 2003. The employee may elect to pay the entire contribution before the

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retirement annuity commences, or to have it deducted from the annuity over a period not longer than 24 months. If the retired employee dies before the contribution has been paid in full, the unpaid installments may be deducted from any annuity or other benefit payable to the employee's survivors.

All employee contributions paid under this Section shall not be deemed contributions made by employees for annuity purposes under Section 11-169, and shall be made and credited to a special reserve, without interest. Employee contributions paid under this Section may be refunded under the same terms and conditions as are applicable to other employee contributions for retirement annuity.

(e) Notwithstanding Section 11-161, an annuitant who reenters service under this Article after receiving a retirement annuity based on benefits provided under this Section thereby forfeits the right to continue to receive those benefits, and shall have his or her retirement annuity recalculated at the appropriate time without the benefits provided in this Section.

(f) No employer action in declaring an employee to be a critical employee pursuant to subsection (a-5) shall be construed as an impairment of any pension benefit or entitlement. No early retirement option or resultant benefit conferred under this Section shall, in any manner, vest for any employee until the earlier date of the employer's decision to release the employee from service or May 31, 2004.

(40 ILCS 5/11-133.4 new)

Sec. 11-133.4. Early retirement incentive for employees who have earned maximum pension benefits.

(a) A person who is eligible for the benefits provided under Section 11-133.3 and who, if he or she had retired on or before February 29, 2004, would have been entitled to a pension equal to 80% of his or her highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding February 29, 2004 without receiving the benefits provided in Section 11-133.3, may elect, by filing a written election with the Fund by January 30, 2004, to receive a lump sum from the Fund equal to 100% of his or her salary on February 29, 2004 or the date of withdrawal, whichever is earlier. To be eligible to receive the benefit provided under this Section, the person must withdraw from service on or after January 31, 2004 and on or before February 29, 2004 (or the date established under subsection (b), if applicable). If a person elects to receive the benefit provided under this Section, his or her retirement annuity otherwise payable under Section 11-134 shall be reduced by an amount equal to the actuarial equivalent of the lump sum.

(b) To ensure that the efficient operation of employers under this Article is not jeopardized by the simultaneous retirement of large numbers of critical personnel, each employer may, for its critical employees, extend the February 29, 2004 deadline for terminating employment under this Article established in subdivision (a) of this Section to a date not later than May 31, 2004 by so notifying the Fund by January 31, 2004.

(40 ILCS 5/11-134.1) (from Ch. 108 1/2, par. 11-134.1)

Sec. 11-134.1. Automatic increase in annuity.

(a) An employee who retired or retires from service after December 31, 1963, and before January 1, 1987, having attained age 60 or more, shall, in the month of January of the year following the year in which the first anniversary of retirement occurs, have the amount of his then fixed and payable monthly annuity increased by 1 1/2%, and such first fixed annuity as granted at retirement increased by a further 1 1/2% in January of each year thereafter. Beginning with January of the year 1972, such increases shall be at the rate of 2% in lieu of the aforesaid specified 1 1/2%. Beginning January, 1984, such increases shall be at the rate of 3%. Beginning in January of 1999, such increases shall be at the rate of 3% of the currently payable monthly annuity, including any increases previously granted under this Article. An employee who retires on annuity after December 31, 1963 and before January 1, 1987, but prior to age 60, shall receive such increases beginning with January of the year immediately following the year in which he attains the age of 60 years.

An employee who retires from service on or after January 1, 1987 shall, upon the first annuity payment date following the first anniversary of the date of retirement, or upon the first annuity payment date following attainment of age 60, whichever occurs later, have his then fixed and payable monthly annuity increased by 3%, and such annuity shall be increased by an additional 3% of the original fixed annuity on the same date each year thereafter. Beginning in January of 1999, such increases shall be at the rate of 3% of the currently payable monthly annuity, including any increases previously granted under this Article.

(a-5) Notwithstanding the provisions of subsection (a), upon the first annuity payment date following (1) the third anniversary of retirement, (2) the attainment of age 53, or (3) January 1, 2002, ~~the date 60 days after the effective date of this amendatory Act of the 92nd General Assembly,~~ whichever occurs latest, the monthly annuity of an employee who retires on annuity prior to the attainment of age 60 and ~~who~~ has not received an increase under subsection (a) shall be increased by 3%, and the ~~such~~ annuity shall be increased by an additional 3% of the current payable monthly annuity, including any ~~such~~

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increases previously granted under this Article, on the same date each year thereafter. The increases provided under this subsection are in lieu of the increases provided in subsection (a).

(a-6) Notwithstanding the provisions of subsections (a) and (a-5), for all calendar years following the year in which this amendatory Act of the 93rd General Assembly takes effect, an increase in annuity under this Section that would otherwise take effect at any time during the year shall instead take effect in January of that year.

(b) Subsections (a), ~~and (a-5)~~, and (a-6) are not applicable to an employee retiring and receiving a term annuity, as defined in this Article, nor to any otherwise qualified employee who retires before he shall have made employee contributions (at the 1/2 of 1% rate as hereinafter provided) for the purposes of this additional annuity for not less than the equivalent of one full year. Such employee, however, shall make arrangement to pay to the fund a balance of such 1/2 of 1% contributions, based on his final salary, as will bring such 1/2 of 1% contributions, computed without interest, to the equivalent of or completion of one year's contributions.

Beginning with the month of January, 1964, each employee shall contribute by means of salary deductions 1/2 of 1% of each salary payment, concurrently with and in addition to the employee contributions otherwise made for annuity purposes.

Each such additional employee contribution shall be credited to an account in the prior service annuity reserve, to be used, together with city contributions, to defray the cost of the specified annuity increments. Any balance as of the beginning of each calendar year existing in such account shall be credited with interest at the rate of 3% per annum.

Such employee contributions shall not be subject to refund, except to an employee who resigns or is discharged and applies for refund under this Article, and also in cases where a term annuity becomes payable.

In such cases the employee contributions shall be refunded him, without interest, and charged to the aforementioned account in the prior service annuity reserve.

(Source: P.A. 92-599, eff. 6-28-02; 92-609, eff. 7-1-02; revised 8-26-02.)

(40 ILCS 5/11-145.1) (from Ch. 108 1/2, par. 11-145.1)

Sec. 11-145.1. Minimum annuities for widows.

The widow otherwise eligible for widow's annuity under other Sections of this Article 11, of an employee hereinafter described, who retires from service or dies while in the service subsequent to the effective date of this amendatory provision, and for which widow the amount of widow's annuity and widow's prior service annuity combined, fixed or provided for such widow under other provisions of said Article 11 is less than the amount hereinafter provided in this section, shall, from and after the date her otherwise provided annuity would begin, in lieu of such otherwise provided widow's and widow's prior service annuity, be entitled to the following indicated amount of annuity:

(a) The widow of any employee who dies while in service on or after the date on which he attains age 60 if the death occurs before July 1, 1990, or on or after the date on which he attains age 55 if the death occurs on or after July 1, 1990, with at least 20 years of service, or on or after the date on which he attains age 50 if the death occurs on or after the effective date of this amendatory Act of 1997 with at least 30 years of service, shall be entitled to an annuity equal to one-half of the amount of annuity which her deceased husband would have been entitled to receive had he withdrawn from the service on the day immediately preceding the date of his death, conditional upon such widow having attained age 60 on or before such date if the death occurs before July 1, 1990, or age 55 if the death occurs on or after July 1, 1990, or age 50 if the death occurs on or after January 1, 1998 and the employee is age 50 or over with at least 30 years of service or age 55 or over with at least 25 years of service. Except as provided in subsection (j), the widow's annuity shall not, however, exceed the sum of \$500 a month if the employee's death in service occurs before January 23, 1987. The widow's annuity shall not be limited to a maximum dollar amount if the employee's death in service occurs on or after January 23, 1987.

If the employee dies in service before July 1, 1990, and if such widow of such described employee shall not be 60 or more years of age on such date of death, the amount provided in the immediately preceding paragraph for a widow 60 or more years of age, shall, in the case of such younger widow, be reduced by 0.25% for each month that her then attained age is less than 60 years if the employee was born before January 1, 1936, or dies in service on or after January 1, 1988, or 0.5% for each month that her then attained age is less than 60 years if the employee was born on or after January 1, 1936 and dies in service before January 1, 1988.

If the employee dies in service on or after July 1, 1990, and if the widow of the employee has not attained age 55 on or before the employee's date of death, the amount otherwise provided in this subsection (a) shall be reduced by 0.25% for each month that her then attained age is less than 55 years; except that if the employee dies in service on or after January 1, 1998 at age 50 or over with at least 30

years of service or at age 55 or over with at least 25 years of service, there shall be no reduction due to the widow's age if she has attained age 50 on or before the employee's date of death, and if the widow has not attained age 50 on or before the employee's date of death the amount otherwise provided in this subsection (a) shall be reduced by 0.25% for each month that her then attained age is less than 50 years.

(b) The widow of any employee who dies subsequent to the date of his retirement on annuity, and who so retired on or after the date on which he attained age 60 if retirement occurs before July 1, 1990, or on or after the date on which he attained age 55 if retirement occurs on or after July 1, 1990, with at least 20 years of service, or on or after the date on which he attained age 50 if the retirement occurs on or after the effective date of this amendatory Act of 1997 with at least 30 years of service, shall be entitled to an annuity equal to one-half of the amount of annuity which her deceased husband received as of the date of his retirement on annuity, conditional upon such widow having attained age 60 on or before the date of her husband's retirement on annuity if retirement occurs before July 1, 1990, or age 55 if retirement occurs on or after July 1, 1990, or age 50 if the retirement on annuity occurs on or after January 1, 1998 and the employee is age 50 or over with at least 30 years of service or age 55 or over with at least 25 years of service. Except as provided in subsection (j), this widow's annuity shall not, however, exceed the sum of \$500 a month if the employee's death occurs before January 23, 1987. The widow's annuity shall not be limited to a maximum dollar amount if the employee's death occurs on or after January 23, 1987, regardless of the date of retirement; provided that, if retirement was before January 23, 1987, the employee or eligible spouse repays the excess spouse refund with interest at the effective rate from the date of refund to the date of repayment.

If the date of the employee's retirement on annuity is before July 1, 1990, and if such widow of such described employee shall not have attained such age of 60 or more years on such date of her husband's retirement on annuity, the amount provided in the immediately preceding paragraph for a widow 60 or more years of age on the date of her husband's retirement on annuity, shall, in the case of such then younger widow, be reduced by 0.25% for each month that her then attained age was less than 60 years if the employee was born before January 1, 1936, or withdraws from service on or after January 1, 1988, or 0.5% for each month that her then attained age was less than 60 years if the employee was born on or after January 1, 1936 and withdraws from service before January 1, 1988.

If the date of the employee's retirement on annuity is on or after July 1, 1990, and if the widow of the employee has not attained age 55 by the date of the employee's retirement on annuity, the amount otherwise provided in this subsection (b) shall be reduced by 0.25% for each month that her then attained age is less than 55 years; except that if the employee retires on annuity on or after January 1, 1998 at age 50 or over with at least 30 years of service or at age 55 or over with at least 25 years of service, there shall be no reduction due to the widow's age if she has attained age 50 on or before the employee's date of death, and if the widow has not attained age 50 on or before the employee's date of death the amount otherwise provided in this subsection (b) shall be reduced by 0.25% for each month that her then attained age is less than 50 years.

(c) The foregoing provisions relating to minimum annuities for widows shall not apply to the widow of any former employee receiving an annuity from the fund on August 2, 1965 or on the effective date of this amendatory provision, who re-enters service as a former employee, unless such employee renders at least 3 years of additional service after the date of re-entry.

(d) (Blank).

(e) (Blank).

(f) The amendments to this Section by this amendatory Act of 1985, relating to changing the discount because of age from 1/2 of 1% to 0.25% per month for widows of employees born before January 1, 1936, shall apply only to qualifying widows whose husbands die while in the service on or after August 16, 1985 or withdraw and enter on annuity on or after August 16, 1985.

(g) Beginning on January 1, 1999, the minimum amount of widow's annuity shall be \$800 per month for life for the following classes of widows, without regard to the fact that the death of the employee occurred prior to the effective date of this amendatory Act of 1998:

(1) any widow annuitant alive and receiving a term annuity on the effective date of this amendatory Act of 1998, except a reciprocal annuity;

(2) any widow annuitant alive and receiving a life annuity on the effective date of this amendatory Act of 1998, except a reciprocal annuity;

(3) any widow annuitant alive and receiving a reciprocal annuity on the effective date of this amendatory Act of 1998, whose employee spouse's service in this fund was at least 5 years;

(4) the widow of an employee with at least 10 years of service in this fund who dies after retirement, if the retirement occurred prior to the effective date of this amendatory Act of 1998;

(5) the widow of an employee with at least 10 years of service in this fund who dies

after retirement, if withdrawal occurs on or after the effective date of this amendatory Act of 1998;

(6) the widow of an employee who dies in service with at least 5 years of service in this fund, if the death in service occurs on or after the effective date of this amendatory Act of 1998.

The increases granted under items (1), (2), (3) and (4) of this subsection (g) shall not be limited by any other Section of this Act.

(h) The widow of an employee who retired or died in service on or after January 1, 1985 and before July 1, 1990, at age 55 or older, and with at least 35 years of service credit, shall be entitled to have her widow's annuity increased, effective January 1, 1991, to an amount equal to 50% of the retirement annuity that the deceased employee received on the date of retirement, or would have been eligible to receive if he had retired on the day preceding the date of his death in service, provided that if the widow had not attained age 60 by the date of the employee's retirement or death in service, the amount of the annuity shall be reduced by 0.25% for each month that her then attained age was less than age 60 if the employee's retirement or death in service occurred on or after January 1, 1988, or by 0.5% for each month that her attained age is less than age 60 if the employee's retirement or death in service occurred prior to January 1, 1988. However, in cases where a refund of excess contributions for widow's annuity has been paid by the Fund, the increase in benefit provided by this subsection (h) shall be contingent upon repayment of the refund to the Fund with interest at the effective rate from the date of refund to the date of payment.

(i) If a deceased employee is receiving a retirement annuity at the time of death and that death occurs on or after June 27, 1997, the widow may elect to receive, in lieu of any other annuity provided under this Article, 50% of the deceased employee's retirement annuity at the time of death reduced by 0.25% for each month that the widow's age on the date of death is less than 55; except that if the employee dies on or after January 1, 1998 and withdrew from service on or after June 27, 1997 at age 50 or over with at least 30 years of service or at age 55 or over with at least 25 years of service, there shall be no reduction due to the widow's age if she has attained age 50 on or before the employee's date of death, and if the widow has not attained age 50 on or before the employee's date of death the amount otherwise provided in this subsection (i) shall be reduced by 0.25% for each month that her age on the date of death is less than 50 years. However, in cases where a refund of excess contributions for widow's annuity has been paid by the Fund, the benefit provided by this subsection (i) is contingent upon repayment of the refund to the Fund with interest at the effective rate from the date of refund to the date of payment.

(j) For widows of employees who died before January 23, 1987 after retirement on annuity or in service, the maximum dollar amount limitation on widow's annuity shall cease to apply, beginning with the first annuity payment after the effective date of this amendatory Act of 1997; except that if a refund of excess contributions for widow's annuity has been paid by the Fund, the increase resulting from this subsection (j) shall not begin before the refund has been repaid to the Fund, together with interest at the effective rate from the date of the refund to the date of repayment.

(k) In lieu of any other annuity provided in this Article, an eligible spouse of an employee who dies in service ~~on or after January 1, 2002 (regardless of whether that death in service occurs prior to at least 60 days after the effective date of this amendatory Act of the 93rd 92nd General Assembly)~~ with at least 10 years of service shall be entitled to an annuity of 50% of the minimum formula annuity earned and accrued to the credit of the employee at the date of death. For the purposes of this subsection, the minimum formula annuity earned and accrued to the credit of the employee is equal to 2.40% for each year of service of the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of death, up to a maximum of 80% of the highest average annual salary. This annuity shall not be reduced due to the age of the employee or spouse. In addition to any other eligibility requirements under this Article, the spouse is eligible for this annuity only if the marriage was in effect for 10 full years or more.

(Source: P.A. 92-599, eff. 6-28-02.)

(40 ILCS 5/11-163) (from Ch. 108 1/2, par. 11-163)

Sec. 11-163. Restoration of rights. An employee who has withdrawn as a refund the amounts credited for annuity purposes, and who (i) re-enters service of the employer and serves for periods comprising at least 90 days 2 years after the date of the last refund paid to him or (ii) has completed at least 2 years of service under a participating system (as defined in the Retirement Systems Reciprocal Act) other than this Fund after the date of the last refund, shall have his annuity rights restored by making application to the board in writing for the privilege of re-instating such rights and by compliance with the following provisions:

(a) After that 90 day or 2 year period, whichever applies, he shall repay in full to the Fund, while in service, ~~in full~~ all refunds received, together with interest at the effective rate from the application dates of such refund or refunds to the date of

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repayment. 5

(b) If payment is not made in a single sum, repayment may be made in installments by deductions from salary or otherwise, in such manner and amounts as the board, by rule, may prescribe, with interest at the effective rate accruing on the unpaid balance ~~employee may elect~~. The employee shall be credited with interest at the effective rate from the date of each installment until full repayment is made.

(c) If the employee withdraws from service or dies in service before full repayment is made, service credit shall be restored in accordance with Section 11-221.2(b).

(d) If the employee withdraws from service or dies in service ~~or~~ during the required 90 day or 2 year period, any repayments made shall be refunded, without interest thereon and in accordance with the refund provisions of this Article.

(e) If the employee repays the refund while participating in a participating system (as defined in the Retirement Systems Reciprocal Act) other than this Fund, the service credit restored must be used for a proportional annuity calculated in accordance with the Retirement Systems Reciprocal Act. If not so used, the restored service credit shall be forfeited and the amount of the repayment shall be refunded, without interest.

(Source: Laws 1963, p. 161.)

(40 ILCS 5/11-167) (from Ch. 108 1/2, par. 11-167)

Sec. 11-167. Refunds in lieu of annuity. In lieu of an annuity, an employee who withdraws, and whose annuity would amount to less than \$800 a month for life may elect to receive a refund of the total sum accumulated to his credit from employee contributions for annuity purposes.

The widow of any employee, eligible for annuity upon the death of her husband, whose annuity would amount to less than \$800 a month for life, may, in lieu of a widow's annuity, elect to receive a refund of the accumulated contributions for annuity purposes, based on the amounts contributed by her deceased employee husband, but reduced by any amounts theretofore paid to him in the form of an annuity or refund out of such accumulated contributions.

Accumulated contributions shall mean the amounts including interest credited thereon contributed by the employee for age and service and widow's annuity to the date of his withdrawal or death, whichever first occurs, and including the accumulations from any amounts contributed for him as salary deductions while receiving duty disability benefits; provided that such amounts contributed by the city after December 31, 1983 while the employee is receiving duty disability benefits and amounts credited to the employee for annuity purposes by the fund after December 31, 2000 while the employee is receiving ordinary disability benefits shall not be included.

The acceptance of such refund in lieu of widow's annuity, on the part of a widow, shall not deprive a child or children of the right to receive a child's annuity as provided for in Sections 11-153 and 11-154 of this Article, and neither shall the payment of a child's annuity in the case of such refund to a widow reduce the amount herein set forth as refundable to such widow electing a refund in lieu of widow's annuity.

(Source: P.A. 91-887, eff. 7-6-00; 92-599, eff. 6-28-02.)

(40 ILCS 5/11-170.1) (from Ch. 108 1/2, par. 11-170.1)

Sec. 11-170.1. Pickup of employee contributions.

(a) The employer may pick up the employee contributions required by Sections 11-156, 11-170, 11-174 and 11-175.1 for salary earned after December 31, 1981. If employee contributions are not picked up, the amount that would have been picked up under this amendatory Act of 1980 shall continue to be deducted from salary. If contributions are picked up they shall be treated as employer contributions in determining tax treatment under the United States Internal Revenue Code; however, the employer shall continue to withhold Federal and state income taxes based upon these contributions until the Internal Revenue Service or the Federal courts rule that pursuant to Section 414(h) of the United States Internal Revenue Code, these contributions shall not be included as gross income of the employee until such time as they are distributed or made available. The employer shall pay these employee contributions from the same source of funds which is used in paying salary to the employee. The employer may pick up these contributions by a reduction in the cash salary of the employee or by an offset against a future salary increase or by a combination of a reduction in salary and offset against a future salary increase. If employee contributions are picked up they shall be treated for all purposes of this Article 11, including Section 11-169, in the same manner and to the same extent as employee contributions made prior to the date picked up.

(b) Subject to the requirements of federal law and the rules of the Board, the Fund may allow the employee to elect to have the employer pick up the optional contributions that the employee has elected to pay to the Fund, and the contributions so picked up shall be treated as employer contributions for the

purpose of determining federal tax treatment. The employer shall pick up the contributions by a reduction in the cash salary of the employee and shall pay contributions from the same source of funds that is used to pay earnings of the employee. The election to have the contributions picked up is irrevocable, and the optional contributions may not thereafter be prepaid, by direct payment or otherwise.

If the provision authorizing the optional contribution requires payment by a stated date (rather than the date of withdrawal or retirement), the requirement will be deemed to have been satisfied if (i) on or before the stated date the employee executes a valid irrevocable election to have the contributions picked up under this subsection, and (ii) the picked-up contributions are in fact paid to the Fund as provided in the election.

If employee contributions are picked up under this subsection, they shall be treated for all purposes of this Article 11, including Section 11-169, in the same manner and to the same extent as optional employee contributions made prior to the date picked up.

(Source: P.A. 81-1536.)

(40 ILCS 5/11-178) (from Ch. 108 1/2, par. 11-178)

Sec. 11-178. Contributions by city for prior service annuities and other benefits.

The city shall make contributions to provide prior service and widow's prior service annuities, and other annuities and benefits, as follows:

1. To credit to the city contribution reserve such amounts required from the city but not contributed by it for age and service and prior service annuities, and widow's annuities and widows' prior service annuities;

2. To meet such part of any minimum annuity as shall be in excess of the age and service annuity and prior service annuity, and to meet such part of any minimum widow's annuity in excess of the amount of widow's annuity and widow's prior service annuity;

3. To provide a sufficient balance in the investment and interest reserve to permit a transfer from that reserve to other reserves of the fund. Whenever the balance of the investment and interest reserve is not sufficient to permit a transfer from that reserve to any other reserve, the city shall contribute sums sufficient to make possible such transfer;

4. An amount equal to the difference between (1) the sum produced by the tax levy stated in Section 11-169 and (2) all sums required for the purposes of this Article 11 in accordance with the provisions of this Article 11 except those stated in this Section, shall be applied for purposes of this Section.

Provided that if in any year such total sums together with all other sums required during such year for the other purposes of the fund, are in excess of the total amount contributed by the city during such year, the sums required for purposes other than those stated in this section shall first be provided for. The balance shall then be applied for the purposes stated in this section.

All such contributions shall be credited to the prior service annuity reserve. When the balance of this reserve equals its liabilities (including in addition to all other liabilities, the present values of all annuities, present or prospective, according to the applicable mortality tables and rates of interest, but excluding any liabilities arising under Sections 11-133.3 and 11-133.4), the city shall cease to contribute the sum stated in this section.

If annexation of territory and the employment by the city of any person employed as a city laborer in any such territory at the time of annexation, after the city has ceased to contribute as herein provided, results in additional liabilities for prior service annuity and widow's prior service annuity for any such employee, contributions by the city for such purposes shall be resumed.

Notwithstanding any provision in this Section to the contrary, the city shall not make a contribution for credit established by an employee under subsection (b) of Section 11-133.3.

(Source: Laws 1965, p. 2292.)

(40 ILCS 5/11-181) (from Ch. 108 1/2, par. 11-181)

Sec. 11-181. Board created. A board of 8 members shall constitute the board of trustees authorized to carry out the provisions of this Article. The board shall be known as the Retirement Board of the Laborers' and Retirement Board Employees' Annuity and Benefit Fund of the city. The board shall consist of 5 persons appointed and 2 employees and one annuitant elected in the manner hereinafter prescribed.

The appointed members of the board shall be appointed as follows:

One member shall be appointed by the comptroller of the city, who may be himself or anyone chosen from among employees of the city who are versed in the affairs of the comptroller's office; one member shall be appointed by the City Treasurer of the city, who may be himself or a person chosen from among employees of the city who are versed in the affairs of the City Treasurer's office; one member shall be an employee of the city appointed by the president of the local labor organization representing a majority of

the employees participating in the Fund; and 2 members shall be appointed by the civil service commission or the Department of Personnel of the city from among employees of the city who are versed in the affairs of the civil service commission's office or the Department of Personnel.

The member appointed by the comptroller shall hold office for a term ending on December 1st of the first year following the year of appointment. The member appointed by the City Treasurer shall hold office for a term ending on December 1st of the second year following the year of appointment. The member appointed by the civil service commission shall hold office for a term ending on the first day in the month of December of the third year following the year of appointment. The additional member appointed by the civil service commission under this amendatory Act of 1998 shall hold office for an initial term ending on December 1, 2000, and the member appointed by the labor organization president shall hold office for an initial term ending on December 1, 2001. Thereafter each appointive member shall be appointed by the officer or body that appointed his predecessor, for a term of 3 years.

The 2 employee members of the board shall be elected as follows:

Within 30 days from and after the appointive members have been appointed and have qualified, the appointive members shall arrange for and hold an election.

One employee shall be elected for a term ending on December 1st of the first year next following the effective date; one for a term ending on December 1st of the following year.

An employee member who takes advantage of the early retirement incentives provided under this amendatory Act of the 93rd General Assembly may continue as a member until the end of his or her term.

The initial annuitant member shall be appointed by the other members of the board for an initial term ending on December 1, 1999. The annuitant member elected in 1999 shall be deemed to have been elected for a 3-year term ending on December 1, 2002. Thereafter, the annuitant member shall be elected for a 3-year term ending on December 1st of the third year following the election.

(Source: P.A. 90-766, eff. 8-14-98; 91-887, eff. 7-6-00.)

(40 ILCS 5/12-133) (from Ch. 108 1/2, par. 12-133)

Sec. 12-133. Fixed benefit retirement annuity.

(a) Subject to the provisions of paragraph (b) of this Section, the retirement annuity for any employee who withdraws from service on or after January 1, 1983 and before January 1, 1990, at age 60 or over, having at least 4 years of service, shall be 1.70% for each of the first 10 years of service; 2.00% for each of the next 10 years of service; 2.40% for each year of service in excess of 20 but not exceeding 30; and 2.80% for each year of service in excess of 30, with a pro-rated amount for service of less than a full year, based upon the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal, provided that: (1) if retirement of the employee occurs below age 60, such annuity shall be reduced 1/2 of 1% for each month or fraction thereof that the employee's age is less than 60, except that an employee retiring at age 55 or over but less than age 60, having at least 35 years of service, shall not be subject to the reduction in his retirement annuity because of retirement below age 60; (2) the annuity shall not exceed 75% of such average annual salary; (3) the actual salary shall be considered in the computation of this annuity.

The retirement annuity for any employee who withdraws from service on or after January 1, 1990 and prior to December 31, 2003 at age 50 or over with at least 10 years of service, or at age 60 or over with at least 4 years of service, shall be 1.90% for each of the first 10 years of service, 2.20% for each of the next 10 years of service, 2.40% for each of the next 10 years of service, and 2.80% for each year of service in excess of 30, with a pro-rated amount for service of less than a full year, based upon the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal, provided that:

(1) if retirement of the employee occurs below age 60, such annuity shall be reduced 1/4 of 1% (1/2 of 1% in the case of withdrawal from service before January 1, 1991) for each month or fraction thereof that the employee's age is less than 60, except that an employee retiring at age 50 or over having at least 30 years of service shall not be subject to the reduction in retirement annuity because of retirement below age 60;

(2) the annuity shall not exceed 80% of such average annual salary; and

(3) the actual salary shall be considered in the computation of this annuity.

An employee who withdraws from service on or after December 31, 2003, at age 50 or over with at least 10 years of service or at age 60 or over with at least 4 years of service, shall receive, in lieu of any other retirement annuity provided for in this Section, a retirement annuity calculated as follows: for each year of service immediately preceding the date of withdrawal, 2.40% of the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal, with a prorated amount for service of less than a full year, provided that:

(1) if retirement of the employee occurs below age 60, such annuity shall be reduced 1/4 of 1% for each month or fraction thereof that the employee's age is less than 60, except that an employee retiring at age 50 or over having at least 30 years of service shall not be subject to the reduction in retirement annuity because of retirement below age 60;

(2) the annuity shall not exceed 80% of such average annual salary; and

(3) the actual salary shall be considered in the computation of this annuity.

Notwithstanding any other formula, the annuity for employees retiring on or after January 31, 2004 and on or before February 29, 2004 with at least 30 years of service shall be 80% of average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal.

(b) In lieu of the retirement annuity provided as an actuarial equivalent of the total accumulations from contributions by the employee, contributions by the employer, and prior service annuity plus regular interest, an employee in service prior to July 1, 1971 shall be entitled to the largest applicable retirement annuity provided in this Section if the same is larger than the annuity provided in other Sections of this Article.

(c) The following schedule shall govern the computation of service for the fixed benefit annuities provided by this Section: Service during 9 months or more during any fiscal year shall constitute a year of service; 6 to 8 months, inclusive, 3/4 of a year; 3 to 5 months, inclusive, 1/2 year; less than 3 months, 1/4 of a year; 15 days or more in any month, a month of service.

(d) The other provisions of this Section shall not apply in the case of any former employee who is receiving a retirement annuity from the fund and who re-enters service as an employee, unless the employee renders from and after the date of re-entry, at least 3 years of additional service.

(Source: P.A. 86-272; 86-1488; 87-794.)

(40 ILCS 5/12-133.6 new)

Section 12-133.6. Early retirement incentive.

(a) To be eligible for the benefits provided in this Section, a person must:

(1) have been, on November 1, 2003, an employee (i) contributing to the Fund in active payroll status in a position of employment under this Article, (ii) returning to active payroll status from an approved leave of absence prior to December 1, 2003, (iii) receiving ordinary or duty disability benefits under Section 12-140, 12-142, or 12-143 or (iv) or have been subjected to an involuntary termination or layoff by the employer and restored to service by his or her employer prior to January 31, 2004;

(2) have not previously retired under this Article;

(3) file with the Board before January 31, 2004 a written election requesting the benefits provided in this Section;

(4) withdraw from service on or after January 31, 2004 and on or before February 29, 2004 (or the date established under subsection (a-5), if applicable); and

(5) have, by the date of withdrawal or by February 29, 2004, whichever is earlier, attained age 50 with at least 10 years of creditable service in one or more participating systems under the Retirement Systems Reciprocal Act, without including any creditable service established under this Section.

(a-5) To ensure that the efficient operation of employers under this Article is not jeopardized by the simultaneous retirement of large numbers of critical personnel, each employer may, for its critical employees, extend the February 29, 2004 deadline for terminating employment under this Article established in subdivision (a)(4) of this Section to a date not later than May 31, 2004 by so notifying the Fund by January 31, 2004.

(b) An eligible person may establish up to 5 years of creditable service under this Section, in increments of one month, by making the contributions specified in subsection (c). In addition, for each month of creditable service established under this Section, a person's age at retirement shall be deemed to be one month older than it actually is, except for purposes of determining age under item (5) of subsection (a).

The creditable service established under this Section may be used for all purposes under this Article and the Retirement Systems Reciprocal Act, except for the computation of highest average annual salary under Section 12-133 or the determination of salary under this or any other Article of this Code.

(c) For each month of creditable service established under this Section, the person must pay to the Fund an employee contribution to be determined by the Fund, equal to 4.50% of the person's monthly salary rate on the date of withdrawal from service. Subject to the requirements of subsection (d), the person may elect to pay the required employee contribution before the retirement annuity commences or through deductions from the retirement annuity over a period not longer than 24 months.

If a person who retires dies before all payments of the employee contribution have been made, the remaining payments shall be deducted from any survivor or death benefits payable to the employee's

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surviving spouse or beneficiary.

Notwithstanding any provision in this Article to the contrary, all employee contributions paid under this Section shall not be deemed employee contributions for the purpose of determining the tax levy under Section 12-149. Notwithstanding any provision in this Article to the contrary, the employer shall not make a contribution for any credit established by an employee under subsection (b) of this Section. Employee contributions made under this Section may be refunded under the same terms and conditions as other employee contributions under this Article.

(d) A person who retires under the provisions of this Section shall be entitled to have his or her retirement annuity calculated under the provisions of Section 12-133, except that the retirement annuity shall not be subject to reduction for retirement under age 60.

(e) Notwithstanding Section 12-146 of this Article, an annuitant who reenters service under this Article after receiving a retirement annuity based on additional benefits provided under this Section thereby forfeits the right to continue to receive those benefits, and upon again retiring shall have his or her retirement annuity recalculated at the appropriate time without the additional benefits provided in this Section.

(f) No employer action in declaring an employee to be a critical employee pursuant to subsection (a-5) shall be construed as an impairment of any pension benefit or entitlement. No early retirement option or resultant benefit conferred under this Section shall, in any manner, vest for any employee until the earlier date of the employer's decision to release the employee from service or May 31, 2004.

(40 ILCS 5/12-133.7 new)

Sec. 12-133.7. Early retirement incentive for employees who have earned maximum pension benefits. A person who is eligible for the benefits provided under Section 12-133.6 and who, if he or she had retired on or before February 29, 2004, would have been entitled to a pension equal to 80% of his or her highest average salary for any 4 consecutive years within the last 10 years of service immediately preceding February 29, 2004 without receiving the benefits provided in Section 12-133.6 may elect, by filing a written election with the Fund by January 30, 2004, to receive a lump sum from the Fund on his or her last day of employment equal to 100% of his or her salary for the year ending on February 29, 2004 or the date of withdrawal, whichever is earlier. To be eligible to receive the benefit provided under this Section, the person must withdraw from service on or after January 31, 2004 and on or before February 29, 2004. If a person elects to receive the benefit provided under this Section, his or her retirement annuity otherwise payable under Section 12-133 shall be reduced by an amount equal to the actuarial equivalent of the lump sum. If a person elects to receive the benefit provided under this Section, the resulting reduction in retirement annuity under this Section shall not affect the amount of any widow's service annuity or widow's prior service annuity under Section 12-135 or any optional reversionary annuity for a surviving spouse under Section 12-136.1.

(40 ILCS 5/12-149) (from Ch. 108 1/2, par. 12-149)

Sec. 12-149. Financing. The board of park commissioners of any such park district shall annually levy a tax (in addition to the taxes now authorized by law) upon all taxable property embraced in the district, at the rate which, when added to the employee contributions under this Article and applied to the fund created hereunder, shall be sufficient to provide for the purposes of this Article in accordance with the provisions thereof. Such tax shall be levied and collected with and in like manner as the general taxes of such district, and shall not in any event be included within any limitations of rate for general park purposes as now or hereafter provided by law, but shall be excluded therefrom and be in addition thereto. The amount of such annual tax to and including the year 1977 shall not exceed .0275% of the value, as equalized or assessed by the Department of Revenue, of all taxable property embraced within the park district, provided that for the year 1978, and for each year thereafter, the amount of such annual tax shall be at a rate on the dollar of assessed valuation of all taxable property that will produce, when extended, for the year 1978 the following sum: 0.825 times the amount of employee contributions during the fiscal year 1976; for the year 1979, 0.85 times the amount of employee contributions during the fiscal year 1977; for the year 1980, 0.90 times the amount of employee contributions during the fiscal year 1978; for the year 1981, 0.95 times the amount of employee contributions during the fiscal year 1979; for the year 1982, 1.00 times the amount of employee contributions during the fiscal year 1980; for the year 1983, 1.05 times the amount of contributions made on behalf of employees during the fiscal year 1981; and for the year 1984 and each year thereafter, an amount equal to 1.10 times the employee contributions during the fiscal year 2-years prior to the year for which the applicable tax is levied. As used in this Section, the term "employee contributions" means contributions by employees for retirement annuity, spouse's annuity, automatic increase in retirement annuity, and death benefit.

In respect to park district employees, other than policemen, who are transferred to the employment of a city by virtue of the "Exchange of Functions Act of 1957", the corporate authorities of the city shall

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annually levy a tax upon all taxable property embraced in the city, as equalized or assessed by the Department of Revenue, at such rate per cent of the value of such property as shall be sufficient, when added to the amounts deducted from the salary or wages of such employees, to provide the benefits to which such employees, their dependents and beneficiaries are entitled under the provisions of this Article. The park district shall not levy a tax hereunder in respect to such employees. The tax levied by the city under authority of this Article shall be in addition to and exclusive of all other taxes authorized by law to be levied by the city for corporate, annuity fund or other purposes.

All moneys accruing from the levy and collection of taxes, pursuant to this section, shall be remitted to the board by the employers as soon as they are received. Where a city has levied a tax pursuant to this Section in respect to park district employees transferred to the employment of a city, the treasurer of such city or other authorized officer shall remit the moneys accruing from the levy and collection of such tax as soon as they are received. Such remittances shall be made upon a pro rata share basis, whereby each employer shall pay to the board such employer's proportionate percentage of each payment of taxes received by it, according to the ratio which its tax levy for this fund bears to the total tax levy of such employer.

Should any board of park commissioners included under the provisions of this Article be without authority to levy the tax provided in this Section the corporation authorities (meaning the supervisor, clerk and assessor) of the town or towns for which such board shall be the board of park commissioners shall levy such tax.

Employer contributions to the Fund may be reduced by \$5,000,000 for calendar years 2004 and 2005.
(Source: P.A. 81-1536.)

Section 90. The State Mandates Act is amended by adding Section 8.28 as follows:
(30 ILCS 805/8.28 new)

Sec. 8.28. 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 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 E. Jones, **House Bill No. 600**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 49; Nays 7.

The following voted in the affirmative:

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

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Garrett Maloney Sieben

The following voted in the negative:

Burzynski Luechtefeld Righter Sullivan, J.
Forby Petka Risinger

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

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

Senator Winkel asked and obtained unanimous consent for the Journal to reflect his affirmative vote on **House Bill No. 600**.

At the hour of 12:55 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 3:25 o'clock p.m., the Senate resumed consideration of business.
Senator DeLeo, presiding.

REPORTS FROM STANDING COMMITTEES

Senator Jacobs, Chairperson of the Committee on Insurance & Pensions to which was referred the following Senate floor amendment reported that the Committee recommends that it be adopted:

Senate Amendment No. 1 to House Bill 599

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

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

Senate Amendment No. 2 to House Bill 621
Senate Amendment No. 1 to House Bill 900
Senate Amendment No. 2 to House Bill 1045

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

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

Motion to Concur in House Amendment 1 to Senate Bill 1676

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

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. 1 to House Bill 900
Senate Floor Amendment No. 1 to House Bill 2735

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INTRODUCTION OF BILLS

SENATE BILL NO. 2164. Introduced by Senator Althoff, a bill for AN ACT in relation to vehicles.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2165. Introduced by Senator Petka, a bill for AN ACT concerning criminal law.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2166. Introduced by Senator Viverito, a bill for AN ACT concerning the Metropolitan Water Reclamation District.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2167. Introduced by Senator Welch, a bill for AN ACT concerning criminal law.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2168. Introduced by Senator Peterson, a bill for AN ACT concerning taxes.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2169. Introduced by Senator Althoff, a bill for AN ACT concerning taxes.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

REPORT FROM RULES COMMITTEE

Senator Demuzio, Chairperson of the Committee on Rules, during its January 14, 2004 meeting, reported the following Legislative Measure has been assigned to the indicated Standing Committee of the Senate:

Appropriations II: **Senate Floor Amendment No. 1 to House Bill 2735.**

COMMITTEE MEETING ANNOUNCEMENT

The Chair announced that the Appropriations II Committee will meet today in Room 212 Capitol Building, at 4:30 o'clock p.m.

INTRODUCTION OF BILLS

SENATE BILL NO. 2170. Introduced by Senator Bomke, a bill for AN ACT concerning senior citizens.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2171. Introduced by Senator Ronen, a bill for AN ACT concerning professional development.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2172. Introduced by Senator Haine, a bill for AN ACT concerning business regulation.

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The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2173. Introduced by Senator Jacobs, a bill for AN ACT concerning insurance.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2174. Introduced by Senator Jacobs, a bill for AN ACT concerning boards and commissions.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2175. Introduced by Senator Link, a bill for AN ACT concerning municipalities.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2176. Introduced by Senator Link, a bill for AN ACT concerning business transactions.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2177. Introduced by Senator Link, a bill for AN ACT concerning taxation. The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2178. Introduced by Senator Righter, a bill for AN ACT in relation to firearms.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2179. Introduced by Senator Halvorson, a bill for AN ACT making appropriations.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2180. Introduced by Senator Halvorson, a bill for AN ACT in relation to airports.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2181. Introduced by Senator Halvorson, a bill for AN ACT concerning abuse.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2182. Introduced by Senator J. Jones, a bill for AN ACT concerning finance.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2183. Introduced by Senator J. Jones, a bill for AN ACT concerning agriculture.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2184. Introduced by Senator J. Jones, a bill for AN ACT concerning agriculture.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2185. Introduced by Senator J. Jones, a bill for AN ACT concerning agriculture.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2186. Introduced by Senator J. Jones, a bill for AN ACT concerning agriculture.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2187. Introduced by Senator Petka, a bill for AN ACT concerning the courts.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2188. Introduced by Senator Petka, a bill for AN ACT concerning firearms.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2189. Introduced by Senator Jacobs, a bill for AN ACT in relation to taxes.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2190. Introduced by Senator Jacobs, a bill for AN ACT concerning taxes.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

LEGISLATIVE MEASURES FILED

The following Floor amendment to the House Bill listed below have been filed with the Secretary, and referred to the Committee on Rules:

Senate Floor Amendment No. 2 to House Bill 2735

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION 367

Offered by Senators Demuzio – E. Jones and all Senators:
Mourns the death of Mary Rita Madigan of Chicago.

SENATE RESOLUTION 368

Offered by Senators Demuzio – E. Jones and all Senators:
Mourns the death of Marge Hartigan of Rogers Park.

SENATE RESOLUTION 369

Offered by Senators Demuzio – E. Jones and all Senators:
Mourns the death of Dr. Robert G. England of Carlinville.

SENATE RESOLUTION 370

Offered by Senators Demuzio – E. Jones and all Senators:
Mourns the death of Helen M. England of Carlinville.

SENATE RESOLUTION 371

Offered by Senators Demuzio – E. Jones and all Senators:
Mourns the death of Reverend John E. Lass of Taylorville.

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SENATE RESOLUTION 372

Offered by Senators Demuzio – E. Jones and all Senators:
Mourns the death of Joseph “Albert” Love of Waverly.

SENATE RESOLUTION 373

Offered by Senator Viverito and all Senators:
Mourns the death of Rose Mary A. (nee Dunn) O’Shea of Willow Springs.

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

At the hour of 3:35 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 5:35 o'clock p.m., the Senate resumed consideration of business.
Senator DeLeo, presiding.

REPORT FROM STANDING COMMITTEE

Senator Welch, Chairperson of the Committee on Appropriations II, to which was referred the following Senate floor amendment, reported that the Committee recommends that it be adopted:

Senate Amendment No. 1 to House Bill 2735

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

REPORT FROM RULES COMMITTEE

Senator Demuzio, Chairperson of the Committee on Rules, reported that the following Legislative Measure has been approved for consideration:

Senate Floor Amendment No. 2 to House Bill 2735

The foregoing floor amendment was placed on the Secretary’s Desk.

INTRODUCTION OF BILLS

SENATE BILL NO. 2191. Introduced by Senator Jacobs, a bill for AN ACT in relation to property taxes.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2192. Introduced by Senator Cronin, a bill for AN ACT concerning schools.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2193. Introduced by Senator Meeks, a bill for AN ACT in relation to minors.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2194. Introduced by Senator Lightford, a bill for AN ACT regarding schools.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

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SENATE BILL NO. 2195. Introduced by Senator Cronin, a bill for AN ACT concerning abandoned funds.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2196. Introduced by Senator Garrett, a bill for AN ACT concerning stormwater management.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2197. Introduced by Senator DeLeo, a bill for AN ACT concerning sanitary districts.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION 374

Offered by Senators Demuzio – E. Jones and all Senators:

Mourns the death of Wayne Harms of Carlinville.

SENATE RESOLUTION 375

Offered by Senators Demuzio – E. Jones and all Senators:

Mourns the death of Fred J. Killam of Jacksonville.

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

HOUSE BILL RECALLED

On motion of Senator Jacobs, **House Bill No. 599** 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 TO HOUSE BILL 599

AMENDMENT NO. 1. Amend House Bill 599 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Pension Code is amended by changing Sections 4-109.1, 4-109.2, and 4-114 as follows:

(40 ILCS 5/4-109.1) (from Ch. 108 1/2, par. 4-109.1)

Sec. 4-109.1. Increase in pension.

(a) Except as provided in subsection (e), the monthly pension of a firefighter who retires after July 1, 1971 and prior to January 1, 1986, shall, upon either the first of the month following the first anniversary of the date of retirement if 60 years of age or over at retirement date, or upon the first day of the month following attainment of age 60 if it occurs after the first anniversary of retirement, be increased by 2% of the originally granted monthly pension and by an additional 2% in each January thereafter. Effective January 1976, the rate of the annual increase shall be 3% of the originally granted monthly pension.

(b) The monthly pension of a firefighter who retired from service with 20 or more years of service, on or before July 1, 1971, shall be increased, in January of the year following the year of attaining age 65 or in January 1972, if then over age 65, by 2% of the originally granted monthly pension, for each year the firefighter received pension payments. In each January thereafter, he or she shall receive an additional increase of 2% of the original monthly pension. Effective January 1976, the rate of the annual increase shall be 3%.

(c) The monthly pension of a firefighter who is receiving a disability pension under this Article shall be increased, in January of the year following the year the firefighter attains age 60, or in January 1974, if then over age 60, by 2% of the originally granted monthly pension for each year he or she received

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pension payments. In each January thereafter, the firefighter shall receive an additional increase of 2% of the original monthly pension. Effective January 1976, the rate of the annual increase shall be 3%.

(c-1) On January 1, 1998, every child's disability benefit payable on that date under Section 4-110 or 4-110.1 shall be increased by an amount equal to 1/12 of 3% of the amount of the benefit, multiplied by the number of months for which the benefit has been payable. On each January 1 thereafter, every child's disability benefit payable under Section 4-110 or 4-110.1 shall be increased by 3% of the amount of the benefit then being paid, including any previous increases received under this Article. These increases are not subject to any limitation on the maximum benefit amount included in Section 4-110 or 4-110.1.

(c-2) On January 1, 2004, every pension payable to or on behalf of a minor or disabled surviving child that is payable on that date under Section 4-114 shall be increased by an amount equal to 1/12 of 3% of the amount of the pension, multiplied by the number of months for which the benefit has been payable. On January 1, 2005, January 1, 2006, January 1, 2007, and January 1, 2008, every pension payable to or on behalf of a minor or disabled surviving child that is payable under Section 4-114 shall be increased by 3% of the amount of the pension then being paid, including any previous increases received under this Article. These increases are not subject to any limitation on the maximum benefit amount included in Section 4-114.

(d) The monthly pension of a firefighter who retires after January 1, 1986, shall, upon either the first of the month following the first anniversary of the date of retirement if 55 years of age or over, or upon the first day of the month following attainment of age 55 if it occurs after the first anniversary of retirement, be increased by 1/12 of 3% of the originally granted monthly pension for each full month that has elapsed since the pension began, and by an additional 3% in each January thereafter.

The changes made to this subsection (d) by this amendatory Act of the 91st General Assembly apply to all initial increases that become payable under this subsection on or after January 1, 1999. All initial increases that became payable under this subsection on or after January 1, 1999 and before the effective date of this amendatory Act shall be recalculated and the additional amount accruing for that period, if any, shall be payable to the pensioner in a lump sum.

(e) Notwithstanding the provisions of subsection (a), upon the first day of the month following (1) the first anniversary of the date of retirement, or (2) the attainment of age 55, or (3) July 1, 1987, whichever occurs latest, the monthly pension of a firefighter who retired on or after January 1, 1977 and on or before January 1, 1986 and did not receive an increase under subsection (a) before July 1, 1987, shall be increased by 3% of the originally granted monthly pension for each full year that has elapsed since the pension began, and by an additional 3% in each January thereafter. The increases provided under this subsection are in lieu of the increases provided in subsection (a).

(Source: P.A. 90-32, eff. 6-27-97; 91-466, eff. 8-6-99.)

(40 ILCS 5/4-109.2) (from Ch. 108 1/2, par. 4-109.2)

Sec. 4-109.2. Minimum pension.

(a) Beginning January 1, 1984, the minimum disability pension granted under Section 4-110 or 4-111, the minimum surviving spouse's pension, and the minimum retirement pension granted to a firefighter with 20 or more years of creditable service, shall be \$300 per month, without regard to whether the death, disability or retirement of the firefighter occurred prior to that date.

Beginning July 1, 1987, the minimum retirement pension payable to a firefighter with 20 or more years of creditable service, the minimum disability pension payable under Section 4-110 or 4-111, and the minimum surviving spouse's pension shall be \$400 per month, without regard to whether the death, retirement or disability of the firefighter occurred prior to that date.

Beginning July 1, 1993, the minimum retirement pension payable to a firefighter with 20 or more years of creditable service and the minimum surviving spouse's pension shall be \$475 per month, without regard to whether the firefighter was in service on or after the effective date of this amendatory Act of 1993.

(b) Beginning January 1, 1999, the minimum retirement pension payable to a firefighter with 20 or more years of creditable service, the minimum disability pension payable under Section 4-110, 4-110.1, or 4-111, and the minimum surviving spouse's pension shall be \$600 per month, without regard to whether the firefighter was in service on or after the effective date of this amendatory Act of the 91st General Assembly.

In the case of a pensioner whose pension began before the effective date of this amendatory Act and is subject to increase under this subsection (b), the pensioner shall be entitled to a lump sum payment of the amount of that increase accruing from January 1, 1999 (or the date the pension began, if later) to the effective date of this amendatory Act.

(c) Beginning January 1, 2000, the minimum retirement pension payable to a firefighter with 20 or more years of creditable service, the minimum disability pension payable under Section 4-110, 4-110.1,

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or 4-111, and the minimum surviving spouse's pension shall be \$800 per month, without regard to whether the firefighter was in service on or after the effective date of this amendatory Act of the 91st General Assembly.

(d) Beginning January 1, 2001, the minimum retirement pension payable to a firefighter with 20 or more years of creditable service, the minimum disability pension payable under Section 4-110, 4-110.1, or 4-111, and the minimum surviving spouse's pension shall be \$1000 per month, without regard to whether the firefighter was in service on or after the effective date of this amendatory Act of the 91st General Assembly.

(e) Beginning January 1, 2004, the minimum retirement pension payable to a firefighter with 20 or more years of creditable service, the minimum disability pension payable under Section 4-110, 4-110.1, or 4-111, and the minimum surviving spouse's pension shall be \$1030 per month, without regard to whether the firefighter was in service on or after the effective date of this amendatory Act of the 93rd General Assembly.

(f) Beginning January 1, 2005, the minimum retirement pension payable to a firefighter with 20 or more years of creditable service, the minimum disability pension payable under Section 4-110, 4-110.1, or 4-111, and the minimum surviving spouse's pension shall be \$1060.90 per month, without regard to whether the firefighter was in service on or after the effective date of this amendatory Act of the 93rd General Assembly.

(g) Beginning January 1, 2006, the minimum retirement pension payable to a firefighter with 20 or more years of creditable service, the minimum disability pension payable under Section 4-110, 4-110.1, or 4-111, and the minimum surviving spouse's pension shall be \$1092.73 per month, without regard to whether the firefighter was in service on or after the effective date of this amendatory Act of the 93rd General Assembly.

(h) Beginning January 1, 2007, the minimum retirement pension payable to a firefighter with 20 or more years of creditable service, the minimum disability pension payable under Section 4-110, 4-110.1, or 4-111, and the minimum surviving spouse's pension shall be \$1125.51 per month, without regard to whether the firefighter was in service on or after the effective date of this amendatory Act of the 93rd General Assembly.

(i) Beginning January 1, 2008, the minimum retirement pension payable to a firefighter with 20 or more years of creditable service, the minimum disability pension payable under Section 4-110, 4-110.1, or 4-111, and the minimum surviving spouse's pension shall be \$1159.27 per month, without regard to whether the firefighter was in service on or after the effective date of this amendatory Act of the 93rd General Assembly.

(Source: P.A. 91-466, eff. 8-6-99.)

(40 ILCS 5/4-114) (from Ch. 108 1/2, par. 4-114)

Sec. 4-114. Pension to survivors. If a firefighter who is not receiving a disability pension under Section 4-110 or 4-110.1 dies (1) as a result of any illness or accident, or (2) from any cause while in receipt of a disability pension under this Article, or (3) during retirement after 20 years service, or (4) while vested for or in receipt of a pension payable under subsection (b) of Section 4-109, or (5) while a deferred pensioner, having made all required contributions, a pension shall be paid to his or her survivors, based on the monthly salary attached to the firefighter's rank on the last day of service in the fire department, as follows:

(a) To the surviving spouse, a monthly pension of 40% of the monthly salary, and to the guardian of any minor child or children including a child which has been conceived but not yet born, 12% of such monthly salary for each such child until attainment of age 18 or until the child's marriage, whichever occurs first. Beginning July 1, 1993, the monthly pension to the surviving spouse shall be 54% of the monthly salary for all persons receiving a surviving spouse pension under this Article, regardless of whether the deceased firefighter was in service on or after the effective date of this amendatory Act of 1993.

Beginning January 1, 2004, the total monthly pension payable under this paragraph (a) to the surviving spouse of a firefighter who died while receiving a retirement pension, including any amount payable on account of children, shall be no less than 100% of the monthly retirement pension that the deceased firefighter was receiving at the time of death, including any increases under Section 4-109.1. This minimum applies to all such surviving spouses who are eligible to receive a surviving spouse pension, regardless of whether the deceased firefighter was in service on or after the effective date of this amendatory Act of the 93rd General Assembly, and notwithstanding any limitation on maximum pension under paragraph (d) or any other provision of this Article.

The pension to the surviving spouse shall terminate in the event of the surviving spouse's remarriage prior to July 1, 1993; remarriage on or after that date does not affect the surviving spouse's pension,

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regardless of whether the deceased firefighter was in service on or after the effective date of this amendatory Act of 1993.

The surviving spouse's pension shall be subject to the minimum established in Section 4-109.2.

(b) Upon the death of the surviving spouse leaving one or more minor children, to the duly appointed guardian of each such child, for support and maintenance of each such child until the child reaches age 18 or marries, whichever occurs first, a monthly pension of 20% of the monthly salary.

(c) If a deceased firefighter leaves no surviving spouse or unmarried minor children under age 18, but leaves a dependent father or mother, to each dependent parent a monthly pension of 18% of the monthly salary. To qualify for the pension, a dependent parent must furnish satisfactory proof that the deceased firefighter was at the time of his or her death the sole supporter of the parent or that the parent was the deceased's dependent for federal income tax purposes.

(d) The total pension provided under paragraphs (a), (b) and (c) of this Section shall not exceed 75% of the monthly salary of the deceased firefighter (1) when paid to the survivor of a firefighter who has attained 20 or more years of service credit and who receives or is eligible to receive a retirement pension under this Article, or (2) when paid to the survivor of a firefighter who dies as a result of illness or accident, or (3) when paid to the survivor of a firefighter who dies from any cause while in receipt of a disability pension under this Article, or (4) when paid to the survivor of a deferred pensioner. For all other survivors of deceased firefighters, the total pension provided under paragraphs (a), (b) and (c) of this Section shall not exceed 50% of the retirement annuity the firefighter would have received on the date of death.

The maximum pension limitations in this paragraph (d) do not control over any contrary provision of this Article explicitly establishing a minimum amount of pension or granting a one-time or annual increase in pension.

(e) If a firefighter leaves no eligible survivors under paragraphs (a), (b) and (c), the board shall refund to the firefighter's estate the amount of his or her accumulated contributions, less the amount of pension payments, if any, made to the firefighter while living.

(f) An adopted child is eligible for the pension provided under paragraph (a) if the child was adopted before the firefighter attained age 50.

(g) If a judgment of dissolution of marriage between a firefighter and spouse is judicially set aside subsequent to the firefighter's death, the surviving spouse is eligible for the pension provided in paragraph (a) only if the judicial proceedings are filed within 2 years after the date of the dissolution of marriage and within one year after the firefighter's death and the board is made a party to the proceedings. In such case the pension shall be payable only from the date of the court's order setting aside the judgment of dissolution of marriage.

(h) Benefits payable on account of a child under this Section shall not be reduced or terminated by reason of the child's attainment of age 18 if he or she is then dependent by reason of a physical or mental disability but shall continue to be paid as long as such dependency continues. Individuals over the age of 18 and adjudged as a disabled person pursuant to Article XIa of the Probate Act of 1975, except for persons receiving benefits under Article III of the Illinois Public Aid Code, shall be eligible to receive benefits under this Act.

(i) Beginning January 1, 2000, the pension of the surviving spouse of a firefighter who dies on or after January 1, 1994 as a result of sickness, accident, or injury incurred in or resulting from the performance of an act of duty or from the cumulative effects of acts of duty shall not be less than 100% of the salary attached to the rank held by the deceased firefighter on the last day of service, notwithstanding subsection (d) or any other provision of this Article.

(Source: P.A. 91-466, eff. 8-6-99.)

Section 90. The State Mandates Act is amended by adding Section 8.28 as follows:

(30 ILCS 805/8.28 new)

Sec. 8.28. 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 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.

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READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Jacobs, **House Bill No. 599**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 54; Nays 1.

The following voted in the affirmative:

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

The following voted in the negative:

Roskam

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

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

HOUSE BILL RECALLED

On motion of Senator Demuzio, **House Bill No. 621** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 1 was tabled in the Committee on Rules.

Senator Demuzio offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO HOUSE BILL 621

AMENDMENT NO. 2. Amend House Bill 0621 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois is amended by changing Section 605-332 as follows:

(20 ILCS 605/605-332)

Sec. 605-332. Financial assistance to energy generation facilities.

(a) As used in this Section:

"New electric generating facility" means a newly-constructed electric generation plant or a newly constructed generation capacity expansion at an existing facility, including the transmission lines and associated equipment that transfers electricity from points of supply to points of delivery, and for which foundation construction commenced not sooner than July 1, 2001, which is designed to provide baseload electric generation operating on a continuous basis throughout the year; and :

(1) ~~which~~ has an aggregate rated generating capacity of at least 400 megawatts for all new units at one site, uses coal or gases derived from coal as its primary fuel source, and supports the

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creation of at least 150 new Illinois coal mining jobs; or

(2) uses coal gasification or integrated gasification-combined cycle units that generate electricity or chemicals, or both, and that supports the creation of Illinois coal-mining jobs; or

(3) is a public utility that is owned and operated by any political subdivision or municipal corporation or that is owned by such an entity and is operated by any lessee or any operating agent of that entity and that supports the creation of Illinois coal-mining jobs; or

(4) is owned in whole or in part by an electric cooperative, as defined in Section 3.4 of the Electric Supplier Act, and supports the creation of Illinois coal-mining jobs; or

(5) is a State-owned facility and supports the creation of Illinois coal-mining jobs.

"Eligible business" means an entity that proposes to construct a new electric generating facility and that has applied to the Department to receive financial assistance pursuant to this Section. With respect to use and occupation taxes, wherever there is a reference to taxes, that reference means only those taxes paid on Illinois-mined coal used in a new electric generating facility.

"Department" means the Illinois Department of Commerce and Economic Opportunity Community Affairs.

(b) The Department is authorized to provide financial assistance to eligible businesses for new electric generating facilities from funds appropriated by the General Assembly as further provided in this Section.

An eligible business seeking qualification for financial assistance for a new electric generating facility, for purposes of this Section only, shall apply to the Department in the manner specified by the Department. Any projections provided by an eligible business as part of the application shall be independently verified in a manner as set forth by the Department. An application shall include, but not be limited to:

(1) the projected or actual completion date of the new electric generating facility for which financial assistance is sought;

(2) copies of documentation deemed acceptable by the Department establishing either (i) the total State occupation and use taxes paid on Illinois-mined coal used at the new electric generating facility for a minimum of 4 preceding calendar quarters or (ii) the projected amount of State occupation and use taxes paid on Illinois-mined coal used at the new electric generating facility in 4 calendar year quarters after completion of the new electric generating facility. Bond proceeds subject to this Section shall not be allocated to an eligible business until the eligible business has demonstrated the revenue stream sufficient to service the debt on the bonds; and

(3) the actual or projected amount of capital investment by the eligible business in the new electric generating facility.

The Department shall determine the maximum amount of financial assistance for eligible businesses in accordance with this paragraph. The Department shall not provide financial assistance from general obligation bond funds to any eligible business unless it receives a written certification from the Director of the Bureau of the Budget (now Governor's Office of Management and Budget) that 80% of the State occupation and use tax receipts for a minimum of the preceding 4 calendar quarters for all eligible businesses or as included in projections on approved applications by eligible businesses equal or exceed 110% of the maximum annual debt service required with respect to general obligation bonds issued for that purpose. The Department may provide financial assistance not to exceed the amount of State general obligation debt calculated as above, the amount of actual or projected capital investment in the energy generation facility, or \$100,000,000, whichever is less. Financial assistance received pursuant to this Section may be used for capital facilities consisting of buildings, structures, durable equipment, and land at the new electric generating facility. Subject to the provisions of the agreement covering the financial assistance, a portion of the financial assistance may be required to be repaid to the State if certain conditions for the governmental purpose of the assistance were not met.

An eligible business shall file a monthly report with the Illinois Department of Revenue stating the amount of Illinois-mined coal purchased during the previous month for use in the new electric generating facility, the purchase price of that coal, the amount of State occupation and use taxes paid on that purchase to the seller of the Illinois-mined coal, and such other information as that Department may reasonably require. In sales of Illinois-mined coal between related parties, the purchase price of the coal must have been determined in an arms-length transaction. The report shall be filed with the Illinois Department of Revenue on or before the 20th day of each month on a form provided by that Department. However, no report need be filed by an eligible business in a month when it made no reportable purchases of coal in the previous month. The Illinois Department of Revenue shall provide a summary of such reports to the Governor's Office of Management and Budget Bureau of the Budget.

Upon granting financial assistance to an eligible business, the Department shall certify the name of the

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eligible business to the Illinois Department of Revenue. Beginning with the receipt of the first report of State occupation and use taxes paid by an eligible business and continuing for a 25-year period, the Illinois Department of Revenue shall each month pay into the Energy Infrastructure Fund 80% of the net revenue realized from the 6.25% general rate on the selling price of Illinois-mined coal that was sold to an eligible business.

(Source: P.A. 92-12, eff. 7-1-01; 93-167, eff. 7-10-03; revised 8-23-03.)

Section 10. The Illinois Enterprise Zone Act is amended by changing Section 5.5 as follows:

(20 ILCS 655/5.5) (from Ch. 67 1/2, par. 609.1)

Sec. 5.5. High Impact Business.

(a) In order to respond to unique opportunities to assist in the encouragement, development, growth and expansion of the private sector through large scale investment and development projects, the Department is authorized to receive and approve applications for the designation of "High Impact Businesses" in Illinois subject to the following conditions:

(1) such applications may be submitted at any time during the year;

(2) such business is not located, at the time of designation, in an enterprise zone designated pursuant to this Act;

(3) (A) the business intends to make a minimum investment of \$12,000,000 which will be placed in service in qualified property and intends to create 500 full-time equivalent jobs at a designated location in Illinois or intends to make a minimum investment of \$30,000,000 which will be placed in service in qualified property and intends to retain 1,500 full-time jobs at a designated location in Illinois. The business must certify in writing that the investments would not be placed in service in qualified property and the job creation or job retention would not occur without the tax credits and exemptions set forth in subsection (b) of this Section. The terms "placed in service" and "qualified property" have the same meanings as described in subsection (h) of Section 201 of the Illinois Income Tax Act; or

(B) the business intends to establish a new electric generating facility at a designated location in Illinois. "New electric generating facility", for purposes of this Section, means a newly-constructed electric generation plant or a newly-constructed generation capacity expansion at an existing electric generation plant, including the transmission lines and associated equipment that transfers electricity from points of supply to points of delivery, and for which such new foundation construction commenced not sooner than July 1, 2001. Such facility shall be designed to provide baseload electric generation and shall operate on a continuous basis throughout the year; and shall have an aggregate rated generating capacity of at least 1,000 megawatts for all new units at one site if it uses natural gas as its primary fuel and foundation construction of the facility is commenced on or before December 31, 2004, or shall have an aggregate rated generating capacity of at least 400 megawatts for all new units at one site if it uses coal or gases derived from coal as its primary fuel and shall support the creation of at least 150 new Illinois coal mining jobs, or shall use coal gasification or integrated gasification-combined cycle units that generate electricity or chemicals, or both, and shall support the creation of Illinois coal-mining jobs, or shall be a public utility that is owned and operated by any political subdivision or municipal corporation or that is owned by such an entity and operated by any lessee or any operating agent of that entity and supports the creation of Illinois coal-mining jobs, or shall be owned in whole or in part by an electric cooperative, as defined in Section 3.4 of the Electric Supplier Act, and support the creation of Illinois coal-mining jobs, or shall be a State-owned facility and supports the creation of Illinois coal mining jobs. The business must certify in writing that the investments necessary to establish a new electric generating facility would not be placed in service and the job creation in the case of a coal-fueled plant would not occur without the tax credits and exemptions set forth in subsection (b-5) of this Section. The term "placed in service" has the same meaning as described in subsection (h) of Section 201 of the Illinois Income Tax Act; or

(C) the business intends to establish production operations at a new coal mine, re-establish production operations at a closed coal mine, or expand production at an existing coal mine at a designated location in Illinois not sooner than July 1, 2001; provided that the production operations result in the creation of 150 new Illinois coal mining jobs as described in subdivision (a)(3)(B) of this Section, and further provided that the coal extracted from such mine is utilized as the predominant source for a new electric generating facility. The business must certify in writing that the investments necessary to establish a new, expanded, or reopened coal mine would not be placed in service and the job creation would not occur without the tax credits and exemptions set forth in subsection (b-5) of this Section. The term "placed in service" has the same meaning as

described in subsection (h) of Section 201 of the Illinois Income Tax Act; or

(D) the business intends to construct new transmission facilities or upgrade existing transmission facilities at designated locations in Illinois, for which construction commenced not sooner than July 1, 2001. For the purposes of this Section, "transmission facilities" means transmission lines with a voltage rating of 115 kilovolts or above, including associated equipment, that transfer electricity from points of supply to points of delivery and that transmit a majority of the electricity generated by a new electric generating facility designated as a High Impact Business in accordance with this Section. The business must certify in writing that the investments necessary to construct new transmission facilities or upgrade existing transmission facilities would not be placed in service without the tax credits and exemptions set forth in subsection (b-5) of this Section. The term "placed in service" has the same meaning as described in subsection (h) of Section 201 of the Illinois Income Tax Act; and

(4) no later than 90 days after an application is submitted, the Department shall notify the applicant of the Department's determination of the qualification of the proposed High Impact Business under this Section.

(b) Businesses designated as High Impact Businesses pursuant to subdivision (a)(3)(A) of this Section shall qualify for the credits and exemptions described in the following Acts: Section 9-222 and Section 9-222.1A of the Public Utilities Act, subsection (h) of Section 201 of the Illinois Income Tax Act, and Section 1d of the Retailers' Occupation Tax Act; provided that these credits and exemptions described in these Acts shall not be authorized until the minimum investments set forth in subdivision (a)(3)(A) of this Section have been placed in service in qualified properties and, in the case of the exemptions described in the Public Utilities Act and Section 1d of the Retailers' Occupation Tax Act, the minimum full-time equivalent jobs or full-time jobs set forth in subdivision (a)(3)(A) of this Section have been created or retained. Businesses designated as High Impact Businesses under this Section shall also qualify for the exemption described in Section 5l of the Retailers' Occupation Tax Act. The credit provided in subsection (h) of Section 201 of the Illinois Income Tax Act shall be applicable to investments in qualified property as set forth in subdivision (a)(3)(A) of this Section.

(b-5) Businesses designated as High Impact Businesses pursuant to subdivisions (a)(3)(B), (a)(3)(C), and (a)(3)(D) of this Section shall qualify for the credits and exemptions described in the following Acts: Section 5l of the Retailers' Occupation Tax Act, Section 9-222 and Section 9-222.1A of the Public Utilities Act, and subsection (h) of Section 201 of the Illinois Income Tax Act; however, the credits and exemptions authorized under Section 9-222 and Section 9-222.1A of the Public Utilities Act, and subsection (h) of Section 201 of the Illinois Income Tax Act shall not be authorized until the new electric generating facility, the new transmission facility, or the new, expanded, or reopened coal mine is operational, except that a new electric generating facility whose primary fuel source is natural gas is eligible only for the exemption under Section 5l of the Retailers' Occupation Tax Act.

(c) High Impact Businesses located in federally designated foreign trade zones or sub-zones are also eligible for additional credits, exemptions and deductions as described in the following Acts: Section 9-221 and Section 9-222.1 of the Public Utilities Act; and subsection (g) of Section 201, and Section 203 of the Illinois Income Tax Act.

(d) Existing Illinois businesses which apply for designation as a High Impact Business must provide the Department with the prospective plan for which 1,500 full-time jobs would be eliminated in the event that the business is not designated.

(e) New proposed facilities which apply for designation as High Impact Business must provide the Department with proof of alternative non-Illinois sites which would receive the proposed investment and job creation in the event that the business is not designated as a High Impact Business.

(f) In the event that a business is designated a High Impact Business and it is later determined after reasonable notice and an opportunity for a hearing as provided under the Illinois Administrative Procedure Act, that the business would have placed in service in qualified property the investments and created or retained the requisite number of jobs without the benefits of the High Impact Business designation, the Department shall be required to immediately revoke the designation and notify the Director of the Department of Revenue who shall begin proceedings to recover all wrongfully exempted State taxes with interest. The business shall also be ineligible for all State funded Department programs for a period of 10 years.

(g) The Department shall revoke a High Impact Business designation if the participating business fails to comply with the terms and conditions of the designation.

(h) Prior to designating a business, the Department shall provide the members of the General Assembly and Illinois Economic and Fiscal Commission with a report setting forth the terms and conditions of the designation and guarantees that have been received by the Department in relation to the

proposed business being designated.
(Source: P.A. 91-914, eff. 7-7-00; 92-12, eff. 7-1-01; revised 3-7-02.)".

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 Demuzio, **House Bill No. 621**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 54; Nays 2.

The following voted in the affirmative:

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

The following voted in the negative:

Lauzen
Welch

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

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

HOUSE BILL RECALLED

On motion of Senator J. Sullivan, **House Bill No. 900** was recalled from the order of third reading to the order of second reading.

Senator J. Sullivan offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO HOUSE BILL 900

AMENDMENT NO. 1. Amend House Bill 900 by replacing everything after the enacting clause with the following:

"Section 5. Short title. This Act may be cited as the Western Illinois Economic Development Authority Act.

Section 10. Findings. The General Assembly determines and declares the following:

- (1) that labor surplus areas currently exist in western Illinois;
- (2) that the economic burdens resulting from involuntary unemployment fall, in part, upon the State in

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the form of increased need for public assistance and reduced tax revenues and, in the event that the unemployed worker and his or her family migrate elsewhere to find work, the burden may also fall upon the municipalities and other taxing districts within the areas of unemployment in the form of reduced tax revenues, thereby endangering their financial ability to support necessary governmental services for their remaining inhabitants;

(3) that the State has a responsibility to help create a favorable climate for new and improved job opportunities for its citizens by encouraging the development of commercial and service businesses and industrial and manufacturing plants within the western region of Illinois;

(4) that a lack of decent housing contributes to urban blight, crime, anti-social behavior, disease, a higher need for public assistance, reduced tax revenues, and the migration of workers and their families away from areas which fail to offer adequate, decent, and affordable housing;

(5) that decent, affordable housing is a necessary ingredient of life affording each citizen basic human dignity, a sense of self-worth, confidence, and a firm foundation upon which to build a family and educate children;

(6) that in order to foster civic and neighborhood pride, citizens require access to educational institutions, recreation, parks and open spaces, entertainment, sports, a reliable transportation network, cultural facilities, and theaters; and

(7) that the main purpose of this Act is to promote industrial, commercial, residential, service, transportation, and recreational activities and facilities, thereby reducing the evils attendant upon unemployment and enhancing the public health, safety, morals, happiness, and general welfare of the State.

Section 15. Definitions. In this Act:

"Authority" means the Western Illinois Economic Development Authority.

"Governmental agency" means any federal, State, or local governmental body and any agency or instrumentality thereof, corporate or otherwise.

"Person" means any natural person, firm, partnership, corporation, both domestic and foreign, company, association or joint stock association and includes any trustee, receiver, assignee or personal representative thereof.

"Revenue bond" means any bond issued by the Authority, the principal and interest of which is payable solely from revenues or income derived from any project or activity of the Authority.

"Board" means the Board of Directors of the Western Illinois Economic Development Authority.

"Governor" means the Governor of the State of Illinois.

"City" means any city, village, incorporated town, or township within the geographical territory of the Authority.

"Industrial project" means the following:

(1) a capital project, including one or more buildings and other structures, improvements, machinery and equipment whether or not on the same site or sites now existing or hereafter acquired, suitable for use by any manufacturing, industrial, research, transportation or commercial enterprise including but not limited to use as a factory, mill, processing plant, assembly plant, packaging plant, fabricating plant, ethanol plant, office building, industrial distribution center, warehouse, repair, overhaul or service facility, freight terminal, research facility, test facility, railroad facility, port facility, solid waste and wastewater treatment and disposal sites and other pollution control facilities, resource or waste reduction, recovery, treatment and disposal facilities, and including also the sites thereof and other rights in land therefore whether improved or unimproved, site preparation and landscaping and all appurtenances and facilities incidental thereto such as utilities, access roads, railroad sidings, truck docking and similar facilities, parking facilities, dockage, wharfage, railroad roadbed, track, trestle, depot, terminal, switching and signaling equipment or related equipment and other improvements necessary or convenient thereto; or

(2) any land, buildings, machinery or equipment comprising an addition to or renovation, rehabilitation or improvement of any existing capital project.

"Commercial project" means any project, including, but not limited to, one or more buildings and other structures, improvements, machinery, and equipment, whether or not on the same site or sites now existing or hereafter acquired, suitable for use by any retail or wholesale concern, distributorship, or agency.

"Project" means an industrial, housing, residential, commercial, or service project, or any combination thereof, provided that all uses fall within one of the categories described above. Any project automatically includes all site improvements and new construction involving sidewalks, sewers, solid waste and wastewater treatment and disposal sites and other pollution control facilities, resource or

waste reduction, recovery, treatment and disposal facilities, parks, open spaces, wildlife sanctuaries, streets, highways, and runways.

"Lease agreement" means an agreement in which a project acquired by the Authority by purchase, gift, or lease is leased to any person or corporation that will use, or cause the project to be used, as a project, upon terms providing for lease rental payments at least sufficient to pay, when due, all principal of and interest and premium, if any, on any bonds, notes, or other evidences of indebtedness of the Authority, issued with respect to the project, providing for the maintenance, insurance, and operation of the project on terms satisfactory to the Authority and providing for disposition of the project upon termination of the lease term, including purchase options or abandonment of the premises, with other terms as may be deemed desirable by the Authority.

"Loan agreement" means any agreement in which the Authority agrees to loan the proceeds of its bonds, notes, or other evidences of indebtedness, issued with respect to a project, to any person or corporation which will use or cause the project to be used as a project, upon terms providing for loan repayment installments at least sufficient to pay, when due, all principal of and interest and premium, if any, on any bonds, notes, or other evidences of indebtedness of the Authority issued with respect to the project, providing for maintenance, insurance, and operation of the project on terms satisfactory to the Authority and providing for other terms deemed advisable by the Authority.

"Financial aid" means the expenditure of Authority funds or funds provided by the Authority for the development, construction, acquisition or improvement of a project, through the issuance of revenue bonds, notes, or other evidences of indebtedness.

"Costs incurred in connection with the development, construction, acquisition or improvement of a project" means the following:

(1) the cost of purchase and construction of all lands and improvements in connection therewith and equipment and other property, rights, easements, and franchises acquired which are deemed necessary for the construction;

(2) financing charges;

(3) interest costs with respect to bonds, notes, and other evidences of indebtedness of the Authority prior to and during construction and for a period of 6 months thereafter;

(4) engineering and legal expenses; and

(5) the costs of plans, specifications, surveys, and estimates of costs and other expenses necessary or incident to determining the feasibility or practicability of any project, together with such other expenses as may be necessary or incident to the financing, insuring, acquisition, and construction of a specific project and the placing of the same in operation.

Section 20. Creation.

(a) There is created a political subdivision, body politic, and municipal corporation named the Western Illinois Economic Development Authority. The territorial jurisdiction of the Authority is that geographic area within the boundaries of the following counties: Warren, Henderson, Hancock, McDonough, Fulton, Mason, Cass, Schuyler, Brown, Adams, Scott, Morgan, and Pike and any navigable waters and air space located therein.

(b) The governing and administrative powers of the Authority shall be vested in a body consisting of 21 members as follows:

(1) Ex officio members. The Director of Commerce and Economic Opportunity, or a designee of that Department, and the Director of Central Management Services, or a designee of that Department, shall serve as ex officio members.

(2) Public members. Six members shall be appointed by the Governor with the advice and consent of the Senate. The county board chairmen of the following counties shall each appoint one member: Warren, Henderson, Hancock, McDonough, Fulton, Mason, Cass, Schuyler, Brown, Adams, Scott, Morgan, and Pike. All public members shall reside within the territorial jurisdiction of the Authority. The public members shall be persons of recognized ability and experience in one or more of the following areas: economic development, finance, banking, industrial development, state or local government, commercial agriculture, small business management, real estate development, community development, venture finance, organized labor, or civic or community organization.

(c) 11 members shall constitute a quorum.

(d) The chairman of the Authority shall be elected annually by the Board and must be a public member that resides within the territorial jurisdiction of the Authority.

(e) The terms of all initial members of the Authority shall begin 30 days after the effective date of this Act. Of the 6 original public members appointed by the Governor, 2 shall serve until the third Monday in January, 2005; 1 shall serve until the third Monday in January, 2006; 1 shall serve until the third Monday

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in January, 2007; 1 shall serve until the third Monday in January, 2008; and 1 shall serve until the third Monday in January, 2009. The initial terms of the original public members appointed by the county board chairman shall be determined by lot, according to the following schedule: (i) 3 shall serve until the third Monday in January, 2005, (ii) 3 shall serve until the third Monday in January, 2006, (iii) 3 shall serve until the third Monday in January, 2007, (iv) 2 shall serve until the third Monday in January, 2008, and (v) 2 shall serve until the third Monday in January, 2009. All successors to these original public members shall be appointed by the original appointing authority and all appointments made by the Governor shall be made with the advice and consent of the Senate, pursuant to subsection (b), and shall hold office for a term of 6 years commencing the third Monday in January of the year in which their term commences, except in the case of an appointment to fill a vacancy. Vacancies occurring among the public members shall be filled for the remainder of the term. In case of vacancy in a Governor-appointed membership when the Senate is not in session, the Governor may make a temporary appointment until the next meeting of the Senate when a person shall be nominated to fill the office and, upon confirmation by the Senate, he or she shall hold office during the remainder of the term and until a successor is appointed and qualified. Members of the Authority are not entitled to compensation for their services as members but are entitled to reimbursement for all necessary expenses incurred in connection with the performance of their duties as members.

(f) The Governor may remove any public member of the Authority in case of incompetence, neglect of duty, or malfeasance in office. The chairman of a county board may remove any public member appointed by that chairman in the case of incompetence, neglect of duty, or malfeasance in office.

(g) The Board shall appoint an Executive Director who shall have a background in finance, including familiarity with the legal and procedural requirements of issuing bonds, real estate, or economic development and administration. The Executive Director shall hold office at the discretion of the Board. The Executive Director shall be the chief administrative and operational officer of the Authority, shall direct and supervise its administrative affairs and general management, perform such other duties as may be prescribed from time to time by the members, and receive compensation fixed by the Authority. The Department of Commerce and Community Affairs shall pay the compensation of the Executive Director from appropriations received for that purpose. The Executive Director shall attend all meetings of the Authority. However, no action of the Authority shall be invalid on account of the absence of the Executive Director from a meeting. The Authority may engage the services of the Illinois Finance Authority, attorneys, appraisers, engineers, accountants, credit analysts, and other consultants if the Western Illinois Economic Development Authority deems it advisable.

Section 25. Duty. All official acts of the Authority shall require the approval of at least 11 members. It shall be the duty of the Authority to promote development within the geographic confines of Warren, Henderson, Hancock, McDonough, Fulton, Mason, Cass, Schuyler, Brown, Adams, Scott, Morgan, and Pike counties. The Authority shall use the powers conferred upon it to assist in the development, construction, and acquisition of industrial, commercial, housing, or residential projects within those counties.

Section 30. Powers.

(a) The Authority possesses all the powers of a body corporate necessary and convenient to accomplish the purposes of this Act, including, without any intended limitation upon the general powers hereby conferred, the following powers:

(1) to enter into loans, contracts, agreements, and mortgages in any matter connected with any of its corporate purposes and to invest its funds;

(2) to sue and be sued;

(3) to utilize services of the Illinois Finance Authority necessary to carry out its purposes;

(4) to have and use a common seal and to alter the seal at its discretion;

(5) to adopt all needful ordinances, resolutions, bylaws, rules, and regulations for the conduct of its business and affairs and for the management and use of the projects developed, constructed, acquired, and improved in furtherance of its purposes;

(6) to designate the fiscal year for the Authority;

(7) to accept and expend appropriations;

(8) to acquire, own, lease, sell, or otherwise dispose of interests in and to real property and improvements situated on that real property and in personal property necessary to fulfill the purposes of the Authority;

(9) to engage in any activity or operation which is incidental to and in furtherance of

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efficient operation to accomplish the Authority's primary purpose;

(10) to acquire, own, construct, lease, operate, and maintain bridges, terminals, terminal facilities, and port facilities and to fix and collect just, reasonable, and nondiscriminatory charges for the use of such facilities. These charges shall be used to defray the reasonable expenses of the Authority and to pay the principal and interest of any revenue bonds issued by the Authority;

(11) subject to any applicable condition imposed by this Act, to locate, establish and maintain a public airport, public airports and public airport facilities within its corporate limits or within or upon any body of water adjacent thereto and to construct, develop, expand, extend and improve any such airport or airport facility; and

(12) to have and exercise all powers and be subject to all duties usually incident to boards of directors of corporations.

(b) The Authority shall not issue any bonds relating to the financing of a project located within the planning and subdivision control jurisdiction of any municipality or county unless: (i) notice, including a description of the proposed project and the financing for that project, is submitted to the corporate authorities of the municipality or, in the case of a proposed project in an unincorporated area, to the county board and (ii) the corporate authorities of the municipality do not, or the county board does not, adopt a resolution disapproving the project within 45 days after receipt of the notice.

(c) If any of the powers set forth in this Act are exercised within the jurisdictional limits of any municipality, all ordinances of the municipality remain in full force and effect and are controlling.

Section 35. Tax avoidance. Notwithstanding any other provision of law, the Authority shall not enter into any agreement providing for the purchase and lease of tangible personal property which results in the avoidance of taxation under the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act, or the Service Occupation Tax Act, without the prior written consent of the Governor.

Section 40. Bonds.

(a) The Authority, with the written approval of the Governor, shall have the continuing power to issue bonds, notes, or other evidences of indebtedness in an aggregate amount not to exceed \$250,000,000 for the following purposes: (i) development, construction, acquisition, or improvement of projects, including those established by business entities locating or expanding property within the territorial jurisdiction of the Authority; (ii) entering into venture capital agreements with businesses locating or expanding within the territorial jurisdiction of the Authority; (iii) acquisition and improvement of any property necessary and useful in connection therewith; and (iv) for the purposes of the Employee Ownership Assistance Act. For the purpose of evidencing the obligations of the Authority to repay any money borrowed, the Authority may, pursuant to resolution, from time to time, issue and dispose of its interest-bearing revenue bonds, notes, or other evidences of indebtedness and may also from time to time issue and dispose of such bonds, notes, or other evidences of indebtedness to refund, at maturity, at a redemption date or in advance of either, any bonds, notes, or other evidences of indebtedness pursuant to redemption provisions or at any time before maturity. All such bonds, notes, or other evidences of indebtedness shall be payable solely and only from the revenues or income to be derived from loans made with respect to projects, from the leasing or sale of the projects, or from any other funds available to the Authority for such purposes. The bonds, notes, or other evidences of indebtedness may bear such date or dates, may mature at such time or times not exceeding 40 years from their respective dates, may bear interest at such rate or rates not exceeding the maximum rate permitted by the Bond Authorization Act, may be in such form, may carry such registration privileges, may be executed in such manner, may be payable at such place or places, may be made subject to redemption in such manner and upon such terms, with or without premium, as is stated on the face thereof, may be authenticated in such manner and may contain such terms and covenants as may be provided by an applicable resolution.

(b) The holder or holders of any bonds, notes, or other evidences of indebtedness issued by the Authority may bring suits at law or proceedings in equity to compel the performance and observance by any corporation or person or by the Authority or any of its agents or employees of any contract or covenant made with the holders of the bonds, notes, or other evidences of indebtedness, to compel such corporation, person, the Authority, and any of its agents or employees to perform any duties required to be performed for the benefit of the holders of the bonds, notes, or other evidences of indebtedness by the provision of the resolution authorizing their issuance and to enjoin the corporation, person, the Authority, and any of its agents or employees from taking any action in conflict with any contract or covenant.

(c) If the Authority fails to pay the principal of or interest on any of the bonds or premium, if any, as the bond becomes due, a civil action to compel payment may be instituted in the appropriate circuit court

by the holder or holders of the bonds on which the default of payment exists or by an indenture trustee acting on behalf of the holders. Delivery of a summons and a copy of the complaint to the chairman of the Board shall constitute sufficient service to give the circuit court jurisdiction over the subject matter of the suit and jurisdiction over the Authority and its officers named as defendants for the purpose of compelling such payment. Any case, controversy, or cause of action concerning the validity of this Act relates to the revenue of the State of Illinois.

(d) Notwithstanding the form and tenor of any bond, note, or other evidence of indebtedness and in the absence of any express recital on its face that it is non-negotiable, all such bonds, notes, and other evidences of indebtedness shall be negotiable instruments. Pending the preparation and execution of any bonds, notes, or other evidences of indebtedness, temporary bonds, notes, or evidences of indebtedness may be issued as provided by ordinance.

(e) To secure the payment of any or all of such bonds, notes, or other evidences of indebtedness, the revenues to be received by the Authority from a lease agreement or loan agreement shall be pledged, and, for the purpose of setting forth the covenants and undertakings of the Authority in connection with the issuance of the bonds, notes, or other evidences of indebtedness and the issuance of any additional bonds, notes or other evidences of indebtedness payable from such revenues, income, or other funds to be derived from projects, the Authority may execute and deliver a mortgage or trust agreement. A remedy for any breach or default of the terms of any mortgage or trust agreement by the Authority may be by mandamus proceeding in the appropriate circuit court to compel performance and compliance under the terms of the mortgage or trust agreement, but the trust agreement may prescribe by whom or on whose behalf the action may be instituted.

(f) Bonds or notes shall be secured as provided in the authorizing ordinance which may include, notwithstanding any other provision of this Act, in addition to any other security, a specific pledge, assignment of and lien on, or security interest in any or all revenues or money of the Authority, from whatever source, which may, by law, be used for debt service purposes and a specific pledge, or assignment of and lien on, or security interest in any funds or accounts established or provided for by ordinance of the Authority authorizing the issuance of the bonds or notes.

(g) In the event that the Authority determines that moneys of the Authority will not be sufficient for the payment of the principal of and interest on its bonds during the next State fiscal year, the chairman, as soon as practicable, shall certify to the Governor the amount required by the Authority to enable it to pay the principal of and interest on the bonds. The Governor shall submit the certified amount to the General Assembly as soon as practicable, but no later than the end of the current State fiscal year. This Section shall not apply to any bonds or notes to which the Authority determines, in the resolution authorizing the issuance of the bonds or notes, that this Section shall not apply. Whenever the Authority makes this determination, it shall be plainly stated on the face of the bonds or notes and the determination shall also be reported to the Governor. In the event of a withdrawal of moneys from a reserve fund established with respect to any issue or issues of bonds of the Authority to pay principal or interest on those bonds, the chairman of the Authority, as soon as practicable, shall certify to the Governor the amount required to restore the reserve fund to the level required in the resolution or indenture securing those bonds. The Governor shall submit the certified amount to the General Assembly as soon as practicable, but no later than the end of the current State fiscal year.

(h) The State of Illinois pledges to and agrees with the holders of the bonds and notes of the Authority issued pursuant to this Section that the State will not limit or alter the rights and powers vested in the Authority by this Act so as to impair the terms of any contract made by the Authority with the holders of bonds or notes or in any way impair the rights and remedies of those holders until the bonds and notes, together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of the holders, are fully met and discharged. In addition, the State pledges to and agrees with the holders of the bonds and notes of the Authority issued pursuant to this Section that the State will not limit or alter the basis on which State funds are to be paid to the Authority as provided in this Act, or the use of such funds, so as to impair the terms of any such contract. The Authority is authorized to include these pledges and agreements of the State in any contract with the holders of bonds or notes issued pursuant to this Section.

(i) Not less than 30 days prior to the commitment to issue bonds, notes, or other evidences of indebtedness for the purpose of developing, constructing, acquiring, or improving housing or residential projects, as defined in this Act, the Authority shall provide notice to the Executive Director of the Illinois Housing Development Authority. Within 30 days after the notice is provided, the Illinois Housing Development Authority shall, in writing, either express interest in financing the project or notify the Authority that it is not interested in providing financing and that the Authority may finance the project or seek alternative financing.

Section 45. Bonds and notes; exemption from taxation. The creation of the Authority is in all respects for the benefit of the people of Illinois and for the improvement of their health, safety, welfare, comfort, and security, and its purposes are public purposes. In consideration thereof, the notes and bonds of the Authority issued pursuant to this Act and the income from these notes and bonds may be free from all taxation by the State or its political subdivisions, exempt for estate, transfer, and inheritance taxes. The exemption from taxation provided by the preceding sentence shall apply to the income on any notes or bonds of the Authority only if the Authority in its sole judgment determines that the exemption enhances the marketability of the bonds or notes or reduces the interest rates that would otherwise be borne by the bonds or notes. For purposes of Section 250 of the Illinois Income Tax Act, the exemption of the Authority shall terminate after all of the bonds have been paid. The amount of such income that shall be added and then subtracted on the Illinois income tax return of a taxpayer, subject to Section 203 of the Illinois Income Tax Act, from federal adjusted gross income or federal taxable income in computing Illinois base income shall be the interest net of any bond premium amortization.

Section 50. Acquisition.

(a) The Authority may, but need not, acquire title to any project with respect to which it exercises its authority.

(b) The Authority shall have power to acquire by purchase, lease, gift, or otherwise any property or rights therein from any person or persons, the State of Illinois, any municipal corporation, any local unit of government, the government of the United States and any agency or instrumentality of the United States, any body politic, or any county useful for its purposes, whether improved for the purposes of any prospective project or unimproved. The Authority may also accept any donation of funds for its purposes from any of these sources.

(c) The Authority shall have power to develop, construct, and improve, either under its own direction or through collaboration with any approved applicant, or to acquire, through purchase or otherwise, any project, using for this purpose the proceeds derived from its sale of revenue bonds, notes, or other evidences of indebtedness or governmental loans or grants and shall have the power to hold title to those projects in the name of the Authority.

(d) The Authority shall have the power to enter into intergovernmental agreements with the State of Illinois, the counties of Warren, Henderson, Hancock, McDonough, Fulton, Mason, Cass, Schuyler, Brown, Adams, Scott, Morgan, or Pike, the Illinois Development Finance Authority, the Illinois Housing Development Authority, the Illinois Education Facilities Authority, the Illinois Farm Development Authority, the Rural Bond Bank, the United States government and any agency or instrumentality of the United States, any unit of local government located within the territory of the Authority, or any other unit of government to the extent allowed by Article VII, Section 10 of the Illinois Constitution and the Intergovernmental Cooperation Act.

(e) The Authority shall have the power to share employees with other units of government, including agencies of the United States, agencies of the State of Illinois, and agencies or personnel of any unit of local government.

(f) The Authority shall have the power to exercise powers and issue bonds as if it were a municipality so authorized in Divisions 12.1, 74, 74.1, 74.3, and 74.5 of Article 11 of the Illinois Municipal Code.

Section 55. Enterprise zones. The Authority may by ordinance designate a portion of the territorial jurisdiction of the Authority for certification as an Enterprise Zone under the Illinois Enterprise Zone Act in addition to any other enterprise zones which may be created under that Act, which area shall have all the privileges and rights of an Enterprise Zone pursuant to the Illinois Enterprise Zone Act, but which shall not be counted in determining the number of Enterprise Zones to be created in any year pursuant to that Act.

Section 60. Designation of depository. The Authority shall biennially designate a national or State bank or banks as depositories of its money. Such depositories shall be designated only within the State and upon condition that bonds approved as to form and surety by the Authority and at least equal in amount to the maximum sum expected to be on deposit at any one time shall be first given by such depositories to the Authority, such bonds to be conditioned for the safe keeping and prompt repayment of such deposits. When any of the funds of the Authority shall be deposited by the treasurer in any such depository, the treasurer and the sureties on his official bond shall, to such extent, be exempt from liability for the loss of any such deposited funds by reason of the failure, bankruptcy, or any other act or default of such depository; provided that the Authority may accept assignments of collateral by any

depository of its funds to secure such deposits to the same extent and conditioned in the same manner as assignments of collateral are permitted by law to secure deposits of the funds of any city.

Section 65. Taxation prohibited. The Authority shall have no right or authority to levy any tax or special assessment, to pledge the credit of the State or any other subdivision or municipal corporation thereof, or to incur any obligation enforceable upon any property, either within or without the territory of the Authority.

Section 70. Fees. The Authority may collect fees and charges in connection with its loans, commitments, and servicing and may provide technical assistance in the development of the region.

Section 75. Reports. The Authority shall annually submit a report of its finances to the Auditor General. The Authority shall annually submit a report of its activities to the Governor and to the General Assembly.

Section 95. The Tri-City Regional Port District Act is amended by changing Section 4 as follows:
(70 ILCS 1860/4) (from Ch. 19, par. 287)

Sec. 4. The Port District has the following rights and powers:

1. To issue permits: for the construction of all wharves, piers, dolphins, booms, weirs, breakwaters, bulkheads, jetties, bridges or other structures of any kind, over, under, in, or within 40 feet of any navigable waters within the Port District; for the deposit of rock, earth, sand or other material, or any matter of any kind or description in such waters; except that nothing contained in this paragraph 1 shall be construed so that it will be deemed necessary to obtain a permit from the District for the erection, operation or maintenance of any bridge crossing a waterway which serves as a boundary between the State of Illinois and any other State, when such erection, operation or maintenance is performed by any city within the District;

2. To prevent or remove obstructions in navigable waters, including the removal of wrecks;

3. To locate and establish dock lines and shore or harbor lines;

4. To regulate the anchorage, moorage and speed of water borne vessels and to establish and enforce regulations for the operation of bridges, except nothing contained in this paragraph 4 shall be construed to give the District authority to regulate the operation of any bridge crossing a waterway which serves as a boundary between the State of Illinois and any other State, when such operation is performed or to be performed by any city within the District;

5. To acquire, own, construct, lease for any period not exceeding 99 years, operate and maintain terminals, terminal facilities and port facilities, to fix and collect just, reasonable, and nondiscriminatory charges for the use of such facilities, and, except as provided herein for short term financing, to use the charges so collected to defray the reasonable expenses of the Port District and to pay the principal of and interest on any revenue bonds issued by the District;

6. To acquire, erect, construct, reconstruct, improve, maintain, operate and lease in whole or part for any period not exceeding 99 years, central office or administrative facilities for use by the Port District, any tenant, occupant or user of the District facilities, or anyone engaged in commerce in the District.

7. To sell, assign, pledge or hypothecate in whole or in part any contract, lease, income, charges, tolls, rentals or fees of the District to provide short term interim financing pending the issuance of revenue bonds by the District, provided that when such revenue bonds are issued, such contracts, leases, income, charges, tolls, rentals or fees shall be used to defray the reasonable expenses of the Port District and pay the principal of and income on any revenue bonds issued by the District;

8. To acquire, own, construct, lease for any period not exceeding 99 years, operate, develop and maintain Port District water and sewerage systems including but not limited to pipes, mains, lines, sewers, pumping stations, settling tanks, treatment plants, water purification equipment, wells, storage facilities and all other equipment, material and facilities necessary to such systems, for the use upon payment of a reasonable fee as set by the District, of any tenant, occupant or user of the District facilities, or anyone engaged in commerce in the District, provided that the District shall not acquire, own, construct, lease, operate, develop and maintain such water and sewerage systems if such services can be provided by a public utility or municipal corporation upon request of the District, and provided further that if the District develops its own water and sewerage systems such systems may be sold or disposed of at anytime to any public utility or municipal corporation which will continue to service the Port District.

9. To create, establish, maintain and operate a public incinerator for waste disposal by incineration by any means or method, for use by municipalities for the disposal of municipal wastes and by industries

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for the disposal of industrial waste; and to lease land and said incineration facilities for the operation of an incinerator for a term not exceeding 99 years and to fix and collect just, reasonable and non-discriminatory charges for the use of such incinerating facilities, and to use the charges or lease proceeds to defray the reasonable expenses of the Port District, and to pay the principal of and interest on any revenue bonds issued by the Port District.

10. To locate, establish and maintain a public airport, public airports and public airport facilities within its corporate limits or within or upon any body of water adjacent thereto, and to construct, develop, expand, extend and improve any such airport or airport facilities;

11. To operate, maintain, manage, lease or sublease for any period not exceeding 99 years, and to make and enter into contracts for the use, operation or management of, and to provide rules and regulations for, the operation, management or use of, any public airport or public airport facility;

12. To fix, charge and collect reasonable rentals, tolls, fees, and charges for the use of any public airport, or any part thereof, or any public airport facility;

13. To establish, maintain, extend and improve roadways and approaches by land, water or air to any such airport and to contract or otherwise provide, by condemnation if necessary, for the removal of any airport hazard or the removal or relocation of all private structures, railways, mains, pipes, conduits, wires, poles, and all other facilities and equipment which may interfere with the location, expansion, development, or improvement of airports or with the safe approach thereto or take-off therefrom by aircraft, and to pay the cost of removal or relocation; and, subject to the "Airport Zoning Act", approved July 17, 1945, as amended, to adopt, administer and enforce airport zoning regulations for territory which is within its corporate limits or which extends not more than 2 miles beyond its corporate limits;

14. To restrict the height of any object of natural growth or structure or structures within the vicinity of any airport or within the lines of an approach to any airport and, when necessary, for the reduction in the height of any such existing object or structure, to enter into an agreement for such reduction or to accomplish same by condemnation;

15. To agree with the state or federal governments or with any public agency in respect to the removal and relocation of any object of natural growth, airport hazard or any structure or building within the vicinity of any airport or within an approach and which is owned or within the control of such government or agency and to pay all or an agreed portion of the cost of such removal or relocation;

16. For the prevention of accidents, for the furtherance and protection of public health, safety and convenience in respect to aeronautics, for the protection of property and persons within the District from any hazard or nuisance resulting from the flight of aircraft, for the prevention of interference between, or collision of, aircraft while in flight or upon the ground, for the prevention or abatement of nuisances in the air or upon the ground or for the extension or increase in the usefulness or safety of any public airport or public airport facility owned by the District, the District may regulate and restrict the flight of aircraft while within or above the incorporated territory of the District;

17. To police its physical property only and all waterways and to exercise police powers in respect thereto or in respect to the enforcement of any rule or regulation provided by the ordinances of the District and to employ and commission police officers and other qualified persons to enforce the same. The use of any such public airport or public airport facility of the District shall be subject to the reasonable regulation and control of the District and upon such reasonable terms and conditions as shall be established by its Board. A regulatory ordinance of the District adopted under any provision of this Section may provide for a suspension or revocation of any rights or privileges within the control of the District for a violation of any such regulatory ordinance. Nothing in this Section or in other provisions of this Act shall be construed to authorize such Board to establish or enforce any regulation or rule in respect to aviation, or the operation or maintenance of any airport facility within its jurisdiction, which is in conflict with any federal or state law or regulation applicable to the same subject matter;

18. To enter into agreements with the corporate authorities or governing body of any other municipal corporation or any political subdivision of this State to pay the reasonable expense of services furnished by such municipal corporation or political subdivision for or on account of income producing properties of the District;

19. To enter into contracts dealing in any manner with the objects and purposes of this Act;

20. To acquire, own, lease, sell or otherwise dispose of interests in and to real property and improvements situate thereon and in personal property necessary to fulfill the purposes of the District;

21. To designate the fiscal year for the District;

22. To engage in any activity or operation which is incidental to and in furtherance of efficient operation to accomplish the District's primary purpose;

23. To apply to proper authorities of the United States of America pursuant to appropriated Federal Law for the right to establish, operate, maintain and lease foreign trade zones and sub-zones within the

limits of the Tri-City Regional Port District or within the jurisdiction of the United States Customs Service Office of the St. Louis Port of Entry and to establish, operate, maintain and lease such foreign trade zones and the sub-zones; -

24. To operate, maintain, manage, lease, or sublease for any period not exceeding 99 years any former military base owned or leased by the District and within its jurisdictional boundaries, to make and enter into any contract for the use, operation, or management of any former military base owned or leased by the District and located within its jurisdictional boundaries, and to provide rules and regulations for the development, redevelopment, and expansion of any former military base owned or leased by the District and located within its jurisdictional boundaries;

25. To locate, establish, re-establish, expand or renew, construct or reconstruct, operate, and maintain any facility, building, structure, or improvement for a use or a purpose consistent with any use or purpose of any former military base owned or leased by the District and located within its jurisdictional boundaries;

26. To acquire, own, sell, convey, construct, lease for any period not exceeding 99 years, manage, operate, expand, develop, and maintain any electrical or telephone system, including, but not limited to, all equipment, materials, and facilities necessary or incidental to that electrical or telephone system, for use, at the option of the District and upon payment of a reasonable fee set by the District, of any tenant or occupant situated on any former military base owned or leased by the District and located within its jurisdictional boundaries;

27. To cause to be incorporated one or more subsidiary business corporations, wholly-owned by the District, to own, operate, maintain, and manage facilities and services related to any telephone system, pursuant to paragraph 26. A subsidiary corporation formed pursuant to this paragraph shall (i) be deemed a telecommunications carrier, as that term is defined in Section 13-202 of the Public Utilities Act, (ii) have the right to apply to the Illinois Commerce Commission for a Certificate of Service Authority or a Certificate of Interexchange Service Authority, and (iii) have the powers necessary to carry out lawful orders of the Illinois Commerce Commission;

28. To improve, develop, or redevelop any former military base situated within the boundaries of the District, in Madison County, Illinois, and acquired by the District from the federal government, acting by and through the United States Maritime Administration, pursuant to any plan for redevelopment, development, or improvement of that military base by the District that is approved by the United States Maritime Administration under the terms and conditions of conveyance of the former military base to the District by the federal government.

(Source: P.A. 83-690.)

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 BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator J. Sullivan, **House Bill No. 900**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 50; Nays 5.

The following voted in the affirmative:

Althoff	Geo-Karis	Meeks	Soden
Bomke	Haine	Munoz	Sullivan, D.
Clayborne	Halvorson	Obama	Sullivan, J.
Collins	Harmon	Petka	Trotter
Cronin	Hendon	Radogno	Viverito
Crotty	Hunter	Righter	Walsh
Cullerton	Jacobs	Risinger	Watson

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del Valle	Jones, J.	Ronen	Welch
DeLeo	Lightford	Roskam	Winkel
Demuzio	Link	Schoenberg	Wojcik
Dillard	Luechtefeld	Shadid	Mr. President
Forby	Maloney	Sieben	
Garrett	Martinez	Silverstein	

The following voted in the negative:

Burzynski	Lauzen	Syverson
Jones, W.	Peterson	

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

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

HOUSE BILL RECALLED

On motion of Senator Luechtefeld, **House Bill No. 1045** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 1 was tabled in the Committee on Rules.

Senator Luechtefeld offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO HOUSE BILL 1045

AMENDMENT NO. 2. Amend House Bill 1045 by replacing everything after the enacting clause with the following:

"Section 5. The Director of Agriculture, on behalf of the State of Illinois, is authorized to exchange certain real property in Perry County, Illinois, hereinafter referred to as Parcel 1, for certain real property of equal value in Perry County, Illinois, hereinafter referred to as Parcel 2, with the NOTFA Land Trust #1, such Parcels being described as follows:

PARCEL 1

GENERAL DESCRIPTION

A part of the Northwest Quarter of the Northeast Quarter of Section 29, Township 6 South,

Range 1 West of the Third Principal Meridian, Perry County, Illinois

DETAILED DESCRIPTION

Commencing at the Southwest Corner of the said Northwest Quarter of the Northeast Quarter; thence Easterly along the South line of the said Northwest Quarter of the Northeast Quarter a distance of 62.62 feet to an iron rebar found in the East Right-of-Way line of U.S. Route 51; thence Northerly along the said East Right-of-Way said line being 60 feet Easterly of the centerline of U.S. Route 51 a distance of 854.56 feet to an iron rebar found being the point of beginning for this description; from said point of beginning continuing Northerly along said Right-of-Way line a distance of 438.91 feet to a point on the proposed South Right-of-Way line of Bob Green Drive; thence Easterly along the proposed South Right-of-Way line of Bob Green Drive with a deflection angle of 90 degrees 24 minutes 35 seconds a distance of 576.05 feet to a point; thence Southerly along a line with a deflection of 89 degrees 35 minutes 25 seconds a distance of 435.46 feet to a point; thence Westerly along a line with a deflection of 90 degrees 03 minutes 56 seconds a distance of 576.04 feet to the point of beginning containing 5.78 acres more or less.

PARCEL 2

Part of the NW 1/4 of the NE 1/4 of Section 20, Township 6 South, Range 1 West of the Third Principal Meridian, Perry County, Illinois, more particularly described as follows, to wit:

Commencing at the Northwest corner of the NW 1/4 of the NE 1/4 of Section 20, Township 6 South, Range 1 West of the Third Principal Meridian, Perry County, thence S 00 degrees 02 minutes 14 seconds E, an assumed bearing along the West line of the NW 1/4 of the NE 1/4 of said Section 20, a distance of 1132.54 feet, to the point of beginning for the tract herein described; thence continuing S

00 degrees 02 minutes 14 seconds E, along the West line of the NW 1/4 of the NE 1/4 of said Section 20, a distance of 143.52 feet; thence S 89 degrees 04 minutes 51 seconds E, a distance of 175.04 feet, to an iron pin; thence S 00 degrees 00 minutes 30 seconds E, a distance of 75.00 feet, to an iron pin in the South line of the NW 1/4 of the NE 1/4 of said Section 20; thence S 89 degrees 03 minutes 51 seconds E, along the South line of the NW 1/4 of the NE 1/4 of said Section 20, a distance of 1137.90 feet, to an iron pin; thence N 00 degrees 00 minutes 58 seconds W, a distance of 363.05 feet, to an iron pin; thence N 89 degrees 03 minutes 51 seconds W, a distance of 654.24 feet, to an iron pin; thence S 00 degrees 12 minutes 17 seconds E, a distance of 112.02 feet, to an iron pin; thence N 88 degrees 46 minutes 16 seconds W, a distance of 420.40 feet, to an iron pin; thence S 41 degrees 29 minutes 05 seconds W, a distance of 38.74 feet, to an iron pin; thence S 89 degrees 03 minutes 07 seconds W, a distance of 154.42 feet, to the point of beginning, containing 8.80 acres, more or less.

Section 10. Whereas, the transaction described in Section 5 will be to the mutual advantages of both parties, each party shall be responsible for any and all title costs associated with their respective properties.

Section 15. The Director of Agriculture shall obtain an opinion of title from the Illinois Attorney General certifying that the State of Illinois will receive merchantable title to the real property referred to as Parcel 2 in Section 5.

Section 20. The Director of Agriculture shall obtain a certified copy of the portions of this Act containing the title, the enacting clause, the effective date, the appropriate Sections containing the land descriptions of property to be transferred, and this Section within 60 days after this Act's effective date and, upon receipt of payment or other consideration required by the appropriate Sections, shall record the certified document in the Recorder's office in the county in which the land is located.

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 Luechtefeld, **House Bill No. 1045**, 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 1.

The following voted in the affirmative:

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

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The following voted in the negative:

Sullivan, J.

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

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

HOUSE BILL RECALLED

On motion of Senator E. Jones, **House Bill No. 2735** 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 TO HOUSE BILL 2735

AMENDMENT NO. 1. Amend House Bill 2735, by deleting everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 1

Section 1. "AN ACT making appropriations", Public Act 93-92, approved July 3, 2003, is amended by changing Section 10 of Article 1 as follows:

(P.A. 93-92, Art. 1, Sec. 10)

Sec. 10. In addition to any amounts heretofore appropriated, the following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Public Aid for Medical Assistance:

FOR MEDICAL ASSISTANCE UNDER THE ILLINOIS PUBLIC AID CODE AND THE CHILDREN'S HEALTH INSURANCE PROGRAM ACT	
Payable from General Revenue Fund:	
For Physicians	513,590,700
For Dentists	88,590,800
For Optometrists	11,319,800
For Podiatrists	2,367,200
For Chiropractors	1,300,600
For Hospital In-Patient, Disproportionate	
Share and Ambulatory Care	2,256,723,200
For Skilled, Intermediate, and Other	
Related Long Term Care Services	901,304,000
For Community Health Centers	109,485,500
For Hospice Care	35,202,300
For Independent Laboratories	25,364,100
For Home Health Care, Therapy, and	
Nursing Services	49,940,300
For Appliances	54,936,000
For Transportation	78,392,700
For Other Related Medical Services	
and for development, implementation,	
and operation of managed	
care and children's health	
programs including operating	
and administrative costs and	
related distributive purposes	65,654,700
For Medicare Part A Premiums	8,700,000
For Medicare Part B Premiums	121,300,000
For Medicare Part B Premiums for	
Qualified Individuals under the	
Federal Balanced Budget Act of 1997	6,633,700

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For Health Maintenance Organizations and Managed Care Entities.....	182,223,600
For Division of Specialized Care for Children.....	51,620,900
Total.....	\$4,566,300,100

In addition to any amounts heretofore appropriated, the following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Aid for Medical Assistance under the Illinois Public Aid Code and the Children's Health Insurance Program Act for Prescribed Drugs, including costs associated with the implementation and operation of the SeniorCare program:

Payable from:

General Revenue Fund.....	\$1,042,258,000
General Revenue Fund.....	915,258,000
Drug Rebate Fund.....	405,000,000
Tobacco Settlement Recovery Fund.....	298,652,900
Medicaid Buy-In Program Revolving Fund.....	100,000
Total.....	\$1,647,010,900

The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Aid for the purposes hereinafter named:

FOR MEDICAL ASSISTANCE

Payable from General Revenue Fund:

For Grants for Medical Care for Persons Suffering from Chronic Renal Disease	1,214,300
For Grants for Medical Care for Persons Suffering from Hemophilia	4,553,600
For Grants for Medical Care for Sexual Assault Victims.....	657,800
For Grants to Altgeld Clinic.....	400,000
Total.....	\$6,825,700

The Department, with the consent in writing from the Governor, may reapportion not more than two percent of the total General Revenue Fund appropriations in Section 2 above among the various purposes therein enumerated.

In addition to any amounts heretofore appropriated, the amount of \$8,507,300, or so much thereof as may be necessary, is appropriated to the Department of Public Aid from the General Revenue Fund for expenses relating to the Children's Health Insurance Program Act, including payments under Section 25 (a)(1) of that Act, and related operating and administrative costs.

Section 2. "AN ACT making appropriations", Public Act 93-92, approved June 3, 2003, is amended by changing Section 3 of Article 5 as follows:

(P.A. 93-92, Art. 5, Sec. 3)

Sec. 3. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Veterans' Affairs for the objects and purposes hereinafter named:

ILLINOIS VETERANS' HOME AT ANNA

Payable from General Revenue Fund:

For Personal Services	142,500
For Employee Retirement Contributions Paid by Employer	5,700
For State Contributions to the State Employees' Retirement System	19,200
For State Contributions to Social Security	10,900
For Contractual Services.....	806,900
For Contractual Services.....	1,606,900
For Travel.....	0
For Commodities	0
For Printing.....	0
For Equipment.....	0
For Electronic Data Processing	0

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For Telecommunications Services.....	0
For Operation of Auto Equipment.....	0
Total	\$1,785,200

In addition to any amounts heretofore appropriated, the amount of \$1,400,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Veterans' Affairs for the ordinary and contingent expenses of operating the Illinois Veterans' Home at Anna.

Payable from the Anna Veterans' Home Fund:

For Contractual Services.....	1,993,700
For Travel.....	2,100
For Commodities	500
For Printing	100
For Equipment	9,600
For Electronic Data Processing	100
For Telecommunications Services.....	10,400
For Operation of Auto Equipment.....	1,800
For Refunds.....	13,000
Total	\$2,031,300

Section 3. "AN ACT making appropriations", Public Act 93-62, approved June 30, 2003, is amended by changing Section 3 of Article 11 as follows:

(P.A. 93-62, Art. 11, Sec. 3)

Sec. 3. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Savings and Residential Finance Regulatory Fund to the Office of Banks and Real Estate to meet the ordinary and contingent expenses of the Office of Banks and Real Estate and the Illinois Residential Mortgage Board and the Illinois Board of Savings Institutions in the Office of Banks and Real Estate:

MORTGAGE BANKING AND THRIFT REGULATION

For Personal Services	2,534,410
For Personal Services	2,416,300
For Personal Services:	
Per Diem	1,000
For Employee Retirement Contributions	
Paid by Employer	100,468
Paid by Employer	96,700
For State Contributions to State	
Employees' Retirement System	340,573
Employees' Retirement System	324,700
For State Contributions to	
Social Security	193,835
Social Security	184,800
For Group Insurance	484,000
For Group Insurance	451,000
For Contractual Services.....	571,900
For Contractual Services.....	550,300
For Travel.....	148,900
For Travel.....	134,500
For Commodities	27,800
For Commodities	25,400
For Printing	42,100
For Equipment	106,300
For Equipment	76,300
For Electronic Data Processing	258,300
For Electronic Data Processing	228,300
For Telecommunications Services.....	49,280
For Telecommunications Services.....	45,500
For Operation of Automotive Equipment	3,500
For Refunds.....	1,500
For Refunds.....	500

Total.....\$4,580,900

Section 4. "AN ACT making appropriations", Public Act 93-587, approved August 22, 2003, is amended by adding new Sections 17, 18, 19 and 20 (also new section) to Article 1 as follows:

(P.A. 93-587, Art. 1, Sec. 17, new)

Sec. 17. In addition to any funds heretofore appropriated for such purposes, the sum of \$2,650,000 is appropriated from the Capital Development Fund to the Capital Development Board for the Secretary of State for planning and design, providing a study, historical analysis, asbestos abatement and all other costs associated with the upgrade of the HVAC system in the Capitol Building.

(P.A. 93-587, Art. 1, Sec. 18, new)

Sec. 18. The sum of \$2,500,000 is appropriated from the Capital Development Fund to the Capital Development Board for the Office of the Architect of the Capitol for equipment, remodeling and all other costs related to the maintenance, renovation or restoration of areas located in the Capitol Building.

(P.A. 93-587, Art. 1, Sec. 19, new)

Sec. 19. The sum of \$7,500,000 is appropriated from the Capital Development Fund to the Capital Development Board for the Office of the Architect of the Capitol for all costs related to asbestos and environmental abatement in the Capitol Building.

(P.A. 93-587, Art. 1, Sec. 20, new)

Sec. 20. In addition to any funds heretofore appropriated for such purposes, the sum of \$1,000,000 is appropriated from the Capital Development Fund to the Capital Development Board for the Secretary of State for all costs related to the planning and design of life safety and fire protection system improvements, hazardous material abatement, historical restoration and construction in the Capitol Building.

Section 5. "AN ACT making appropriations", Public Act 93-587, approved August 22, 2003, is amended by changing Section 30 of Article 2 as follows:

(P.A. 93-587, Art. 2, Sec. 30)

Sec. 30. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from appropriations and reappropriations heretofore made in Article 1, Section 14 and Article 2, Sections 24, 24.1, 28, 33, 43, 45, 96, 97 and 108 of Public Act 92-717, are reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Board of Higher Education for the projects hereinafter enumerated:

CHICAGO STATE UNIVERSITY

(From Article 1, Section 14 of Public Act 92-717)

For roof replacement projects.....4,400,000

For the construction of a conference center.....5,000,000

For the construction of a day care facility4,982,104

For the construction of a student financial outreach building5,000,000

(From Article 2, Section 28 of Public Act 92-717)

For constructing a new library facility, site improvements, utilities, and purchasing equipment, in addition to funds previously appropriated.....15,021,338

For technology improvements and deferred maintenance.....1,792,800

For remodeling Building K, in addition to funds previously appropriated.....9,127,174

(From Article 2, Section 33 of Public Act 92-717)

For planning and beginning to remodel Building K and improving site1,005,474

For planning, site improvements, utilities,

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construction, equipment and other costs necessary for a new library facility	10,946,401
(From Article 2, Section 96 of Public Act 92-717)	
For a grant to Chicago State University for all costs associated with construction of a Convocation Center	8,623,383
(From Article 2, Section 33 of Public Act 92-717)	
For upgrading campus infrastructure, in addition to the funds previously appropriated	1,052,466
For renovating buildings and upgrading mechanical systems	679,179
EASTERN ILLINOIS UNIVERSITY	
(From Article 2, Section 28 of Public Act 92-717)	
For renovating and expanding the Fine Arts Center, in addition to funds previously appropriated	39,705,500
For planning and beginning to renovate and expand the Fine Arts Center - Phase 1, in addition to funds previously appropriated	1,621,559
(From Article 2, Section 33 of Public Act 92-717)	
For planning and beginning to renovate and expand the Fine Arts Center	1,824,490
For upgrading campus buildings for health, safety and environmental improvements	386,432
For constructing an addition and renovating Booth Library	164,611
GOVERNORS STATE UNIVERSITY	
(From Article 2, Section 28 of Public Act 92-717)	
For constructing addition and remodeling the teaching & learning complex, in addition to funds previously appropriated	15,979,731
(From Article 2, Section 97 of Public Act 92-717)	
For costs associated with establishing a campus-wide fire alarm system at Governor's State University	865,796
(From Article 2, Section 33 of Public Act 92-717)	
For constructing a child development center and an addition to the main building and remodeling Wings E and F	354,731
For planning and beginning the main building renovations, a child development center, and faculty offices	7,464
For upgrading and replacing cooling and refrigeration systems and equipment	260,036
For remodeling the main building	171,802
ILLINOIS STATE UNIVERSITY	
(From Article 2, Section 28 of Public Act 92-717)	
For the upgrade and remodeling of Schroeder Hall	17,345,093
(From Article 2, Section 33 of Public Act 92-717)	
For planning and beginning to rehabilitate Schroeder Hall	527,176
For planning, site improvements, utilities, construction, equipment and other costs	

necessary for a new facility for the College of Business	10,814,323
For remodeling Julian and Moulton Halls.....	1,355,468
NORTHEASTERN ILLINOIS UNIVERSITY	
(From Article 2, Section 28 of Public Act 92-717)	
For renovating Building "C" and remodeling and expanding Building "E" and Building "F"	9,064,300
(From Article 2, Section 33 of Public Act 92-717)	
For planning and beginning to remodel Buildings A, B and E	3,718,870
For remodeling in the Science Building to upgrade heating, ventilating and air conditioning systems	2,021,400
For replacing fire alarm systems, lighting and ceilings	1,871,089
For renovating the auditorium in Building E	2,345,730
For renovation of Buildings E, F, and the auditorium, and demolition and replacement of Buildings G, J and M, in addition to amounts previously appropriated	102,848
For remodeling the library	84,571
NORTHERN ILLINOIS UNIVERSITY	
(From Article 2, Section 28 of Public Act 92-717)	
For renovating the Founders Library basement, in addition to funds previously appropriated	768,745
(From Article 2, Section 33 of Public Act 92-717)	
For planning a classroom building and developing site in Hoffman Estates	1,314,500
For completing the construction of the Engineering Building, in addition to amounts previously appropriated for such purpose	3,777,651
For renovating Altgeld Hall and purchasing equipment	1,853,450
For upgrading storm waterway controls in addition to funds previously appropriated	1,265,161
SOUTHERN ILLINOIS UNIVERSITY	
(From Article 2, Section 24.1 of Public Act 92-717)	
For planning, construction and equipment for a cancer center	14,314,690
SOUTHERN ILLINOIS UNIVERSITY – CARBONDALE	
(From Article 1, Section 14 of Public Act 92-717)	
For renovating and constructing an addition to the Morris Library, in addition to funds previously appropriated	25,690,000
(From Article 2, Section 108 of Public Act 92-717)	
For planning a renovation and addition to the Morris Library	1,523,552
(From Article 2, Section 28 of Public Act 92-717)	
For renovating Altgeld Hall and Old Baptist Foundation, in addition to funds previously appropriated	4,924,540
(From Article 2, Section 33 of Public Act 92-717)	
For upgrading and remodeling Anthony Hall	0

For site improvements and purchasing equipment for the Engineering and Technology Building	11,190
(From Article 2, Section 43 of Public Act 92-717)	
For construction of an engineering building annex	61,448
SOUTHERN ILLINOIS UNIVERSITY - EDWARDSVILLE	
(From Article 2, Section 24.1 of Public Act 92-717)	
For planning, construction and equipment for an advanced technical worker training facility	1,029,729
(From Article 2, Section 33 of Public Act 92-717)	
For construction of the Engineering Facility building and related site improvements	24,511
(From Article 2, Section 43 of Public Act 92-717)	
For replacement of the high temperature water distribution system	168,709
SIU SCHOOL OF MEDICINE – SPRINGFIELD (From Article 2, Section 24 of Public Act 92-717)	
For constructing and for equipment for an addition to the combined laboratory, in addition to funds previously appropriated	12,368,319
UNIVERSITY OF ILLINOIS AT CHICAGO (From Article 1, Section 14 of Public Act 92-717)	
Plan, construct, and equip the Chemical Sciences Building	57,600,000
(From Article 2, Section 24.1 of Public Act 92-717)	
For planning, construction and equipment for a chemical sciences building	6,400,000
To plan and begin construction of a medical imaging research/clinical facility	3,326,338
(From Article 2, Section 33 of Public Act 92-717)	
For remodeling the Clinical Sciences Building	1,906,902
For the renovation of the court area and Lecture Center, in addition to funds previously appropriated	1,571,369
UNIVERSITY OF ILLINOIS AT CHICAGO (From Article 2, Section 45 of Public Act 92-717)	
For remodeling Alumni Hall, Phase II, including utilities	22,874
UNIVERSITY OF ILLINOIS AT CHAMPAIGN-URBANA	
(From Article 1, Section 14 of Public Act 92-717)	
Expansion of Microelectronics Lab	18,000,000
(From Article 2, Section 24.1 of Public Act 92-717)	
For planning, construction and equipment for a biotechnology genomic facility	67,500,000
For planning, construction and equipment for a supercomputing application facility	24,713,878
For planning, construction and equipment for a technology transfer incubator facility	130,165
To plan and begin construction of a biotechnology/genomic facility	3,224,471
To plan and begin construction of a supercomputing application facility	868,928

To plan and begin construction of a technology transfer incubator facility	179,276
(From Article 2, Section 33 of Public Act 92-717)	
For remodeling the Mechanical Engineering Laboratory Building.....	125,428
(From Article 2, Section 45 of Public Act 92-717)	
For initiating a campus flood control project.....	75,852
UNIVERSITY CENTER OF LAKE COUNTY	
(From Article 1, Section 14 of Public Act 92-717)	
For constructing a university center and purchasing equipment, in addition to funds previously appropriated.....	8,000,000
(From Article 2, Section 33 of Public Act 92-717)	
For land, planning, remodeling, construction and all costs necessary to construct a facility	11,000,000
facility	10,622,467
WESTERN ILLINOIS UNIVERSITY – MACOMB	
(From Article 1, Section 14 of Public Act 92-717)	
Plan and construct performing arts center.....	4,000,000
(From Article 2, Section 28 of Public Act 92-717)	
For improvements to Memorial Hall 11,931,823	
(From Article 2, Section 33 of Public Act 92-717)	
For constructing a utility tunnel system, in addition to funds previously appropriated.....	113,118
For remodeling Horrabin Hall and beginning to convert Simpkins Hall gymnasium and adjacent areas into a performing arts facility	56,564
Total.....	\$495,841,044

Section 6. "AN ACT making appropriations", Public Act 93-62, approved June 30, 2003, is amended by adding new Section 5 to Article 12 as follows:

(P.A. 93-62, Art. 12, Sec. 5, new)

Sec. 5. The amount of \$15,000, or so much thereof as may be necessary, is appropriated to the Prisoner Review Board from the General Revenue Fund for expenses relating to the victim notification units.

Section 7. "AN ACT making appropriations", Public Act 93-91, approved July 3, 2003, is amended by changing Section 5 of Article 7 as follows:

(P.A. 93-91, Art. 7, Sec. 5)

Sec. 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for the following purposes:

DIVISION OF ADMINISTRATION

Payable from General Revenue Fund:

For Personal Services	7,239,000
For Personal Services	7,364,000
For Employee Retirement Contributions	
Paid by Employer	306,900
For State Contributions to State Employees' Retirement System	989,600
For State Contributions to Social Security	496,300
For Contractual Services.....	4,208,200

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For Travel.....	86,100
For Commodities	416,200
For Printing	99,800
For Equipment	121,700
For Telecommunications Services.....	231,900
For Operation of Auto Equipment.....	232,400
For Repairs and Maintenance and Permanent Improvements.....	54,000
For Expenses of Apprehension of Fugitives.....	0
For Contractual Services:	
For Payment of Tort Claims	60,500
For Refunds.....	7,400
For Expenses regarding implementation of the Juvenile Justice Reform provisions.....	548,000
For Expenses associated with the Videotaping of Interrogations.....	<u>1,000,000</u>
Total.....	\$16,223,000
Payable from Missing and Exploited Children Trust Fund:	
For the Administration and fulfillment of its responsibilities under the Intergovernmental Missing Child Recovery Act of 1984.....	0
Payable from the State Police Wireless Service Emergency Fund:	
For costs associated with the administration and fulfillment of its responsibilities under the Wireless Emergency Telephone Safety Act	\$500,000
Payable from the State Police Vehicle Fund:	
For equipment:	
Purchase of Police Cars - FY04.....	\$50,000

Section 8. "AN ACT making appropriations", Public Act 93-65, approved July 1, 2003, is amended by changing Section 1 of Article 7 as follows:

(P.A. 93-65, Art. 7, Sec. 1)

Sec. 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the State Police Merit Board:

For Personal Services	344,900
For Employee Retirement Contributions	
Paid by Employer	13,800
For State Contributions to State Employees' Retirement System	46,400
For State Contributions to Social Security	27,700
For Contractual Services.....	<u>447,800</u>
For Contractual Services.....	322,800
For Travel.....	5,000
For Commodities	8,000
For Printing	6,000
For Equipment	8,100
For Electronic Data Processing	8,000
For Telecommunications Services.....	12,000
For Operation of Automotive Equipment	<u>2,700</u>

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Total.....\$805,400

Section 99. Item and reduction veto not restored. Nothing in this Article shall be construed to restore an item or reduction veto.

ARTICLE 2

Section 1. The following named amounts are appropriated from the General Revenue Fund to the Court of Claims to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 99-CC-0134, Home Care Medical Services Inc and Behavioral Service Providers, Inc. Contract, against the Departments of Human Services and Public Aid.....	\$660,316.46
No. 93-CC-0554, Aubrey Volious. Tort, against Chicago State University.....	\$13,500.00
No. 93-CC-0556, Ronald Eskridge. Tort, against Chicago State University.....	\$33,000.00
No. 01-CC-2609, Kimberly Colbert. Personal injury, against the Department of Corrections.....	\$22,000.00
No. 02-CC-3662, Lawrence Hayes. Medical Malpractice, against the Department of Corrections.....	\$6,250.00
No. 03-CC-2701, Steven Linscott. Illegal Incarceration, against the Department of Corrections.....	\$60,150.00
No. 03-CC-2702, Paula Gray. Illegal Incarceration, against the Department of Corrections.....	\$120,300.00
No. 03-CC-3105, Melinda Erickson. Discrimination, against Northeastern Illinois University.....	\$85,000.00
No. 03-CC-4017, Leroy Orange. Illegal Incarceration, against the Department of Corrections.....	\$161,005.24
No. 03-CC-4227, Franklin Thompson. Illegal Incarceration, against the Department of Corrections.....	\$138,004.49
No. 03-CC-4364, Gary Dotson. Illegal Incarceration, against the Department of Corrections.....	\$120,300.00
No. 03-CC-4365, Gary Gauger. Illegal Incarceration, against the Department of Corrections.....	\$60,150.00
No. 03-CC-4566, Madison Hobley. Illegal Incarceration, against the Department of Corrections.....	\$161,005.24
No. 03-CC-4655, Miguel Castillo. Illegal Incarceration, against the Department of Corrections.....	\$127,786.76
No. 03-CC-4899, Oscar Walden Jr. Illegal Incarceration, against the Department of Corrections.....	\$120,300.00

Section 2. The following named amounts are appropriated from the Road Fund to the Court of Claims to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 91-CC-0927, Commercial Union Insurance Co.

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Personal Injury and Property Damage,
against the Department of Transportation \$205,144.66

Section 3. The following named amounts are appropriated to the Court of Claims from State Fund 218, Professional Indirect Cost Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed
appropriation claims less than \$50,000 \$13,878.01

Section 4. The following named amounts are appropriated to the Court of Claims from State Fund 304, Statistical Services Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 03-CC-0509, Computer Associates Intl.
Inc., Debt, against the Department of
Central Management Services \$154,420.00

Section 5. The following named amounts are appropriated to the Court of Claims from State Fund 312, Communications Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed
appropriation claims less than \$50,000 \$23,019.17

Section 6. The following named amounts are appropriated to the Court of Claims from State Fund 344, Care Provider Fund for Persons with Developmental Disability, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed
appropriation claims less than \$50,000 \$65,028.38

No. 03-CC-4509, Shore Community Services,
Inc, Debt, against the Department of
Central Management Services \$62,388.49

Section 7. The following named amounts are appropriated to the Court of Claims from Federal Fund 488, Criminal Justice Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed
appropriation claims less than \$50,000 \$16,363.76

Section 8. The following named amounts are appropriated to the Court of Claims from State Fund 523, Department of Corrections Reimbursement Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed
appropriation claims less than \$50,000 \$22,466.56

Section 9. The following named amounts are appropriated to the Court of Claims from State Fund 528, Domestic Violence Abuser Services Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed
appropriation claims less than \$50,000 \$16,568.01

Section 10. The following named amounts are appropriated to the Court of Claims from State Fund 718, Community Mental Health Medicaid Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed
appropriation claims less than \$50,000 \$127,274.88

No. 03-CC-4203, Human Service Center of
Illinois, Debt, against the Department
of Human Services \$76,467.18

Section 11. The following named amounts are appropriated to the Court of Claims from

Federal Fund 726, Federal Industrial Services Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed
appropriation claims less than \$50,000\$21,000.00

Section 12. The following named amounts are appropriated to the Court of Claims from State Fund 828, Hazardous Waste Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed
appropriation claims less than \$50,000 \$7,961.00

Section 13. The following named amounts are appropriated to the Court of Claims from Federal Fund 911, Juvenile Justice Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed
appropriation claims less than \$50,000\$14,270.38
No. 03-CC-0966, Department of Corrections.
Debt, against the Department of
Human Services\$94,884.30

Section 14. The following named amounts are appropriated to the Court of Claims from State Fund 920, Metabolic Screening and Treatment Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed
appropriation claims less than \$50,000\$35,137.51

Section 15. The following named amounts are appropriated to the Court of Claims from State Fund 944, Environmental Protection Permit and Inspection Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed
appropriation claims less than \$50,000 \$5,532.00

Section 16. The following named amounts are appropriated to the Court of Claims from State Fund 997, Insurance Financial Regulation Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed
appropriation claims less than \$50,000\$14,577.50

Section 17. The following named amounts are appropriated to the Court of Claims from State Fund 323, Motor Vehicle Review Board Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 04-CC-0082, William Collins & Bax, P.C.
Contract, against the Secretary of State.....\$24,562.50

ARTICLE 3

Section 1. "An Act regarding appropriations", Public Act 93-91, approved July 3, 2003, with certain items vetoed or reduced is amended by changing Sections 5 and 15 of Article 15 as follows:

(P.A. 93-91, Art. 15, Sec. 5)

Sec. 5. The following named sums, or so much thereof as may be necessary, respectively, are appropriated to the Supreme Court to pay the ordinary and contingent expenses of certain officers of the court system of Illinois as follows:

For Personal Services:

Judges' Salaries \$126,750,800

For Judges appointed after

December 1, 2003..... 190,200

For Travel:

Judges of the

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Supreme Court	28,500
Judges of the Appellate Court.....	143,400
Judges of the Circuit Court	737,900
Judicial Conference and Supreme Court Committees	699,800
For State Contributions to Social Security.....	1,871,100
Total, this Section	\$130,231,500

Sec. 15. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Supreme Court to meet the ordinary and contingent expenses of the Judges of the Appellate Courts, and the Clerks of the Appellate Courts, and the Appellate Judges Research Projects:

Administration of the First Appellate District	
For Personal Services	\$6,455,400
For State Contributions to State Employees' Retirement.....	666,200
For State Contributions to Social Security	493,900
For Contractual Services	426,300
For Travel	2,100
For Commodities	56,000
For Printing	39,800
For Equipment	84,000
For Telecommunications.....	122,000
Total	\$8,345,700
Administration of the Second Appellate District	
For Personal Services	2,629,900
For State Contributions to State Employees' Retirement.....	271,400
For State Contributions to Social Security	201,300
For Contractual Services	618,700
For Travel	4,800
For Commodities	25,800
For Printing	12,900
For Equipment	159,200
For Operation of Automotive Equipment.....	00
For Telecommunications.....	52,300
Total	\$3,977,100
Administration of the Third Appellate District	
For Personal Services	\$1,971,100
For Extra Help	0
For State Contributions to State Employees' Retirement.....	209,000
For State contributions to Social Security.....	150,800
For Contractual Services	486,000
For Travel	4,600
For Commodities	23,900
For Printing	20,600
For Equipment	268,900
For Telecommunications.....	58,700
For Operations of the Third Appellate District upon the appointment of Judges following December 1, 2003	\$276,500
Total	\$3,193,600

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Administration of the Fourth Appellate District	
For Personal Services	1,993,200
For State Contributions	
to State Employees' Retirement	205,700
For State Contributions	
to Social Security	152,500
For Contractual Services	500,000
For Travel	5,800
For Commodities	12,200
For Printing	9,400
For Equipment	125,600
For Telecommunications	<u>53,800</u>
Total	\$3,058,200
Administration of the Fifth Appellate District	
For Personal Services	2,017,700
For Extra Help	0
For State Contributions to	
State Employees' Retirement	208,200
For State Contributions to	
Social Security	154,300
For Contractual Services	390,600
For Travel	5,200
For Commodities	23,100
For Printing	15,700
For Equipment	168,600
For Telecommunications	40,000
For Operation of	
Automotive Equipment	<u>1,200</u>
Total	\$3,024,600

Section 2. "An Act making appropriations", Public Act 93-91, approved July 3, 2003, is amended by changing Sections 5, 10, and 15 of Article 20 as follows:

(P.A. 93-91, Art. 20, Sec. 5)

Sec. 5. The following amounts, or so much of those amounts as may be necessary, respectively, are appropriated to the State Board of Elections for its ordinary and contingent expenses as follows:

The Board	
For Contractual Services	\$17,600
For Travel	15,600
For Equipment	<u>500</u>
TOTAL	33,700
Administration	
For Personal Services	526,200
For Employee Retirement Contributions	
Paid By Employer	21,000
For State Contributions to State Employees'	
Retirement System	54,300
For State Contributions to	
Social Security	38,300
For Contractual Services	347,300
For Travel	13,300
For Commodities	16,200
For Printing	10,500
For Equipment	1,900
For Telecommunications	81,200
For Operation of Automotive Equipment	<u>2,900</u>
TOTAL	1,113,100
Elections	
For Personal Services	1,231,700

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For Employee Retirement Contributions	
Paid By Employer.....	49,300
For State Contributions to State	
Employees' Retirement System.....	127,100
For State Contributions to	
Social Security.....	93,500
For Contractual Services	20,400
For Travel	42,900
For Printing	28,600
For Equipment	2,800
For Software Development and	
implementation of the Statewide	
Voter Registration System.....	550,000
TOTAL	2,146,300
General Counsel	
For Personal Services	221,900
For Employee Retirement Contributions	
Paid By Employer.....	8,900
For State Contributions to State	
Employees' Retirement System.....	22,900
For State Contributions to	
Social Security.....	16,300
For Contractual Services	138,400
<u>For federal litigation</u>	
<u>regarding the punch-card</u>	
<u>voting system in Illinois</u>	<u>\$61,000</u>
For Travel	4,800
For Equipment	500
TOTAL	413,700
Campaign Financing	
For Personal Services	650,400
For Employee Retirement Contributions	
Paid By Employer.....	26,000
For State Contributions to State	
Employees' Retirement System.....	67,100
For State Contributions to	
Social Security.....	49,800
For Contractual Services	11,200
For Travel	11,600
For Printing	16,900
For Equipment	12,800
TOTAL	845,800
EDP	
For Personal Services	312,700
For Personal Services	285,700
For Employee Retirement Contributions	
Paid By Employer.....	12,500
Paid by Employer	11,400
For State Contributions to State	
Employees' Retirement System.....	43,200
Employees' Retirement System.....	29,500
For State Contributions to	
Social Security.....	23,900
Social Security.....	21,900
For Contractual Services	314,300
For Travel	11,300
For Commodities	14,000
For Printing	700
For Equipment	94,500

TOTAL 783,300
(P.A. 93-91, Article 20, Section 10)

Sec. 10. The following amounts, or so much of those amounts as may be necessary, respectively, are appropriated to the State Board of Elections for grants to local governments as follows:

For Reimbursement to Counties for increased
Compensation to Judges and other
Election Officials, as provided in
Public Acts 81-850, 81-1149, and 90-672 \$1,419,100
Public Acts 81-850, 81-1149, and 90-672 \$1,364,100

For Payment of Lump Sum Awards to County
Clerks, County Recorders, and Chief Election Clerks as
Compensation for Additional Duties required
of such officials by consolidation of
elections law, as provided in Public Acts
82-691 and 90-713 812,500

For Payment to Election Authorities for expenses
in supplying voter registration tapes to the
State Board of Elections pursuant to
Public Act 85-958 19,500
Public Act 85-958 12,400

(Total, this Section \$2,189,000)
(P.A. 93-91, Art. 20, Sec. 15)

Sec. 15. In addition to all other amounts appropriated in fiscal year ~~2004~~ 2003, the amount of \$75,000,000, or so much of that amount as may be necessary, is appropriated from the Help Illinois Vote Fund to the State Board of Elections for the purposes provided in the Election Code for that Fund.

Section 3. "An Act regarding appropriations", Public Act 93-92, approved July 3, 2003, with certain items vetoed or reduced is amended by changing Section 55 and Section 65 of Article 4 as follows:

(P.A. 93-92, Art. 4, Sec. 55)

Sec. 55. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF HEALTH PROMOTION

Payable from the General Revenue Fund:

For Grants for Vision and Hearing
Screening Programs 690,300

For a Grant to SIU Parkinson
Disease Center for Research,
Treatment, Diagnostic Services
and Counseling 375,000

For a Grant to Robert Morris
College Hygiene Program 100,000

For Grants Associated with Donated
Dental Services 75,000

For a Grant to the Amyotrophic Lateral
Sclerosis (ALS) Association for
research into discovering the cause
and cure for Amyotrophic Lateral
Sclerosis 1,000,000

For a Grant to Study the Increase of
Asthma among African-Americans in
the City of Chicago 200,000

Total \$2,440,300

(P.A. 93-92, Art. 4, Section 65)

Sec. 65. In addition to any amounts previously appropriated, the sum of \$1,000,000, or so much thereof as may be necessary, is appropriated from the Tobacco Settlement Recover Fund for

the research, evaluation, and assessment of tobacco control programs.

Payable from the Prostate Cancer Research Fund:

For Grants to Public and Private
Entities in Illinois for Prostate
Cancer Research \$100,000 \$300,000

Section 6. "An Act regarding appropriations", Public Act 93-115, approved July 9, 2003, with certain items vetoed or reduced is amended by changing Section 25 of Article 1 as follows:
(P.A. 93-115, Art. 1, Sec. 25)

Sec. 25. The following amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes named, are appropriated to the Illinois State Board of Education for Grants-In-Aid:

From the General Revenue Fund:

For orphanage tuition claims
and State-owned housing
claims as provided under Section
18-3 of the School Code \$14,651,000

For tuition of disabled children
attending schools under
Section 14-7.02 of the School Code \$59,423,000

For reimbursement to school
districts for extraordinary special
education and facilities
under Section 14-7.02a of
the School Code \$229,502,000

For reimbursement to school
districts for services
and materials used in programs
for the use of disabled
children under Section 14-13.01
of the School Code \$314,860,000

For reimbursement on a
current basis only to school
districts that provide
for education of handicapped
orphans from residential
institutions as well as foster
children who are mentally
impaired or behaviorally
disordered as provided under
Section 14-7.03 of the
School Code \$97,370,000

For financial assistance to
Local Education Agencies with over
500,000 population to meet the
needs of those children who
come from environments
where the dominant language
is other than English
under Section 34-18.2 of the
School Code \$34,896,600

For financial assistance to

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Local Education Agencies with under 500,000 population to meet the needs of those children who come from environments where the dominant language is other than English under Section 10-22.38a of the School Code.....	\$27,655,400
For reimbursement to school districts qualifying under Section 29-5 of the School Code for a portion of the cost of transporting common school pupils	\$242,424,000
For reimbursement to school districts for a portion of the cost of transporting disabled students under subsection (b) of Section 14-13.01 of the School Code	\$263,081,000
For all costs associated with the supplementary payments to school districts as provided in Section 18-8.2, Section 18-18.3, Section 18-8.5, and Section 18-8.05 (l) of the School Code	\$1,669,400
For reimbursement to school districts and for providing free lunch and breakfast programs under the provision of the School Breakfast and Lunch Program Act.....	\$19,565,000
For Tax-Equivalent Grants pursuant to Section 18-4.4 of the School Code	\$222,600
For grants associated with the School Breakfast Incentive Program	\$723,500
For the Regional Offices of Education, including, but not limited to, ROE, School Bus Driver Training, ROE School Services, and ROE Supervisory Expense	\$6,500,000
<u>For a grant to the South Cook Intermediate Service Center for ordinary and contingent expenses</u>	<u>\$300,000</u>
For grants associated with Reading for Blind and Dyslexic Persons, and for programs and services in support of Illinois citizens with visual and reading impairments	\$168,800

For Grants to the Local Education Agencies to Conduct Agricultural Education Programs	\$1,881,200
For grants associated with the Metro East Consortium for Child Advocacy	\$217,100
For financial assistance to Local Education Agencies for the purpose of maintaining an educational materials coordinating unit as provided for by Section 14-11.01 of the School Code	\$1,121,000
For grants associated with the Transition of Minority Students	\$578,800
For Residential Services Authority (RSA) for Behavior Disorders and Severely Emotionally Disturbed Children and Adolescents:	
For Personal Services	\$320,100
For Personal Services	\$352,100
For Employee Retirement Paid by Employer	15,500
For Retirement Contributions	20,000
For Social Security Contributions	16,400
For Other RSA Operations	100,700
For Other RSA Operations	68,700
Total	\$472,700
For financial assistance to Local Education Agencies for the Philip J. Rock Center and School as provided by Section 14-11.02 of the School Code	\$2,855,500
For supplementary payments (General State Aid - Hold Harmless) to school districts under subsection (J) of Section 18-8.05 of the School Code	\$38,600,000
For summer school payments as provided by Section 18-4.3 of the School Code	\$6,370,000
For costs associated with Teach for America	\$450,000
For transitional assistance	\$5,200,000
For Reading Improvement Block Grant	\$79,221,100
For Early Childhood Block Grant	\$213,405,700
For the Charter Schools Program:	
For Personal Services	\$159,200
For Employee Retirement Paid by Employer	6,800
For Retirement Contributions	12,100
For Social Security Contributions	8,700
For Other Charter Schools Operations	319,600

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For Grants	3,693,600
Total	\$4,200,000
For all costs associated with providing the loan of textbooks to Students under Section 18-17 of the School Code	
	\$29,126,500
From the Common School Fund:	
For compensation of Regional Superintendents of Schools and Assistants under Section 18-5 of the School Code	\$8,500,000
From the Common School Fund: For general apportionment (General State Aid) provided by Section 18-8.05 of the School Code	
	\$2,763,700,000
From the School District Emergency Financial District Assistance Fund:	
For emergency financial assistance pursuant to Section 1B-8 of the School Code	\$5,333,000
From the Education Assistance Fund:	
For general apportionment (General State Aid) as provided by Section 18-8.05 of the School Code	\$681,900,000
From the Temporary Relocation Expenses Revolving Grant Fund:	
For temporary relocation expenses as provided in Section 2-3.77 of the School Code	\$1,130,000
From the Illinois Future Teacher Corps Scholarship Fund:	
For grants to the Golden Apple Foundation	\$10,000
Total, Section 25	\$5,156,984,900

Section 7. "An Act regarding appropriations", Public Act 93-0091, approved July 3, 2003, with certain items vetoed or reduced is amended by changing Section 10 of Article 16 as follows:
(P.A. 93-91, Art. 16, Sec. 10)

Sec. 10. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to meet the ordinary and contingent expenses of the Commission on Intergovernmental Cooperation for the Springfield Office:

For Personal Services	\$500,604
For Employee Retirement Contributions	
Paid by Employer	20,024 67,276
For State Contributions to State Employees' Retirement System	67,276 20,024
For State Contributions to Social Security	38,296
For Contractual Services	547,500
For Model Illinois Government Activities	3,000
For Travel	5,000
For Commodities	3,200
For Printing	3,500

For Equipment	100
For Electronic Data Processing	500
For Telecommunication Services	9,000
Total	\$1,198,000

Section 8. "An Act making appropriations", Public Act 93-68, approved July 1, 2003, is amended by changing Section 4 of Article 1 as follows:

(P.A. 93-68, Art. 1, Sec. 4)

Sec 4. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter named:

DISASTER RELIEF, PUBLIC

Whenever it becomes necessary for the State or any governmental unit to furnish in a disaster area emergency services directly related to or required by a disaster and existing funds are insufficient to provide such services, the Governor may, when he considers such action in the best interest of the State, release funds from the General Revenue disaster relief appropriation in order to provide such services or to reimburse local governmental bodies furnishing such services. Such appropriation may be used for payment of the Illinois National Guard when called to active duty in case of disaster, and for the emergency purchase or renting of equipment and commodities. Such appropriation shall be used for emergency services and relief to the disaster area as a whole and shall not be used to provide private relief to persons sustaining property damages or personal injury as a result of a disaster.

<u>Payable from General Revenue Fund</u>	<u>220,200</u>
<u>Payable from General Revenue Fund</u>	<u>420,200</u>
<u>Payable from General Revenue Fund:</u>	
<u>For costs incurred in prior years</u>	<u>250,000</u>
<u>Payable from General Revenue Fund:</u>	
<u>For costs incurred in prior years</u>	<u>50,000</u>
Total	\$470,200

Payable from the Federal Aid

Disaster Fund:

For Federal Disaster Declarations:	
In Prior Years	45,000,000
Federal Disaster Declarations:	
In Fiscal Year 2004	30,000,000
For State Administration of the Federal Disaster Relief Program	1,000,000
For State Administration of the Hazard Mitigation Program	1,000,000
Disaster Relief - Hazard Mitigation	8,000,000
Disaster Relief - Hazard Mitigation in Prior Years	35,000,000
Total	\$120,000,000

Section 9. "An Act regarding appropriations", Public Act 93-90, approved July 3, 2003, with certain items vetoed or reduced is amended by inserting new Section 30 immediately after Section 25 of Article 12 as follows:

Sec. 30. The amount of \$200,000, or so much thereof of that amount as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Chicago State University for all costs associated with the Illinois Commission of the 50th anniversary of Brown v. Board of Education.

(P.A. 93-90, Art. 12, Sec. 30, new)

Section 10. "An Act making appropriations", Public Act 93-93, approved July 3, 2003, is amended by changing Sections 12 and 13 of Article 1 as follows:

(P.A. 93-93, Art. 1, Sec. 12)

Sec. 12. The sum of \$437,800, or so much thereof as may be necessary and remains

unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 71, Section 12 of Public Act 92-538, as amended, is reappropriated from the Capital Development Fund to the Historic Preservation Agency for costs associated with the acquisition or improvements of Sugar Loaf and/or Fox Mounds or other properties within the Cahokia Mounds National Historic Landmark boundary.

(P.A. 93-93, Art. 1, Sec. 13)

Sec. 13. The sum of \$460,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 71, Section 13 of Public Act 92-538, as amended, is reappropriated from the Capital Development Fund to the Historic Preservation Agency for support facilities, acquisition, or improvements for Sugar Loaf and/or Fox Mounds or other properties within the Cahokia Mounds National Historic Landmark boundary.

Section 11. "An Act making appropriations", Public Act 93-90, approved July 3, 2003, is amended by changing Section 35 of Article 2 as follows:

(P.A. 93-93, Art. 2, Sec. 35)

Sec. 35. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund to the Illinois Student Assistance Commission for the following purposes:

Grants and Scholarships

For payment of matching grants to Illinois institutions to supplement scholarship programs, as provided by law.....	\$950,000
For payment of Merit Recognition Scholarships to undergraduate students under the Merit Recognition Scholarship Program provided for in Section 31 of the Higher Education Student Assistance Act.....	5,400,000
For the payment of scholarships to students who are children of policemen or firemen killed in the line of duty, or who are dependents of correctional officers killed or permanently disabled in the line of duty, as provided by law.....	275,000
For payment of Illinois National Guard and Naval Militia Scholarships at State-controlled universities and public community colleges in Illinois to students eligible to receive such awards, as provided by law	4,500,000
For payment of military Veterans' scholarships at State-controlled universities and at public community colleges for students eligible, as provided by law.....	19,250,000
For college savings bond grants to students eligible to receive such awards.....	650,000
For payment of Minority Teacher Scholarships..	3,100,000
For payment of ITEACH Teacher Shortage Scholarships.....	2,900,000
For payment of Illinois Incentive for Access grants, as provided by law.....	7,200,000
<u>For payment of Illinois Scholars</u>	
<u>Scholarships.....</u>	<u>3,514,300</u>
<u>Scholarships.....</u>	<u>2,914,300</u>
Total.....	\$47,139,300

Section 12. "AN ACT making appropriations", Public Act 93-76, approved July 1, 2003, is

amended by changing Section 5 of Article 1 as follows:

(P.A. 93-76, Art. 1, Sec. 5)

Sec. 5. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Military Affairs:

FOR OPERATIONS
OFFICE OF THE ADJUTANT GENERAL

Payable from General Revenue Fund:	
For Personal Services	1,269,600
For Employee Retirement Contributions	
Paid By Employer	50,800
For State Contributions to State	
Employees' Retirement System	170,600
For State Contributions to	
Social Security	97,100
For Contractual Services.....	19,000
For Travel.....	15,400
For Commodities	6,200
For Printing	4,400
For Equipment	5,500
For Electronic Data Processing	24,000
For Telecommunications Services.....	39,200
For Operation of Auto Equipment.....	32,000
For State Officer's Candidate School	800
For Lincoln's Challenge Stipend Payments.....	528,000
For Lincoln's Challenge.....	<u>3,248,800</u>
Total.....	\$5,511,400
Payable from Federal Support Agreement Revolving Fund:	
<u>Army/Air Reimbursable Positions</u>	<u>6,951,050</u>
Army/Air Reimbursable Positions	6,613,300
Lincoln's Challenge	4,889,700
Lincoln's Challenge Stipend Payments	<u>1,200,000</u>
Total.....	\$12,703,000

FACILITIES OPERATIONS

Payable from General Revenue Fund:	
For Personal Services	4,760,200
For Employee Retirement Contributions	
Paid by Employer	190,400
For State Contributions to State	
Employees' Retirement System	639,700
For State Contributions to	
Social Security	364,200
For Contractual Services.....	1,959,300
For Commodities	89,400
For Equipment	<u>17,600</u>
Total.....	\$8,020,800

Section 13. "An Act regarding appropriations", Public Act 93-91, approved July 3, 2003, with certain items vetoed or reduced is amended by adding Section 96 of Article 3 as follows:

(P.A. 93-91, Art. 3, Sec. 96, new)

Sec. 96. The amount of \$500,000 is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for the purpose of funding Public Act 93-46.

Section 14. "An Act regarding appropriations", Public Act 93-98, approved July 3, 2003, with certain items vetoed or reduced is amended by adding Section 80 as follows:

(P.A. 93-98, Sec. 80, new)

Sec. 80. The sum of \$150,000, or so much thereof as may be necessary, is appropriated to the Attorney General to meet the ordinary and contingent expenses for the Office of Inspector General.

Section 15. "An Act regarding appropriations", Public Act 93-91, approved July 3, 2003, with certain items vetoed or reduced is amended by adding Section 75 of Article 17 as follows:

(P.A. 93-91, Art. 17, Sec. 75, new)

Sec. 75. The sum of \$150,000, or so much thereof as may be necessary, is appropriated to the General Assembly's Office of the Inspector General to meet their ordinary and contingent expenses.

Section 16. "An Act regarding appropriations", Public Act 93-91, approved July 3, 2003, with certain items vetoed or reduced is amended by adding Section 6 of Article 11 as follows:

(P.A. 93-91, Art. 11, Sec. 6, new)

Sec. 6. The sum of \$150,000, or so much thereof as may be necessary, is appropriated to the Office of the Comptroller to meet the ordinary and contingent expenses for the Office of Inspector General.

Section 17. "An Act making appropriations", Public Act 93-587, approved in part and item-vetoed in part on August 22, 2003, is amended by changing Section 27 of Article 2 as follows:

(P.A. 93-587, Article 2, Section 27)

Sec. 27. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from appropriations and reappropriations heretofore made for such purposes in Article 1, Section 14 and Article 2, Sections 25 and 110 of Public Act 92-717, are reappropriated from the Capital Development Fund to the Capital Development Board for the Board of Higher Education for the projects hereinafter enumerated:

ILLINOIS MATHEMATICS AND SCIENCE ACADEMY - AURORA	
(From Article 1, Section 14 of Public Act 92-717)	
For constructing a mezzanine level in east gymnasium and purchasing equipment, in addition to funds previously appropriated	\$5,943,800
(From Article 2, Section 110 of Public Act 92-717)	
To plan and begin construction of a <u>space for the delivery of teacher training and development and student enrichment programs mezzanine level in the east gymnasium</u>	1,996,393
(From Article 2, Section 25 of Public Act 92-717)	
For replacing carpeting, constructing storage building and various site improvements, including extending communications conduit system	188,823
For the purchase, renovation and improvement of the North Campus High School site of the Aurora West School District 129, including construction of four dormitories, equipment purchases and other expenses for use by the Illinois Mathematics and Science Academy	185,532
Total	\$8,314,548

Section 18. "An Act regarding appropriations", Public Act 93-0091, approved July 3, 2003, with certain items vetoed or reduced is amended by changing Section 5 of Article 6 as follows:

(P.A. 93-91, Art. 6, Sec. 5)

Sec. 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Property Tax Appeal Board:

Payable from the General Revenue Fund:	
For Personal Services	\$1,325,300
For Employee Retirement Contributions	
Paid by Employer	51,300
For State Contributions to State	
Employees' Retirement	
System.....	179,300
For State Contributions to	
Social Security	102,100
For Contractual Services	44,000
For Travel	32,000
For Commodities	10,000
For Printing	1,000
For Equipment	8,000
For Electronic Data	
Processing	50,000
For Telecommunication	
Services.....	44,500
For Operation of Auto	
Equipment.....	11,300
For Refunds.....	200
<u>For the purpose of reestablishing the</u>	
<u>Cook County Office.....</u>	<u>220,000</u>
Total.....	1,862,000

Section 19. "An Act regarding appropriations", Public Act 93-72, approved July 1, 2003, is amended by adding Section 30 of Article 1 as follows:

(P.A.93-72, Art. 1, Sec. 30, new)

Sec.30. The sum of \$1,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Arts Council for the purpose of providing grants and related operational expenses.

Section 20. "An Act regarding appropriations", Public Act 93-90, approved July 3, 2003, with certain items vetoed or reduced is amended by adding Section 125 of Article 3 as follows:

(P.A.93-90, Art. 3, Sec. 125, new)

Sec. 125. The sum of \$100,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Illinois Community College Board for a grant to Kishwaukee College for technology and computer related equipment.

Section 21. "An Act regarding appropriations", Public Act 93-91, approved July 3, 2003, with certain items vetoed or reduced is amended by adding Section 27 of Article 8 as follows:

(P.A.93-91, Art. 8, Sec. 27, new)

Sec. 27. The sum of \$320,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for traffic signalization and road construction improvements for Illinois Route 57 at Radio Road.

Section 22. Item and reduction veto not restored. Nothing in this Article shall be construed to restore an item or reduction veto.

ARTICLE 4

Division FY 01. This Division contains appropriations initially made for the fiscal year beginning July 1, 2000, for the purposes of the Illinois FIRST Program.

Section 26. The amount of \$228,836, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 3, Division FY01, Section 26 of Public Act 92-0717, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the Chicago Zoological Society for development and improvements at Brookfield Zoo.

Section 2-81. The sum of \$100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for such purpose in Article 3, Division FY00, Section 2-81 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the Village of Downers Grove for the Nigas bikeway in Woodbridge and Downers.

Section 2-83. The sum of \$87,574, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for such purpose in Article 3, Division FY 00, Section 2-83 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the Village of Glenview for a bike trail extension from Lake Avenue to Metra Station.

Section 2-103. The sum of \$141,727, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for such purpose in Article 3, Division FY00, Section 2-103 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the Village of Antioch for a bike path at Longview and Deep Lake Road.

Section 2-104. The sum of \$200,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for such purpose in Article 3, Division FY00, Section 2-104 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the Village of Hanover Park for a bike path.

Division FY87a. The reappropriations in this Division continue certain appropriations initially made for the fiscal year beginning July 1, 1986, for the purposes of the Build Illinois Program set forth below.

ARTICLE 5

Section 66. The sum of \$750,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 35, Section 66 of Public Act 92-538, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Chicago Park District for all costs associated with the acquisition, development, renovation, repair or construction, and equipment for a regional indoor youth athletic facility.

Section 67. The sum of \$53,200, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 35, Section 67 of Public Act 92-538, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Chicago Park District for all costs associated with acquisition, construction, development, and purchase of equipment for the planned park at the corner of Roscoe and Racine.

Section 67a. The sum of \$21,800, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 35, Section 67a of Public Act 92-538, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Lakeview Citizens Council for all costs associated with infrastructure improvements at Gil Park.

Section 68. The sum of \$300,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 35, Section 68 of Public Act 92-538, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Chicago Park District for all costs of developing, planning, and constructing recreational facilities at Fosco Park.

Section 94. The sum of \$100,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 35, Section 94 of Public Act 92-538, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for a grant to the Deerfield Park District.

Section 99. The sum of \$75,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 35, Section 99 of Public Act 92-538, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for a grant to the City of East Moline for the park garage and ravine flood repair in the City of East Moline.

Section 113. The amount of \$5,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 35, Section 113 of Public Act 92-538, approved June 10, 2002, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Village of Arlington for the purpose of improving parks and creating recreational opportunities.

Section 115. The amount of \$50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for such purposes in Article 35, Section 115 of Public Act 92-538, approved June 10, 2002, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the City of Chicago for the purpose of redeveloping Burton Place Park.

Section 117. The amount of \$10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 35, Section 117 of Public Act 92-538, approved June 10, 2002, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Chicago Park District for the purpose of landscaping and restoration of a field house at McKiernan Park.

Section 118. The amount of \$20,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 35, Section 118 of Public Act 92-538, approved June 10, 2002, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Chicago Park District for the purpose of landscaping and restoration of a field house at Palmer Park.

Section 127. The amount of \$300,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 35, Section 127 of Public Act 92-538, approved June 10, 2002, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Village of Orland Park for the purpose of connecting bike paths.

Section 128. The amount of \$10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 35, Section 128 of Public Act 92-538, approved June 10, 2002, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the City of Chicago for the purpose of redeveloping a bus turnaround into a public park at Clark and Wisconsin in the 43rd Ward.

Section 129. The amount of \$55,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 35, Section 129 of Public Act 92-538, approved June 10, 2002, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to F.P.D. of Cook County for the purpose of capital improvements for Edgebrook Community Center.

Section 136. The sum of \$1,100,786, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 35, Section 136 of Public Act 92-538, approved June 10, 2002, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to Bronzeville Children's Museum for land acquisition and construction of a new museum.

Section 138. The sum of \$150,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 35, Section 138 of Public Act 92-538, approved June 10, 2002, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the City of Pekin for Pekin Lake.

Section 140. The sum of \$100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 35, Section 140 of Public Act 92-538, approved June 10, 2002, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Dolton Park District for the purpose of a playground and maintenance equipment.

Section 141. The sum of \$125,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 35, Section 141 of Public Act 92-538, approved June 10, 2002, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Illinois Valley YMCA to construct a walking/biking path, toboggan run, ice hockey rink and rollerblade park.

Section 147. The sum of \$635,629, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 35, Section 147 of Public Act 92-538, approved June 10, 2002, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for grants to units of local government for infrastructure improvements including but not limited to park and recreational projects, facilities, bike paths, and equipment.

Section 149. The amount of \$4,214,737, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 35, Section 149 of Public Act 92-538, approved June 10, 2002, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for grants to units of local government and not-for-profit entities for park and recreational projects, museums, facilities, infrastructure improvements and equipment.

Section 161. The sum of \$250,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 35, Section 161 of Public Act 92-538, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for the purpose of a grant to the Village of Cahokia for the Lewis and Clark Visitors Center.

Section 164. No contract shall be entered into or obligation incurred or any expenditure made from a appropriation herein made in Sections 31, 32, 33, 34, 39, 41, 52, 59, 61, 66, 67, 68, 109, 115, 153, 156, 160 and 161 until after the purpose and amount of such expenditure has been approved in writing by the Governor.

Section 167. The sum of \$700,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for such purpose in Article 57, Division FY00, Section 2-101 of Public Act 92-8, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources, Office of Water Resources for construction of the Rand Park Flood Control Project in the City of Des Plaines and for costs associated with the rehabilitation of Farmers and Prairie Creeks.

Section 1. "AN ACT making appropriations", Public Act 93-97, approved July 3, 2003, is amended by changing Sections 10, 20, 35, 65, 90, 130, 135, 145, 200, 215, 240 and 270 of Article 1 as follows:

(P.A. 93-97, Art. 1, Sec. 10)

Sec. 10. The sum of \$5,400,000, new appropriation, is appropriated, and the sum of ~~\$5,182,982~~ ~~\$4,688,500~~, less \$2,929,000, to be lapsed from the unexpended balance, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2003, from appropriations and reappropriations heretofore made in Article 35, Section 2 of Public Act 92-538, as amended, are reappropriated from the Conservation 2000 Fund to the Department of Natural Resources for the Conservation 2000 Program to implement ecosystem-based management for Illinois' natural resources.

(P.A. 93-97, Art. 1, Sec. 20)

Sec. 20. The sum of ~~\$11,575,646~~ ~~\$7,645,400~~ or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2003, from appropriations heretofore made for such purposes in Article 35, Sections 3 and 4 of Public Act 92-538, as amended, is reappropriated from the Conservation 2000 Projects Fund to the Department of Natural Resources for the acquisition, planning and development of land and long-term easements, and cost-shared natural resource management practices for ecosystem-based management of Illinois' natural resources, including grants for such purposes.

(P.A. 93-97, Art. 1, Sec. 35)

Sec. 35. The sum of ~~\$7,087,237~~ ~~\$3,725,800~~, less \$1,000,000, to be lapsed from the unexpended balance, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 35, Section 6 of Public Act 92-538, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for the non-federal cost share of a Conservation Reserve Enhancement Program to establish long-term contracts and permanent conservation easements in the Illinois River Basin; to fund cost-share assistance to landowners to encourage approved conservation practices in environmentally sensitive and highly erodible areas of the Illinois River Basin; and to fund the monitoring of long term improvements of these conservation practices as required in the Memorandum of Agreement between the State of Illinois and the United States Department of Agriculture.

(P.A. 93-97, Art. 1, Sec. 65)

Sec. 65. The sum of ~~\$820,389~~ ~~\$476,800~~, less \$150,000 to be lapsed from the unexpended balance, or so much thereof as may be necessary and as remains unexpended, at the close of business on June 30, 2003, from appropriations heretofore made in Article 35, Sections 12 and 13 of Public Act 92-538, as amended, is reappropriated from the Plugging and Restoration Fund to the Department of Natural Resources for plugging and restoration projects.

(P.A. 93-97, Art. 1, Sec. 90)

Sec. 90. The sum of \$1,651,800, new appropriation, is appropriated, and the sum of ~~\$3,974,832~~ ~~\$2,324,800~~, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2003, from appropriations heretofore made in Article 35, Section 8, on page 277, lines 2-5 and Section 9, on page 277, of Public Act 92-538, as amended, is reappropriated from the Wildlife and Fish Fund to the Department of Natural Resources for wildlife conservation and restoration plans and programs from federal funds provided for such purposes.

(P.A. 93-97, Art. 1, Sec. 130)

Sec. 130. The following named sums, or so much thereof as may be necessary, and is available for expenditure as provided herein, are appropriated from the Park and Conservation Fund to the Department of Natural Resources for the following purposes:

The sum of \$500,000, new appropriation, is appropriated and the sum of ~~\$4,056,600~~ ~~\$5,056,610~~, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2003, from appropriations heretofore made in Article 35, Section 25 on page 298, lines 10 and 11 of Public Act 92-538, as amended, is reappropriated for land acquisition,

development and maintenance of bike paths and all other related expenses connected with the acquisition, development and maintenance of bike paths.

The sum of \$65,300 or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 35, Section 25, on page 298, lines 19-25 of Public Act 92-538, as amended, is reappropriated for land acquisition, development and grants, for the following bike paths at the approximate costs set forth below:

Great River Road/Vadalabene Bikeway	
through Grafton	\$1,700
Super Trail between the Quad Cities	
and Savannah.....	52,000
Illinois Prairie Path in	
Cook County.....	11,700

The sum of \$2,500,000, new appropriation, is appropriated, and the sum of \$14,593,202 ~~\$11,593,200~~, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2003, from appropriations heretofore made in Article 35, Section 25, on page 298, lines 32-33 and page 299, lines 1-6 of Public Act 92-538, as amended, is reappropriated for grants to units of local government for the acquisition and development of bike paths.

The sum of \$56,700, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 35, Section 25, on page 299, lines 7-13 of Public Act 92-538, as amended, is reappropriated for land acquisition, development, grants and all other related expenses connected with the acquisition and development of bike paths.

No funds in this Section may be expended in excess of the revenues deposited in the Park and Conservation Fund as provided for in Section 2-119 of the Illinois Vehicle Code.

(P.A. 93-97, Art. 1, Sec. 135)

Sec. 135. The sum of \$1,500,000, new appropriation, is appropriated, and the sum of \$4,582,508 ~~\$2,482,500~~, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2003, from appropriations heretofore made in Article 35, Section 26 of Public Act 92-538, as amended, is reappropriated from the Park and Conservation Fund to the Department of Natural Resources for the development and maintenance of recreational trails and trail-related projects authorized under the Intermodal Surface Transportation Efficiency Act of 1991, provided such amount shall not exceed funds to be made available for such purposes from state or federal sources.

(P.A. 93-97, Art. 1, Sec. 145)

Sec. 145. The following named sums, or so much thereof as may be necessary, respectively, and as remains unexpended at the close of business on June 30, 2003, from appropriations heretofore made for such purposes, are reappropriated to the Department of Natural Resources for the objects and purposes set forth below:

Payable from General Revenue Fund:

(From Article 35, Section 28, on page 300, lines 28-33 and on page 301, lines 1-3, and Section 29 on page 303, lines 5-13 of Public Act 92-538)

For multiple use facilities and programs for conservation purposes provided by the Department of Natural Resources, including construction and development, all costs for supplies, material, labor, land acquisition, services, studies and all other expenses required to comply with the intent of this appropriation, less \$65,100 to be lapsed from the unexpended balance	1,903,032
from the unexpended balance	1,021,700

Payable from State Boating Act Fund:

(From Article 35, Section 28 on

page 301, lines 9-16, and Section 29 on page 303, lines 15-23 of Public Act 92-538)

For multiple use facilities and programs for boating purposes provided by the Department of Natural Resources including construction and development, all costs for supplies, materials, labor, land acquisition, services, studies and all other expenses required to comply with the intent of this appropriation 1,941,452
~~the intent of this appropriation 741,500~~

Payable from the Illinois Beach Marina Fund:
 (From Article 35, Section 28 on page 301, lines 21-25, and Section 29 on page 303, lines 25-28 of Public Act 92-538)

For rehabilitation, reconstruction, repair, replacing, fixed assets, and improvement of facilities at North Point Marina at Winthrop Harbor 178,600

Payable from Natural Areas Acquisition Fund:
 (From Article 35, Section 28 on page 302, lines 12-18, and Section 29 on page 303, lines 30-34, and on page 304, line 1 of Public Act 92-538)

For the acquisition, preservation and stewardship of natural areas, including habitats for endangered and threatened species, high quality natural communities, wetlands and other areas with unique or unusual natural heritage qualities, less \$8,000,000 to be lapsed from the unexpended balance..... 10,896,169
~~to be lapsed from the unexpended balance..... 5,496,200~~

Payable from the State Parks Fund:
 (From Article 35, Section 28 on page 302, lines 24-31, and Section 29 on page 304, lines 3-10 of Public Act 92-538)

For multiple use facilities and programs for park and trail purposes provided by the Department of Natural Resources, including construction and development, all costs for supplies, materials, labor, land acquisition, services, studies, and all other expenses required to comply with the intent of this appropriation 501,422
~~the intent of this appropriation 368,900~~

Total \$16,116,500

(P.A. 93-97, Art. 1, Sec. 200)

Sec. 200. The sum of \$725,000, new appropriation, is appropriated and the sum of ~~\$2,840,308~~ ~~\$2,115,300~~ or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2003, from appropriations heretofore made in Article 35, Section 60 of Public Act 92-538, as amended, is reappropriated from the State Boating Act Fund to the Department of Natural Resources for the administration and payment of grants to local governmental units for the construction, maintenance, and improvement of boat access areas.

(P.A. 93-97, Art. 1, Sec. 215)

Sec. 215. To the extent federal funds including reimbursements are available for such purposes, the sum of \$100,000, new appropriation, is appropriated, and the sum of ~~\$237,058~~ ~~\$137,100~~ or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2003, from appropriations heretofore made in Article 35, Section 71 of Public Act 92-538, as amended, is reappropriated from the Wildlife and Fish Fund to the Department of Natural Resources for construction and renovation of waste reception facilities for recreational boaters, including grants for such purposes authorized under the Clean Vessel Act.

(P.A. 93-97, Art. 1, Sec. 240)

Sec. 240. The sum of \$120,000, new appropriation, is appropriated and the sum of ~~\$181,648~~ ~~\$120,200~~, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2003, from appropriations heretofore made in Article 35, Section 77 of Public Act 92-538, as amended, is reappropriated from the State Boating Act Fund to the Department of Natural Resources for the purposes of the Snowmobile Registration and Safety Act and for the administration and payment of grants to local governmental units for the construction, land acquisition, lease, maintenance and improvement of snowmobile trails and access areas.

(P.A. 93-97, Art. 1, Sec. 270)

Sec. 270. The sum of \$6,000,000, new appropriation, is appropriated and the sum of ~~\$10,472,502~~ ~~\$6,415,800~~, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2003, from appropriations heretofore made in Article 35, Section 83 of Public Act 92-538, as amended, is reappropriated to the Department of Natural Resources from the Abandoned Mined Lands Reclamation Council Federal Trust Fund for grants and contracts to conduct research, planning and construction to eliminate hazards created by abandoned mines, and any other expenses necessary for emergency response.

ARTICLE 7

Section 1. "AN ACT making appropriations", Public Act 93-91, approved July 3, 2003, is amended by changing Section 20 of Article 4 as follows:

(P.A. 93-91, Art. 4, Sec. 20)

Sec. 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Working Capital Revolving Fund to the Department of Corrections:

ILLINOIS CORRECTIONAL INDUSTRIES	
For Personal Services	10,185,200
For Employee Retirement Contributions	
Paid by Employer	560,100
For the Student, Member and Inmate	
Compensation	2,800,000
For State Contributions to State	
Employees' Retirement System	1,074,600
For State Contributions to	
Social Security	779,200
For Group Insurance	1,979,200
For Contractual Services.....	3,900,000
For Travel.....	154,500
For Commodities	35,000,000
For Printing	51,000
For Equipment	3,200,000
For Telecommunications Services.....	75,000
For Operation of Auto Equipment.....	800,000
For Repairs, Maintenance and Other	
Capital Improvements.....	750,000
For Refunds.....	<u>20,000</u>

Total.....\$61,328,800

Section 2. "AN ACT making appropriations", Public Act 93-91, approved July 3, 2003, is amended by changing Section 45 of Article 3 as follows:

(P.A. 93-917, Art. 3, Sec. 45)

Sec. 45. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

BUREAU OF TECHNOLOGY AND INDUSTRIAL COMPETITIVENESS
GRANTS-IN-AID

Payable from General Revenue Fund:

For the Job Training and Economic Development Grant Program Act of 1997, as amended, including grants, contracts, and administrative expenses, including prior year costs..... 1,450,000

For Grants, Contracts and Administrative Expenses for the Industrial Training Program, Pursuant to 20 ILCS 605/605-800 and 20 ILCS 605/605-802, Including Prior Year Costs 9,521,500

For Grants and Administrative Expenses Pursuant to the High Technology School-to-Work Act, Including Prior Year Costs 981,500

For Grants and Administrative Expenses for the Illinois Technology Enterprise Corporation Program, including prior year costs 454,000

For all costs relating to the Center for Safe Food for Small Business at the Illinois Institute of Technology 200,000

For Current Workforce Training Grants..... 2,300,000

For Grants for the Workplace Skills Enhancement Program..... 400,000

For a grant to match private funds available to the Higher Education & Business Partnership Initiative..... 2,200,000

Total \$17,507,000

Payable from the New Technology Recovery Fund:

For Grants, Loans, Investments, and Administrative Expenses Pursuant to the Technology Advancement and Development Act, Including Prior Year Costs 3,155,400

Payable from the Workforce, Technology, and Economic Development Fund:

For Grants, Contracts, and Administrative Expenses Pursuant to 20 ILCS 605/605-420, Including Prior Year Costs..... 11,400,000

Payable from the Tobacco Settlement Recovery Fund:

For Grants and Administrative Expenses For the Illinois Technology Enterprise Corporation Program, Including Prior Year Costs..... 1,500,000

Payable from the Illinois Equity Fund:

For Grants, Loans, and Investments in Accordance with the Provisions of Public Act 84-0109, as amended..... 2,850,000

Payable from the Digital Divide Elimination Fund:

For Grants, Contracts, and Administrative Expenses Pursuant to 30 ILCS 780, Including Prior Year Costs 4,250,000
 Payable from the Federal Workforce Training Fund:
 For Grants, Contracts and Administrative Expenses and refunds Associated with the Workforce Investment Act and other workforce training programs including prior year costs..... 240,000,000

Section 3. "AN ACT making appropriations", Public Act 93-92, approved July 3, 2003, is amended by changing Section 100 of Article 2 as follows:

(P.A. 93-92, Art. 2, Sec. 100)

Sec. 100. The following named sums, or so much thereof as may be necessary, are appropriated to the Department of Human Services for the following purposes:

For costs related to Developmental Disability Community Transitions, Including Operations and Administration 2,450,000
 For a Grant to the Autism Project for an Autism Diagnosis Education Program for Young Children:
 Payable from the General Revenue Fund.....2,500,000
 For Intermediate Care Facilities for the Mentally Retarded and Alternative Community Programs in fiscal year 2004 ~~2003~~ and in all prior fiscal years:
 Payable from the General Revenue Fund..... 336,614,900
 Payable from the Care Provider Fund for Persons With A Developmental Disability .. 36,000,000
 For Costs Associated with Mental Health Services for Youths in the Juvenile Justice System:
 Payable from the General Revenue Fund..... 1,864,300
 Total \$379,564,900

Section 4. "AN ACT making appropriations", Public Act 93-76, approved July 1, 2003, is amended by changing Section 60 of Article 1 as follows:

(P.A. 93-76, Art. 1, Sec. 60)

Sec. 60. No contract shall be entered into or obligation incurred for any expenditures made from an appropriation herein made in Sections 20, 45, 50 and 55 ~~4, 8 and 9~~ until after the purpose and amount have been approved in writing by the Governor.

Section 5. "AN ACT making appropriations", Public Act 93-91, approved July 30, 2003, is amended by changing Section 30 of Article 8 as follows:

(P.A. 93-91, Art. 8, Sec. 30)

Sec. 30. No contract shall be entered into or obligation incurred or any expenditure made from an appropriation herein made in

Section 2	Permanent Improvements
Section 16b2	Series A Road Program
Section 18b1	Series B (Aeronautics)
Section 18b1a	Series B Land Acquisition Third Airport Section 18b2GRF
Capital (Aeronautics)	
Section 18b3	Airport Land Loan Revolving Fund
Section 19b	GRF Reduced Fares Downstate
Section 19b1	GRF Reduced Fares RTA
Section 19b2	Series B (Transit)

Section 19b4	SCIP Debt Service I
Section 19b5	SCIP Debt Service II
Section 19b9	GRF Capital (Transit)
Section 20a	GRF Rail Passenger
Section 20a1	GRF Rail Freight Program
Section 20a2	State Rail Freight Loan Repayment
Section 20a3	Fed Rail Freight Loan Repayment
Section 20a4	GRF Rail Freight Match
Section 20a5	Fed High Speed Rail Trust
Section 20a6	Series B Rail

of this Article until after the purpose and the amount of such expenditure has been approved in writing by the Governor.

Section 6. "AN ACT making appropriations", Public Act 93-91, approved July 30, 2003, is amended by changing Sections 3a1, 5b9, 5b16, 5b17, 8b3, 9a, 59, 60, 61, 62 and 64 of Article 8A as follows:

(P.A. 93-91, Art. 8A, Sec. 3a1)

Sec. 3a1. The sum of \$13,483,052 ~~\$10,757,102~~, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the appropriations and reappropriations heretofore made for Local Traffic Signal Maintenance Agreements and City, County and other State Maintenance Agreements in Article 51, Section 4b1 and Article 52, Section 3a1 of Public Act 92-538, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

(P.A. 93-91, Art. 8A, Sec. 5b9)

Sec. 5b9. The following named sums, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the appropriations heretofore made in Article 51, Section ~~16b1~~ ~~46b2~~ of Public Act 92-538, are reappropriated from the State Construction Account Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the "Illinois Highway Code"; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-0850; and for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations, and scale houses, in accordance with applicable laws and regulations as follows:

District 1, Schaumburg	\$134,821,328
District 2, Dixon	19,623,072
District 3, Ottawa	12,028,771
District 4, Peoria	9,045,128
District 5, Paris	11,151,855
District 6, Springfield	20,617,417
District 7, Effingham	14,081,835
District 8, Collinsville	28,335,330
District 9, Carbondale	10,883,805
Statewide	<u>35,773,773</u>
Total	\$366,830,300

(P.A. 93-91, Art. 8A, Sec. 5b16)

Sec. 5b16. The sum of \$121,264,868, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section ~~5b13a~~ ~~5b13~~ of Public Act 92-538, for statewide purposes, is reappropriated from the Transportation Bond Series A Fund to the Department of Transportation for the same purposes.

(P.A. 93-91, Art. 8A, Sec. 5b17)

Sec. 5b17. The sum of \$12,782,973, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in

Article 52, Section ~~5b13~~ ~~5b13a~~ of Public Act 92-538, for statewide purposes, is reappropriated from the Transportation Bond Series A Fund to the Department of Transportation for the same purposes.

(P.A. 93-91, Art. 8A, Sec. 8b3)

Sec. 8b3. The sum of \$12,931,527, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from the appropriation and reappropriation concerning Public Transportation heretofore made in ~~Article 51, Section 19b9~~ and Article 52, Section 8b3 of Public Act 92-538, as amended, is reappropriated from the General Revenue Fund to the Department of Transportation for the same purposes.

(P.A. 93-91, Art. 8A, Sec. 9a)

Sec. 9a. The sum of \$4,405,523, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the appropriation and reappropriation concerning Rail Freight Service Assistance Program heretofore made in ~~Article 51, Section 20a1~~ and Article 52, Section 9a of Public Act 92-538, as amended, is reappropriated from the General Revenue Fund to the Department of Transportation for the same purposes.

(P.A. 93-91, Art. 8A, Sec. 64)

Sec. 64. No contract shall be entered into or obligation incurred or any expenditure made from a reappropriation herein made in

- Section 2 Permanent Improvements
- Section 3a Rail Relocation - Federal
- Section 3a2 Rail Relocation - State
- ~~Section 5b6 CDB - Enhancement~~
- ~~Section 5b7 CDB - Enhancement~~
- ~~Section 5b8 CDB - Enhancement~~
- ~~Section 5b13 Series A (Road Program)~~
- ~~Section 5b15 Series A (Road Program)~~
- ~~Section 5b16 Series A (Road Program)~~
- ~~Section 5b17 Series A (Road Program)~~
- Section 6a1 Series B (Aeronautics)
- Section 6a2 GRF Capital (Aeronautics)
- Section 6b Series B (Land Acquisition Third Airport)
- Section 8b Series B (Transit)
- Section 8b1 Series B (Transit)
- Section 8b2 Series B (Transit)
- Section 8b3 GRF Capital (Transit)
- Section 9a GRF Rail Freight Program
- Section 9a1 State Rail Freight Loan Repayment
- Section 9a2 Federal Rail Freight Loan Repayment
- Section 9a3 GRF Rail Freight Match
- Section 9a4 GRF High Speed Rail - Federal
- Section 9a5 FHSRTF High Speed Rail - Federal
- Section 9a6 GRF High Speed Rail - State
- Section 9a7 Series B (Rail)
- Section 32 Canadian National Railroad Tracks
- Section 47 Reconstruction of Industrial Drive
- Section 48 Reconstruction of Airport Rd and Chartres St
- Section 49 Traffic signal at 51st St West in Rock Island
- Section 53 Various Improvement Projects
- Section 55 Reconstruction of Towanda-Barnes Road

of this Article until after the purpose and the amount of such expenditure has been approved in writing by the Governor.

Section 7. "AN ACT making appropriations", Public Act 93-62, approved June 30, 2003, is amended by changing Section 2 of Article 4 as follows:

(P.A. 93-62, Art. 4, Sec. 2)

Sec. 2. The sum of \$2,980,300, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2003, from appropriations heretofore made for such

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purposes in Article 62, Section ~~1~~ 2 of Public Act 92-538, is reappropriated from the Drycleaner Environmental Response Trust Fund to the Drycleaner Environmental Response Trust Fund Council for use in accordance with the Drycleaner Environmental Response Trust Fund Act.

Section 8. "AN ACT making appropriations", Public Act 93-587, approved August 27, 2003, is amended by changing Section 80 of Article 4 as follows:

(P.A. 93-587, Art. 4, Sec. 80)

Sec. 80. The amount of \$40,139, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for such purpose in Article 12, Section ~~45~~ 55 of Public Act 92-538, is reappropriated to Southern Illinois University from the Capital Development Fund for digitalization infrastructure for WUSI-TV (Olney).

Section 9. "AN ACT making appropriations", Public Act 93-95, approved July 3, 2003, is amended by changing Section 10 of Article 2 as follows:

(P.A. 93-95, Art. 2, Sec. 10)

Sec. 10. The following amounts, or so much thereof as may be necessary, respectively, are appropriated to the Board of Trustees of the State Universities Retirement System for the State's contribution, as provided by law:

Payable from the Education Assistance Fund	\$175,000,000
Payable from the Common School Fund	\$250,000,000
Payable from the General Revenue Fund	121,080,000
Payable from the General Revenue Fund	46,080,000
Total	\$296,080,000

Section 10. "AN ACT making appropriations", Public Act 93-91, approved July 3, 2003, is amended by changing Sections 80 and 85 of Article 16 as follows:

(P.A. 93-91, Art. 16, Sec. 80)

Sec. 80. The amount of \$205,000, or so much of this amount as may be necessary and remains unexpended on June 30, 2003 from an appropriation heretofore made for such purpose in Section 85 of Article ~~19~~ 26 of Public Act ~~92-538~~ 92-8, is reappropriated from the Capital Development Fund to the Legislative Space Needs Commission for plans, specifications, and continuation of work pursuant to the report and recommendations of the architectural, structural, and mechanical surveys of the State Capitol Building. This is for the continuation of the rehabilitation of the Capitol Building.

(P.A. 93-91, Art. 16, Sec. 85)

Sec. 85. The sum of \$830,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from appropriations heretofore made for such purposes in Section 90 of Article ~~19~~ 26 of Public Act ~~92-538~~ 92-8, is reappropriated from the Capital Development Fund to the Legislative Space Needs Commission for remodeling, planning, relocation, permanent equipment, and other related expenses, including architectural and engineering fees associated with construction, for the remodeling of office space and other support areas under the jurisdiction of the House of Representatives and the Senate.

Section 11. "AN ACT making appropriations", Public Act 93-91, approved July 3, 2003, is amended by changing Sections 55 and 70 of Article 17 as follows:

(P.A. 93-91, Art. 17, Sec. 55)

Sec. 55. The following named sums, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made for such purposes in Article ~~18~~ 53 of Public Act ~~92-538~~ 91-706 as amended by this Act, are appropriated for expenses in connection with the planning and preparation of redistricting of legislative and representative districts as required by Article IV, Section 3 of the Illinois Constitution of 1970:

For the Speaker	441,600
For the Minority Leader	<u>0</u>

Total.....\$441,600

(P.A. 93-91, Art. 17, Sec. 70)

Sec. 70. As used in Sections 35 and 40 ~~30 and 35~~ hereof, except where the approval of the Speaker of the House of Representatives is expressly required for the expenditure of or the incurring of indebtedness against an appropriation for certain purchases on contract, "Speaker" means the leader of the party having the largest number of members of the House of Representatives as of January 13, 2003 ~~2004~~, and "Minority Leader" means the leader of the party having the second largest number of members of the House of Representatives as of January 13, 2003 ~~2004~~.

ARTICLE 8A

Section 1. The amount of \$1,354,435, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from an appropriation made in Article 34, Section 88 of Public Act 92-538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for all costs associated with grants to various units of local government, community, civic, not-for-profit, educational facilities and business development organizations for the purpose of grants which include, but are not limited to, one-time operating assistance, construction, rehabilitation, equipment purchases, and any other necessary costs.

Section 2. The amount of \$2,998,305, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from an appropriation made in Article 34, Section 92 of Public Act 92-538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for all costs associated with grants to governmental units, community, civic, not-for-profit, educational facilities and business development organizations for the purpose of grants which include, but are not limited to, one-time operating assistance, construction, rehabilitation, equipment purchases, and any other necessary costs.

Section 3. The amount of \$15,772,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from an appropriation made in Article 34, Section 93 of Public Act 92-538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for all costs associated with grants to governmental units, community, civic, not-for-profit, educational facilities and business development organizations for the purpose of grants which include, but are not limited to, one-time operating assistance, construction, rehabilitation, equipment purchases, and any other necessary costs.

Section 4. The amount of \$8,408,500, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from an appropriation made in Article 34, Section 94 of Public Act 92-538, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for all costs associated with various construction and/or rehabilitation projects, and equipment purchases for various units of local government, educational facilities and other eligible entities.

Section 5. The sum of \$50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation made in Article 34, Section 2.4 of Public Act 92-538, as amended, is reappropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for grants to local governments and not-for-profit entities.

Section 6. The sum of \$1,060,912, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for such purposes in Article 34, Section 58 of Public Act 92-0538, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for a grant to the DuPage County Board for all costs associated with the expansion of the Sheriff's Administration Building in DuPage County.

Section 7. The sum of \$69,632, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in

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Article 34, Section 59 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for a grant to the DuPage County Board for all costs associated with the completion of the DuPage Veterans' Memorial.

Section 8. The sum of \$1,459,799, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 34, Section 60 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for grants to units of local government, educational facilities and not-for-profit organizations for infrastructure improvements including but not limited to planning, construction, reconstruction, equipment, utilities and vehicles, and all costs associated with economic development, community programs, educational programs, public health, and public safety.

Section 9. The sum of \$1,599,125, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for such purposes in Article 34, Section 61 of Public Act 92-0538, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for grants to units of local government and educational facilities for all costs associated with infrastructure improvements and capital projects, including equipment and vehicles.

Section 10. The sum of \$6,548,727 or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for such purposes in Article 34, Section 89 of Public Act 92-0538, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for grants to units of local government, and educational facilities for all costs associated with infrastructure improvements and capital projects, including equipment and vehicles.

Section 11. The sum of \$14,846,409, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 34, Section 90 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for grants to units of local government, educational facilities and not-for-profit organizations for infrastructure improvements including, but not limited to planning, construction, reconstruction, equipment, utilities and vehicles, and all costs associated with economic development, community programs, educational programs, public health, and public safety.

ARTICLE 8B

Section 1. The sum of \$5,630,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the appropriation heretofore made in Article 52, Section 10 of Public Act 92-538, is reappropriated from the Road Fund to the Department of Transportation for preliminary engineering and construction and contract costs of construction, including, but not limited to, reconstruction, extension and improvement of highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities, storage and sanitary facilities, equipment, traffic control, sidewalks, pedestrian overpasses and such other purposes as provided by the "Illinois Highway Code"; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-0500; and for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; for signage and warning lights; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations, and scale houses, in accordance with applicable laws and regulations; and for any grants to units of local government to undertake any of the aforementioned activities.

Section 2. The sum of \$9,815,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the appropriation heretofore made in Article 52, Section 11 of Public Act 92-538, is reappropriated from the Road Fund to the Department of Transportation for preliminary engineering and construction and contract costs of construction, including, but not limited to, reconstruction, extension and improvement of highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities, storage and

sanitary facilities, equipment, traffic control, sidewalks, pedestrian overpasses and such other purposes as provided by the "Illinois Highway Code"; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-0500; and for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; for signage and warning lights; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations, and scale houses, in accordance with applicable laws and regulations; and for any grants to units of local government to undertake any of the aforementioned activities.

Section 3. The sum of \$9,671,700, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the appropriation heretofore made in Article 52, Section 12 of Public Act 92-538, is reappropriated from the Road Fund to the Department of Transportation for preliminary engineering and construction and contract costs of construction, including, but not limited to, reconstruction, extension and improvement of highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities, storage and sanitary facilities, equipment, traffic control, sidewalks, pedestrian overpasses and such other purposes as provided by the "Illinois Highway Code"; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-0500; and for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; for signage and warning lights; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations, and scale houses, in accordance with applicable laws and regulations; and for any grants to units of local government to undertake any of the aforementioned activities.

Section 4. The sum of \$50,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 14a12 of Public Act 92-538, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for a grant to the Village of Morrison for road improvements for the Morrison Industrial Spur.

Section 5. The sum of \$32,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 17 of Public Act 92-538, is reappropriated from the General Revenue Fund to the Department of Transportation for the Village of Berkeley for all costs associated with the resurfacing, rebuilding, reconstruction, and replacement of St. Charles Road between Interstate 290 and Wolf Road.

Section 6. The sum of \$247,900, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 23 of Public Act 92-538, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for the Village of LaGrange to resurface LaGrange Road from Ogden to I-55.

Section 7. The sum of \$165,500, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 26 of Public Act 92-538, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for a study of the expansion of Route 23 to four lanes from Streator to Ottawa.

Section 8. The sum of \$12,600, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 27 of Public Act 92-538, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for topical resurfacing of existing roadway from Kedzie Avenue to Bell Avenue.

Section 9. The sum of \$385,100, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 28 of Public Act 92-538, as amended, is reappropriated from the Road Fund to the Illinois Department of Transportation for the City of Chicago for the same purposes.

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Section 10. The sum of \$325,100, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 29 of Public Act 92-538, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for intersection improvements and traffic lights installation at 94th and Kedzie Avenue in Evergreen Park.

Section 11. The sum of \$27,700, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 30 of Public Act 92-538, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for the City of Chicago for curbs and roadway improvements on Foster Avenue.

Section 12. The sum of \$75,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 31 of Public Act 92-538, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for the City of Chicago for curbs and roadway improvements along Elston Avenue between Central and Milwaukee Avenues.

Section 13. The sum of \$26,500, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 32 of Public Act 92-538, as amended, is reappropriated from the Capital Development Fund to the Illinois Department of Transportation for the City of Chicago for preliminary engineering for a pedestrian crossing over the Canadian National Railroad tracks at West 79th Street and South Central Park Avenue.

Section 14. The sum of \$233,800, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 33 of Public Act 92-538, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for the City of Chicago for resurfacing Pulaski Road from 79th to 87th.

Section 15. The sum of \$250,900, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 34 of Public Act 92-538, as amended, is reappropriated from the Road Fund to the Illinois Department of Transportation for all costs associated with preliminary planning, design, engineering and construction of the system of access roads parallel to I-190 between Mannheim Road and the Tri-State Tollway.

Section 16. The sum of \$204,100, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 35 of Public Act 92-538, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation to resurface or repair Martin Luther King Drive between 67th and 79th Streets.

Section 17. In addition to any other funds that may be appropriated for the same purpose, the sum of \$4,800, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 36 of Public Act 92-538, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for necessary studies for sound barriers along I-90/94 Dan Ryan Expressway between 35th and 95th.

Section 18. The sum of \$175,700, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52 Section 37 of Public Act 92-538, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for resurfacing and cold milling on the Illinois River Bridge in Morris.

Section 19. The sum of \$5,000, or so much thereof as may be necessary, and remains

unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 38 of Public Act 92-538, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for Lake County for intersection improvements at Route 132 and Deep Lake Road.

Section 20. The sum of \$870,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 39 of Public Act 92-538, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for reconstructing and resurfacing Wood Street from Illinois Route 83 to 171st Street and traffic lights at 162nd Street in Markham.

Section 21. The sum of \$22,700, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 40 of Public Act 92-538, is reappropriated from the Fund for Illinois' Future to the Department of Transportation for a grant to the Village of Olympia Fields for the purpose of completing Phase I of Transit Oriented Development.

Section 22. The sum of \$30,200, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 41 of Public Act 92-538, is reappropriated from the Road Fund to the Department of Transportation for an engineering study for an interchange of I-80 at Mile Marker 101 in LaSalle County.

Section 23. The sum of \$100,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 42 of Public Act 92-538, is reappropriated from the Fund for Illinois' Future to the Department of Transportation for a grant to the City of Wheeling for the purpose of pedestrian crossing improvements.

Section 24. The sum of \$373,400, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 44 of Public Act 92-538, is reappropriated from the Fund for Illinois' Future to the Department of Transportation for a grant to the Madison County Transit District for the construction of the Collinsville Transit Center.

Section 25. The sum of \$100,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 45 of Public Act 92-538, is reappropriated from the Fund for Illinois' Future to the Department of Transportation for the installation of crossing gates at Westleigh Road and the installation of crossing gates at Old Elm Road grade crossing.

Section 26. The sum of \$300,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 46 of Public Act 92-538, is reappropriated from the Fund for Illinois' Future to the Department of Transportation for a grant to Metra for the purpose of landscaping, remodeling, and repairing of the embankments and viaducts from 47th to 57th Streets.

Section 27. The sum of \$23,800, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 47 of Public Act 92-538, is reappropriated from the Capital Development Fund to the Department of Transportation for costs associated with the reconstruction of Industrial Drive.

Section 28. The sum of \$10,100, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 48 of Public Act 92-538, is reappropriated from the Capital Development Fund to the Department of Transportation for costs associated with the reconstruction of Airport Road and Chartres Street.

Section 29. The sum of \$75,000, or so much thereof as may be necessary, and remains

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unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 49 of Public Act 92-538, is reappropriated from the Capital Development Fund to the Department of Transportation for a traffic signal at 51st Street West in Rock Island.

Section 30. The sum of \$8,300, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 50 of Public Act 92-538, is reappropriated from the Fund for Illinois' Future to the Department of Transportation for repair of 1st Street from Water Street and Brunner Street to Bucklin Street in LaSalle.

Section 31. The sum of \$616,500, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 51 of Public Act 92-538, is reappropriated from the Fund for Illinois' Future to the Department of Transportation for infrastructure improvements, including but not limited to engineering and construction engineering, extension and improvements of highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities, storage and sanitary facilities, equipment, traffic controls, sidewalks, signage.

Section 32. The sum of \$50,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 52 of Public Act 92-538, is reappropriated from the Fund for Illinois' Future to the Department of Transportation for renovation of the Wood Dale METRA station.

Section 33. The sum of \$493,700, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 53 of Public Act 92-538, is reappropriated from the Capital Development Fund to the Department of Transportation for the contract or intergovernmental agreement costs associated with the projects described below and having the estimated costs as follows:

For a pedestrian overpass and other transportation related activities in the Village of Buffalo Grove.....	\$0
For improvements to St. Clair Avenue and drainage improvements in Granite City	\$0
For improvements to streets, sewers and sidewalks in Washington Park.....	\$450,000
For traffic signal intersection improvements at Manhattan Road, Route 52 and Foxford Drive in the Village of Manhattan	\$36,100
For improvements to Matherville Road in Mercer County	\$7,600

Section 34. The sum of \$1,200,600, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 54 of Public Act 92-538, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 35. The amount of \$500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 52, Section 57 of Public Act 92-538, is reappropriated from the Road Fund to the Department of Transportation for the purpose of a grant to the City of Rockford for all costs associated with the construction of a road around the Rockford airport.

Section 36. The amount of \$200,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 52, Section 58 of Public Act 92-538, is reappropriated from the Road Fund to the Department

of Transportation for the purpose of a grant to the Chicago Department of Transportation for installation of a traffic light at 103rd and Corliss Street.

Section 37. The amount of \$200,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 51, Section 59 of Public Act 92-538, is reappropriated from the Road Fund to the Department of Transportation for the purpose of a grant to the Chicago Department of Transportation for installation of a traffic light at 127th and Stewart Street.

Section 38. The amount of \$1,320,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 51, Section 60 of Public Act 92-538, is reappropriated from the Road Fund to the Department of Transportation for the purpose of a grant to the Chicago Department of Transportation for street resurfacing, sidewalks, curbs, and gutters on Michigan Avenue from 103rd Street to 127th Street.

Section 39. The amount of \$800,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 51, Section 61 of Public Act 92-538, is reappropriated from the Road Fund to the Department of Transportation for the purpose of a grant to the Chicago Department of Transportation for street resurfacing, sidewalks, curbs, and gutters on King Drive from 100th Street to 115th Street.

Section 40. The amount of \$1,350,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 51, Section 62 of Public Act 92-538, is reappropriated from the Road Fund to the Department of Transportation for the purpose of a grant to the Chicago Department of Transportation for street resurfacing, sidewalks, curbs, and gutters on 111th Street from Bishop Ford Expressway to State Street.

Section 41. The sum of \$2,300,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 1a, Section 11 of Public Act 92-717, is reappropriated from the Capital Development Fund to the Department of Transportation for corridor protection along Route 158.

ARTICLE 99

Section 99. Effective date. This Act takes effect immediately upon becoming law.".
Deletes everything after the enacting clause. Amends various Public Acts making appropriations. Reappropriates various amounts for various purposes. Effective immediately.

The motion prevailed.

And the amendment was adopted, and ordered printed.

Senator Trotter offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO HOUSE BILL 2735

AMENDMENT NO. 2. House Bill 2735, AS AMENDED, by inserting the following immediately before the effective date:

"Section 42. The sum of \$1,000,000 is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity, in addition to any named sums, for Grants, Contracts and Administrative Expenses for the Industrial Training Program, Pursuant to 20 ILCS 605/605-800 and 20 ILCS 605/605-802, Including Prior Year Costs."

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. 2735**, 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 33; Nays 21; Present 1.

The following voted in the affirmative:

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

The following voted in the negative:

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

The following voted present:

Cronin

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

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

CONSIDERATION OF HOUSE AMENDMENT TO SENATE BILL ON SECRETARY'S DESK

On motion of Senator Lightford, **Senate Bill No. 1676**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

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

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

Yeas 49; Nays 6.

The following voted in the affirmative:

Althoff	Haine	Munoz	Sullivan, D.
Burzynski	Halvorson	Obama	Syverson
Clayborne	Harmon	Peterson	Trotter
Collins	Hendon	Petka	Viverito
Cronin	Hunter	Radogno	Walsh
Crotty	Jacobs	Rauschenberger	Watson
Cullerton	Jones, W.	Risinger	Welch

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del Valle	Lightford	Ronen	Winkel
DeLeo	Link	Roskam	Wojcik
Demuzio	Luechtefeld	Schoenberg	Mr. President
Dillard	Maloney	Shadid	
Garrett	Martinez	Silverstein	
Geo-Karis	Meeks	Soden	

The following voted in the negative:

Bomke	Jones, J.	Righter
Forby	Lauzen	Sullivan, J.

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1676**.

Ordered that the Secretary inform the House of Representatives thereof.

CONSIDERATION OF SENATE AMENDMENT TO HOUSE BILL ON SECRETARY'S DESK

On motion of Senator Shadid, **House Bill No. 719**, with Senate Amendment No. 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Shadid moved that the Senate recede from its Amendment No. 2 to **House Bill No. 719**.

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

Yeas 53; Nays None.

The following voted in the affirmative:

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

The motion prevailed.

And the Senate receded from their Amendment No. 2 to **House Bill No. 719**.

Ordered that the Secretary inform the House of Representatives thereof.

At the hour of 6:32 o'clock p.m., the Chair announced that the Senate stand adjourned until Thursday, January 15, 2004, at 10:00 o'clock a.m.