



# **SENATE JOURNAL**

**STATE OF ILLINOIS**

**NINETY-THIRD GENERAL ASSEMBLY**

**112TH LEGISLATIVE DAY**

**WEDNESDAY, MAY 19, 2004**

**10:13 O'CLOCK A.M.**

**SENATE**  
**Daily Journal Index**  
**112th Legislative Day**

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The Senate met pursuant to adjournment.  
 Senator Patrick Welch, Peru, Illinois, presiding.  
 Prayer by Pastor Terry Riley, Calvary Assembly of God, Crystal Lake, Illinois.  
 Senator Link led the Senate in the Pledge of Allegiance.

The Journal of Tuesday, May 18, 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.

### LEGISLATIVE MEASURES FILED

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

Senate Amendment No. 2 to House Bill 843  
 Senate Amendment No. 2 to House Bill 851  
 Senate Amendment No. 1 to House Bill 853  
 Senate Amendment No. 2 to House Bill 855  
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 Senate Amendment No. 1 to House Bill 7178

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

Senate Amendment No. 5 to Senate Bill 3000  
 Senate Amendment No. 1 to Senate Bill 3002

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

Senate Committee Amendment No. 1 to Senate Bill 3284

The following Floor amendment to the Senate Joint Resolution listed below have been filed with the Secretary and referred to the Committee on Rules:

Senate Amendment No. 1 to Senate Joint Resolution 75

### PRESENTATION OF RESOLUTION

#### SENATE RESOLUTION 555

Offered by Senator Lauzen and all Senators:  
 Mourns the death of Helen J. Shumway of Batavia.

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

### REPORT FROM STANDING COMMITTEE

Senator Haine, Chairperson of the Committee on Local Government, to which was referred **House Bill No. 6229** reported the same back with the recommendation that the bill do pass.  
 Under the rules, the bill was ordered to a second reading.

## HOUSE BILL RECALLED

On motion of Senator Petka, **House Bill No. 1300** was recalled from the order of third reading to the order of second reading.

Senator Petka offered the following amendment and moved its adoption:

### AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1300 by replacing everything after the enacting clause with the following:

"Section 5. The Counties Code is amended by changing Section 5-1101 as follows:

(55 ILCS 5/5-1101) (from Ch. 34, par. 5-1101)

Sec. 5-1101. Additional fees to finance court system. A county board may enact by ordinance or resolution the following fees:

(a) A \$5 fee to be paid by the defendant on a judgment of guilty or a grant of supervision for violation of the Illinois Vehicle Code other than Section 11-501 or violations of similar provisions contained in county or municipal ordinances committed in the county, and up to a \$30 fee to be paid by the defendant on a judgment of guilty or a grant of supervision for violation of Section 11-501 of the Illinois Vehicle Code or a violation of a similar provision contained in county or municipal ordinances committed in the county.

(b) In the case of a county having a population of 1,000,000 or less, a \$5 fee to be collected in all civil cases by the clerk of the circuit court.

(c) A fee to be paid by the defendant on a judgment of guilty or a grant of supervision under Section 5-9-1 of the Unified Code of Corrections, as follows:

- (1) for a felony, \$50;
- (2) for a class A misdemeanor, \$25;
- (3) for a class B or class C misdemeanor, \$15;
- (4) for a petty offense, \$10;
- (5) for a business offense, \$10.

(d) A \$100 fee for the second and subsequent violations of Section 11-501 of the Illinois Vehicle Code or violations of similar provisions contained in county or municipal ordinances committed in the county. The proceeds of this fee shall be placed in the county general fund and used to finance education programs related to driving under the influence of alcohol or drugs.

(d-5) A \$10 fee to be paid by the defendant on a judgment of guilty or a grant of supervision under Section 5-9-1 of the Unified Code of Corrections to be placed in the county general fund and used to finance the county mental health court.

(e) The proceeds of all fees enacted under this Section shall, except as provided in subsections ~~subsection~~ (d) and (d-5), be placed in the county general fund and used to finance the court system in the county, unless the fee is subject to disbursement by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(Source: P.A. 87-670; 87-1075; 87-1230; 88-45)."

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

### READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Syverson, **House Bill No. 1300**, 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:

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

The following voted in the negative:

|         |         |            |              |
|---------|---------|------------|--------------|
| Cronin  | Dillard | Risinger   | Sullivan, J. |
| Demuzio | Righter | Rutherford |              |

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

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

On motion of Senator Cullerton, **House Bill No. 2981**, 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 59; Nays None.

The following voted in the affirmative:

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

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

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

#### HOUSE BILL RECALLED

On motion of Senator Hunter, **House Bill No. 4280** was recalled from the order of third reading to the order of second reading.

[May 19, 2004]

Senator Hunter offered the following amendment and moved its adoption:

**AMENDMENT NO. 2**

AMENDMENT NO. 2. Amend House Bill 4280, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Municipal Code is amended by adding Section 9-2-4.5 as follows:  
(65 ILCS 5/9-2-4.5 new)

Sec. 9-2-4.5. Special assessment for payment of costs associated with certain ordinance violations.

(a) For purposes of this Section, "Code" means any municipal ordinance that requires, after notice, the cutting of grass and weeds, the removal of garbage and debris, the removal of inoperable motor vehicles, and rodent and vermin abatement.

(b) In addition to any other method authorized by law, if (i) a property owner is cited with a Code violation, (ii) non-compliance is found upon reinspection of the property after the due date for compliance with an order to correct the Code violation or with an order for abatement, (iii) costs for services rendered by the municipality to correct the Code violation remain unpaid at the point in time that they would become a debt due and owing the municipality, as provided in Division 31.1 of Article 11 of the Illinois Municipal Code, and (iv) a lien has been filed of record by the municipality in the office of the recorder in the county in which the property is located, then those costs may be collected as a special assessment on the property under this Division. Upon payment of the costs by the owner of record or persons interested in the property, the lien shall be released by the municipality and the release shall be filed of record in the same manner as the filing of notice of the lien."

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 Hunter, **House Bill No. 4280**, 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 36; Nays 18; Present 2.

The following voted in the affirmative:

|           |           |              |               |
|-----------|-----------|--------------|---------------|
| Althoff   | Dillard   | Martinez     | Viverito      |
| Bomke     | Geo-Karis | Meeks        | Walsh         |
| Brady     | Haine     | Munoz        | Welch         |
| Clayborne | Halvorson | Peterson     | Winkel        |
| Collins   | Hunter    | Risinger     | Wojcik        |
| Cronin    | Jacobs    | Shadid       | Mr. President |
| Crotty    | Jones, W. | Sieben       |               |
| Cullerton | Lightford | Silverstein  |               |
| del Valle | Link      | Sullivan, D. |               |
| DeLeo     | Maloney   | Trotter      |               |

The following voted in the negative:

|           |                |              |              |
|-----------|----------------|--------------|--------------|
| Burzynski | Laufen         | Roskam       | Sullivan, J. |
| Demuzio   | Petka          | Rutherford   | Syverson     |
| Forby     | Radogno        | Sandoval     | Watson       |
| Garrett   | Rauschenberger | Schoenberger |              |
| Jones, J. | Richter        | Soden        |              |

The following voted present:

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Harmon  
Hendon

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

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

### HOUSE BILL RECALLED

On motion of Senator DeLeo, **House Bill No. 4502** was recalled from the order of third reading to the order of second reading.

Senator DeLeo offered the following amendment and moved its adoption:

### AMENDMENT NO. 3

AMENDMENT NO.   3  . Amend House Bill 4502 by replacing everything after the enacting clause with the following:

"Section 5. The Mental Health and Developmental Disabilities Administrative Act is amended by changing Section 57 as follows:

(20 ILCS 1705/57) (from Ch. 91 1/2, par. 100-57)

Sec. 57. ~~In order to identify the service needs of persons with autism, the Department shall study the needs of the population.~~ The Department of Human Services shall periodically convene a special task force of representatives of the various State agencies with related programs and services together with other interested parties and stakeholders to study and assess ~~submit~~ service needs of persons with autism ~~reports to the General Assembly annually which shall supplement the report submitted in accordance with Public Act 84-1291.~~ The Secretary of Human Services shall submit a report of the task force's findings and recommendations and the Secretary's priorities to the Governor and the General Assembly by September 1, 2005. The Secretary shall provide annual progress reports to the Governor and the General Assembly by January 1 of each year, beginning on January 1, 2006. The reports shall include an analysis of progress made ~~in since the submission of that report in the areas outlined in that report, with emphasis on~~ the following areas:

- a. Early intervention services for children with autism and their parents;
- b. Enhancement of family support mechanisms to enable persons with autism to remain in a ~~home-based or community family-home~~ environment in the least-restrictive setting possible, including progress on the implementation of plans to provide assistance to individuals and families; the plan shall include, but not be limited to, (i) identification of the services required, (ii) the availability of services, especially those within the home community of the person with autism, (iii) the number of persons requiring the services, (iv) the cost of the services, (v) the capacity of the person with autism and his or her family to independently provide the services and the extent to which the State may support the individual and family effort, (vi) the extent of existing and planned State support, (vii) the availability and utilization of federal financial participation in the cost of services, and (viii) the outcomes and impact of services being provided;
- c. Services for adequate transition for people with autism from public school programs to adult work and day programs; and
- d. Plans, programs, and services under the Disabilities Services Act of 2003 ~~Facilitation of placement of persons with autism in the least restrictive community setting.~~

The Department of Human Services and the Department of Public Aid shall determine the availability of federal financial participation in the cost of developing a family support program, which would include medical assistance coverage for children diagnosed with autism who would otherwise qualify for medical assistance under the Illinois Public Aid Code except for family income. The program would include services to support persons with autism in their homes and communities that are not provided through local school systems, early intervention programs, or the medical assistance program under the Illinois Public Aid Code. The departments shall determine the feasibility of obtaining federal financial participation and may apply for any applicable waiver under Section 1915(c) of the federal Social Security Act.

For the purpose of this service needs review, autism means a severely incapacitating life-long developmental disability which:

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- a. may be manifested before a person is 30 months of age,
  - b. may be caused by physical disorders of the brain, and
  - c. is characterized by uneven intellectual development and a combination of disturbances in the rates and sequences of cognitive, affective, psychomotor, language and speech development. This syndrome is further evidenced by abnormal responses to sensory stimuli, problems in developing social relationships, and ritualistic and compulsive behavior.
- (Source: P.A. 85-971.)

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 DeLeo, **House Bill No. 4502**, 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 59; Nays None.

The following voted in the affirmative:

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

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

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

### HOUSE BILL RECALLED

On motion of Senator Halvorson, **House Bill No. 4771** was recalled from the order of third reading to the order of second reading.

Senator Harmon offered the following amendment and moved its adoption:

#### AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 4771 on page 1, by replacing lines 23 through 29 with the following:

"(c) (Blank). Prosecution of a spouse of a victim under this subsection for any violation by the victim's spouse of Section 12-13, 12-14, 12-15 or 12-16 of this Code is barred unless the victim reported such offense to a law enforcement agency or the State's Attorney's office within 30 days after the offense was

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~~committed, except when the court finds good cause for the delay."~~

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 Halvorson, **House Bill No. 4771**, 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 59; Nays None.

The following voted in the affirmative:

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

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

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

### HOUSE BILL RECALLED

On motion of Senator Roskam, **House Bill No. 4977** was recalled from the order of third reading to the order of second reading.

Senator Roskam offered the following amendment and moved its adoption:

#### AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 4977 on page 2, by replacing lines 19-22 with the following:

"to provide in writing to the taxpayer (i) the audit findings and (ii), unless the taxpayer declines, the audit methods and procedures (but not information concerning audit selection methods). The auditor must, at the request of the taxpayer, provide written information as to what records constitute the minimum requirements for record-keeping. If the auditor recommends changes in the record-keeping process, these recommendations must be provided in writing to the taxpayer."

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 Roskam, **House Bill No. 4977**, 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 59; Nays None.

The following voted in the affirmative:

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

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

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

**HOUSE BILL RECALLED**

On motion of Senator Halvorson, **House Bill No. 4996** was recalled from the order of third reading to the order of second reading.

Senator Halvorson offered the following amendment and moved its adoption:

**AMENDMENT NO. 3**

AMENDMENT NO. 3. Amend House Bill 4996, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Military Code of Illinois is amended by changing Section 22-9 as follows:  
(20 ILCS 1805/22-9)

Sec. 22-9. Power to make grants from the Illinois Military Family Relief Fund. Subject to appropriation, the Department of Military Affairs shall have the power to make grants from the Illinois Military Family Relief Fund, a special fund created in the State treasury, to single persons who are members of the Illinois National Guard or Illinois residents who are members of the reserves of the armed forces of the United States and who have been called to active duty as a result of the September 11, 2001 terrorist attacks and to families of persons who are members of the Illinois National Guard or Illinois residents who are members of the reserves of the armed forces of the United States and who have been called to active duty as a result of the September 11, 2001 terrorist attacks. The Department of Military Affairs shall establish eligibility criteria for the grants by rule.

In addition to amounts transferred into the Fund under Section 510 of the Illinois Income Tax Act, the State Treasurer shall accept and deposit into the Fund all gifts, grants, transfers, appropriations, and other amounts from any legal source, public or private, that are designated for deposit into the Fund.

(Source: P.A. 92-886, eff. 2-7-03; 93-506, eff. 8-11-03.)

[May 19, 2004]

Section 10. The Survivors Compensation Act is amended by adding Section 4 as follows:  
(330 ILCS 100/4 new)

Sec. 4. Compensation in connection with deceased veterans of the Global War on Terrorism.

(a) The widow or widower, child or children, mother, father, persons standing in loco parentis, brothers and sisters, in the order named, of any deceased person if (i) that person was a resident of Illinois for at least 12 months immediately preceding entry into military service and (ii) that person's death was service-connected as a result of hostile action on or after September 11, 2001 and prior to such time as Congress declares such persons ineligible for the Global War on Terrorism Expeditionary Medal or the Global War on Terrorism Service Medal shall be paid \$3,000.

(b) If a preceding beneficiary fails to file a claim of compensation after the official notice of death, the Department of Veterans' Affairs may accept applications from succeeding beneficiaries, and such beneficiaries may then proceed to qualify upon submission of satisfactory proof of eligibility.

(c) No right or claim to compensation under this Section may be assigned.

(d) The Illinois Department of Veterans' Affairs has complete charge and control of the general scheme of payments authorized by this Section and shall adopt general rules for the making of those payments, for the ascertainment and selection of proper beneficiaries and the amount to which those beneficiaries are entitled, and for procedure.

(e) If the person to whom compensation is payable under this Section is under legal disability, the compensation shall be paid to the person legally vested with the care of the legally disabled person under the laws of his or her state of residence. If no such person has been so designated for the legally disabled person, payment shall be made to the chief officer of any hospital or institution under the supervision or control of any state or of the Veterans Administration of the United States in which the legally disabled person is placed, if the officer is authorized to accept moneys for the benefit of the incompetent. Any payments so made shall be held or used solely for the benefit of the legally disabled person.

As used in this Section, a person "under legal disability" means any person found to be so disabled by a court of competent jurisdiction of any state or the District of Columbia or by any adjudication officer of the Veterans Administration of the United States.

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 Halvorson, **House Bill No. 4996**, 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 59; Nays None.

The following voted in the affirmative:

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

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Forby  
Garrett

Maloney  
Martinez

Schoenberg  
Shadid

Mr. President

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

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

#### HOUSE BILL RECALLED

On motion of Senator Walsh, **House Bill No. 5017** was recalled from the order of third reading to the order of second reading.

Senator Walsh offered the following amendment and moved its adoption:

#### AMENDMENT NO. 4

AMENDMENT NO. 4. Amend House Bill 5017, AS AMENDED, immediately below the enacting clause, by inserting the following:

"Section 3. The Department of State Police Law of the Civil Administrative Code of Illinois is amended by changing Section 2605-330 as follows:

(20 ILCS 2605/2605-330) (was 20 ILCS 2605/55a in part)

Sec. 2605-330. Firefighter applicant ~~criminal history records checks~~ ~~background investigations~~. Upon the request of the chief of a ~~volunteer~~ fire department or the board of trustees of a fire protection district, the Department shall conduct ~~fingerprnt-based criminal history records checks of both State and Federal Bureau of Investigation criminal history record databases concerning~~ ~~criminal background investigations~~ of prospective firefighters and report to the requesting chief or the board of trustees of a fire protection district ~~any conviction information~~ ~~any record of convictions maintained in the Department's files~~ about those persons. The Department may charge the requesting chief or board of trustees a fee for conducting the criminal history records check. The fee shall be deposited into the State Police Services Fund and shall not exceed the cost of the inquiry ~~a fee, based on actual costs, for the dissemination of conviction information under this Section~~. The Department may prescribe the form and manner for requesting and furnishing conviction information under this Section.

(Source: P.A. 91-371, eff. 1-1-00; 92-16, eff. 6-28-01.)".

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

#### READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Walsh, **House Bill No. 5017**, 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 59; Nays None.

The following voted in the affirmative:

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

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|           |             |            |               |
|-----------|-------------|------------|---------------|
| del Valle | Lauzen      | Ronen      | Watson        |
| DeLeo     | Lightford   | Roskam     | Welch         |
| Demuzio   | Link        | Rutherford | Winkel        |
| Dillard   | Luechtefeld | Sandoval   | Wojcik        |
| Forby     | Maloney     | Schoenberg | Mr. President |
| Garrett   | Martinez    | Shadid     |               |

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

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

On motion of Senator Link, **House Bill No. 5732**, 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 2.

The following voted in the affirmative:

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

The following voted in the negative:

Burzynski  
Rauschenberger

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

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

On motion of Senator Trotter, **House Bill No. 486**, 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 59; Nays None.

The following voted in the affirmative:

|         |           |       |             |
|---------|-----------|-------|-------------|
| Althoff | Geo-Karis | Meeks | Sieben      |
| Bomke   | Haine     | Munoz | Silverstein |

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

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

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

On motion of Senator Cullerton, **House Bill No. 578**, 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 59; Nays None.

The following voted in the affirmative:

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

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

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

On motion of Senator Trotter, **House Bill No. 679**, 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.

Pending roll call on motion of Senator Trotter, further consideration of **House Bill No. 679** was postponed.

On motion of Senator Peterson, **House Bill No. 753**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 39; Nays 18.

The following voted in the affirmative:

|           |             |                |               |
|-----------|-------------|----------------|---------------|
| Collins   | Harmon      | Meeks          | Sieben        |
| Cronin    | Hendon      | Munoz          | Silverstein   |
| Crotty    | Hunter      | Peterson       | Soden         |
| Cullerton | Jacobs      | Radogno        | Syverson      |
| del Valle | Jones, W.   | Rauschenberger | Trotter       |
| DeLeo     | Lightford   | Risinger       | Viverito      |
| Dillard   | Link        | Ronen          | Walsh         |
| Geo-Karis | Luechtefeld | Sandoval       | Watson        |
| Haine     | Maloney     | Schoenberg     | Mr. President |
| Halvorson | Martinez    | Shadid         |               |

The following voted in the negative:

|           |           |              |        |
|-----------|-----------|--------------|--------|
| Althoff   | Forby     | Righter      | Welch  |
| Bomke     | Jones, J. | Roskam       | Winkel |
| Brady     | Laufen    | Rutherford   | Wojcik |
| Burzynski | Obama     | Sullivan, D. |        |
| Demuzio   | Petka     | 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.

#### EXCUSED FROM ATTENDANCE

On motion of Senator Halvorson, Senator Clayborne was excused from attendance due to family business.

#### HOUSE BILL RECALLED

On motion of Senator Obama, **House Bill No. 2268** was recalled from the order of third reading to the order of second reading.

Senator Obama offered the following amendment and moved its adoption:

#### AMENDMENT NO. 4

AMENDMENT NO. 4. Amend House Bill 2268, AS AMENDED, with reference to page and line numbers of House Amendment No. 2, by replacing lines 22 through 24 of page 1 and line 1 of page 2 with the following:

"health care."; and

by replacing lines 25 through 31 on page 2 and lines 1 through 12 on page 3 with the following:

"shall consist of 29 voting members appointed as follows: 5 shall be appointed by the Governor; 6 shall be appointed by the President of the Senate, 6 shall be appointed by the Minority Leader of the Senate, 6 shall be appointed by the Speaker of the House of Representatives, and 6 shall be appointed by the Minority Leader of the House of Representatives. The Task Force shall have a chairman and a"; and

on page 3, line 14, by inserting after the period the following with the following:

"The Director of Public Health or his or her designee, the Director of Aging or his or her designee, the Director of Public Aid or his or her designee, the Director of Insurance or his or her designee, and the Secretary of Human Services or his or her designee shall represent their respective departments and shall be invited to attend Task Force meetings, but shall not be members of the Task Force."

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The motion prevailed.

And the amendment was adopted, and ordered printed.

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

### READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Obama, **House Bill No. 2268**, 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 31; Nays 26; Present 1.

The following voted in the affirmative:

|           |           |            |               |
|-----------|-----------|------------|---------------|
| Collins   | Haine     | Martinez   | Silverstein   |
| Crotty    | Halvorson | Meeks      | Sullivan, J.  |
| Cullerton | Harmon    | Munoz      | Trotter       |
| del Valle | Hendon    | Obama      | Viverito      |
| DeLeo     | Hunter    | Ronen      | Walsh         |
| Demuzio   | Lightford | Sandoval   | Welch         |
| Forby     | Link      | Schoenberg | Mr. President |
| Garrett   | Maloney   | Shadid     |               |

The following voted in the negative:

|           |             |                |              |
|-----------|-------------|----------------|--------------|
| Althoff   | Jacobs      | Rauschenberger | Sullivan, D. |
| Bomke     | Jones, J.   | Righter        | Syverson     |
| Brady     | Jones, W.   | Risinger       | Watson       |
| Burzynski | Lauzen      | Roskam         | Winkel       |
| Cronin    | Luechtefeld | Rutherford     | Wojeik       |
| Dillard   | Peterson    | Sieben         |              |
| Geo-Karis | Petka       | Soden          |              |

The following voted present:

Radogno

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.

On motion of Senator Haine, **House Bill No. 3977**, 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 58; Nays None.

The following voted in the affirmative:

|           |           |          |              |
|-----------|-----------|----------|--------------|
| Althoff   | Haine     | Munoz    | Silverstein  |
| Bomke     | Halvorson | Obama    | Soden        |
| Brady     | Harmon    | Peterson | Sullivan, D. |
| Burzynski | Hendon    | Petka    | Sullivan, J. |

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|           |             |                |               |
|-----------|-------------|----------------|---------------|
| Collins   | Hunter      | Radogno        | Syverson      |
| Cronin    | Jacobs      | Rauschenberger | Trotter       |
| Crotty    | Jones, J.   | Righter        | Viverito      |
| Cullerton | Jones, W.   | Risinger       | Walsh         |
| del Valle | Lauzen      | Ronen          | Watson        |
| DeLeo     | Lightford   | Roskam         | Welch         |
| Demuzio   | Link        | Rutherford     | Winkel        |
| Dillard   | Luechtefeld | Sandoval       | Wojcik        |
| Forby     | Maloney     | Schoenberg     | Mr. President |
| Garrett   | Martinez    | Shadid         |               |
| Geo-Karis | Meeks       | Sieben         |               |

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Munoz, **House Bill No. 4012**, 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 36; Nays 21.

The following voted in the affirmative:

|           |           |             |               |
|-----------|-----------|-------------|---------------|
| Althoff   | Geo-Karis | Meeks       | Sullivan, D.  |
| Collins   | Haine     | Munoz       | Trotter       |
| Cronin    | Halvorson | Obama       | Viverito      |
| Crotty    | Harmon    | Peterson    | Walsh         |
| Cullerton | Hunter    | Ronen       | Wojcik        |
| del Valle | Jacobs    | Rutherford  | Mr. President |
| DeLeo     | Lightford | Sandoval    |               |
| Dillard   | Link      | Schoenberg  |               |
| Forby     | Maloney   | Shadid      |               |
| Garrett   | Martinez  | Silverstein |               |

The following voted in the negative:

|           |                |              |        |
|-----------|----------------|--------------|--------|
| Bomke     | Lauzen         | Risinger     | Watson |
| Brady     | Luechtefeld    | Roskam       | Welch  |
| Burzynski | Petka          | Sieben       | Winkel |
| Demuzio   | Radogno        | Soden        |        |
| Jones, J. | Rauschenberger | Sullivan, J. |        |
| Jones, W. | Righter        | Syverson     |        |

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

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

On motion of Senator Garrett, **House Bill No. 4980**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 55; Nays None.

The following voted in the affirmative:

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

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

Ordered that the Secretary inform the House of Representatives thereof.

At the hour of 12:25 o'clock p.m., Senator Hendon presiding.

#### READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator del Valle, **Senate Bill No. 3000** having been printed, was taken up, read by title a second time.

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

Floor Amendment No. 3 was held in the Committee on Rules.

Senator del Valle offered the following amendment and moved its adoption:

#### AMENDMENT NO. 4

AMENDMENT NO. 4. Amend Senate Bill 3000 by replacing the title with the following:

"AN ACT concerning education, which may be referred to as the Education Reform and Accountability Act of 2004."; and

by replacing the everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the School Employee Benefit Act.

Section 5. Purpose. The purpose of this Act is to require the Department of Central Management Services to establish and administer a prescription drug benefit program that will enable eligible school employees access to affordable prescription drugs.

Section 10. Definitions.

"Annuitant" means a retired school district employee entitled to receive retirement benefits, as defined by the school district.

"Department" means the Department of Central Management Services.

"Dependent" means a school district employee's dependent as defined by the school district.

"Director" means the Director of Central Management Services.

"Employee" means a school district employee who is entitled to benefits as defined by the school district.

"Rules" includes rules adopted and forms prescribed by the Department.

"School district" means a public school district in this State.

Section 15. Prescription drug benefits; contract.

(a) The Director shall, by contract, self-insurance, or otherwise, make available a voluntary program of prescription drug benefits for school districts under Section 15 of this Act. The contract or other arrangement for the provision of the prescription drug benefits shall be on terms deemed by the Director

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to be in the best interest of the State of Illinois and school districts based on criteria set by the Department, which must include without limitation administrative cost, service capabilities of the carrier or other contractors, and premiums, fees, or charges as related to the costs of the benefits.

(b) The term of a contract under this Section may not extend beyond 5 fiscal years. The Director may exercise renewal options of the same contract for up to a period of 5 years. Any increases in premiums, fees, or charges requested by a contractor whose contract may be renewed pursuant to a renewal option contained in the contract must be justified on the basis of (1) audited experience data, (2) increases in the costs of prescription drug coverage provided under the contract, (3) contractor performance, (4) increases in contractor responsibilities, or (5) any combination of these bases.

(c) A contractor shall agree to abide by all requirements and rules of the prescription drug benefit program, to submit such information and data as may from time to time be deemed necessary by the Director for effective administration of the program, and to fully cooperate in any audit.

#### Section 20. Prescription drug benefits; program.

(a) Beginning July 1, 2005, the Department shall be responsible for administering the prescription drug benefit program established under this Act for employees, annuitants, and dependents on a non-insured basis.

(b) For each program year, the Department shall set a date by which school districts must notify the Department of their election to participate in the prescription drug benefit program. The Department shall provide notification of the election date to school districts at least 45 days prior to the election date.

(c) Any school district may apply to the Director to have employees, annuitants, and dependents be provided a prescription drug benefit program under this Act. To participate, a school district must agree to enroll all of its employees. A participating school district is not required to enroll a full-time employee who has waived coverage under the district's health plan.

(d) The Director shall determine the insurance rates and premiums for those employees, annuitants, and dependents participating in the prescription drug benefit program. Rates and premiums may be based in part on age and eligibility for federal Medicare coverage.

A school district must remit the entire cost of providing prescription drug coverage under this Section.

(e) All revenues arising from the administration of the prescription drug benefit program shall be deposited into general revenue funds.

(f) It is the intention of the General Assembly that the prescription drug benefit program be maintained on an on-going, affordable basis. The prescription drug benefit program may be changed by the State and is not intended to be a pension or retirement benefit subject to protection under Section 5 of Article XIII of the Illinois Constitution.

#### Section 85. The State Finance Act is amended by changing Section 13.5 as follows:

(30 ILCS 105/13.5)

Sec. 13.5. Appropriations for ~~higher~~ education.

(a) State appropriations to the State Board of Education, the Board of Trustees of Southern Illinois University, the Board of Trustees of the University of Illinois, the Board of Trustees of Chicago State University, the Board of Trustees of Eastern Illinois University, the Board of Trustees of Illinois State University, the Board of Trustees of Governors State University, the Board of Trustees of Northeastern Illinois University, the Board of Trustees of Northern Illinois University, and the Board of Trustees of Western Illinois University for operations shall identify the amounts appropriated for personal services, State contributions to social security for Medicare, contractual services, travel, commodities, equipment, operation of automotive equipment, telecommunications, awards and grants, and permanent improvements.

(b) Within 120 days after the conclusion of each fiscal year, each State-supported institution of higher learning must provide, through the Illinois Board of Higher Education, a financial report to the Governor and General Assembly documenting the institution's revenues and expenditures of funds for that fiscal year ending June 30 for all funds.

(Source: P.A. 93-229, eff. 7-22-03.)

Section 90. The School Code is amended by changing Sections 1A-1, 1A-2.1, 1A-4, 3-15.1, and 10-20.21 and adding Section 2-3.135 and Article 28A as follows:

(105 ILCS 5/1A-1) (from Ch. 122, par. 1A-1)

Sec. 1A-1. Members and terms.

(a) The term of each member of the State Board of Education who is in office on June 30, 2004 ~~the effective date of this amendatory Act of 1996~~ shall terminate on July 1, 2004 ~~January 1, 1997~~ or when

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all of the new members initially to be appointed under this amendatory Act of the 93rd General Assembly of 1996 are appointed by the Governor as provided in subsection (b), whichever last occurs.

(b) Beginning on July 1, 2004 ~~January 1, 1997~~ or when all of the new members initially to be appointed under this subsection are appointed by the Governor, whichever last occurs, and thereafter, the State Board of Education shall consist of 9 members, who shall be appointed by the Governor with the advice and consent of the Senate from a pattern of regional representation as follows: 2 appointees shall be selected from among those counties of the State other than Cook County and the 5 counties contiguous to Cook County; 2 appointees shall be selected from Cook County, one of whom shall be a resident of the City of Chicago and one of whom shall be a resident of that part of Cook County which lies outside the city limits of Chicago; 2 appointees shall be selected from among the 5 counties of the State that are contiguous to Cook County; and 3 members shall be selected as members-at-large. At no time may more than 5 members of the Board be from one political party. Party membership is defined as having voted in the primary of the party in the last primary before appointment. ~~Five of the 9 members initially appointed pursuant to this amendatory Act of the 93rd General Assembly 1996 shall draw lots to determine 3 of their number who shall serve until the second Wednesday of January, 2007, as designated by the Governor, and the other 4 shall serve until the second Wednesday of January, 2009, as designated by the Governor 2003, 3 of their number who shall serve until the second Wednesday of January, 2001, and 3 of their number who shall serve until the second Wednesday of January, 1999.~~ Upon expiration of the terms of the members initially appointed under this amendatory Act of 1996, their respective successors shall be appointed for terms of ~~4~~ 6 years, from the second Wednesday in January of each odd numbered year and until their respective successors are appointed and qualified. Vacancies in terms shall be filled by appointment by the Governor with the advice and consent of the Senate for the extent of the unexpired term. If a vacancy in membership occurs at a time when the Senate is not in session, the Governor shall make a temporary appointment until the next meeting of the Senate, when the Governor shall appoint a person to fill that membership for the remainder of its term. If the Senate is not in session when appointments for a full term are made, the appointments shall be made as in the case of vacancies.

(Source: P.A. 89-610, eff. 8-6-96.)

(105 ILCS 5/1A-2.1) (from Ch. 122, par. 1A-2.1)

Sec. 1A-2.1. Vacancies. A vacancy exists on the State Board of Education when one or more of the following events occur:

1. ~~A~~ a member dies ~~;~~;
2. ~~A~~ a member files a written resignation with the Governor ~~;~~;
3. ~~A~~ a member is adjudicated to be a person under legal disability under the Probate Act of 1975, ~~as amended,~~ or a person subject to involuntary admission under the Mental Health and Developmental Disabilities Code ~~;~~;
4. ~~A~~ a member ceases to be a resident of the region ~~judicial district~~ from which he or she was appointed ~~;~~;
5. ~~A~~ a member is convicted of an infamous crime; or of any offense involving a violation of his or her duties under this Code Act;
6. ~~A~~ a member fails to maintain the qualifications stated in Section 1A-2 of this Code Act;
7. A member is removed at the discretion of the Governor for incompetence, neglect of duty, or malfeasance in office.

(Source: P.A. 83-706.)

(105 ILCS 5/1A-4) (from Ch. 122, par. 1A-4)

Sec. 1A-4. Powers and duties of the Board.

A. Upon the appointment of new State Board of Education Board members as provided in subsection (b) of Section 1A-1 and every 2 years thereafter, the chairperson of the Board shall be selected by the Governor, with the advice and consent of the Senate, from the membership of the Board to serve as chairperson for 2 years.

Five members of the State Board of Education shall constitute a quorum. A majority vote of appointed members is required to approve any action.

B. The State Board of Education Board shall determine the qualifications of and appoint a chief education officer ~~,~~ to be known as the State Superintendent of Education, who may be proposed by the Governor and who shall serve at the pleasure of the Board and pursuant to a performance-based contract linked to statewide student performance and academic improvement within Illinois schools. No performance-based contract issued for the employment of the State Superintendent of Education shall be for a term longer than ~~2~~ 3 years and no contract shall be extended or renewed prior to its scheduled expiration unless the performance and improvement goals contained in the contract have been met. The

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State Superintendent of Education shall not serve as a member of the State Board of Education ~~but - The Board shall set the compensation of the State Superintendent of Education who shall serve as the Board's chief executive officer. The State Superintendent of Education shall receive an annual salary as set by the State Board of Education from time to time or as set by the Compensation Review Board, whichever is greater.~~ The State Board of Education shall also establish the duties, powers and responsibilities of the State Superintendent in accordance with this Code, which shall be included in the State Superintendent's performance-based contract along with the goals and indicators of student performance and academic improvement used to measure the performance and effectiveness of the State Superintendent. The State Board of Education may delegate to the State Superintendent of Education the authority to act on the Board's behalf, provided such delegation is made pursuant to adopted board policy or the powers delegated are ministerial in nature.

The State Board may not delegate authority under this Section to the State Superintendent to

(1) nonrecognize school districts, (2) withhold State payments as a penalty, or (3) make final decisions under the contested case provisions of the Illinois Administrative Procedure Act unless otherwise provided by law.

C. The powers and duties of the State Board of Education shall encompass all duties delegated to the Office of Superintendent of Public Instruction on January 12, 1975, except as the law providing for such powers and duties is thereafter amended, and such other powers and duties as the General Assembly shall designate. The Board shall be responsible for the educational policies and guidelines for public schools, pre-school through grade 12 and Vocational Education in the State of Illinois. The Board shall analyze the present and future aims, needs, and requirements of education in the State of Illinois and recommend to the General Assembly the powers which should be exercised by the Board. The Board shall recommend the passage and the legislation necessary to determine the appropriate relationship between the Board and local boards of education and the various State agencies and shall recommend desirable modifications in the laws which affect schools.

D. Two members of the State Board of Education shall be appointed by the chairperson to serve on a standing joint Education Committee, 2 others shall be appointed from the Board of Higher Education, 2 others shall be appointed by the chairperson of the Illinois Community College Board, and 2 others shall be appointed by the chairperson of the Human Resource Investment Council. The Committee shall be responsible for making recommendations concerning the submission of any workforce development plan or workforce training program required by federal law or under any block grant authority. The Committee will be responsible for developing policy on matters of mutual concern to elementary, secondary and higher education such as Occupational and Career Education, Teacher Preparation and Certification, Educational Finance, Articulation between Elementary, Secondary and Higher Education and Research and Planning. The joint Education Committee shall meet at least quarterly and submit an annual report of its findings, conclusions, and recommendations to the State Board of Education, the Board of Higher Education, the Illinois Community College Board, the Human Resource Investment Council, the Governor, and the General Assembly. All meetings of this Committee shall be official meetings for reimbursement under this Act.

~~E. Five members of the Board shall constitute a quorum. A majority vote of the members appointed, confirmed and serving on the Board is required to approve any action.~~ The State Board of Education shall prepare and submit to the General Assembly and the Governor on or before January 14, 1976 and annually thereafter a report or reports of its findings and recommendations. Such annual report shall contain a separate section which provides a critique and analysis of the status of education in Illinois and which identifies its specific problems and recommends express solutions therefor. Such annual report also shall contain the following information for the preceding year ending on June 30: each act or omission of a school district of which the State Board of Education has knowledge as a consequence of scheduled, approved visits and which constituted a failure by the district to comply with applicable State or federal laws or regulations relating to public education, the name of such district, the date or dates on which the State Board of Education notified the school district of such act or omission, and what action, if any, the school district took with respect thereto after being notified thereof by the State Board of Education. The report shall also include the statewide high school dropout rate by grade level, sex and race and the annual student dropout rate of and the number of students who graduate from, transfer from or otherwise leave bilingual programs. The Auditor General shall annually perform a compliance audit of the State Board of Education's performance of the reporting duty imposed by this amendatory Act of 1986. A regular system of communication with other directly related State agencies shall be implemented.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader and the Clerk of the House of Representatives and the President,

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the Minority Leader and the Secretary of the Senate and the Legislative Council, as required by Section 3.1 of the General Assembly Organization Act, and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act.

(Source: P.A. 89-430, eff. 12-15-95; 89-610, eff. 8-6-96; 89-698, eff. 1-14-97; 90-548, eff. 1-1-98.)  
(105 ILCS 5/2-3.135 new)

Sec. 2-3.135. Shared service centers. The State Board of Education, in partnership with regional superintendents, may create shared service centers, providing optional shared services for districts.  
(105 ILCS 5/3-15.1) (from Ch. 122, par. 3-15.1)

Sec. 3-15.1. Reports. To require the appointed school treasurer in Class II counties, in each school district which forms a part of a Class II county school unit but which is not subject to the jurisdiction of the trustees of schools of any township in which such district is located, and in each school district of the Class I counties to prepare and forward to his office on or before October 15, annually, and at such other times as may be required by him or by the State Board of Education a statement exhibiting the financial condition of the school for the preceding year commencing on July 1 and ending June 30.

In Class I county school units, and in each school district which forms a part of a Class II county school unit but which is not subject to the jurisdiction of the trustees of schools of any township in which such school district is located, the statement shall in the case of districts on the accrual basis show the assets, liabilities and fund balance of the funds as of the end of the fiscal year. The statement shall show the operation of the funds for the fiscal year with a reconciliation and analysis of changes in the funds at the end of the period. For districts on a cash basis the statement shall show the receipts and disbursements by funds including the source of receipts and purpose for which the disbursements were made together with the balance at the end of the fiscal year. Each school district that is the administrator of a joint agreement shall cause an Annual Financial Statement to be submitted on forms prescribed by the State Board of Education exhibiting the financial condition of the program established pursuant to the joint agreement, for the fiscal year ending on the immediately preceding June 30.

The regional superintendent shall send all required reports to the State Board of Education on or before November 15, annually.

For all districts the statements shall show bonded debt, tax warrants, taxes received and receivable by funds and such other information as may be required by the State Board of Education. The statement (i) shall provide education purchasing information in a manner determined by the State Board and (ii) shall provide a certified statement from a certified public accountant on whether or not a school district is complying with the requirements and intent of Section 10-20.21 of this Code. Any district from which such report is not so received when required shall have its portion of the distributive fund withheld for the next ensuing year until such report is filed.

If a district is divided by a county line or lines the foregoing required statement shall be forwarded to the regional superintendent of schools having supervision and control of the district.

(Source: P.A. 86-1441; 87-473.)

(105 ILCS 5/10-20.21) (from Ch. 122, par. 10-20.21)

Sec. 10-20.21. Contracts.

(a) To award all contracts for purchase of supplies, materials or work or contracts with private carriers for transportation of pupils involving an expenditure in excess of \$10,000 to the lowest responsible bidder, considering conformity with specifications, terms of delivery, quality and serviceability, after due advertisement, except the following: (i) contracts for the services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part; (ii) contracts for the printing of finance committee reports and departmental reports; (iii) contracts for the printing or engraving of bonds, tax warrants and other evidences of indebtedness; (iv) contracts for the purchase of perishable foods and perishable beverages; (v) contracts for materials and work which have been awarded to the lowest responsible bidder after due advertisement, but due to unforeseen revisions, not the fault of the contractor for materials and work, must be revised causing expenditures not in excess of 10% of the contract price; (vi) contracts for the maintenance or servicing of, or provision of repair parts for, equipment which are made with the manufacturer or authorized service agent of that equipment where the provision of parts, maintenance, or servicing can best be performed by the manufacturer or authorized service agent; (vii) purchases and contracts for the use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications and interconnect equipment, software, and services; (viii) contracts for duplicating machines and supplies; (ix) contracts for the purchase of natural gas when the cost is less than that offered by a public utility; (x) purchases of equipment previously owned by some entity other than the district itself; (xi) contracts for repair, maintenance, remodeling, renovation, or construction, or a single project involving an expenditure not to

exceed \$20,000 and not involving a change or increase in the size, type, or extent of an existing facility; (xii) contracts for goods or services procured from another governmental agency; (xiii) contracts for goods or services which are economically procurable from only one source, such as for the purchase of magazines, books, periodicals, pamphlets and reports, and for utility services such as water, light, heat, telephone or telegraph; and (xiv) where funds are expended in an emergency and such emergency expenditure is approved by 3/4 of the members of the board.

All competitive bids for contracts involving an expenditure in excess of \$10,000 must be sealed by the bidder and must be opened by a member or employee of the school board at a public bid opening at which the contents of the bids must be announced. Each bidder must receive at least 3 days' notice of the time and place of the bid opening. For purposes of this Section due advertisement includes, but is not limited to, at least one public notice at least 10 days before the bid date in a newspaper published in the district, or if no newspaper is published in the district, in a newspaper of general circulation in the area of the district. State master contracts and certified education purchasing contracts, as defined in Article 28A of this Code, are not subject to the requirements of this paragraph.

(b) To require, as a condition of any contract for goods and services, that persons bidding for and awarded a contract and all affiliates of the person collect and remit Illinois Use Tax on all sales of tangible personal property into the State of Illinois in accordance with the provisions of the Illinois Use Tax Act regardless of whether the person or affiliate is a "retailer maintaining a place of business within this State" as defined in Section 2 of the Use Tax Act. For purposes of this Section, the term "affiliate" means any entity that (1) directly, indirectly, or constructively controls another entity, (2) is directly, indirectly, or constructively controlled by another entity, or (3) is subject to the control of a common entity. For purposes of this subsection (b), an entity controls another entity if it owns, directly or individually, more than 10% of the voting securities of that entity. As used in this subsection (b), the term "voting security" means a security that (1) confers upon the holder the right to vote for the election of members of the board of directors or similar governing body of the business or (2) is convertible into, or entitles the holder to receive upon its exercise, a security that confers such a right to vote. A general partnership interest is a voting security.

To require that bids and contracts include a certification by the bidder or contractor that the bidder or contractor is not barred from bidding for or entering into a contract under this Section and that the bidder or contractor acknowledges that the school board may declare the contract void if the certification completed pursuant to this subsection (b) is false.

(c) If the State education purchasing entity creates a master contract as defined in Article 28A of this Code, then the State education purchasing entity shall notify school districts of the existence of the master contract. The State purchasing entity shall also notify school districts of the date by which the school districts must elect whether or not to participate in the master contract, leaving adequate time for the school district to solicit competing bids. The State purchasing entity shall send to school districts no more than 4 notifications of master contracts per year, although each notification may include more than one master contract. Once a school district has received notice of the existence of a master contract, the school district shall do one of the following:

(1) Publicly elect to participate in the master contract without engaging in the competitive bidding required by subsections (a) and (b) of this Section.

(2) Publicly elect to not participate in the master contract on the ground that the supplies, materials, equipment, or services available in the master contract are not needed.

(3) Solicit bids in accordance with subsections (a) and (b) of this Section, and then, after bids have been received, vote at a public meeting to (A) participate in the master contract, (B) award a contract to a bidding vendor who agrees to provide the supplies, materials, equipment, or services on the same terms as the master contract, (C) award a contract to a bidding vendor on terms more favorable than those in the master contract, or (D) not award a contract.

(d) In purchasing supplies, materials, equipment, or services that are not subject to subsection (c) of this Section, before a school district solicits bids or awards a contract, the district must review and consider as a bid under subsection (a) of this Section certified education purchasing contracts that are already available through the State education purchasing entity. If a certified education purchasing contract is responsive to a request for bids, then the school district must state publicly its reasons for not participating in the certified education purchasing contract.

(e) A school district may annually adopt a resolution establishing a local preference or a preference for businesses certified under the Business Enterprise for Minorities, Females, and Persons with Disabilities Act or both for any contract entered into pursuant to subsections (c) and (d) of this Section. The resolution must be adopted within 30 days after the commencement of each fiscal year. The resolution shall provide for specific criteria by which a preference may be given to a bidder whose principal place

of business is located within the boundaries of the school district or for certified businesses owned by females, minorities, or persons with disabilities located within the State or both. If a contract is awarded pursuant to such a preference, then the school district must adopt a resolution stating that it approves the use of the preference in awarding the contract. A school district may not adopt a resolution stating that any specific number or dollar amount of contracts must be awarded through a preference authorized by this Section. No preference authorized by this Section may result in the awarding of a contract to a bidder whose bid is 10% or more greater than the price specified in a master contract or certified education purchasing contract. The school district is solely responsible for ensuring that any preference granted pursuant to this Section complies with all of the requirements of the United States Constitution and the Illinois Constitution.

(f) If a school district does not comply with the requirements and intent of subsections (c) and (d) of this Section, then the school district is subject to a penalty as determined by the State Board of Education.

(Source: P.A. 93-25, eff. 6-20-03.)

(105 ILCS 5/Art. 28A heading new)

Education Purchasing Program.

(105 ILCS 5/28A-5 new)

Sec. 28A-5. Definitions. In this Article:

"State Board" means the State Board of Education.

"Education purchasing contract" means a contract negotiated by the State Board, a local, State, or federal governmental entity, or a not-for-profit, for-profit, or cooperative entity that is certified under Section 28A-15 of this Code and made available to school districts.

"Master contract" means a contract designated as a statewide education master contract under Section 28A-15 of this Code.

"Program" means the education purchasing program created under this Article.

(105 ILCS 5/28A-10 new)

Sec. 28A-10. Program created. The State Board shall create an education purchasing program. Under the program, the State Board shall designate itself or another entity to act as a State education purchasing entity to form and designate statewide education master contracts and to certify education purchasing contracts for key categories identified and defined by the State Board. The State education purchasing entity shall provide master contract and education purchasing contract information and pricing to school districts.

(105 ILCS 5/28A-15 new)

Sec. 28A-15. Powers of State education purchasing entity. The State education purchasing entity shall have all of the following powers:

(1) To select vendors and form contracts in accordance with the State's purchasing laws.

(2) To designate a contract as a statewide education master contract for purposes of subsection (c) of Section 10-20.21 of this Code.

(3) To certify an education purchasing contract, provided that the contract was entered into according to procedures and conditions that conform to applicable State purchasing laws, for purposes of subsection (d) of Section 10-20.21 of this Code.

(4) To facilitate the inter-district sale or transfer of excess inventory or equipment.

(5) To select and subsidize e-procurement tools to be implemented within school districts.

(105 ILCS 5/28A-20 new)

Sec. 28A-20. Rules. The State Board or other State agency designated by the State Board may adopt rules to implement, administer, and enforce the program.

Section 95. 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 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 99. Effective date. This Act takes effect July 1, 2004, except that the provisions changing Sections 3-15.1 and 10-20.21 of the School Code take effect on July 1, 2005."

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The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 4 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Welch, **Senate Bill No. 3001** having been printed, was taken up, read by title a second time.

Committee Amendment No. 1 was held in the Committee on Rules.

Senator Lightford offered the following amendment and moved its adoption:

#### AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 3001 by replacing everything after the enacting clause with the following:

"Section 5. The General Obligation Bond Act is amended by changing Sections 2 and 5 as follows:

(30 ILCS 330/2) (from Ch. 127, par. 652)

Sec. 2. Authorization for Bonds. The State of Illinois is authorized to issue, sell and provide for the retirement of General Obligation Bonds of the State of Illinois for the categories and specific purposes expressed in Sections 2 through 8 of this Act, in the total amount of ~~\$29,858,149,369~~ ~~\$27,658,149,369~~.

The bonds authorized in this Section 2 and in Section 16 of this Act are herein called "Bonds".

Of the total amount of Bonds authorized in this Act, up to \$2,200,000,000 in aggregate original principal amount may be issued and sold in accordance with the Baccalaureate Savings Act in the form of General Obligation College Savings Bonds.

Of the total amount of Bonds authorized in this Act, up to \$300,000,000 in aggregate original principal amount may be issued and sold in accordance with the Retirement Savings Act in the form of General Obligation Retirement Savings Bonds.

Of the total amount of Bonds authorized in this Act, the additional \$10,000,000,000 authorized by this amendatory Act of the 93rd General Assembly shall be used solely as provided in Section 7.2.

The issuance and sale of Bonds pursuant to the General Obligation Bond Act is an economical and efficient method of financing the capital and general operating needs of the State. This Act will permit the issuance of a multi-purpose General Obligation Bond with uniform terms and features. This will not only lower the cost of registration but also reduce the overall cost of issuing debt by improving the marketability of Illinois General Obligation Bonds.

(Source: P.A. 92-13, eff. 6-22-01; 92-596, eff. 6-28-02; 92-598, eff. 6-28-02; 93-2, eff. 4-7-03.)

(30 ILCS 330/5) (from Ch. 127, par. 655)

Sec. 5. School Construction.

(a) The amount of \$58,450,000 is authorized to make grants to local school districts for the acquisition, development, construction, reconstruction, rehabilitation, improvement, financing, architectural planning and installation of capital facilities, including but not limited to those required for special education building projects provided for in Article 14 of The School Code, consisting of buildings, structures, and durable equipment, and for the acquisition and improvement of real property and interests in real property required, or expected to be required, in connection therewith.

(b) \$22,550,000, or so much thereof as may be necessary, for grants to school districts for the making of principal and interest payments, required to be made, on bonds issued by such school districts after January 1, 1969, pursuant to any indenture, ordinance, resolution, agreement or contract to provide funds for the acquisition, development, construction, reconstruction, rehabilitation, improvement, architectural planning and installation of capital facilities consisting of buildings, structures, durable equipment and land for educational purposes or for lease payments required to be made by a school district for principal and interest payments on bonds issued by a Public Building Commission after January 1, 1969.

(c) \$10,000,000 for grants to school districts for the acquisition, development, construction, reconstruction, rehabilitation, improvement, architectural planning and installation of capital facilities consisting of buildings structures, durable equipment and land for special education building projects.

(d) \$9,000,000 for grants to school districts for the reconstruction, rehabilitation, improvement, financing and architectural planning of capital facilities, including construction at another location to replace such capital facilities, consisting of those public school buildings and temporary school facilities which, prior to January 1, 1984, were condemned by the regional superintendent under Section 3-14.22 of The School Code or by any State official having jurisdiction over building safety.

(e) ~~\$5,250,000,000~~ ~~\$3,050,000,000~~ for grants to school districts for school improvement projects authorized by the School Construction Law. The bonds shall be sold in amounts not to exceed the

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following schedule, except any bonds not sold during one year shall be added to the bonds to be sold during the remainder of the schedule:

|                                       |                      |
|---------------------------------------|----------------------|
| First year.....                       | \$200,000,000        |
| Second year.....                      | \$450,000,000        |
| Third year.....                       | \$500,000,000        |
| Fourth year.....                      | \$500,000,000        |
| Fifth year.....                       | \$800,000,000        |
| Sixth year and thereafter.....        | \$600,000,000        |
| <u>Seventh year.....</u>              | <u>\$550,000,000</u> |
| <u>Eighth year.....</u>               | <u>\$550,000,000</u> |
| <u>Ninth year.....</u>                | <u>\$550,000,000</u> |
| <u>Tenth year and thereafter.....</u> | <u>\$550,000,000</u> |

(Source: P.A. 91-39, eff. 6-15-99; 92-598, eff. 6-28-02.)

Section 10. The Illinois Procurement Code is amended by changing Section 1-10 as follows:

(30 ILCS 500/1-10)

Sec. 1-10. Application.

(a) This Code applies only to procurements for which contractors were first solicited on or after July 1, 1998. This Code shall not be construed to affect or impair any contract, or any provision of a contract, entered into based on a solicitation prior to the implementation date of this Code as described in Article 99, including but not limited to any covenant entered into with respect to any revenue bonds or similar instruments. All procurements for which contracts are solicited between the effective date of Articles 50 and 99 and July 1, 1998 shall be substantially in accordance with this Code and its intent.

(b) This Code shall apply regardless of the source of the funds with which the contracts are paid, including federal assistance moneys. This Code shall not apply to:

(1) Contracts between the State and its political subdivisions or other governments, or between State governmental bodies except as specifically provided in this Code.

(2) Grants, except for the filing requirements of Section 20-80.

(3) Purchase of care.

(4) Hiring of an individual as employee and not as an independent contractor, whether pursuant to an employment code or policy or by contract directly with that individual.

(5) Collective bargaining contracts.

(6) Purchase of real estate.

(7) Contracts necessary to prepare for anticipated litigation, enforcement actions, or investigations, provided that the chief legal counsel to the Governor shall give his or her prior approval when the procuring agency is one subject to the jurisdiction of the Governor, and provided that the chief legal counsel of any other procuring entity subject to this Code shall give his or her prior approval when the procuring entity is not one subject to the jurisdiction of the Governor.

(8) Contracts for services to Northern Illinois University by a person, acting as an independent contractor, who is qualified by education, experience, and technical ability and is selected by negotiation for the purpose of providing non-credit educational service activities or products by means of specialized programs offered by the university.

(9) Procurement expenditures by the Illinois Conservation Foundation when only private funds are used.

(10) Procurement by the Capital Development Board when exercising general supervision under the School Construction Law.

(Source: P.A. 91-627, eff. 8-19-99; 91-904, eff. 7-6-00; 92-797, eff. 8-15-02.)

Section 20. The School Construction Law is amended by changing Sections 5-5, 5-10, 5-15, 5-20, 5-25, 5-30, 5-35, 5-40, 5-50, 5-60, and 5-100 as follows:

(105 ILCS 230/5-5)

Sec. 5-5. Definitions. As used in this Article:

~~"Approved school construction bonds" mean bonds that were approved by referendum after January 1, 1996 but prior to January 1, 1998 as provided in Sections 19.2 through 19.7 of the School Code to provide funds for the acquisition, development, construction, reconstruction, rehabilitation, improvement, architectural planning, and installation of capital facilities consisting of buildings, structures, durable equipment, and land for educational purposes.~~

"Grant index" means a figure for each school district equal to one minus the ratio of the district's equalized assessed valuation per pupil in average daily attendance to the equalized assessed valuation

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per pupil in average daily attendance of the district located at the 90th percentile for all districts of the same category. For the purpose of calculating the grant index, school districts are grouped into 2 categories, Category I and Category II. Category I consists of elementary and unit school districts. The equalized assessed valuation per pupil in average daily attendance of each school district in Category I shall be computed using its grades kindergarten through 8 average daily attendance figure. A unit school district's Category I grant index shall be used for projects or portions of projects constructed for elementary school pupils. Category II consists of high school and unit school districts. The equalized assessed valuation per pupil in average daily attendance of each school district in Category II shall be computed using its grades 9 through 12 average daily attendance figure. A unit school district's Category II grant index shall be used for projects or portions of projects constructed for high school pupils. The changes made by ~~Public this amendatory Act 92-168 (effective July 26, 2001) of the 92nd General Assembly~~ apply to all grants made on or after ~~July 26, 2001 the effective date of this amendatory Act~~, provided that for grants not yet made on ~~July 26, 2001 the effective date of this amendatory Act~~ but made in fiscal year 2001 and for grants made in fiscal year 2002, the grant index for a school district shall be the greater of (i) the grant index as calculated under this Law on or after ~~July 26, 2001 the effective date of this amendatory Act~~ or (ii) the grant index as calculated under this Law before ~~July 26, 2001 the effective date of this amendatory Act~~. The grant index shall be no less than 0.35 and no greater than 0.75 for each district; provided that the grant index for districts whose equalized assessed valuation per pupil in average daily attendance is at the 99th percentile and above for all districts of the same type shall be 0.00. Grant indexes shall be calculated by the Capital Development Board. In making its calculations, the Capital Development Board shall receive full cooperation and assistance from the State Board of Education.

"School construction project" means the acquisition, development, construction, reconstruction, rehabilitation, improvement, architectural planning, and installation of capital facilities consisting of buildings, structures, durable equipment, and land for educational purposes.

"School maintenance project" means a project, other than a school construction project, intended to provide for the maintenance or upkeep of buildings or structures for educational purposes, but does not include ongoing operational costs.

(Source: P.A. 91-38, eff. 6-15-99; 92-168, eff. 7-26-01.)

(105 ILCS 230/5-10)

Sec. 5-10. Grant awards. The Capital Development Board is authorized to make grants to school districts for school construction projects with funds appropriated by the General Assembly from the School Infrastructure Fund pursuant to the provisions of this Article. ~~The State Board of Education is authorized to make grants to school districts for debt service with funds appropriated by the General Assembly from the School Infrastructure Fund pursuant to the provisions of this Article.~~

(Source: P.A. 90-548, eff. 1-1-98.)

(105 ILCS 230/5-15)

Sec. 5-15. Grant entitlements. ~~The Capital Development State Board of Education~~ is authorized to issue grant entitlements for school construction projects. ~~The Capital Development Board and debt service and~~ shall determine the priority order for school construction project grants to be made by the Capital Development Board. When issuing a grant entitlement for a school construction project, the Capital Development Board, as a part of that entitlement, shall certify to the district receiving the entitlement the dollar amount of the school construction project's cost that the district will be required to finance with non-grant funds in order to qualify to receive a school construction project grant under this Article from the Capital Development Board.

(Source: P.A. 90-548, eff. 1-1-98; 91-55, eff. 6-30-99.)

(105 ILCS 230/5-20)

Sec. 5-20. Grant application; district facilities plan. School districts shall apply to the ~~Capital Development State Board of Education~~ for school construction project grants ~~and debt service grants~~. Districts filing grant applications shall submit to the ~~Capital Development State Board~~ a district facilities plan that shall include, but not be limited to, an assessment of present and future district facility needs as required by present and anticipated educational programming, the availability of local financial resources including current revenues, fund balances, and unused bonding capacity, the impact on the educational fund such as additional teachers or other staff, a fiscal plan for meeting present and anticipated debt service obligations, and a maintenance plan and schedule that contain necessary assurances that new, renovated, and existing facilities are being or will be properly maintained. If a district that applies for a school construction project grant has no unused bonding capacity or if its unused bonding capacity may be less than the portion of the cost of the proposed school construction project that the district would be required to finance with non-grant funds, the application and facilities

plan submitted by the district shall set forth the estimated amount of the project's cost that the district proposes to finance by the issuance of bonds under subsection (n) of Section 19-1 of the School Code. The ~~Capital Development State Board of Education~~ shall review and approve district facilities plans prior to issuing grant entitlements. Each district that receives a grant entitlement shall annually update its district facilities plan and submit the revised plan to the ~~Capital Development State Board~~ for approval. (Source: P.A. 90-548, eff. 1-1-98; 91-55, eff. 6-30-99.)

(105 ILCS 230/5-25)

Sec. 5-25. Eligibility and project standards.

(a) The ~~Capital Development State Board of Education~~ shall establish eligibility standards for school construction project grants ~~and debt service grants~~. These standards shall include minimum enrollment requirements for eligibility for school construction project grants of 200 students for elementary districts, 200 students for high school districts, and 400 students for unit districts. The ~~Capital Development State Board of Education~~ shall approve a district's eligibility for a school construction project grant ~~or a debt service grant~~ pursuant to the established standards.

(b) The Capital Development Board shall establish project standards for all school construction project grants provided pursuant to this Article. These standards shall include space and capacity standards as well as the determination of recognized project costs that shall be eligible for State financial assistance and enrichment costs that shall not be eligible for State financial assistance. The Capital Development Board shall establish guidelines for energy conservation and cost effective, sustainable design, and shall require all projects to be designed to demonstrate the benefits of energy efficient high performance schools through (i) eligibility for a rating of silver or higher under the standards set forth from time to time in the Leadership in Energy and Environmental Design Green Building Rating System established by the U.S. Green Building Council, or (ii) conformance with the Energy Design Guidelines for High Performance Schools issued by the U.S. Department of Energy (October 2002).

(c) ~~The State Board of Education and the~~ Capital Development Board shall not establish standards that disapprove or otherwise establish limitations that restrict the eligibility of a school district with a population exceeding 500,000 for a school construction project grant based on the fact that any or all of the school construction project grant will be used to pay debt service or to make lease payments, as authorized by subsection (b) of Section 5-35 of this Law.

(Source: P.A. 90-548, eff. 1-1-98; 91-38, eff. 6-15-99.)

(105 ILCS 230/5-30)

Sec. 5-30. Priority of school construction projects.

(a) ~~The Capital Development Board State Board of Education~~ shall develop standards for the determination of priority needs concerning school construction projects based upon approved district facilities plans. Such standards shall call for prioritization based on the degree of need and Project type in the following order:

(1) Replacement or reconstruction of school buildings destroyed or damaged by flood, tornado, fire, earthquake, or other disasters, either man-made or produced by nature;

(2) Projects designed to construct school and preschool buildings to alleviate a shortage of classrooms due to population growth or to replace aging ~~preschool and school buildings upon review by the Illinois Historic Preservation Agency;~~

(3) Projects resulting from interdistrict reorganization of school districts contingent on local referendum;

(4) Replacement, rehabilitation, or reconstruction of school facilities determined to be severe and continuing health or life safety hazards ~~or modernizing or upgrading educational facilities and alterations necessary to provide accessibility for qualified individuals with disabilities.~~ ;

~~(5) Alterations necessary to provide accessibility for qualified individuals with disabilities; and~~

~~(6) Other unique solutions to facility needs.~~

(b) In developing standards for the determination of priority needs for projects under items (1), (2), and (4) of subsection (a), the Capital Development Board may adopt standards that encourage reorganization under appropriate circumstances.

(Source: P.A. 90-548, eff. 1-1-98.)

(105 ILCS 230/5-35)

Sec. 5-35. School construction project grant amounts; permitted use; prohibited use.

(a) The product of the district's grant index and the recognized project cost, as determined by the Capital Development Board, for an approved school construction project shall equal the amount of the grant the Capital Development Board shall provide to the eligible district. The grant index shall not be used in cases where the General Assembly and the Governor approve appropriations designated for specifically identified school district construction projects.

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(b) In each fiscal year in which school construction project grants are awarded, 20% of the total amount awarded statewide shall be awarded to a school district with a population exceeding 500,000, provided such district complies with the provisions of this Article. For grants awarded beginning in Fiscal Year 2005, 20% of the 20% of the total amount statewide awarded to a district with a population exceeding 500,000 shall be awarded for construction projects at Gwendolyn Brooks College Preparatory Academy, until such time as an amount not to exceed \$20 million has been awarded to the Academy.

In addition to the uses otherwise authorized by this Law, any school district with a population exceeding 500,000 is authorized to use any or all of the school construction project grants (i) to pay debt service, as defined in the Local Government Debt Reform Act, on bonds, as defined in the Local Government Debt Reform Act, issued to finance one or more school construction projects and (ii) to the extent that any such bond is a lease or other installment or financing contract between the school district and a public building commission that has issued bonds to finance one or more qualifying school construction projects, to make lease payments under the lease.

(c) No portion of a school construction project grant awarded by the Capital Development Board shall be used by a school district for any on-going operational costs.

(Source: P.A. 90-548, eff. 1-1-98; 91-38, eff. 6-15-99.)

(105 ILCS 230/5-40)

Sec. 5-40. Supervision of school construction projects.

(a) The Capital Development Board shall exercise general supervision over school construction projects financed pursuant to this Article. In exercising general supervision, the Capital Development Board may (i) review design and construction documents prior to any competitive bidding, (ii) participate in negotiations for design and construction administration contracts, (iii) review all change orders prior to approval, and (iv) participate in negotiations for modifications to the original contract. All contracts, change orders, and contract amendments shall be subject to approval by the Capital Development Board or its designee. Nothing in this subsection shall be construed as a limitation on the supervisory power of the Capital Development Board or any other power granted to the Capital Development Board under this or any other Act.

(b) In anticipation of an award of a grant under this Article, the Capital Development Board may provide advice and assistance to a school district within the limits of the Board's functions of general supervision. The purpose of providing advice and assistance is to ensure that the project will qualify for a grant should grant amounts become available, particularly if the school district is providing its own funding to commence or complete the project.

(c) Upon approval by the school district, the Board may (i) use alternative delivery methods as provided by law and (ii) may exercise all powers relating to construction that are granted to school districts under the School Code. The design contract and workforce hiring goals adopted by the Board under the Business Enterprise for Minorities, Females, and Persons with Disabilities Act apply to the Board when acting under this Section.

(d) The Capital Development Board may charge a grant or contract administration fee that does not exceed 1% of the contract amount and that shall not diminish the matching grant awarded to the school district.

(Source: P.A. 90-548, eff. 1-1-98.)

(105 ILCS 230/5-50)

Sec. 5-50. Referendum requirements. After the ~~Capital Development State Board of Education~~ has approved all or part of a district's application and issued a grant entitlement for a school construction project grant, the district shall submit the project or the financing of the project to a referendum when such referendum is required by law.

(Source: P.A. 90-548, eff. 1-1-98.)

(105 ILCS 230/5-60)

Sec. 5-60. School capital needs assessment. ~~The State Board of Education and the~~ Capital Development Board shall file with the General Assembly a comprehensive assessment report of the capital needs of all school districts in this State before January 1, 2005 and every 2 years thereafter. This assessment shall include without limitation an analysis of the 6 categories of capital needs prioritized in Section 5-30 of this Law.

(Source: P.A. 93-489, eff. 8-8-03.)

(105 ILCS 230/5-100)

Sec. 5-100. School maintenance project grants.

(a) ~~The Capital Development State Board of Education~~ is authorized to make grants to school districts, without regard to enrollment, for school maintenance projects. These grants shall be paid out of moneys appropriated for that purpose from the School Infrastructure Fund. No grant under this Section for one

fiscal year shall exceed \$50,000, but a school district may receive grants for more than one project during one fiscal year. A school district must provide local matching funds in an amount equal to the amount of the grant under this Section. A school district has no entitlement to a grant under this Section.

(b) The Capital Development State Board of Education shall adopt rules to implement this Section. These rules need not be the same as the rules for school construction project grants or debt service grants.

The rules may specify: (1) the manner of applying for grants; (2) project eligibility requirements; (3) restrictions on the use of grant moneys; (4) the manner in which school districts must account for the use of grant moneys; and (5) any other provision that the Capital Development State Board determines to be necessary or useful for the administration of this Section.

The rules shall specify the methods and standards to be used by the Capital Development State Board to prioritize applications. School maintenance projects shall be prioritized in the following order:

- (i) emergency projects;
- (ii) health/life safety projects;
- (iii) State Program priority projects;
- (iv) permanent improvement projects; and
- (v) other projects.

(c) In each school year in which school maintenance project grants are awarded, 20% of the total amount awarded shall be awarded to a school district with a population of more than 500,000, provided that the school district complies with the requirements of this Section and the rules adopted under this Section.

(Source: P.A. 91-38, eff. 6-15-99.)

(105 ILCS 230/5-45 rep.)

Section 30. The School Construction Law is amended by repealing Section 5-45.

Section 99. Effective date. This Act takes effect July 1, 2004."

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 3002** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was referred to the Committee on Executive earlier today.

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

#### REPORT FROM RULES COMMITTEE

Senator Viverito, Chairperson of the Committee on Rules, during its May 19, 2004 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committee of the Senate:

Executive: **Senate Amendment No. 1 to House Bill 853; Senate Amendment No. 3 to House Bill 875; Senate Amendment No. 1 to House Bill 1067; Senate Amendment No. 1 to House Bill 2220; Senate Amendment No. 1 to House Bill 7178; Senate Amendment No. 1 to Senate Bill 3002.**

Senator Viverito, Chairperson of the Committee on Rules, reported that the Committee recommends that **Senate Amendment No. 1 to House Bill No. 849** and **Senate Amendment No. 1 to House Bill 851** be re-referred from the Committee on Revenue to the Committee on Executive.

Senator Viverito, Chairperson of the Committee on Rules, to which was referred **Senate Bill No. 1412** 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. 1412** was returned to the order of concurrence.

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Senator Viverito, Chairperson of the Committee on Rules, to which was referred **House Bill No. 779** on July 1, 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 **House Bill No. 779** was returned to the order of third reading.

#### **JOINT ACTION MOTIONS FILED**

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

Motion to Concur in House Amendment 1 to Senate Bill 1412  
Motion to Concur in House Amendment 1 to Senate Bill 2254  
Motion to Concur in House Amendment 1 to Senate Bill 2887

#### **COMMITTEE MEETING ANNOUNCEMENT**

Senator Silverstein, Chairperson of the Committee on Executive, announced that the Executive Committee will meet today in Room 212 Capitol Building, at 2:10 o'clock p.m.

At the hour of 1:05 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 5:50 o'clock p.m., the Senate resumed consideration of business.  
Senator Welch, presiding.

#### **REPORT FROM STANDING COMMITTEE**

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. 4 to House Bill 649  
Senate Amendment No. 1 to House Bill 851  
Senate Amendment No. 1 to House Bill 853  
Senate Amendment No. 3 to House Bill 875  
Senate Amendment No. 1 to House Bill 1067  
Senate Amendment No. 1 to House Bill 2220  
Senate Amendment No. 3 to House Bill 4283  
Senate Amendment No. 1 to House Bill 7178

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

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

Senate Amendment No. 1 to Senate Bill 3002

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

#### **PRESENTATION OF RESOLUTIONS**

##### **SENATE RESOLUTION 556**

Offered by Senator Dillard and all Senators:

Mourns the death of Frances Nies Rossbach formerly of Clarendon Hills.

**SENATE RESOLUTION 557**

Offered by Senators Link – Peterson – Geo-Karis - Garrett and all Senators:  
Mourns the death Judge Thomas R. Smoker of Lake Forest.

**SENATE RESOLUTION 558**

Offered by Senator Jacobs and all Senators:  
Mourns the death of Mary Jo Novak of Rock Island.

**SENATE RESOLUTION 559**

Offered by Senator Jacobs and all Senators:  
Mourns the death of U.S. Army National Guard Sergeant Landis Garrison of Rapid City.

**SENATE RESOLUTION 560**

Offered by Senator Clayborne and all Senators:  
Mourns the death of Milton Thomas Green, Jr. of Belleville.

**SENATE RESOLUTION 561**

Offered by Senator Clayborne and all Senators:  
Mourns the death of Paul C. Sauget of Sauget.

**SENATE RESOLUTION 562**

Offered by Senators Harmon – Cullerton - Walsh and all Senators:  
Mourns the death of Jeffrey C. Bergstrom of Chicago.

**SENATE RESOLUTION 563**

Offered by Senator Shadid and all Senators:  
Mourns the death of William J. "Billy" Stone of Germantown Hills.

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

Senator Winkel offered the following Senate Resolution, which was referred to the Committee on Rules:

**SENATE RESOLUTION NO. 564**

WHEREAS, The Director of the Department of Central Management Services (CMS) is the chief procurement agent of the State of Illinois; and

WHEREAS, CMS is responsible for administering the State's Group Health Insurance coverage; and

WHEREAS, The State provides health insurance benefits to over 350,000 employees, retirees, and dependents; and

WHEREAS, CMS has the primary responsibility for negotiating and entering into contractual arrangements to provide Group Health Insurance benefits for the State's employees, retirees, and dependents; and

WHEREAS, CMS conducted the bidding process for managed care organizations to bid on the contracts to provide health benefits to the State's employees, retirees, and dependents; and

WHEREAS, CMS has established criteria for this Request for Proposals (RFP) bidding process and for awarding contracts for the provision of health benefits to the State's employees, retirees, and dependents; and

WHEREAS, Recent evidence has shown that CMS failed or refused to comply with its own process for selecting managed care organizations to participate in the State's Group Health Insurance program; and

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WHEREAS, Recent evidence shows that managed care organizations that were ranked higher in the bidding criteria were not awarded a contract to provide health benefits to the State's employees, retirees, and dependents while managed care organizations that were ranked lower were awarded such a contract; and

WHEREAS, CMS recently concluded that the process used in selecting managed care organizations to provide health benefits to the State's employees, retirees, and dependents was inadequate; and

WHEREAS, CMS plans to re-bid these contracts due to the questions that have arisen about the original bidding process; and

WHEREAS, The General Assembly is concerned that CMS did not follow its own criteria in the awarding of the original contracts for providing health benefits to the State's employees, retirees and dependents; and

WHEREAS, the Attorney General is the Chief Legal Officer of the State and is charged with investigating alleged violations of the law; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the Illinois Senate requests that the Attorney General conduct a thorough investigation of the Request for Proposals (RFP) process used by CMS to select managed care organizations to participate in the State's Group Health Insurance program; and be it further

RESOLVED, That the Illinois Senate requests that the Attorney General proffer an opinion on the validity of the process used by CMS to select managed care organizations to participate in the State's Group Health Insurance program; and be it further

RESOLVED, That the Attorney General is asked to pay particular attention to the points awarded to each bidder in CMS's own RFP process and conclude whether the initial selection of managed care organizations was proper and adequately adhered to the criteria of CMS's own RFP; and be it further

RESOLVED, That a copy of this resolution be delivered to the Attorney General in an expedited manner.

Senator Obama offered the following Senate Resolution, which was referred to the Committee on Rules:

#### **SENATE RESOLUTION NO. 565**

WHEREAS, Mercury is a highly toxic pollutant that can cause long lasting health problems; and

WHEREAS, Mercury is especially harmful for unborn babies; and

WHEREAS, High levels of mercury deposited in our State's waterways have accumulated in fish tissue and forced the issuance of advisories to restrict consumption of predator fish caught from Illinois lakes and streams; and

WHEREAS, Illinois is required to develop watershed-specific clean up plans for waters that are impaired for fish consumption; because a significant portion of deposited mercury can come from outside a particular watershed or even from outside State boundaries, the State is counting on a strong federal mercury reduction program as the most effective tool to restore these impaired waters; and

WHEREAS, A large percentage of the mercury that is emitted as an air-borne pollutant from coal-fired power plants is carried by the wind and deposited into Illinois lakes and streams; and

WHEREAS, Coal fired power plants can be equipped with controls to reduce the levels of mercury emissions; and

WHEREAS, The mercury reduction options proposed for coal fired power plants by the United States

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Environmental Protection Agency in the January 30, 2004, Federal Register are insufficient to adequately protect the State's air and water quality and are skewed to benefit coal mined in western states; and

WHEREAS, A United States Environmental Protection Agency contractor has estimated that, under the United States Environmental Protection Agency proposed rules, 78% of the electric generating units using Illinois and other eastern coals would be required to reduce emissions while only 29% of the units using western coal would be affected; and

WHEREAS, No consideration was given to different coal types in previous United States Environmental Protection Agency rulemaking, such as the Acid Rain program; and

WHEREAS, As a consequence of these new rules, the federal government will encourage utilities to burn western coal rather than Illinois coal; and

WHEREAS, These new rules will trigger a loss of jobs in the Illinois coal industry, where many working families depend upon the industry for their livelihood; and

WHEREAS, As part of its rulemaking proposal, the United States Environmental Protection Agency intends to allow the trading of mercury emission credits between electric generating units that may cause local mercury hot spots; and

WHEREAS, There are currently available control technologies to reduce mercury from all coal types; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge the United States Environmental Protection Agency to adopt a responsible program to reduce mercury emissions from coal-fired power plants to the greatest possible extent; that, once adopted, the programs be effective in achieving the reduction needed to protect and improve our environment; and be it further

RESOLVED, That the United States Environmental Protection Agency should provide for regulations that establish a national mercury reduction program for coal-fired power plants that is fuel neutral and that achieves environmental gains without creating economic distortions in the coal market; and be it further

RESOLVED, That the State of Illinois does not support the trading of mercury emissions credits between electric generating units, but, if the United States Environmental Protection Agency ultimately considers such trading, allowances should be given to the State to distribute and limits should be sufficiently restrictive so as to prevent local mercury hot spots; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the Administrator of the United States Environmental Protection Agency, the members of the Illinois Congressional delegation, the Director of the Illinois Environmental Protection Agency, and the Director of the Department of Commerce and Economic Opportunity.

#### INTRODUCTION OF BILLS

**SENATE BILL NO. 3380.** Introduced by Senator Welch, 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.

#### MESSAGES FROM THE HOUSE

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

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

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## SENATE BILL NO. 1914

A bill for AN ACT concerning finance.

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

House Amendment No. 1 to SENATE BILL NO. 1914

Passed the House, as amended, May 19, 2004.

MARK MAHONEY, Clerk of the House

**AMENDMENT NO. 1**

AMENDMENT NO. 1. Amend Senate Bill 1914 by replacing the title with the following: "AN ACT in relation to economic development."; and

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 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,

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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.

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(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 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 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

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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.

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(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,

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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 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

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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 telephone system, including, but not limited to, all equipment, materials, and facilities necessary or incidental to that 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."

Under the rules, the foregoing **Senate Bill No. 1914**, with House Amendment No. 1, was referred to the Secretary's Desk.

[May 19, 2004]

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

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

SENATE BILL NO. 2248

A bill for AN ACT in relation to property.

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

House Amendment No. 1 to SENATE BILL NO. 2248

House Amendment No. 2 to SENATE BILL NO. 2248

Passed the House, as amended, May 19, 2004.

MARK MAHONEY, Clerk of the House

**AMENDMENT NO. 1**

AMENDMENT NO. 1. Amend Senate Bill 2248 by replacing everything after the enacting clause with the following:

"Section 5. A corrective deed, to replace one previously recorded and authorized in Public Act 92-532, Section 93, is necessary to remedy certain errors in the grantee's name and therefore, the Secretary of the Department of Transportation is authorized to convey by corrective deed all right, title, and interest in and to the following described land in Coles County, Illinois to Mile Stones Midwest, Inc.

Parcel No. 5X03913

PART OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION SIXTEEN

(16), TOWNSHIP TWELVE (12) NORTH, RANGE NINE (9) EAST OF THE THIRD PRINCIPAL MERIDIAN MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN EXISTING MONUMENT MARKING THE NORTHEAST CORNER OF THE NORTHEAST QUARTER (NE

1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION SIXTEEN (16), TOWNSHIP TWELVE (12) NORTH, RANGE NINE (9) EAST OF THE THIRD PRINCIPAL MERIDIAN, SAID CORNER BEING 31.13 FEET LEFT OF CENTERLINE STATION 470+80 OF F.A. ROUTE #17 (ILLINOIS ROUTE 16); THENCE S 00 DEGREES 05 MINUTES 21 SECONDS W ALONG THE EAST LINE OF SAID NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) AND THE CENTERLINE OF DOUGLAS DRIVE, 280.72 FEET ACTUAL (S 00 DEGREES 05 MINUTES 21 SECONDS W - 281.00 FEET RECORD); THENCE S 89 DEGREES 21 MINUTES 21 SECONDS W, 20.00 FEET ACTUAL (S 89 DEGREES 21 MINUTES W - 20.00 FEET RECORD), THENCE N 35 DEGREES 04 MINUTES 40 SECONDS W (N 34 DEGREES 59 MINUTES W RECORD), 26.07 FEET TO A POINT ON THE WEST LINE OF DOUGLAS DRIVE, SAID POINT BEING 228.06 FEET RIGHT OF CENTERLINE STATION 470+42.04 OF SAID F.A. ROUTE #17 (ILLINOIS ROUTE 16) AND THE POINT OF BEGINNING; THENCE N 35 DEGREES 04 MINUTES 40 SECONDS W ACTUAL (N 34 DEGREES 59 MINUTES W RECORD), 112.82 FEET TO A POINT 135.00 FEET RIGHT OF STATION 469+78.26 OF SAID CENTERLINE; THENCE S 89 DEGREES 21 MINUTES 00 SECONDS W (ACTUAL AND RECORD), 523.32 FEET TO A POINT 135.0 FEET RIGHT OF STATION 464+54.94 OF SAID CENTERLINE; THENCE N 00 DEGREES 00 MINUTES 55 SECONDS W, 33.00 FEET TO A POINT 102.00 FEET RIGHT OF STATION 464+55.31 OF SAID CENTERLINE; THENCE N 88 DEGREES 08 MINUTES 46 SECONDS E, 523.56 FEET TO A POINT 91.00 FEET RIGHT OF STATION 469+78.29 OF SAID CENTERLINE; THENCE S 72 DEGREES 53 MINUTES 05 SECONDS E, 23.00 FEET TO A POINT 98.02 FEET RIGHT OF STATION 470+00.65 OF SAID CENTERLINE; THENCE S 44 DEGREES 37 MINUTES 46 SECONDS E, 61.21 FEET TO A POINT 142.07 RIGHT OF STATION 470+43.15 OF SAID CENTERLINE AND THE EXTENSION OF THE WEST RIGHT-OF-WAY LINE OF DOUGLAS DRIVE; THENCE S 00 DEGREES 05 MINUTES 21 SECONDS W, ALONG

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SAID WEST LINE 86.00 FEET TO THE POINT OF BEGINNING CONTAINING 0.567 ACRES, MORE OR LESS, CHARLESTON, ILLINOIS.

It is understood and agreed that there is no existing right of access nor will access be permitted in the future by the State of Illinois, Department of Transportation, from or over the premises above described to and from FA Route 17 (IL Rte 16), previously declared a freeway.

Section 10. Upon the payment of the sum of \$7,100.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Randolph County, Illinois:

Parcel No. 800XA33

Part of the Northwest Quarter of Section 17, Township 6 South, Range 7 West of the Third Principal Meridian, Village of Ellis Grove, Randolph County, Illinois.

Commencing at the northwest corner of Section 17, Township 6 South, Range 7 West of the Third Principal Meridian, Village of Ellis Grove, Randolph County, Illinois; thence on an assumed bearing of North 83 degrees 30 minutes 01 second East on the north line of said Section 17, a distance of 202.49 feet to the centerline of Illinois Route 3 (FAP Route 312) as established by a Dedication of Right of Way for Public Road Purposes as recorded in Book 151, Page 520 of the Randolph County records; thence southeasterly on said centerline of Illinois Route 3 on a curve to the left, having a radius of 6,366.26 feet, an arc distance of 311.87 feet, the chord of curve bearing South 16 degrees 19 minutes 46 seconds East, 311.84 feet; thence South 72 degrees 16 minutes 02 seconds West radial to said curve, 50.00 feet to the Point of Beginning of the herein described tract; thence South 76 degrees 05 minutes 30 seconds West, 55.13 feet; thence South 23 degrees 36 minutes 25 seconds West, 29.20 feet to the former easterly right of way line of SBI Route 3, Section 74, as established by a Dedication of Right of Way for Public Road Purposes and recorded in Book 88, Page 78 of the Randolph County Records; thence on said easterly line on a curve to the left, having a radius of 1,072.22 feet, an arc distance of 533.39 feet, the chord of said curve bearing South 21 degrees 30 minutes 28 seconds East, 527.91 feet; thence North 67 degrees 11 minutes 34 seconds East, 62.50 feet to a point 50.00 feet radially distant from said centerline of Illinois Route 3; thence northwesterly along a curve to the right, having a radius of 6,416.26 feet, an arc distance of 540.12 feet, the chord of said curve bearing North 20 degrees 08 minutes 40 seconds West, 539.96 feet to the Point of Beginning.

Parcel 800XA33 herein described contains 1.079 acre or 46,981 square feet, more or less.

Section 15. Upon the payment of the sum of \$7,350.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Winnebago County, Illinois:

Parcel No. 2DWIX21

A part of Lots 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24 as designated upon the plat of Camp Grant Island, being B.A. Knight's Subdivision of Island Number 3 in Rock River in Section 15, Township 43 North, Range 1 East of the Third Principal Meridian, Winnebago County, Illinois, described as follows:

Beginning at the northeast corner of said Lot 15, said point being 123.55 feet normally distant westerly from the centerline of pavement in place of FAU Route 5103; thence South 15 degrees 29 minutes 33 seconds East, 259.17 feet along the east line of said Lots 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24 to a point on the south line of said Lot 24 and the southerly bank of said Island Number 3, said point being 113.61 feet normally distant westerly from said centerline; thence South

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79 degrees 59 minutes 35 seconds West, 45.21 feet along said south line of Lot 24 to a point on the westerly right of way line of FAU Route 5103, said point being 158.74 feet normally distant westerly from said centerline; thence North 15 degrees 29 minutes 33 seconds West, 254.85 feet along said westerly right of way line to a point on the north line of said Lot 15, said point being 168.52 feet normally distant westerly from said centerline; thence North 74 degrees 30 minutes 27 seconds East, 45.00 feet along said north line of Lot 15 to the Point of Beginning, containing 0.266 acre [11,565 square feet], more or less.

Section 20. Upon the payment of the sum of \$1.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in LaSalle County, Illinois:

Parcel No. 3LR0081

Beginning at the northwest corner of the Southeast Quarter of Section 36, Township 33 North, Range 4 East of the Third Principal Meridian; thence South 89 degrees 31 minutes East, 300.70 feet; thence South 06 degrees 36 minutes East, 100 feet; thence South 06 degrees 01 minute East, 68.60 feet; thence South 03 degrees 20 minutes East, 404 feet; thence South 08 degrees 23 minutes West, 68.00 feet; thence South 14 degrees 04 minutes West, 51.80 feet; thence South 15 degrees 59 minutes West, 121.56 feet to the Point of Beginning; from said Point of Beginning, South 89 degrees 31 minutes East, 478.27 feet, the 27.50 feet lying north of the centerline; thence North 02 degrees 38 minutes West, 315.87 feet, being the 27.5 feet west of the centerline; thence North 02 degrees 48 minutes West, 28.09 feet, being the 27.5 feet west of the centerline.

Section 25. Upon the payment of the sum of \$5,500.00 to the State of Illinois, the rights or easement of access, crossing, light, air and view from, to and over the following described line and FA Route 5 (US 66) are restored subject to permit requirements of the State of Illinois, Department of Transportation:

Parcel No. 3LR0079

TRACT NUMBER ONE:

Part of the Northwest Quarter of Section 4, Township 30 North, Range 7 East of the Third Principal Meridian, Livingston County, Illinois, being more particularly described as follows:

Beginning at the point of intersection of the east line of said Northwest Quarter of Section 4 with the northerly right of way line of F.A. 5 (U.S. Route 66), which point of intersection is 125 feet right of Transit Line Station 442+09; thence South 71 degrees 32 minutes 00 seconds West, 701.14 feet, along said northerly right of way line, to the point of curve of a 3,706.10 foot radius curve to the left, said point being 125 feet right of Station 449+10.14; thence southwesterly 1,748.85 feet, along said northerly right of way line whose chord bears South 58 degrees 00 minutes 53 seconds West, 1,732.67 feet to a point 125 feet right of Station 466+00; thence South 43 degrees 21 minutes 40 seconds West, 589.21 feet, along said northerly right of way line to the Point of Termination of said release on the south line of said Northwest Quarter of Section 4, said point being 160 feet right of Station 471+58, on said transit line, containing 3,039.20 lineal feet, more or less, situated in Livingston County, Illinois.

TRACT NUMBER TWO:

Part of the Northwest Quarter of Section 4, Township 30 North, Range 7 East of the Third Principal Meridian, Livingston County, Illinois, being more particularly described as follows:

Beginning at the point of intersection of the east line of said Northwest Quarter of Section

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4 with the southerly right of way line of F.A. 5 (U.S. Route 66), which point of intersection is 125 feet left of Transit Line Station 442+94; thence South 71 degrees 32 minutes 00 seconds West, 616.14 feet along said southerly right of way line, to the point of curve of a 3,456.10 foot radius curve to the left, said point being 125 feet left of Station 449+10.14; thence southwesterly 1,630.88 feet, along said southerly right of way line, on a 3,456.10 foot radius curve to the left whose chord bears South 58 degrees 00 minutes 53 seconds West, 1,615.79 feet to a point 125 feet left of Station 466+00; thence South 40 degrees 01 minute 15 seconds West, 330.59 feet, along said southerly right of way line to the Point of Termination of said release on the south line of said Northwest Quarter of Section 4, said point being 135 feet left of Station 469+35, on said Transit Line, containing 2,577.61 lineal feet, more or less, situated in Livingston County, Illinois.

Section 30. Subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Rock Island County, Illinois:

Parcel No. 2DRIX97

A part of Lot 20 in the Assessor's Plat of 1861 located in the Southwest Quarter of Section 16, Township 17 North, Range 1 West of the Fourth Principal Meridian, Rock Island County, State of Illinois, described as follows:

Beginning at a magnetic nail at the northwest corner of Lot 20 of said Assessor's Plat of 1861; thence North 88 degrees 21 minutes 39 seconds East, 274.22 feet (Bearings assumed for description purposes only) on the north line of said Lot 20; thence South 1 degree 08 minutes 52 seconds West 306.57 feet to the top of bank of the Rock River; thence South 73 degrees 01 minute 31 seconds West, 275.06 feet on said top of bank, to the southerly extension of the west line of said Lot 20; thence North 0 degrees 44 minutes 21 seconds West on said west line and southerly extension 379.00 feet to the Point of Beginning, containing 2.067 acres, more or less.

The said Real Estate being also shown on the plat attached hereto and made a part hereof.

Except:

The State of Illinois reserves for itself the right to enter upon the premises for purposes of maintaining the drainage ditch located along the easterly boundary of said parcel.

Section 35. Upon the payment of the sum of \$5,600.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Kendall County, Illinois:

Parcel No. 3LR0072

Part of Section 28, Township 37 North, Range 7 East of the Third Principal Meridian, described as follows:

Commencing at the northwest corner of Lot 187 in the Heartland of Yorkville, Unit 1 Subdivision; thence easterly 44.38 feet along the northerly line of said Lot 187 along a 1,500.0 foot radius curve to the left whose chord bears North 83 degrees 32 minutes 17 seconds East, 44.38 feet; thence South 53 degrees 06 minutes 34 seconds East, 43.64 feet along the northeasterly line of said Lot 187; thence North 79 degrees 55 minutes 13 seconds East, 95.22 feet; thence North 34 degrees 18 minutes 36 seconds East, 28.39 feet to the Point of Beginning; thence continue North 34 degrees 18 minutes 36 seconds East, 2.34 feet; thence easterly 390.40 feet along a 1510.0 foot radius curve to the left whose chord bears North 69 degrees 42 minutes 17 seconds East, 389.31 feet; thence South 40 degrees 19 minutes 27 seconds East, 4.91 feet; thence westerly 397.59 feet along a 746.8 foot radius

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curve to the right whose chord bears South 70 degrees 10 minutes 47 seconds West, 392.92 feet to the Point of Beginning, containing 4,810 square feet, more or less, situated in Bristol Township, Kendall County, Illinois.

Section 40. Upon the payment of the sum of \$7,000.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the rights or easement of access, crossing, light, air and view from, to and over the following described line are restored subject to permit requirements of the State of Illinois, Department of Transportation:

Parcel No. 675X117

A part of the East Half of the Northeast Quarter of Section 16, Township 14 North, Range 5 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows:

Commencing at the southeast corner of the Northeast Quarter of said Section 16; thence along the south line of said Northeast Quarter, North 89 degrees 44 minutes West, 62 feet to a point on the west existing right of way line of State Bond Issue 126 (I-55 Frontage Road) being 63 feet right of centerline Station 250+80.60, also being the Point of Beginning; thence along said west right of way line, North 00 degrees 16 minutes East, 2081.04 feet to a point 63 feet right of Station 229+99.56 being the Point of Termination.

Section 45. Upon the payment of the sum of \$35,000.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in LaSalle County, Illinois, to Moss Management, Inc.

Parcel No. 3EX0055

That part of Lot 7 in Block 2 in Baker's Second Addition to the City of Streator, described as follows:

Commencing at the southwest corner of said Lot 7; thence North 89 degrees 49 minutes 00 seconds East, 8.88 feet along the south line of said Lot 7 to the Point of Beginning; thence North 00 degrees 12 minutes 44 seconds East, 91.24 feet (90.0 feet record) to the existing right of way line of F.A. 24 (Illinois Route 23); thence North 89 degrees 49 minutes 00 seconds East, 160.54 feet along said right of way line to the east line of the west 170.0 feet of said Lot 7; thence South 00 degrees 09 minutes 18 seconds West, 91.24 feet (90.0 feet record) along said east line of the west 170.0 feet of Lot 7 along said existing right of way line to the south line of said Lot 7; thence South 89 degrees 49 minutes 00 seconds West, 161.12 feet to the Point of Beginning, containing 14,474 square feet, more or less, situated in the City of Streator, Illinois.

Section 50. Upon the payment of the sum of \$165,000.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Grundy County, Illinois:

Parcel No. 3LR0076

That part of the Southwest Quarter of Section 27, Township 34 North, Range 7 East of the Third Principal Meridian, described as follows:

Commencing at the northwest corner of the Southwest Quarter of said Section 27; thence North 88 degrees 07 minutes 22 seconds East, 70.00 feet along the north line of the Southwest Quarter of

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said Section 27; thence South 01 degree 15 minutes 40 seconds East, 183.88 feet along the east right of way line of Illinois Route 47 as shown on the Right Of Way Plat recorded in Book 232 at Page 155; thence North 88 degrees 44 minutes 20 seconds East, 22.50 feet along said right of way line to the Point of Beginning; thence continuing North 88 degrees 44 minutes 20 seconds East, 121.50 feet along said right of way line; thence South 01 degree 15 minutes 40 seconds East, 259.63 feet along said right of way line of Illinois Route 47; thence South 88 degrees 04 minutes 15 seconds West, 59.00 feet; thence North 62 degrees 31 minutes 24 seconds West, 71.28 feet; thence North 01 degree 15 minutes 40 seconds West, 226.05 feet to the Point of Beginning, containing 30,538 square feet, more or less, in Grundy County, Illinois.

It is understood and agreed that there is no existing right of access nor will access be permitted in the future by the State of Illinois, Department of Transportation, from or over the premises above described to and from IL Route 47, previously declared a freeway at this location.

Section 55. Upon the payment of the sum of \$1,500.00 to the State of Illinois, the rights or easement of access, crossing, light, air and view from, to and over the following described line and IL Route 162 are restored subject to permit requirements of the State of Illinois, Department of Transportation:

Parcel No. 800XB22

A line in the Southeast Quarter of Section 1, Township 3 North, Range 9 West of the Third Principal Meridian, Madison County, Illinois, described as follows:

Commencing at a tablet in concrete which marks the northwest corner of the Northwest Quarter of Section 7, Township 3 North, Range 8 West of the Third Principal Meridian, Madison County, Illinois; thence South 89 degrees 36 minutes 24 seconds East on the north line of the Northwest Quarter of said Section 7, a distance of 263.71 feet to its intersection with the centerline of FAI Route 255; thence North 17 degrees 59 minutes 13 seconds West on said centerline, 595.61 feet to its intersection with the centerline of FAP Route 586 (marked Illinois Route 162); thence South 69 degrees 18 minutes 11 seconds West on the centerline of FAP Route 586, a distance of 946.69 feet to a point of curve; thence southwesterly 420.63 feet on said centerline being a curve to the left, having a radius of 28,647.89 feet, the chord of said curve bears South 68 degrees 52 minutes 57 seconds West, 420.62 feet; thence South 21 degrees 32 minutes 17 seconds East and radial to the last described course, 43.38 feet to the southerly access control line of said FAP Route 586 and the Point of Beginning of the line described herein.

From said Point of Beginning; thence South 70 degrees 48 minutes 17 seconds West on said southerly access control line, 79.96 feet to the terminus of said line.

Section 60. Upon the payment of the sum of \$300.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the rights or easement of access, crossing, light, air and view from, to and over the following described line and SBI Route 9 (FA 10) are restored subject to permit requirements of the State of Illinois, Department of Transportation:

Parcel No. 3LR0088

That part of the Southeast Quarter of the Southeast Quarter of Section 16, Township 25 North, Range 1 West of the Third Principal Meridian, described as follows:

Commencing at the northeast corner of Parcel A, as recorded in Plat Book 13 on Page 48, also being the intersection of the west line of the East Half of the Southeast Quarter of said Section 16 with the south right of way line of the Norfolk and Western Railroad; thence South 71 degrees 56 minutes 21 seconds East, 425.08 feet along said south right of way line; thence South 00 degrees 45 minutes 54 seconds East, 205.21 feet to the Point of Beginning of the Release of Access rights on the north

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right of way line of U.S. Route 150, said point also being 65.00 feet left of centerline Station 761+48.33; thence North 89 degrees 14 minutes 06 seconds East, 251.67 feet to a point being 65.00 feet left of centerline Station 764+00; thence South 87 degrees 54 minutes 09 seconds East, 100.12 feet along said right of way to a point 60.00 feet left of Centerline Station 765+00; thence North 89 degrees 14 minutes 06 seconds East, 264.90 feet along said right of way line to the Point of Termination of said Release, being 60.00 feet left of Centerline Station 767+64.9, containing 616.69 lineal feet, more or less, situated in the Village of Congerville, Woodford County, Illinois.

Section 65. Upon the payment of the sum of \$350.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Fayette County, Illinois, to Crawford Hale Foundation American Legion Post No. 95.

Parcel No. 7510101

A part of Lot 7 and a part of Lot 8 in Block 54 of the City of Vandalia, Fayette County, Illinois, more particularly described as follows:

Beginning at the southeast corner of Lot 8 of Block 54 in the City of Vandalia, Fayette County, Illinois, as referenced to a plat by Professional Land Surveyor 3031; thence North 00 degrees 00 minutes 00 seconds East on an assumed bearing a distance of 160.02 feet to the northeast corner of Lot 7 of said Block 54; thence North 90 degrees 00 minutes 00 seconds East for a distance of 5.00 feet; thence South 00 degrees 00 minutes 00 seconds West a distance of 160.02 feet; thence South 90 degrees 00 minutes 00 seconds West 5.00 feet to the Point of Beginning, containing 800 square feet, more or less.

Section 70. Upon the payment of the sum of \$2,600.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in McLean County, Illinois:

Parcel No. 3LR0078

A part of the Southwest Quarter of Section 4, Township 24 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows with bearings based on datum used on Right Of Way Plans recorded in Document No. 87-22332:

Commencing at the southeast corner of Section 4; thence South 89 degrees 13 minutes 52 seconds West, 4191.67 feet on the south line of said Section 4; thence North 11 degrees 33 minutes 57 seconds West, 30.53 feet; thence North 38 degrees 59 minutes 01 second West, 106.55 feet to the Point of Beginning; thence South 86 degrees 28 minutes 33 seconds West, 120.48 feet; thence northwesterly 336.83 feet on a 2788.50 foot radius non-tangential curve to the right whose chord bears North 05 degrees 04 minutes 56 seconds West, 336.63 feet; thence North 01 degree 37 minutes 17 seconds West, 157.58 feet on the west right of way line of U.S. Route 51; thence South 31 degrees 32 minutes 36 seconds East, 241.58 feet; thence southeasterly 281.08 feet on 2668.50 foot radius non-tangential curve to the left whose chord bears South 05 degrees 45 minutes 05 seconds East, 280.95 feet to the Point of Beginning, containing 46,573.84 square feet (1.07 acres), more or less.

Section 75. The easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Tazewell County, Illinois:

Parcel No. 409563V

All that certain parcel of ground situated in the North One-Half of Section 29, Township 26

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North, Range 4 West, of the 3rd Principal Meridian, in the County of Tazewell, State of Illinois, described as follows, to-wit:

Beginning at a point, which is distant three thousand one hundred thirty-three and one-tenth (3133.1) feet, measured northwestwardly along the center line of the Toledo, Peoria & Western Railway Company's main track, as now located and constructed, from the intersection of the section line dividing Sections 29 and 32 in Township 26 North, Range 4 West of the 3rd Principal Meridian with said center line (Station 5810+20), said point also being fifty (50) feet measured northeastwardly at right angles with said center line; thence North thirty-eight degrees, thirty-five minutes (38° - 35') West three hundred thirty eight and eight-tenths (338.8); thence North 31° - 52' West, one hundred twelve and two-tenths (112.2) feet; thence North 33° - 27' West eighty-four and nine-tenths (84.9) feet; thence North 17° - 42' West one hundred twelve (112.0) feet; thence in a southeastwardly direction on line with a curve having a radius of 1196.28 feet two hundred two and eight-tenths (202.8) feet; thence South 31° - 52' East four hundred forty eight (448.0) feet to the Place of Beginning and containing in all four hundred twenty five thousandths (0.425) acres.

Section 80. For and in consideration of an Intergovernmental Agreement between the Illinois Department of Transportation and Metro (Bi-State Development Agency) and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in St. Clair County, Illinois:

Parcel No. 800XB36

From the center of Section 25, Township 2 North, Range 9 West of the Third Principal Meridian, measure South 00 degrees East, 723.5 feet to a point; thence North 27 degrees 28 minutes West, 1,101.1 feet to a point; thence North 28 degrees 17 minutes West, 26.2 feet to the Point of Beginning.

Description of Tract:

From said Point of Beginning; thence North 58 degrees 22 minutes West, 51.3 feet to a point in the north right of way line of the St. Louis & O'Fallon Railroad; thence North 27 degrees 30 minutes West along said right of way line, 262.6 feet to a point; thence around a curve to the left, following said right of way line of radius 3,877 feet, a distance of 705 feet to a point; thence South 73 degrees 31 minutes East, 135.6 feet to a point; thence around a curve to the right of radius 3,951.4 feet tangent to a line whose bearing is South 37 degrees 20 minutes East, 617.5 feet to a point; thence South 28 degrees 17 minutes East, 406.7 feet to a point; thence North 58 degrees 22 minutes West, 86.3 feet to the Point of Beginning. Said tract being a portion of the Southeast Quarter of the Northwest Quarter of Section 25, Township 2 North, Range 9 West of the Third Principal Meridian. Containing 1 and 70/100 acre, more or less, situated in the County of St. Clair and State of Illinois.

Section 85. Upon the payment of the sum of \$6,500.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Ford County, Illinois:

Parcel No. 3LR0085

A part of the Southeast Quarter of Section 11, Township 23 North, Range 7 East of the Third Principal Meridian, Gibson City, Ford County, Illinois, more particularly described as follows, with assumed bearings given for description purposes only:

Commencing at the southwest corner of the Southeast Quarter of Section 11; thence South 89 degrees 59 minutes 13 seconds East, 190.57 feet on the south line of said Southeast Quarter of Section 11; thence North 00 degrees 04 minutes 08 seconds East, 80.99 feet to the Point of Beginning, said point being 78.0 feet right of centerline Station 749+00 on Illinois Route 9; thence North 89 degrees 55 minutes 52 seconds West, 90.76 feet parallel with said centerline of Illinois Route 9 to a

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point 78.0 feet right of centerline Station 749+90.76 on Illinois Route 9; thence North 45 degrees 01 minute 31 seconds West, 42.50 feet to a point 70.0 feet right of centerline Station 751+98.27 on Sangamon Street; thence North 00 degrees 07 minutes 11 seconds West, 101.73 feet parallel with the centerline of said Sangamon Street to a point 70.0 feet right of centerline Station 753+00 on Sangamon Street; thence South 42 degrees 32 minutes 42 seconds East, 179.00 feet to the Point of Beginning, containing 7,504 square feet, more or less.

Section 90. Upon the payment of the sum of \$12,000.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Macon County, Illinois, to Ralph L. Bledsaw Jr.

Parcel No. 5X02003

Part of Lot 5 of a survey for Jerome Edward Montgomery in the Southeast Quarter of the Southeast Quarter of Section 34, Township 17 North, Range 2 East of the Third Principal Meridian, as per plat recorded in Book 335 on Page 216, in the Recorder's Office of Macon County, in the State of Illinois, described as follows:

Beginning at the southwest corner of Lot B of a re-survey of a part of Lot 5 of a survey for Jerome Edward Montgomery in the Southeast Quarter of the Southeast Quarter of said Section 34, recorded in Book 1270 on Page 49 in the Macon County Recorder's Office, said point being on the existing easterly right of way line of SBI Rte. 2 (US 51 South); thence South 89 degrees 53 minutes 39 seconds West (Bearings are Assumed) 30.18 feet along the south line of said Lot 5; thence northeasterly 202.77 feet along a curve to the right being concentric with and 50.00 feet easterly of the centerline of SBI Rte. 2 (US 51 South), said curve having a radius of 1857.83 feet, the chord of said curve bears North 9 degrees 12 minutes 09 seconds East 202.67 feet, to the north line of said Lot 5; thence North 89 degrees 53 minutes 39 seconds East 30.73 feet, to the existing easterly right of way line of SBI Rte. 2 (US 51 South); thence southwesterly 202.86 feet along said right of way line being a curve to the left, and being concentric with and 80.00 feet easterly of the centerline of SBI Rte. 2 (US 51 South), said curve having a radius of 1827.83 feet, the chord of said curve bears South 9 degrees 21 minutes 25 seconds West 202.76 feet, to the Point of Beginning, containing 6084 square feet, more or less.

Section 95. Upon the payment of the sum of \$300.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the rights or easement of access, crossing, light, air and view from, to and over the following described line and SBI Route 9 (FA 10) are restored subject to permit requirements of the State of Illinois, Department of Transportation:

Parcel No. 3LR0092

A part of the East Half of the Northeast Quarter of Section 23, Township 25 North, Range 1 West of the Third Principal Meridian in Woodford County, Illinois, described as follows:

Commencing at the northeast corner of said Section 23; thence South, 54.71 feet to the Point of Beginning of the release of access control on the south right of way line of FAS 2466 (US 150); thence West along said south right of way line, 535.00 feet to the west line of Tract "M-1" recorded in Plat Book 32, Page 91, in the Recorder's Office of Woodford County, Illinois; also the Point of Termination of said access control release, total release of access control is 535.00 lineal feet.

Section 100. Upon the payment of the sum of \$500.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the rights or easement of access, crossing, light, air and view from, to and over the following described line and IL Route 116 are restored subject to permit requirements of the State of Illinois, Department of Transportation:

Parcel No. 3LR0090

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A part of the East Half of the Northeast Quarter of Section 21, Township 27 North, Range 1 West of the Third Principal Meridian, Woodford County, Illinois, more particularly described as follows:

Commencing at the intersection of the west line of the East Half of the Northeast Quarter of said Section 21 with the south right of way line of SBI 116 as the Point Of Beginning of the Release Of Access Control, said point of beginning being 60.00 feet south of Survey Line Station 401+81; thence East along said south right of way line of SBI 116, a distance of 743.62 feet, more or less, to the termination of said release, said point being 60.00 feet south of Survey Line Station 409+24.62, more or less, situated in Roanoke Township, Woodford County, Illinois.

NOTE: The original right of way is recorded in the Office of the Recorder of Deeds in Woodford County, Illinois, in Miscellaneous Record, Book 42, Page 498.

Section 105. Upon the payment of the sum of \$200.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the rights or easement of access, crossing, light, air and view from, to and over the following described line and FA Route 49 are restored subject to permit requirements of the State of Illinois, Department of Transportation:

Parcel No. 675X247

A part of the West Half of the Northeast Quarter of Section 15, Township 16 North, Range 4 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows:

Commencing at the northeast corner of the West Half of the Northeast Quarter of said Section 15; thence South 00 degrees 13 minutes 31 seconds West, 872.35 feet; thence South 85 degrees 15 minutes 44 seconds West, 145.10 feet; thence South 00 degrees 23 minutes 19 seconds East, 333.51 feet to point on the northerly existing right of way line of Federal Aid Route 49 (U.S. Route 36) being 60.00 feet left of centerline Station 135+35.02, being the Point of Beginning; thence northeasterly along said existing right of way line on a curve to the left having a radius of 2,955.80 feet, an arc length of 157.87 feet and a chord bearing North 63 degrees 29 minutes 39 seconds East, 157.85 feet to a point 60.00 feet left of centerline Station 136+96.10 being the Point of Termination.

Section 110. Upon the payment of the sum of \$200.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the rights or easement of access, crossing, light, air and view from, to and over the following described line and FA Route 49 are restored subject to permit requirements of the State of Illinois, Department of Transportation:

Parcel No. 675X259

A part of the West Half of the Northeast Quarter of Section 15, Township 16 North, Range 4 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows:

Commencing at the northeast corner of the West Half of the Northeast Quarter of said Section 15; thence South 00 degrees 13 minutes 31 seconds West, 872.35 feet; thence South 85 degrees 15 minutes 44 seconds West, 145.10 feet; thence South 00 degrees 23 minutes 19 seconds East, 333.51 feet to point on the northerly existing right of way line of Federal Aid Route 49 (U.S. Route 36) being 60.00 feet left of centerline Station 135+35.02, being the Point of Beginning; thence southwesterly along said existing right of way line on a curve to the right having a radius of 2,955.80 feet, an arc length of 73.09 feet and a chord bearing South 65 degrees 43 minutes 58 seconds West, 73.09 feet to a point 60.00 feet left of centerline Station 134+60.45, being the Point of Termination.

Section 115. Upon the payment of the fair market value to the State of Illinois, and subject to the

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

Parcel No. 0ZZ0081A

That part of Lots 5 through 11 inclusive in Block 30 of Albert Crosby and Others Subdivision, being in the East Half of the Southeast Quarter of Section 25, Township 40 North, Range 13 East of the Third Principal Meridian, according to the plat thereof recorded August 18, 1873 as Document 116140, in Cook County, Illinois, described as follows:

Commencing at the southwest corner of Lot 11 aforesaid; thence on an assumed bearing of North 00 degrees 01 minute 04 seconds West along the west line of said Lot 11, a distance of 3.00 feet to the Point of Beginning; thence continuing North 00 degrees 01 minute 04 seconds West 116.78 feet; thence North 84 degrees 51 minutes 34 seconds East 6.13 feet; thence South 51 degrees 19 minutes 03 seconds East 195.85 feet to the south line of Lots 5 through 11; thence North 89 degrees 15 minutes 06 seconds West along said south line 65.78 feet; thence North 39 degrees 44 minutes 56 seconds West 3.95 feet to a line 3.00 feet north of and parallel with the south line of Lots 5 through 11; thence North 89 degrees 15 minutes 06 seconds West along said parallel line 90.66 feet to the Point of Beginning, containing 0.222 acres of land.

Parcel No. 0ZZ0081C

That part of Lots 31 through 37 in Block 30 in Albert Crosby and Others Subdivision, being a subdivision in the East Half of the Southeast Quarter of Section 25, Township 40 North, Range 13 East of the Third Principal Meridian, according to the plat thereof recorded August 18, 1873 as Document 116140, in Cook County, Illinois, described as follows:

Beginning at the northwest corner of Lot 37 aforesaid; thence on an assumed bearing of South 89 degrees 15 minutes 02 seconds East along the north line of said Lot 37, a distance of 36.78 feet; thence South 51 degrees 19 minutes 03 seconds East 26.95 feet; thence South 00 degrees 05 minutes 26 seconds East 105.83 feet; thence South 34 degrees 38 minutes 33 seconds East 58.39 feet to the north line of the south 5.00 feet of Lot 31 aforesaid; thence North 89 degrees 15 minutes 04 seconds West along said north line 91.04 feet to the west line of said Lots 31 through 37; thence North 00 degrees 02 minutes 58 seconds West along said west line 114.92 feet; thence North 89 degrees 57 minutes 02 seconds East 2.74 feet; thence North 00 degrees 12 minutes 06 seconds East 10.05 feet; thence North 39 degrees 44 minutes 56 seconds West 4.36 feet to the west line of said Lots 31 through 37; thence North 00 degrees 02 minutes 58 seconds West along said west line 41.67 feet to the Point of Beginning, containing 0.239 acres of land.

It is understood and agreed that there is no existing right of access nor will access be permitted in the future by the State of Illinois, Department of Transportation, from or over the premises above described to and from FAI Route 94, previously declared a freeway.

Section 120. The Secretary of the Department of Transportation, subject to the conditions set forth in Section 900 of this Act, is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Cook County, Illinois, to Village of Matteson.

Parcel No. 0ZZ379A

That part of Lot 1 in Block 2 in Dettmering's Pine Grove Subdivision, being a subdivision of Lot 23 of division of those parts of Section 23, Township 35 North, Range 13 East of the Third Principal Meridian described as follows: Lots 3, 5, 6, 8, 12, 13, 14, and 15 in County Clerk's Division of Unsubdivided Lands in Section 23, Township 35 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois; bounded and described as follows:

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Commencing at the southwest corner of Lot 1 in Block 2 of said Dettmering's Pine Grove Subdivision; thence on an assumed bearing of North 00 degrees 44 minutes 46 seconds West along the west line of said Lot 1, 100.08 feet to the Point of Beginning; thence continuing North 00 degrees 44 minutes 46 seconds West along said west line of Lot 1, 46.39 feet to a point on a line drawn 58 feet south of and parallel with the north line of the Southeast Quarter of said Section 23; thence North 89 degrees 27 minutes 57 seconds East along the last described line, 6.83 feet to a point on an 80.90 foot radius curve, the center of circle of said curve bears South 09 degrees 03 minutes 52 seconds West from said point; thence easterly along said 80.90 foot radius curve, convex to the northeast, central angle 19 degrees 32 minutes 55 seconds, 27.60 feet to a point of tangency; thence South 61 degrees 23 minutes 13 seconds East, 8.61 feet to a point of curvature; thence southeasterly along a tangential curve convex to the northeast, radius 19.57 feet, central angle 30 degrees 20 minutes 46 seconds, 10.37 feet to a point of tangency; thence South 31 degrees 02 minutes 29 seconds East, 9.82 feet to a point of curvature; thence southeasterly along a tangential curve convex to the east, radius 41.16 feet, central angle 27 degrees 05 minutes 19 seconds, 19.46 feet to a point on a line drawn from a point on the west line of aforesaid Lot 1 in Block 2 in Dettmering's Pine Grove Subdivision distant 100.08 feet north of the southwest corner of said Lot 1 to a point 96.91 feet northeasterly of and 24.6 feet northwesterly of the southeast corner of said Lot 1 (as measured on the southeast line of said Lot 1 and on a line at right angles thereto); thence North 89 degrees 34 minutes 23 seconds West along the last described line 58.04 feet to the Point of Beginning, all in Cook County, Illinois.

Containing 0.048 acres (2101 square feet) more or less.

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

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

Section 910. (a) The Director of the Department of Natural Resources, on behalf of the State of Illinois, for the purpose of future development of a bike trail path in Will County is authorized to execute and deliver to the Will County Forest Preserve District for and in consideration of \$1.00 paid to said Department, and other valuable consideration, a Quit Claim Deed to its interest to the following two railroad right of way trail corridors of land located in Will County, Illinois:

(Chicago, Milwaukee, St. Paul, and Pacific Railroad  
Company Segment)

Parcel I: The Right of Way of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, (formerly the Illinois, Iowa and Minnesota Railway Company) across the following described land: The South 1/2 of the South East 1/4 of the South East 1/4 of Section 15; Lot 9 of Crescent Stone Company's subdivision of the South East 1/4 of the South East 1/4 of Section 15; the Northeast 1/4 of Section 22, except that part conveyed by Document R66-18449; Lot 1 of Assessor's Subdivision of the Northwest 1/4 of the South East 1/4 of Section 22 lying North of the Elgin, Joliet and Eastern Railway Switch Track Right of Way; Lots 1 and 2 of Assessor's Subdivision of the Northwest 1/4 of The South East 1/4 of Section 22 lying South of the Elgin, Joliet and Eastern Railway switch track right of way and North of the center of Five Mile Grove Road; the South East 1/4 of Section 22 lying South of the center of Five Mile Grove Road; the Northeast 1/4 of Section 27; the Northwest 1/4 of Section 26, lying North of Woodruff, Mack and Cowles Subdivision; Lots 1, 2, 8, 9, 10, 12 and 13 of Woodruff, Mack and Cowles Subdivision; a triangular piece of land lying North and East of Lots 1 and 9 of Woodruff, Mack and Cowles Subdivision, the Southwest 1/4 of Section 26; the South East 1/4 of Section 26, the Northeast 1/4 of Section 35; the Northwest 1/4 of Section 36; the Southwest 1/4 of Section 36; and the South East 1/4 of Section 36, all in Township 35 North, Range 10 East of the Third Principal Meridian;

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Parcel II: The right of way of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Formerly the Illinois, Iowa and Minnesota Railway Company) across the following described land: a triangular tract of land in the Northeast 1/4 of the Northeast 1/4 of Section 1, Township 34 North, Range 10 East of the Third Principal Meridian described as follows: Beginning at the Northeast Corner of the Northeast 1/4 of the Northeast 1/4 of Said Section 1; thence West along the North Line of the Northeast 1/4 of said Section 1, a distance of 198.9 feet; thence Southeasterly to a point on the Easterly line of the Northeast 1/4 of said Section 1 which is 182.9 feet South of the Northeast Corner of said Section 1; thence North along the East Line of Said Northeast 1/4 to the Point of Beginning;

Parcel III: The right of way of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (formerly the Illinois, Iowa and Minnesota Railway Company) across the following described land: The Northwest 1/4 and the Southwest 1/4 of Section 6; the Northwest 1/4 and the East 1/2 of Section 7; the Northeast 1/4 of Section 18; the West 1/2 of Section 17; the Northeast 1/4 of the Northwest 1/4 of Section 20; that part of the East 1/2 of Section 20 and the Southwest 1/4 of Section 20 lying west of the Wabash Railroad right of way line; the West 1/2 of Section 29; and the South East 1/4 of Section 30 except that part conveyed by Document No. 544311 and also except that part conveyed by Document No. R89-7583, all in Township 34 North, Range 11 East of the Third Principal Meridian, All in Will County, Illinois.

PINS (or part of PINS)

07-22-200-008  
 07-36-100-005-0010  
 07-36-100-005-0020  
 07-26-400-004  
 07-27-200-003  
 07-35-200-003  
 07-15-400-013  
 11-01-200-005  
 12-17-300-002  
 12-29-300-002  
 12-30-400-006  
 12-06-300-003  
 12-07-400-002  
 12-20-300-004  
 12-18-200-002

Also: That part of Section 30, Township 34 North, Range 11 East of the Third Principal Meridian, being a part of the Southeast 1/4 of Section 30 and lying Westerly of Norfolk Southern Railroad's West right of way (also known as Wabash Railroad) as depicted on Joliet Army Ammunition Plant Drawing No. 3115, Sheet 1 of 2 segment map, and being more particularly described as follows: Commencing at the intersection of the South line of Section 30 and Norfolk Southern Railroad centerline Station 2201+50, said intersection being located South 88 degrees 17 minutes 18 seconds West 743.38 feet, more or less, from a Section corner stone common to Sections 29, 30, 31 and 32; Thence with South Line of Section 30, South 88 degrees 17 minutes 18 seconds West, 36.77 feet, more or less to the Point of Beginning, being 33.00 Feet right of and normal to Railroad Centerline Station 2201+66 and lying in the West right of way line of said Railroad, said point also being the Southeast corner of a parcel of land as originally acquired by the United States of America, said corner common to the lands now or formerly owned by George Delaney; thence leaving said Railroad's West right of way line and continuing with said South Section Line South 88 degrees 17 minutes 18 seconds West 150.00 feet, more or less, to the Southwest corner of said parcel being 167.61 feet right of and normal to Railroad Centerline Station 2202+32; Thence with West boundary of said parcel as originally acquired North 40 degrees 26 minutes 32 seconds East 453.52 feet, more or less, to a point 53.00 feet right of and normal to Railroad Centerline Station 2198+00; Thence with the arc of a 1.4794 degrees railroad curve to the right, having a radius of 3872.83 feet and a chord of

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North 29 degrees 32 minutes 57 seconds East 124.91 feet, more or less, thence Northeasterly 124.92 feet, more or less, to a point 53.00 feet right of and normal to Railroad Centerline Station P.C. 2196+76.8; Thence North 30 degrees 28 minutes 24 seconds East 234.20 feet, more or less, to a point 53.00 feet right of and normal to Railroad Centerline Station P.T. 2194+42.6; Thence with the Arc of a 1.5211 degrees railroad curve to the left, having a radius of 3766.83 Feet and a chord of North 28 degrees 55 minutes 26 seconds East 203.71 feet, more or less, thence Northeasterly 203.73 feet, more or less to a point 53.00 feet right of and normal to Railroad Centerline Station 2192+36; Thence South 62 degrees 37 minutes 31 seconds East 6.50 feet, more or less to a point 46.50 feet right of and normal to Railroad Centerline Station 2192+36; Thence with the arc of a 1.5186 degrees railroad curve to the left, having a radius of 3773.33 feet and a chord of North 25 degrees 56 minutes 26 seconds East 188.86 feet, more or less; Thence Northeasterly 188.88 feet, more or less, to a point 46.50 feet right of and normal to Railroad Centerline Station P.C. 2190+44.8; Thence North 24 degrees 30 minutes 24 seconds East 238.80 feet, more or less, to a point 46.50 feet right of and normal to Railroad Centerline Station 2188+06; Thence South 65 degrees 29 minutes 36 seconds East 30.00 feet, more or less to a point 16.50 feet right of and normal to Railroad Centerline Station 2188+06; Being in the West right of way line for said Railroad, also said Railroad Centerline Station 2188+06 being located South 24 degrees 30 minutes 24 seconds West 190.00 feet, more or less, from the intersection of Railroad Centerline Station 2186+16 and the East line of Section 30; Thence along said West railroad right of way line as follows: South 24 degrees 30 minutes 24 seconds West 238.80 feet, more or less, to a point 16.50 feet right of and normal to Railroad Centerline Station P.C. 2190+44.8; Thence with the arc of a 1.5064 degrees Railroad Curve to the right, having a radius of 3803.33 feet and a chord of South 25 degrees 56 minutes 26 seconds West 190.36 feet, more or less, thence Southwesterly 190.38 feet, more or less, to a point 16.50 feet right of and normal to Railroad Centerline Station 2192+36; Thence continuing along said West railroad right of way line; North 62 degrees 37 minutes 31 seconds West 16.50 feet, more or less, to a point 33.00 feet right of and normal to Railroad Centerline Station 2192+36; Thence with the arc of a 1.5131 degrees Railroad Curve to the right, having a radius of 3786.83 feet and a chord of South 28 degrees 55 minutes 26 seconds West 204.79 feet, more or less; Southwesterly 204.81 feet, more or less, to a point 33.00 feet right of and normal to Railroad Centerline Station P.T.2194+42.6; Thence South 30 degrees 28 minutes 24 seconds West 234.20 feet, more or less, to a point 33.00 feet right of and normal to Railroad Centerline Station P.C. 2196+76.8; Thence with the arc of a 1.4872 degrees Railroad Curve to the left, having a radius 3852.83 feet and a chord of South 27 degrees 28 minutes 24 seconds West 403.28 feet, more or less; Thence Southwesterly 403.47 feet, more or less, to a point 33.0 feet right of and normal to Railroad Centerline Station P.T. 2200+76.8; Thence South 24 degrees 28 minutes 24 seconds West 89.43 feet, more or less, to the point of beginning, in Will County, Illinois

Part of Pin; 12-30-400-006

(Wabash Railroad Company Segment)

Parcel 1: All of the Wabash Railroad Company, formerly known as the Chicago and Strawn Railway Company (now Donor) abandoned right of way as now located and extra width right of way as now located in Section 29, Township 34 North, Range 11 East of the Third Principal Meridian. All situated in the County of Will, State of Illinois.

Parcel 2: A strip of land 66 feet in width, being 33 feet wide on each side of the center line of the Wabash Railroad Company, formerly known as the Chicago and Strawn Railway Company (now Donor) abandoned right of way as now located in Sections 30 and 31, Township 34 North, Range 11 East of the Third Principal Meridian. All situated in the County of Will, State of Illinois.

Parcel 3: A strip of land 66 feet in width, being 33 feet wide on each side of the center line of the Wabash Railroad Company, formerly known as the Chicago and Strawn Railway Company (now Donor) abandoned right of way as now located in Section 6, Township 33 North, Range 11 East of the Third Principal Meridian and Section I, Township 33 North, Range 10 East of the Third Principal Meridian. All situated in the County of Will, State of Illinois.

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Parcel 4: A strip of land 66 feet in width, being 33 feet wide on each side of the center line of the Wabash Railroad Company, formerly known as the Chicago and Strawn Railway Company (now Donor) abandoned right of way as now located in the Northeast Quarter and Southeast Quarter of Section 12, Township 33 North, Range 10 East of the Third Principal Meridian. All situated in the County of Will, State of Illinois.

Parcel 5: A strip of land 66 feet in width being 33 feet wide on each side of the center line of the Wabash Railroad Company, formerly known as the Chicago and Strawn Railway Company (now Donor) abandoned right of way as now located in the Southwest Quarter of Section 12 and Northwest Quarter of Section 13, Township 33 North, Range 10 East of the Third Principal Meridian. All situated in the County of Will, State of Illinois.

Parcel 6: A strip of land 66 feet in width, being 33 feet wide on each side of the center line of the Wabash Railroad Company, formerly known as the Chicago and Strawn Railway Company (now Donor) abandoned right of way as now located in Section 14, Township 33 North, Range 10 East of the Third Principal Meridian. All situated in the County of Will, State of Illinois.

Parcel 7: All of the Wabash Railroad Company, formerly known as the Chicago and Strawn Railway Company (now Donor) abandoned right of way as now located and extra width right of way as now located in Section 23, Township 33 North, Range 10 East of the Third Principal Meridian. All situated in the County of Will, State of Illinois.

Parcel 8: A strip of land 66 feet in width, being 33 feet wide on each side of the center track of the Wabash Railroad Company, formerly known as the Chicago and Strawn Railway Company (now Donor) abandoned right of way as now located in Section 22, Township 33 North, Range 10 East of the Third Principal Meridian. All situated in the County of Will, State of Illinois.

Parcel 9: All of the Wabash Railroad Company, formerly known as the Chicago and Strawn Railway Company (now Donor) abandoned right of way as now located and extra width right of way as now located in Section 27, Township 33 North, Range 10 East of the Third Principal Meridian. All situated in the County of Will, State of Illinois.

Parcel 10: A strip of land 66 feet in width, being 33 feet wide on each side of the center line of the Wabash Railroad Company, formerly known as the Chicago and Strawn Railway Company (now Donor) abandoned right of way as now located in Sections 28 and 33, Township 33 North, Range 10 East of the Third Principal Meridian, excepting therefrom that part of said abandoned right of way falling in the East Half of the Northwest Quarter of Section 33, Township 33 North, Range 10 East of the Third Principal Meridian. All situated in the County of Will, State of Illinois.

Parcel 11: All of the Wabash Railroad Company, formerly known as the Chicago and Strawn Railway Company (now Donor) abandoned right of way as now located and extra width right of way as now located in Section 5, Township 32 North, Range 10 East of the Third Principal Meridian. All situated in the County of Will, State of Illinois.

Parcel 12: All of the Wabash Railroad Company, formerly known as the Chicago and Strawn Railway Company (now Donor) abandoned right of way as now located and extra width right of way as now located in Section 8, Township 32 North, Range 10 East of the Third Principal Meridian. All situated in the County of Will, State of Illinois.

Parcel 13: All of the Wabash Railroad Company, formerly known as the Chicago and Strawn Railway Company (now Donor) abandoned right of way as now located and extra width right of way as now located in Sections 7, 18, and that part of the Northwest Quarter of Section 19, lying Northeastly of the Northeastly right of way line of Route 113, all in Township 32 North, Range 10 East of the Third Principal Meridian, excluding that part of the Wabash Railroad Company abandoned right of way, if any, as now located across the Kankakee River in the Northwest Quarter of Section 19, Township 32 North, Range 10 East of the Third Principal Meridian. All situated in the County of Will, State of Illinois. TOGETHER WITH Wabash Railroad Company's (now Donor) abandoned bridge and associated support piers located across the Kankakee River in the Northwest Quarter of Section 19, Township 32 North, Range 10 East of the Third Principal Meridian, Will County, Illinois. Said bridge being identified as Bridge Number 1145. LESS AND EXCEPT the following described property:

Tract 1: That part of the Northeast Quarter of Section 18, Township 32 North, Range 10 East of the Third Principal Meridian, Will County, Illinois, described as follows: Commencing at the Northwest corner of the Southeast Quarter of the Northeast Quarter of said Section 18; thence, North 89°17'39" East along the North line of the Southeast Quarter of the Northeast Quarter of said Section 18 a distance of 171.53 feet to a point; thence, North 38°25'59" East a distance of 132.68 feet to an iron rod; thence, South 51°34'01" East a distance of 36.50 feet to a railroad spike being on the southeasterly right of way line of the Grantor; thence, South 38°25'59" West along last said right of way line a distance of 432.00 feet to the POINT OF BEGINNING; thence, continuing South 38°25'59" West along said last right of way line a distance of 255.00 feet to an iron rod; thence, North 51°34'01" West a distance of 38.00 feet to an iron rod; thence, North 38°25'59" East a distance of 255.00 feet to an iron rod; thence, South 51°34'01" East a distance of 38.00 feet to the POINT OF BEGINNING; containing 0.22 of an acre.

Tract 2: That part of the Northeast Quarter of Section 18, Township 32 North, Range 10 East of the Third Principal Meridian, Will County, Illinois, described as follows: Commencing at the Northwest corner of the Southeast Quarter of the Northeast Quarter of said Section 18; thence, North 89°17'39" East along the North line of the Southeast Quarter of the Northeast Quarter of said Section 18 a distance of 171.53 feet to the POINT OF BEGINNING; thence, North 38°25'59" East a distance of 132.68 feet to an iron rod; thence, South 51°34'01" East a distance of 36.50 feet to a railroad spike being on the southerly right of way line of the Grantor; thence, South 38°25'59" West along the last said right of way line a distance of 372.00 feet to an iron rod; thence, North 51°34'01" West a distance of 36.50 feet to an iron rod; thence, North 38°25'59" East a distance of 239.32 feet to the POINT OF BEGINNING; containing 0.31 of an acre.

PINS (or part of PINS)

14-12-31-505-001  
 13-19-06-505-001  
 09-18-01-505-001  
 09-18-14-505-001  
 09-18-27-505-001  
 08-25-05-505-001  
 08-25-05-505-002  
 08-25-08-505-001  
 08-25-18-505-003  
 02-24-24-505-001 (pt)

(b) The above property being transferred is to be owned and developed for public recreational purposes. Any conveyance of the property shall state that in the event that this land is sold or transferred for non-public use, the property shall revert back to the Illinois Department of Natural Resources.

Section 920. (a) The Director of the Department of Natural Resources, on behalf of the State of Illinois, for the purpose of future development of a bike trail path in Christian County is authorized to

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execute and deliver to the City of Pana for and in consideration of \$1.00 paid to said Department, and other valuable consideration, a Quit Claim Deed to its interest to the following parcel of land located in Christian County, Illinois:

Former Baltimore and Ohio Railroad  
Parcel #729-02-9

A strip of land 20 feet in even width off of the Easterly side of the following described tract of land:

That portion of the abandoned Baltimore & Ohio Railroad right-of-way lying in the Northwest Quarter of the Northwest Quarter of Section 36, Township 12 North, Range 1 West of the Third Principal Meridian, Christian County, Illinois, being 50 feet on either side of the originally located centerline of said railroad, more particularly described as follows: Beginning at the Northerly most corner of a triangular tract of land described in deed recorded as Doc. No. 87-23700; thence South 41 degrees 45'20" East, 770.45 feet to the Southeasterly corner of said triangular tract of land described in deed recorded as Doc. No. 87-23700; thence South 89 degrees 44'31" East, 134.59 feet; thence North 41 degrees 45'20" West, 971.55 feet to a point on the West Section line of Section 36; thence South 00 degrees 15'23" West, along said West Section line, a distance of 149.41 feet to the point of beginning.

Situated in the County of Christian, State of Illinois.

(b) The above property being transferred is to be owned and developed for public recreational purposes. Any conveyance of the property shall state that in the event that this land is sold or transferred for nonpublic use, the property shall revert back to the Illinois Department of Natural Resources.

Section 925. (a) The Director of the Department of Natural Resources, on behalf of the State of Illinois, for the purpose of securing access to State owned property, over and across a former mine haul road owned by Consolidation Coal Company, a Delaware Corporation, and for the purpose of providing improved land management boundaries for both parties, is authorized to exchange certain real property in Perry County, Illinois, hereinafter referred to as Parcel A, for certain real property in said County owned by said Consolidation Coal Company, its successors and assigns, hereinafter referred to as Parcel B, such Parcels being described as follows, to wit:

Parcel A:

A parcel of land being a part of the Northwest Quarter of the Southwest Quarter, a part of the Northeast Quarter of the Southwest Quarter, and a part of the Northwest Quarter of the Southeast Quarter of Section 1, Township 6 South, Range 4 West of the Third Principal Meridian, being more particularly described as follows:

Beginning at an iron rod set at the Southwest corner of said Northwest Quarter of the Southwest Quarter; thence N 00°45'24" E along the West line of said Northwest Quarter of the Southwest Quarter, 109.00 feet to an iron rod set; thence N 89°41'30" E along the North line of the South 109 feet of said Northwest Quarter of the Southwest Quarter, 1322.99 feet to an iron rod set in the West line of said Northeast Quarter of the Southwest Quarter; thence N 00°40'52" E along the West line of said Northeast Quarter of the Southwest Quarter, 175.00 feet to the Northwest corner of Tract 1 of Parcel 161, as described in that Warranty Deed recorded in Book 591 at Page 79 in the Recorder's Office of Perry County, Illinois; thence N 75°31'43" E along the Northwesterly boundary of said Tract 1 of Parcel 161, 2067.00 feet to an iron rod set; thence N 00°11'45" W along the Northwesterly boundary of said Tract 1 of Parcel 161, 514.08 feet to an iron rod set in the South right-of-way line of Leopard Road; thence along said South right-of-way line and along the Northerly boundary of said Tract 1 of Parcel 161 the following two (2) calls: thence S 67°53'44" E, 366.31 feet to an iron rod set; thence S 65°41'20" E, 231.71 feet to an iron rod found in the West right-of-way line of Panda Bear Road; thence along the West right-of-way line of Panda Bear Road the following four (4) calls: thence S 00°38'52" W, 199.88 feet to an iron rod set; thence along a Curve to the Right, with

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Chord Bearing S 18°59'14" W 459.71 feet, a Radius of 730.52 feet, an Arc Length of 467.66 feet to an iron rod set; thence along a Curve to the Left, with Chord Bearing S 18°38'40" W 345.17 feet, a Radius of 538.80 feet, an Arc Length of 351.37 feet to an iron rod set; thence S 00°02'16" E, 21.70 feet to an iron rod set in the North right-of-way line of an existing park road; thence along the North right-of-way line of said existing park road the following four (4) calls: thence N 86°26'52" W, 388.54 feet to an iron rod set; thence along a Curve to the Left, with Chord Bearing N 89°26'45" W 508.36 feet, a Radius of 4860.00 feet, an Arc Length of 508.59 feet to an iron rod set; thence S 87°33'23" W, 1002.64 feet to an iron rod set; thence along a Curve to the Left, with Chord Bearing S 84°39'57" W 937.82 feet, a Radius of 8414.38 feet, an Arc Length of 938.31 feet to an iron rod set in the South line of said Northwest Quarter of the Southwest Quarter; thence S 89°41'30" W along the South line of said Northwest Quarter of the Southwest Quarter, 782.94 feet to the Point of Beginning, containing 34.441 acres, more or less, all situated in the County of Perry, State of Illinois.

**Parcel B:**

The West Half of the Southeast Quarter of the Southeast Quarter of Section 36, Township 5 South, Range 4 West of the Third Principal Meridian, containing 20 acres, more or less, all situated in the County of Perry, State of Illinois.

(b) The Director of the Department of Natural Resources, on behalf of the State of Illinois, for the purpose of clearing title to a Parcel of land now owned by Consolidation Coal Company, a Delaware Corporation, and hereinafter referred to as Parcel 169, which was erroneously included in that Quit-Claim Deed from Ark Land Company to the People of the State of Illinois, recorded 9-28-01 in the Recorder's Office of Perry County, Illinois, in Book 591 at Page 96, and for and in consideration of \$1.00, is authorized to execute and deliver a Quit-Claim Deed for said Parcel 169 to said Consolidation Coal Company, its successors and assigns, said Parcel 169 being described as follows:

**Parcel 169:**

Commencing at the Northeast corner of the Northwest Quarter of the Southeast Quarter, Section 1, Township 6 South, Range 4 West of the 3rd P.M., Perry County, Illinois, thence Southerly along the East line of said Quarter-Quarter to the Southeast corner of said Quarter-Quarter, thence Westerly along the South line of said Quarter-Quarter to the Southwest corner of said Quarter-Quarter, thence Westerly along the South line of the Northeast Quarter of the Southwest Quarter of said Section 1 to the Southwest corner of the Northeast Quarter of the Southwest Quarter of said Section 1, thence Northerly along the West line of the Northeast Quarter of the Southwest Quarter of said Section 1, 284 feet to the Point of Beginning, thence North 75 degrees East 2067 feet, thence North 441.79 feet, thence N 68°47'06" W, a distance of 94.69 feet; thence S 89°22'52" W, a distance of 1898.27 feet, thence S 00°35'11" W, a distance of 990.58 feet to the point of beginning and being a part of the Northeast Quarter of the Southwest Quarter and a part of the "Northeast Quarter of the Southwest Quarter" (see Note), all in Section 1, Township 6 South, Range 4 West of the 3rd P.M., Perry County, Illinois; except all that part of the Northwest Quarter of the Southeast Quarter lying North of the South right-of-way line of Leopard Road. (Note: The part within quote marks should read "Northwest Quarter of the Southeast Quarter").

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

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

**AMENDMENT NO. 2**

AMENDMENT NO. 2. Amend Senate Bill 2248, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 43, after line 22, by inserting the following:

[May 19, 2004]

"Section 930. The Boone County Conservation District is authorized to convey by quitclaim deed all of its right, title, and interest in and to the following described land:

Part of the West Half (1/2) of the Southwest Quarter (1/4) of the Northwest Quarter (1/4) of Section 32, Township 46 North, Range 3 East of the Third Principal Meridian, bounded and described as follows, to-wit: Commencing at the Northeast corner of the West Half (1/2) of the Northwest Quarter (1/4) of said Section 32; thence South 01°-04'-09" West, along the East line of the West Half (1/2) of said Quarter (1/4) Section, 1830.00 feet; thence South 89°-53'-04" West, parallel with the North line of said Quarter (1/4) Section, 660.79 feet to the point of beginning of the following described premises, to-wit: thence North 01°-07'-56" East, along the East line of the West Half (1/2) of the Southwest Quarter (1/4) of the Northwest Quarter (1/4) of said Section 32, a distance of 510.31 feet to the Northeast corner of the East Half (1/2) of the Southwest Quarter (1/4) of the Northwest Quarter (1/4) of said Section 32; thence South 89°-53'-57" West, along the North line of the Southwest Quarter (1/4) of the Northwest Quarter (1/4) of said Section 32, a distance of 9.4 feet to an existing fence line; thence South 2°-03'-07" West, along the existing fence line, 510.56 feet; thence North 89°-53'-04" East, 17.6 feet to the point of beginning. Situated in the County of Boone and State of Illinois. Containing 6,887 Square Feet, more or less."

Under the rules, the foregoing **Senate Bill No. 2248**, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

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

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

SENATE BILL NO. 2731

A bill for AN ACT concerning utilities.

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

House Amendment No. 1 to SENATE BILL NO. 2731

Passed the House, as amended, May 19, 2004.

MARK MAHONEY, Clerk of the House

#### AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2731 by replacing everything after the enacting clause with the following:

"Section 5. The Public Utilities Act is amended by adding Sections 13-230, 13-231, 13-232, 13-233, 13-404.1, and 13-404.2 as follows:

(220 ILCS 5/13-230 new)

Sec. 13-230. Prepaid calling service. "Prepaid calling service" means telecommunications service that must be paid for in advance by an end user, enables the end user to originate calls using an access number or authorization code, whether manually or electronically dialed, and is sold in predetermined units or dollars of which the number declines with use in a known amount. A prepaid calling service call is a call made by an end user using prepaid calling service. "Prepaid calling service" does not include prepaid wireless telephone service as defined in Section 10 of the Wireless Emergency Telephone Safety Act.

(220 ILCS 5/13-231 new)

Sec. 13-231. Prepaid calling service provider. "Prepaid calling service provider" means and includes every corporation, company, association, joint stock company or association, firm, partnership, or individual and their lessees, trustees, or receivers appointed by any court whatsoever that contracts directly with a telecommunications carrier to resell or offers to resell telecommunications service as prepaid calling service to one or more distributors, prepaid calling resellers, prepaid calling service retailers, or end users.

(220 ILCS 5/13-232 new)

Sec. 13-232. Prepaid calling service retailer. "Prepaid calling service retailer" means and includes every corporation, company, association, joint stock company or association, firm, partnership, or individual and their lessees, trustees, or receivers appointed by any court whatsoever that sells or offers to sell prepaid calling service directly to one or more end users.

[May 19, 2004]

(220 ILCS 5/13-233 new)

Sec. 13-233. Prepaid calling service reseller. "Prepaid calling service reseller" means and includes every corporation, company, association, joint stock company or association, firm, partnership, or individual and their lessees, trustees, or receivers appointed by any court whatsoever that purchases prepaid calling services from a prepaid calling service provider or distributor and sells those services to one or more distributors of prepaid calling services or to one or more prepaid calling service retailers.

(220 ILCS 5/13-404.1 new)

Sec. 13-404.1. Prepaid calling service authority; rules.

(a) The General Assembly finds that it is necessary to require the certification of prepaid calling service providers to protect and promote against fraud the legitimate business interests of persons or entities currently providing prepaid calling service to Illinois end users and Illinois end users who purchase these services.

(b) On and after July 1, 2005, it shall be unlawful for any prepaid calling service provider to offer or provide or seek to offer or provide to any distributor, prepaid calling service reseller, prepaid calling service retailer, or end user any prepaid calling service unless the prepaid calling service provider has applied for and received a Certificate of Prepaid Calling Service Provider Authority from the Commission. The Commission shall approve an application for a Certificate of Prepaid Calling Service Provider Authority upon a showing by the applicant, and a finding by the Commission, after notice and hearing, that the applicant possesses sufficient technical, financial, and managerial resources and abilities to provide prepaid calling services. The Commission shall approve an application for a Certificate of Prepaid Calling Service Provider Authority without a hearing upon a showing by the applicant that the Commission has issued an appropriate Certificate of Service Authority (whether a Certificate of Interexchange Service Authority or Certificate of Exchange Service Authority or both) to the applicant or the telecommunications carrier whose service the applicant is seeking to resell, provided that the telecommunications carrier remains in good standing with the Commission. The Commission may adopt rules necessary for the administration of this subsection.

(c) Upon issuance of a Certificate of Prepaid Calling Service Provider Authority to a prepaid calling service provider, the Commission shall post a list that contains the full legal name of the prepaid service provider, the docket number of the provider's certification proceeding, and the toll-free customer service number of the certified prepaid calling service provider on the Commission's web site on a link solely dedicated to prepaid calling service providers. If the certified prepaid calling service provider changes its toll-free customer service number, it is the duty of the certified prepaid calling service provider to provide the Commission with notice of the change and with the provider's new toll-free customer service number at least 24 hours prior to changing its toll-free customer service number. The Commission may adopt rules that further define the administration of this subsection.

(d) Any and all enforcement authority granted to the Commission under this Article over any Certificate of Service Authority shall apply equally and without limitation to Certificates of Prepaid Calling Service Provider Authority.

(220 ILCS 5/13-404.2 new)

Sec. 13-404.2. Prepaid calling service standards. The Commission, by rule, may establish and implement minimum service quality standards for prepaid calling service. The rules may include, but are not limited to, requiring access to a live customer service attendant through the customer service number, reporting requirements, fines, penalties, customer credits, remedies, and other enforcement mechanisms to ensure compliance with the service quality standards.

Section 10. The Consumer Fraud and Deceptive Business Practices Act is amended by adding Section 20Q as follows:

(815 ILCS 505/20Q new)

Sec. 20Q. Prepaid calling service.

(a) For purposes of this Section 20Q, the terms "Prepaid Calling Service", "Prepaid Calling Service Provider", "Prepaid Calling Service Retailer", and "Prepaid Calling Service Reseller" shall have the same definitions as those in Sections 13-230, 13-231, 13-232, and 13-233, respectively, of the Public Utilities Act.

For the purposes of this Section, "international preferred destination" means a prepaid calling service that advertises a specific international destination either on the card, the packaging material accompanying the card, or through an offering of sale of the service.

(b) On and after July 1, 2005, it is an unlawful practice under this Act for any prepaid calling service provider or prepaid calling service reseller to sell or offer to sell prepaid calling service to any prepaid calling service retailer unless the prepaid calling service provider has applied for and received a

Certificate of Prepaid Calling Service Provider Authority from the Illinois Commerce Commission pursuant to the Public Utilities Act and the prepaid calling service provider or prepaid calling service reseller shows proof of the prepaid calling service provider's Certificate of Prepaid Calling Service Provider Authority to the prepaid calling service retailer.

(c) On and after July 1, 2005, it is an unlawful practice under this Act for any prepaid calling service retailer to sell or offer to sell prepaid calling service to any consumer unless the prepaid calling service retailer retains proof of certification of the prepaid calling service provider by the Illinois Commerce Commission pursuant to the Public Utilities Act. The prepaid calling service retailer must retain proof of certification for one year or the duration of the contract with the reseller, whichever is longer. A prepaid calling service retailer with multiple locations selling prepaid calling cards under contract with a prepaid calling service provider may keep the certification at a central location provided, however, that the prepaid calling service retailer make a copy of the certification available upon reasonable request within 48 hours.

(d) On and after July 1, 2005, no prepaid calling service provider or prepaid calling service reseller shall sell or offer to sell prepaid calling service, as those terms are defined in Article XIII of the Public Utilities Act, to any Illinois consumer, either directly or through a prepaid calling service retailer, unless the following disclosures are made clearly and conspicuously:

(1) At a minimum, the following terms and conditions shall be disclosed clearly and conspicuously on the prepaid calling card, if applicable:

(A) the full name of the Prepaid Calling Service Provider as certified by the Illinois Commerce Commission;

(B) the toll-free customer service number;

(C) an access number that is toll-free or a number local to the prepaid calling retailer; and

(D) the refund policy or a statement that the refund policy is located on the packaging materials.

(2) At a minimum, all the material terms and conditions pertaining to the specific prepaid calling card shall be disclosed clearly and conspicuously on the packaging materials accompanying the prepaid calling card including, but not limited to, the following, if applicable:

(A) the value of the card in minutes or the domestic rate per minute of the card;

(B) all surcharges and fees applicable to the use of the domestic prepaid calling service;

(C) all applicable rates for international preferred destinations;

(D) all applicable surcharges and fees for international preferred destinations;

(E) a disclosure statement indicating that all rates, surcharges, and fees applicable to international calls are available through the toll-free customer service number and a statement disclosing if international rates vary from domestic rates; and

(F) the expiration policy.

(3) At a minimum, the following information shall be disclosed clearly and conspicuously and accurately through the toll-free customer service telephone number through which the customer is able speak with a live customer service representative:

(A) the Illinois Commerce Commission certificate number of the Prepaid Calling Service Provider;

(B) all applicable rates, terms, surcharges, and fees for domestic and international calls;

(C) all information necessary to determine the cost of a given call;

(D) the balance of use in the consumer's account; and

(E) the applicable expiration date or period.

The disclosures required under this subsection (d) do not apply to the recharging of dollars or minutes to a previously purchased card allowing prepaid calling service."

Under the rules, the foregoing **Senate Bill No. 2731**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

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

SENATE BILL NO. 3200

A bill for AN ACT in relation to executive agencies.

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

House Amendment No. 1 to SENATE BILL NO. 3200

[May 19, 2004]



Passed the House, as amended, May 19, 2004.

MARK MAHONEY, Clerk of the House

**AMENDMENT NO. 1**

AMENDMENT NO.   1  . Amend Senate Bill 3200 by replacing the title with the following:

"AN ACT in relation to public employee benefits."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Pension Code is amended by changing Section 14-103.05 as follows:

(40 ILCS 5/14-103.05) (from Ch. 108 1/2, par. 14-103.05)

Sec. 14-103.05. Employee.

(a) Any person employed by a Department who receives salary for personal services rendered to the Department on a warrant issued pursuant to a payroll voucher certified by a Department and drawn by the State Comptroller upon the State Treasurer, including an elected official described in subparagraph (d) of Section 14-104, shall become an employee for purpose of membership in the Retirement System on the first day of such employment.

A person entering service on or after January 1, 1972 and prior to January 1, 1984 shall become a member as a condition of employment and shall begin making contributions as of the first day of employment.

A person entering service on or after January 1, 1984 shall, upon completion of 6 months of continuous service which is not interrupted by a break of more than 2 months, become a member as a condition of employment. Contributions shall begin the first of the month after completion of the qualifying period.

The qualifying period of 6 months of service is not applicable to: (1) a person who has been granted credit for service in a position covered by the State Universities Retirement System, the Teachers' Retirement System of the State of Illinois, the General Assembly Retirement System, or the Judges Retirement System of Illinois unless that service has been forfeited under the laws of those systems; (2) a person entering service on or after July 1, 1991 in a noncovered position; or (3) a person to whom Section 14-108.2a or 14-108.2b applies.

(b) The term "employee" does not include the following:

(1) members of the State Legislature, and persons electing to become members of the General Assembly Retirement System pursuant to Section 2-105;

(2) incumbents of offices normally filled by vote of the people;

(3) except as otherwise provided in this Section, any person appointed by the Governor with the advice and consent of the Senate unless that person elects to participate in this system;

(3.1) any person serving as a commissioner of an ethics commission created under the State Officials and Employees Ethics Act unless that person elects to participate in this system with respect to that service as a commissioner;

(4) except as provided in Section 14-108.2 or 14-108.2c, any person who is covered or eligible to be covered by the Teachers' Retirement System of the State of Illinois, the State Universities Retirement System, or the Judges Retirement System of Illinois;

(5) an employee of a municipality or any other political subdivision of the State;

(6) any person who becomes an employee after June 30, 1979 as a public service employment program participant under the Federal Comprehensive Employment and Training Act and whose wages or fringe benefits are paid in whole or in part by funds provided under such Act;

(7) enrollees of the Illinois Young Adult Conservation Corps program, administered by the Department of Natural Resources, authorized grantee pursuant to Title VIII of the "Comprehensive Employment and Training Act of 1973", 29 USC 993, as now or hereafter amended;

(8) enrollees and temporary staff of programs administered by the Department of Natural Resources under the Youth Conservation Corps Act of 1970;

(9) any person who is a member of any professional licensing or disciplinary board created under an Act administered by the Department of Professional Regulation or a successor agency or created or re-created after the effective date of this amendatory Act of 1997, and who receives per diem compensation rather than a salary, notwithstanding that such per diem compensation is paid by warrant issued pursuant to a payroll voucher; such persons have never been included in the membership of this System, and this amendatory Act of 1987 (P.A. 84-1472) is not intended to effect any change in the status of such persons;

[May 19, 2004]

(10) any person who is a member of the Illinois Health Care Cost Containment Council, and receives per diem compensation rather than a salary, notwithstanding that such per diem compensation is paid by warrant issued pursuant to a payroll voucher; such persons have never been included in the membership of this System, and this amendatory Act of 1987 is not intended to effect any change in the status of such persons; or

(11) any person who is a member of the Oil and Gas Board created by Section 1.2 of the Illinois Oil and Gas Act, and receives per diem compensation rather than a salary, notwithstanding that such per diem compensation is paid by warrant issued pursuant to a payroll voucher.  
(Source: P.A. 92-14, eff. 6-28-01.)

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

Under the rules, the foregoing **Senate Bill No. 3200**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

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

HOUSE BILL 587

A bill for AN ACT in relation to pensions.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 587

Concurred in by the House, May 19, 2004.

MARK MAHONEY, Clerk of the House

A message from the House by

Mr. Mahoney, Clerk:

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

HOUSE BILL 758

A bill for AN ACT concerning schools.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 758

Concurred in by the House, May 19, 2004.

MARK MAHONEY, Clerk of the House

A message from the House by

Mr. Mahoney, Clerk:

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

HOUSE BILL 1082

A bill for AN ACT in relation to health care.

Which amendment is as follows:

Senate Amendment No. 2 to HOUSE BILL NO. 1082

Concurred in by the House, May 19, 2004.

MARK MAHONEY, Clerk of the House

A message from the House by

Mr. Mahoney, Clerk:

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

HOUSE BILL 1086

A bill for AN ACT concerning health facilities.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 1086

Concurred in by the House, May 19, 2004.

MARK MAHONEY, Clerk of the House

[May 19, 2004]

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:  
HOUSE BILL 4027

A bill for AN ACT concerning vehicles.  
Which amendment is as follows:  
Senate Amendment No. 1 to HOUSE BILL NO. 4027  
Concurred in by the House, May 19, 2004.

MARK MAHONEY, Clerk of the House

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:  
HOUSE BILL 4135

A bill for AN ACT concerning criminal law.  
Which amendment is as follows:  
Senate Amendment No. 2 to HOUSE BILL NO. 4135  
Concurred in by the House, May 19, 2004.

MARK MAHONEY, Clerk of the House

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendments to a bill of the following title, to-wit:  
HOUSE BILL 4318

A bill for AN ACT concerning visitation.  
Which amendments are as follows:  
Senate Amendment No. 1 to HOUSE BILL NO. 4318  
Senate Amendment No. 2 to HOUSE BILL NO. 4318  
Concurred in by the House, May 19, 2004.

MARK MAHONEY, Clerk of the House

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:  
HOUSE BILL 4371

A bill for AN ACT in relation to human rights.  
Which amendment is as follows:  
Senate Amendment No. 3 to HOUSE BILL NO. 4371  
Concurred in by the House, May 19, 2004.

MARK MAHONEY, Clerk of the House

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:  
HOUSE BILL 4489

A bill for AN ACT concerning vehicles.  
Which amendment is as follows:  
Senate Amendment No. 1 to HOUSE BILL NO. 4489  
Concurred in by the House, May 19, 2004.

MARK MAHONEY, Clerk of the House

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

[May 19, 2004]

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

HOUSE BILL 4232

A bill for AN ACT in relation to health, which may be known as the Colleen O'Sullivan Law.  
Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 4232

Concurred in by the House, May 19, 2004.

MARK MAHONEY, Clerk of the House

A message from the House by

Mr. Mahoney, Clerk:

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

HOUSE BILL 4949

A bill for AN ACT concerning criminal law.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 4949

Concurred in by the House, May 19, 2004.

MARK MAHONEY, Clerk of the House

**MESSAGE FROM THE SECRETARY OF STATE**

OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

May 19, 2004

Honorable Members  
Illinois State Senate  
93<sup>rd</sup> General Assembly  
Springfield, IL 62706

Dear Members:

I am nominating James Taylor for Appointment to the Secretary of State's Merit Commission. This appointment is to replace Robert Paulter who resigned from the Commission.

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

COMMISSIONER OF THE MERIT COMMISSION FOR THE OFFICE OF THE SECRETARY OF STATE

To be Commissioner of the Merit Commission for the Office of the Secretary of State for a term ending July 1, 2005.

James Taylor  
(Salaried)

If you have any questions please contact Dale Swinford, Director of Legislative Affairs. Thank you for your consideration.

Sincerely,  
s/Jesse White  
Secretary of State

At the hour of 5:54 o'clock p.m., the Chair announced that the Senate stand adjourned until Thursday, May 20, 2004, at 10:00 o'clock a.m.

[May 19, 2004]